
The Commonwealth of Massachusetts

JOURNAL OF THE SENATE.



THURSDAY, FEBRUARY 9, 2023

[13]

JOURNAL OF THE SENATE

Thursday, February 9, 2023.

Met at three minutes past eleven o'clock A.M. (Mr. Brownsberger in the Chair).

The Chair (Mr. Brownsberger), members, guests and staff then recited the pledge of allegiance to the flag.

Pledge of allegiance.

Distinguished Guests.

There being no objection, the Chair (Mr. Brownsberger) handed the gavel to Ms. Lovely for the purpose of an introduction. Ms. Lovely and Mr. Rush then introduced, in the rear of the Chamber, Lieutenant Commander Robert "Bob" Dunne, Jr. from Peabody. Lieutenant Commander Dunne was congratulated on the occasion of his retirement after 30 years of distinguished service in the United States Navy. He was recognized for having served on numerous deployments during his career, including combat tours in Iraq from 2010 until 2011, Afghanistan from 2014 until 2015, and Djibouti, Africa from 2016 until 2017 and for having been awarded a Defense Meritorious Service Medal for his leadership. The Senate applauded his accomplishments, he was presented a Senate Resolutions and he briefly addressed the Chamber from the Rostrum.

Lt. Commander Robert Dunne, Jr.

There being no objection, the Chair (Mr. Brownsberger) handed the gavel to Mr. O'Connor for the purpose of an introduction. Mr. O'Connor then introduced, in the rear of the Chamber, the Duxbury High School football team. The Duxbury Dragons were recognized for winning the MIAA Division 4 State Championship Title. The Senate applauded their accomplishments, and they withdrew from the Chamber. The team was accompanied by Representative Cutler of Pembroke.

Duxbury High School football team.

Communications.

The following communications were severally received and placed on file, to wit:

Communication from the Executive Office for Administration and Finance (pursuant to item 1599-2051 of Section 2A of Chapter 102 of the Acts of 2021) submitting its December 2022 quarterly report detailing transfers from a reserve to meet the costs of oversight functions in the offices of the State Auditor, Attorney General, Inspector General and Comptroller (received February 6, 2023);

A&F,-- oversight reserve report. SD2434

Communication from the Department of Transportation (pursuant to item 1595-6368 of Section 2 of Chapter 126 of the Acts of 2022) submitting its Fall 2022 report on the number of passengers who utilized ferry service between Lewis Wharf Mall and Long Wharf (received February 6, 2023);

MassDOT,-- East Boston Ferry report. SD2435

Communication from the Department of Public Health relative to its plan of correction for the Bridgewater Complex Food Service inspection on December 22, 2022 (received February 7, 2023);

DPH,-- plan of correction. SD2438

Communication from the Executive Office of Health and Human Services (pursuant to item 4000-0300 of Section 2 of Chapter 126 of the Acts of 2022) submitting its fiscal year 2022 report on the Health Safety Net Trust Fund (received February 8, 2023);

EOHHS,-- HSN Trust Fund report. SD2441

Communication from the Executive Office of Health and Human Services (pursuant to item 4000-0300 of Section 2 of Chapter 126 of the Acts of 2022) submitting its dual

EOHHS,-- dual eligibles report.

UNCORRECTED PROOF.

eligible initiative report (received February 8, 2023);

Communication from the Honorable Karen E. Spilka, President of the Senate, announcing the appointment of Regina Marshall (pursuant to Section 74 of Chapter 3 of the General Laws) to the commission on the status of Persons with Disabilities (received February 8, 2023); and

Communication from the Honorable Karen E. Spilka, President of the Senate, announcing the appointment of Senator Paul R. Feeney (pursuant to Section 241 of Chapter 111 of the General Laws) to the Rare Disease Advisory Council (received February 8, 2023).

SD2442
Persons with
Disabilities
commission,-- appt.

Rare Disease
Advisory Council,--
appt.

Reports.

The following reports were severally received and placed on file, to wit:

Report of the Executive Office of Public Safety and Security (pursuant to Section 2(c) of Chapter 35 of the Acts of 2021) submitting its Sexual Assault Evidence Collection Kit (SAECK) quarterly report (received February 6, 2023); and

EOPSS,-- SAECK
quarterly report.
SD2436

Report of the Department of Public Health (pursuant to Sections 5, 20 and 21 of Chapter 111 of the General Laws) relative to inspections of Dartmouth I.C.E. Facility, Bristol County Jail and House of Correction, Bristol County Modular Building, Dartmouth Women's Center and Barnstable County Correctional Facility (received February 6, 2023).

DPH,-- facility
inspections.
SD2437

Petitions.

The following petitions (having been deposited in the Office of the Clerk of the Senate prior to five o'clock in the afternoon on Friday, January 20, 2023) were referred, as follows:

By Mr. Eldridge, a petition (accompanied by proposal, Senate, No. 7) of James B. Eldridge for a legislative amendment to the Constitution to establish an independent redistricting commission;

Redistricting,--
commission.

By Ms. Miranda, a petition (accompanied by proposal, Senate, No. 8) of Liz Miranda, Adam Gomez and Lindsay N. Sabadosa for a legislative amendment to the Constitution relative to voting rights; and

Voting rights,--
felons.

By Mr. Mark, a petition (accompanied by proposal, Senate, No. 9) of Paul W. Mark for a legislative amendment to the Constitution relative to campaign finance reform;

Campaign finance
reform.

Severally to the committee on Election Laws.

By Mr. Brownsberger, a petition (accompanied by proposal, Senate, No. 10) of William N. Brownsberger for a legislative amendment to the Constitution relative to the Governor and Lieutenant Governor; and

Governor and Lt.
Governor,-- "His or
Her".

By Mr. Lewis, a petition (accompanied by proposal, Senate, No. 11) of Vincent Lawrence Dixon for a legislative amendment to the Constitution for term renewal process;

Judges,-- renewal
terms.

Severally to the committee on the Judiciary.

By Mr. Brownsberger, a petition (accompanied by proposal, Senate, No. 12) of William N. Brownsberger for a legislative amendment to the Constitution relative to select boards;

Constitution,-- select
boards.

To the committee on Municipalities and Regional Government.

By Ms. Comerford, a petition (accompanied by proposal, Senate, No. 13) of Joanne M. Comerford, Susannah M. Whipps, Susan Williams Gifford, Hannah Kane and others for a legislative amendment to the Constitution relative to agricultural and horticultural lands;

Agricultural and
horticultural lands.

By Mr. Tarr, a petition (accompanied by proposal, Senate, No. 14) of Bruce E. Tarr for a legislative amendment to the Constitution to require a supermajority vote for the utilization of rainy day funds; and

Rainy day funds,--
supermajority vote.

By Mr. Tarr, a petition (accompanied by proposal, Senate, No. 15) of Bruce E. Tarr for a legislative amendment to the Constitution to cap the state income tax;

Income tax,-- cap.

Severally to the committee on Revenue.

Severally sent to the House for concurrence.

PAPERS FROM THE HOUSE.

The following House petitions (having been received in the office of the Clerk of the House of Representatives prior to five o'clock in the afternoon of Friday, January 20, 2023) were severally referred to their various committees, in concurrence, by the Senate as follows:

Petition (accompanied by proposal, House, No. 26) of Erika Uyterhoeven and others for a legislative amendment to the Constitution relative to voting rights of certain persons incarcerated in correctional facilities due to felony convictions;

Voting rights,-- incarcerated.

To the committee on Election Laws.

Petition (accompanied by proposal, House, No. 27) of Vincent L. Dixon for a legislative amendment to the Constitution to establish a right to health care;

Health care.

To the committee on Health Care Financing.

Petition (accompanied by proposal, House, No. 29) of Vincent L. Dixon for a legislative amendment to the Constitution relative to the right to housing;

Housing.

To the committee on Housing.

Petition (accompanied by proposal, House, No. 30) of Jennifer Balinsky Armini and Andres X. Vargas for a legislative amendment to the Constitution relative to the title of the Governor;

Governor,-- title.

Petition (accompanied by proposal, House, No. 31) of Jennifer Balinsky Armini for a legislative amendment to the Constitution relative to the title of the Lieutenant-Governor;

Lt. Governor,-- title.

Petition (accompanied by proposal, House, No. 32) of Mindy Domb and Lindsay N. Sabadosa for a legislative amendment to the Constitution relative to use of gender in the Constitution of the Commonwealth;

Constitution,-- gender use.

Petition (accompanied by proposal, House, No. 33) of Mindy Domb and Jack Patrick Lewis for a legislative amendment to the Constitution relative to the oaths and affirmations of public office;

Public office,-- oaths.

Petition (accompanied by proposal, House, No. 34) of Vanna Howard for a legislative amendment to the Constitution relative to the term of office of judicial officers;

Judicial officers,-- term.

Petition (accompanied by proposal, House, No. 35) of Bradley H. Jones, Jr. and others for a legislative amendment to the Constitution relative to prohibiting eminent domain takings;

Eminent domain.

Petition (accompanied by proposal, House, No. 36) of Paul McMurtry for a legislative amendment to the Constitution relative to changing the mandatory age of retirement for judges;

Judges,-- retirement age.

Petition (accompanied by proposal, House, No. 37) of Orlando Ramos and Carlos González for a legislative amendment to the Constitution to require reappointment of judges every five years; and

Judges,-- reappointment.

Petition (accompanied by proposal, House, No. 38) of Susannah M. Whipps, Paul W. Mark and others for a legislative amendment to the Constitution relative to a succession plan for a vacancy in the office of Lieutenant-Governor;

Lt. Governor,-- vacancy.

Severally to the committee on the Judiciary.

Petition (accompanied by proposal, House, No. 39) of Vincent L. Dixon for a legislative amendment to the Constitution relative to a Constitutional right to employable skills training;

Skills training.

To the committee on Labor and Workforce Development.

Petition (accompanied by proposal, House, No. 40) of Bradley H. Jones, Jr., and others for a legislative amendment to the Constitution relative to ensuring appropriate expenditure of fair share funds received from persons reporting incomes in excess of one million dollars; and

Fair share funds.

Petition (accompanied by proposal, House, No. 41) of Paul A. Schmid, III and others for a legislative amendment to the Constitution relative to agricultural and horticultural lands;

Agricultural and horticultural lands.

Severally to the committee on Revenue.

A petition (accompanied by bill, House, No. 25) of James J. O'Day and Robyn K. Kennedy for legislation to establish a sick leave bank for Holli Hill, an employee of the Department of Children and Families,-- **was referred, in concurrence, under suspension of Joint Rule 12, to the committee on Temporary House Rules.**

Holli Hill,-- sick leave.

Orders of the Day.

The Orders of the Day were considered, as follows:

The Senate Report recommending proposed Senate Rules to be adopted as the permanent rules of the Senate for 2023-2024 (Senate, No. 17),-- was considered, the main question being on acceptance of the report.

Senate Rules.

Ms. Creem in the Chair, Mr. Tarr moved that the report be amended by inserting after rule 5A the following rule:-

1

“5A1/4. No formal session with or without calendar within 8 hours unless an emergency is declared by the Senate President. This rule can only be suspended by unanimous consent.”

After debate, the question on adoption of the amendment was determined by a call of the yeas and nays at two minutes before twelve o'clock noon, on motion of Mr. Tarr, as follows, to wit (yeas 4 – nays 34) **[Yeas and Nays No. 2]:**

YEAS.

Fattman, Ryan C.
Keenan, John F.

O'Connor, Patrick M.
Tarr, Bruce E. – **4.**

NAYS.

Barrett, Michael J.
Brady, Michael D.
Brownsberger, William N.
Collins, Nick
Comerford, Joanne M.
Creem, Cynthia Stone
Crighton, Brendan P.
Cronin, John J.
Cyr, Julian
DiDomenico, Sal N.
Edwards, Lydia
Eldridge, James B.
Feeney, Paul R.
Finegold, Barry R.
Friedman, Cindy F.
Gobi, Anne M.
Gomez, Adam

Jehlen, Patricia D.
Kennedy, Edward J.
Kennedy, Robyn K.
Lewis, Jason M.
Lovely, Joan B.
Mark, Paul W.
Montigny, Mark C.
Moore, Michael O.
Moran, Susan L.
Oliveira, Jacob R.
Pacheco, Marc R.
Payano, Pavel M.
Rausch, Rebecca L.
Rodrigues, Michael J.
Rush, Michael F.
Timilty, Walter F.
Velis, John C. – **34.**

ABSENT OR NOT VOTING.

Miranda, Liz – **1.**

The yeas and nays having been completed at two minutes past twelve o'clock noon, the amendment was *rejected*.

Mr. Tarr moved that the report be amended in rule 7A by inserting after the word, "recess" the following:- "of at least 30 minutes". 2

After debate, the question on adoption of the amendment was determined by a call of the yeas and nays at five minutes past twelve o'clock noon, on motion of Mr. Tarr, as follows, to wit (yeas 5 – nays 33) [**Yeas and Nays No. 3**]:

YEAS.

Fattman, Ryan C.	Rausch, Rebecca L.
Keenan, John F.	Tarr, Bruce E. – 5.
O'Connor, Patrick M.	

NAYS.

Barrett, Michael J.	Jehlen, Patricia D.
Brady, Michael D.	Kennedy, Edward J.
Brownsberger, William N.	Kennedy, Robyn K.
Collins, Nick	Lewis, Jason M.
Comerford, Joanne M.	Lovely, Joan B.
Creem, Cynthia Stone	Mark, Paul W.
Crighton, Brendan P.	Montigny, Mark C.
Cronin, John J.	Moore, Michael O.
Cyr, Julian	Moran, Susan L.
DiDomenico, Sal N.	Oliveira, Jacob R.
Edwards, Lydia	Pacheco, Marc R.
Eldridge, James B.	Payano, Pavel M.
Feeney, Paul R.	Rodrigues, Michael J.
Finegold, Barry R.	Rush, Michael F.
Friedman, Cindy F.	Timilty, Walter F.
Gobi, Anne M.	Velis, John C. – 33.
Gomez, Adam	

ABSENT OR NOT VOTING.

Miranda, Liz – 1.

The yeas and nays having been completed at seven minutes past twelve o'clock noon, the amendment was *rejected*.

Mr. Tarr moved that the report be amended in rule 24 by striking the following:- "14 days" and inserting in place thereof the following:- "7 days". 4

The amendment was *rejected*.

Messrs. Tarr and Timilty moved that the report be amended by inserting after rule 38A the following rule: 5

"38A 1/4:- The Senate shall not continue in session beyond 10 pm. This rule shall not be suspended unless two-thirds of the members present and voting consent to such suspension on a recorded yea and nay vote."

After debate, the question on adoption of the amendment was determined by a call of the yeas and nays at eleven minutes past twelve o'clock noon, on motion of Mr. Tarr, as follows, to wit (yeas 4 – nays 34) [**Yeas and Nays No. 4**]:

YEAS.

Fattman, Ryan C.	Tarr, Bruce E.
O'Connor, Patrick M.	Timilty, Walter F. – 4.

NAYS.

Barrett, Michael J.
 Brady, Michael D.
 Brownsberger, William N.
 Collins, Nick
 Comerford, Joanne M.
 Creem, Cynthia Stone
 Crighton, Brendan P.
 Cronin, John J.
 Cyr, Julian
 DiDomenico, Sal N.
 Edwards, Lydia
 Eldridge, James B.
 Feeney, Paul R.
 Finegold, Barry R.
 Friedman, Cindy F.
 Gobi, Anne M.
 Gomez, Adam

Jehlen, Patricia D.
 Keenan, John F.
 Kennedy, Edward J.
 Kennedy, Robyn K.
 Lewis, Jason M.
 Lovely, Joan B.
 Mark, Paul W.
 Montigny, Mark C.
 Moore, Michael O.
 Moran, Susan L.
 Oliveira, Jacob R.
 Pacheco, Marc R.
 Payano, Pavel M.
 Rausch, Rebecca L.
 Rodrigues, Michael J.
 Rush, Michael F.
 Velis, John C. – 34.

ABSENT OR NOT VOTING.

Miranda, Liz – 1.

The yeas and nays having been completed at a quarter past twelve o'clock noon, the amendment was *rejected*.

Messrs. Tarr and Timilty moved that the report be amended by striking in rule 38 1/2 the following:- "This rule shall not be suspended unless two-thirds of the members present and voting consent to such suspension on a recorded yea and nay vote" and inserting in place thereof the following:- "This rule shall not be suspended without unanimous consent".

6

After debate, the question on adoption of the amendment was determined by a call of the yeas and nays at twenty-one minutes past twelve o'clock noon, on motion of Mr. Tarr, as follows, to wit (yeas 4 – nays 34) [**Yeas and Nays No. 5**]:

YEAS.

Fattman, Ryan C.
 O'Connor, Patrick M.

Tarr, Bruce E.
 Timilty, Walter F. – 4.

NAYS.

Barrett, Michael J.
 Brady, Michael D.
 Brownsberger, William N.
 Collins, Nick
 Comerford, Joanne M.
 Creem, Cynthia Stone
 Crighton, Brendan P.
 Cronin, John J.
 Cyr, Julian
 DiDomenico, Sal N.
 Edwards, Lydia
 Eldridge, James B.
 Feeney, Paul R.
 Finegold, Barry R.
 Friedman, Cindy F.
 Gobi, Anne M.

Jehlen, Patricia D.
 Keenan, John F.
 Kennedy, Edward J.
 Kennedy, Robyn K.
 Lewis, Jason M.
 Lovely, Joan B.
 Mark, Paul W.
 Montigny, Mark C.
 Moore, Michael O.
 Moran, Susan L.
 Oliveira, Jacob R.
 Pacheco, Marc R.
 Payano, Pavel M.
 Rausch, Rebecca L.
 Rodrigues, Michael J.
 Rush, Michael F.

Gomez, Adam

Velis, John C. – 34.

ABSENT OR NOT VOTING.

Miranda, Liz – 1.

The yeas and nays having been completed at twenty-three minutes past twelve o'clock noon, the amendment was *rejected*.

Mr. Tarr moved that the report be amended in rule 27A by striking the words “fifth business day” and inserting in place thereof the following:- “seventh business day”. 7

The amendment was *rejected*.

Mr. Tarr moved that the report be amended in rule 27A by striking the following:- “48 hours, shall be provided to file amendments” and inserting in place thereof the following:- “5 business days, shall be provided to file amendments”. 8

After debate, the amendment was *rejected*.

Mr. Tarr moved that the report be amended in rule 18 by inserting after the word, “member” the following:- “or two members”. 9

The amendment was *rejected*.

Messrs. Tarr and Keenan moved that the report be amended in rule 8A by inserting after the word, “located,” the following:- “provided, that said results shall denote the manner in which the member had cast their vote”. 10

After debate, the question on adoption of the amendment was determined by a call of the yeas and nays at twenty-eight minutes before one o'clock P.M., on motion of Mr. Tarr, as follows, to wit (yeas 5 – nays 33) [**Yeas and Nays No. 6**]:

YEAS.

Eldridge, James B.
Fattman, Ryan C.
Keenan, John F.

O'Connor, Patrick M.
Tarr, Bruce E. – 5.

NAYS.

Barrett, Michael J.
Brady, Michael D.
Brownsberger, William N.
Collins, Nick
Comerford, Joanne M.
Creem, Cynthia Stone
Crighton, Brendan P.
Cronin, John J.
Cyr, Julian
DiDomenico, Sal N.
Edwards, Lydia
Feeney, Paul R.
Finegold, Barry R.
Friedman, Cindy F.
Gobi, Anne M.
Gomez, Adam
Jehlen, Patricia D.

Kennedy, Edward J.
Kennedy, Robyn K.
Lewis, Jason M.
Lovely, Joan B.
Mark, Paul W.
Montigny, Mark C.
Moore, Michael O.
Moran, Susan L.
Oliveira, Jacob R.
Pacheco, Marc R.
Payano, Pavel M.
Rausch, Rebecca L.
Rodrigues, Michael J.
Rush, Michael F.
Timilty, Walter F.
Velis, John C. – 33.

ABSENT OR NOT VOTING.

Miranda, Liz – 1.

The yeas and nays having been completed at twenty-four minutes before one o'clock P.M., the amendment was *rejected*.

Mr. Tarr moved that the report be amended by inserting at the end of rule 46 the following:- “(7) to print the amendments in the calendar”. 11

The amendment was *rejected*.

Mr. Tarr moved that the report be amended in Rule 31B by inserting after, “given a reasonable amount of time” the following:- “of not less than 15 minutes”. 12

After remarks, the amendment was *rejected*.

Messrs. Keenan and Tarr moved that the report be amended in Rule 1 by inserting after the word “business” the following words:- “; provided, the Senate shall stand adjourned to meet again no less than 8 hours from adjournment, except in the case of an emergency”. 13

The amendment was *rejected*.

Mr. Keenan moved that the report be amended in Rule 10 by striking paragraph 2 and inserting in place thereof the following paragraph:- 14

“No member, officer or employee shall directly or indirectly engage in financial transactions based on or using confidential or material nonpublic information accessed, obtained or gained in the course of or by reason of the member, officer or employee’s official position or activities to further the member, the member’s immediate family, officer or employee’s financial interest or those of any other person. Information is considered ‘material’ if a member could expect that a reasonable investor would attach significance to the information in reaching an investment decision.”

After remarks, the amendment was *rejected*.

Messrs. Keenan and Tarr moved that the report be amended in the second paragraph of Rule 27A by striking out the word “fifth” and inserting in place thereof the following word:- “eighth”; and further amend said paragraph by striking the figure “48” each time it appears and inserting in place thereof the following figure:- “72”; 15

In the third paragraph of Rule 27A by striking out the words “third business day” and inserting in place thereof the following words:- “fourth business day”; and further amend said paragraph by striking the figure “24” and inserting in place thereof the following figure:- “72”; and further amend said paragraph by inserting after the words “detailed summary of the amendment.” the following sentence:- “The Clerk shall make available on the Internet the text of all amendments, including further amendments in the third-degree to such amendments.”;

In the fourth paragraph of Rule 27A by inserting after the words “time for review” the following words:- “, but not less than 30 minutes.”; and

In the sixth paragraph of Rule 27A by striking the words “upon request be distributed by the member offering the amendment to each member” and inserting in place thereof the following words:- “be sent electronically by the Clerk to each member”; and further amend said paragraph after the words “time for review” by inserting the following words:- “, but not less than 30 minutes.”.

After remarks, the amendment was *rejected*.

Messrs. Keenan, Timilty and Tarr moved that the report be amended in Rule 38A 1/2 by inserting after the word “vote” the following words:- “; provided, the requirement of a recorded yea and nay vote shall not be suspended”. 16

After remarks, the amendment was *rejected*.

There being no objection, during consideration of the Orders the Day, the following matter was considered as follows:

PAPER FROM THE HOUSE.

A Bill establishing a sick leave bank for Holli Hill (House, No. 25, amended,-- on petition),-- was read.

Holli Hill,-- sick leave.

There being no objection, the rules were suspended, on motion of Ms. Kennedy and the bill was read a second time, ordered to a third reading, read a third time and

passed to be engrossed, in concurrence, its title having been changed by the Temporary Committee on Bills in the Third Reading to read as follows: “An Act establishing a sick leave bank for Holli Hill, an employee of the department of children and families”.

Orders of the Day.

The Orders of the Day were further considered, as follows:

The Senate Report recommending proposed Senate Rules to be adopted as the permanent rules of the Senate for 2023-2024 (Senate, No. 17),-- was further considered, the main question being on acceptance of the report.

Senate Rules.

Mr. Tarr moved that the report be amended by inserting after rule 57, rule 57A:-

17

“Rule 57A. The primary means of participating in sessions of the senate shall be by physical presence in the chamber provided that the options in rules 57C and 57D shall be permissible in the event of illness, emergency, or other good cause.”

The amendment was *rejected*.

Mr. Tarr moved that the report be amended by inserting after rule 57, rule 57A :-

18

“Rule 57A. The primary means of participating in sessions of the senate shall be by physical presence in the chamber provided that the options in rules 57C and 57D shall be permissible in the event of illness, emergency, or other good cause”;

In Rule 57C, by inserting after “Senate Rule 57” the following:- “but subject to rule 57A”; and

In Rule 57D, by inserting after the word “contrary” the following:- “but subject to rule 57A”.

After remarks, the amendment was *rejected*.

Messrs. Tarr and Keenan moved that the report be amended by inserting in rule 6 after the word, “thereon” the following:-“including, but not limited to the results of all votes taken, including individual votes cast in a roll call vote, provided that, in recording the vote of each member, the clerk shall identify the means by which it was cast, whether by physical appearance in the chamber, by letter pursuant to rule 57C, or remote participation pursuant to rule 57D”; and

19

In rule 8A after the words, “quorum calls” the following:- “provided that, in making the results of the vote of each member public, the clerk shall identify the means by which it was cast, whether by physical appearance in the chamber, by letter pursuant to rule 57C, or remote participation pursuant to rule 57D”.

The amendment was *rejected*.

Mr. Keenan moved that the report be amended in Rule 56 in the first paragraph by striking the words “one-fifth of the members present or by a number of members equal to the total number of members of the minority party, whichever is less” and inserting in place thereof the following words:- “a number of members equal to the total number of members of the minority party”.

20

After remarks, the amendment was *rejected*.

Mr. Tarr moved that the report be amended in rule 10 by adding the following in the second sentence after the word “compensation”:- “, of any kind,”.

22

The amendment was *rejected*.

Recess.

At three minutes before one o’clock P.M, at the request of Mr. Tarr, for the purpose of a minority caucus, the Chair (Ms. Creem) declared a recess; and, at eight minutes past one o’clock P.M., the Senate reassembled, Ms. Creem in the Chair (having been appointed

Recess.

by the President, under authority conferred by Senate Rule 4, to perform the duties of the Chair).

Orders of the Day.

The Orders of the Day were further considered, as follows:

The Senate Report recommending proposed Senate Rules to be adopted as the permanent rules of the Senate for 2023-2024 (Senate, No. 17),-- was further considered, the main question being on acceptance of the report.

Senate Rules.

Mr. Rodrigues moved that the report be amended by striking out Rule 11B.

23

After remarks, the question on adoption of the amendment was determined by a call of the yeas and nays at twelve minutes past one o'clock P.M., on motion of Mr. Fattman, as follows, to wit (yeas 32 – nays 6) **[Yeas and Nays No. 7]:**

YEAS.

- | | |
|--------------------------|-----------------------------|
| Barrett, Michael J. | Gomez, Adam |
| Brady, Michael D. | Jehlen, Patricia D. |
| Brownsberger, William N. | Kennedy, Edward J. |
| Collins, Nick | Kennedy, Robyn K. |
| Comerford, Joanne M. | Lewis, Jason M. |
| Creem, Cynthia Stone | Lovely, Joan B. |
| Crichton, Brendan P. | Mark, Paul W. |
| Cronin, John J. | Montigny, Mark C. |
| Cyr, Julian | Moore, Michael O. |
| DiDomenico, Sal N. | Moran, Susan L. |
| Edwards, Lydia | Oliveira, Jacob R. |
| Eldridge, James B. | Pacheco, Marc R. |
| Feeney, Paul R. | Payano, Pavel M. |
| Finegold, Barry R. | Rodrigues, Michael J. |
| Friedman, Cindy F. | Rush, Michael F. |
| Gobi, Anne M. | Velis, John C. – 32. |

NAYS.

- | | |
|----------------------|--------------------------------|
| Fattman, Ryan C. | Rausch, Rebecca L. |
| Keenan, John F. | Tarr, Bruce E. |
| O'Connor, Patrick M. | Timilty, Walter F. – 6. |

ABSENT OR NOT VOTING.

- Miranda, Liz – **1.**

The yeas and nays having been completed at fourteen minutes past one o'clock P.M., the amendment was adopted.

Mr. Fattman moved that the report be amended by striking out Rules 57C and 57D.

24

After debate, the question on adoption of the amendment was determined by a call of the yeas and nays at twenty-three minutes past one o'clock P.M., on motion of Mr. Fattman, as follows, to wit (yeas 3 – nays 35) **[Yeas and Nays No. 8]:**

YEAS.

- | | |
|----------------------|----------------------------|
| Fattman, Ryan C. | Tarr, Bruce E. – 3. |
| O'Connor, Patrick M. | |

NAYS.

- | | |
|--------------------------|--------------------|
| Barrett, Michael J. | Keenan, John F. |
| Brady, Michael D. | Kennedy, Edward J. |
| Brownsberger, William N. | Kennedy, Robyn K. |
| Collins, Nick | Lewis, Jason M. |

Comerford, Joanne M.
Creem, Cynthia Stone
Crighton, Brendan P.
Cronin, John J.
Cyr, Julian
DiDomenico, Sal N.
Edwards, Lydia
Eldridge, James B.
Feeney, Paul R.
Finegold, Barry R.
Friedman, Cindy F.
Gobi, Anne M.
Gomez, Adam
Jehlen, Patricia D.

Lovely, Joan B.
Mark, Paul W.
Montigny, Mark C.
Moore, Michael O.
Moran, Susan L.
Oliveira, Jacob R.
Pacheco, Marc R.
Payano, Pavel M.
Rausch, Rebecca L.
Rodrigues, Michael J.
Rush, Michael F.
Timilty, Walter F.
Velis, John C. – 35.

ABSENT OR NOT VOTING.

Miranda, Liz – 1.

The yeas and nays having been completed at twenty-five minutes past one o'clock P.M., the amendment was *rejected*.

There being no objection, during consideration of the Orders the Day, the following matter was considered as follows:

PAPER FROM THE HOUSE

Emergency Preamble Adopted.

An engrossed Bill establishing a sick leave bank for Holli Hill, an employee of the department of children and families (see House, No. 25, amended), having been certified by the Senate Clerk to be rightly and truly prepared for final passage and containing an emergency preamble,-- was laid before the Senate; and, a separate vote being taken in accordance with the requirements of Article LXVII of the Amendments to the Constitution, the preamble was adopted in concurrence, by a vote of 19 to 0.

Holli Hill,-- sick leave.

The bill was signed by the Acting President (Ms. Creem) and sent to the House for enactment.

Orders of the Day.

The Orders of the Day were further considered, as follows:

The Senate Report recommending proposed Senate Rules to be adopted as the permanent rules of the Senate for 2023-2024 (Senate, No. 17),-- was further considered, the main question being on acceptance of the report.

Senate Rules.

Mr. Fattman moved that the report be amended by inserting after Rule 57D the following rule:-

25

“57E. Notwithstanding Senate Rule 57, 57C, and 57D, the Clerk shall establish procedures, mechanisms, and an electronic platform for public consumption to understand the mode by which a member has voted, whether a member is physically present in the Senate Chamber or chooses to participate remotely. This platform shall indicate whether a member’s vote was cast in-person, remotely, or through the submission of an authorized letter to the Clerk. Within 24 hours of a vote being cast, a member may submit any reasoning alongside their selected vote mode that shall be easily identifiable, searchable, and conspicuously located on said platform. This platform for such records shall be updated and made available to the public within 48 hours following the presiding officer’s

announcement of any final roll call votes.”

The amendment was *rejected*.

Messrs. Fattman and Timilty moved that the report be amended by striking out Rule 38A 1/2 and inserting in place thereof the following rule:-

27

“38A 1/2. The Senate shall not continue in session beyond midnight. This rule shall not be suspended unless there is unanimous consent among members present in the Senate Chamber and members participating remotely.”

The amendment was *rejected*.

Messrs. Keenan and Tarr moved that the report be amended in Rule 57 by striking the paragraph and inserting in place thereof the following paragraph:-

28

“Whenever a question is taken by yeas and nays, the Clerk shall call the names of all members, except the President, and every member present shall answer to such member’s name; provided, however, that the President may, prior to a vote, excuse a member from voting in person due to disability, illness, the need for a member to provide care for an immediate family member, pregnancy or childbirth of a member or said member’s spouse, domestic partner or partner. No member shall be permitted to vote after the decision is announced from the Chair.”;

In Rule 57C by striking the words “(a) Notwithstanding Senate Rule 57 a member,”and inserting in place thereof the following words:- “A member excused from voting in accordance with Rule 57”; and

In Rule 57D by striking the words “Notwithstanding Senate Rule 57 or any other rule to the contrary, a member” and inserting in place thereof the following words:- “A member excused from voting in accordance with Rule 57”.

After debate, the question on adoption of the amendment was determined by a call of the yeas and nays at ten minutes past two o’clock P.M., on motion of Mr. Keenan, as follows, to wit (yeas 4 – nays 34) [**Yeas and Nays No. 9**]:

YEAS.

Fattman, Ryan C.
Keenan, John F.

O'Connor, Patrick M.
Tarr, Bruce E. – **4.**

NAYS.

Barrett, Michael J.
Brady, Michael D.
Brownsberger, William N.
Collins, Nick
Comerford, Joanne M.
Creem, Cynthia Stone
Crighton, Brendan P.
Cronin, John J.
Cyr, Julian
DiDomenico, Sal N.
Edwards, Lydia
Eldridge, James B.
Feeney, Paul R.
Finegold, Barry R.
Friedman, Cindy F.
Gobi, Anne M.
Gomez, Adam

Jehlen, Patricia D.
Kennedy, Edward J.
Kennedy, Robyn K.
Lewis, Jason M.
Lovely, Joan B.
Mark, Paul W.
Montigny, Mark C.
Moore, Michael O.
Moran, Susan L.
Oliveira, Jacob R.
Pacheco, Marc R.
Payano, Pavel M.
Rausch, Rebecca L.
Rodrigues, Michael J.
Rush, Michael F.
Timilty, Walter F.
Velis, John C. – **34.**

ABSENT OR NOT VOTING.

Miranda, Liz – **1.**

The yeas and nays having been completed at thirteen minutes past two o'clock P.M., the amendment was *rejected*.

29

Mr. Tarr moved that the report be amended third paragraph of rule 27A by striking out the fourth sentence and inserting in place thereof the following sentence:- "Any order regarding said amendments, including amendments relating to outside sections, shall be adopted by vote of the Senate before consideration of the bill by the Senate."

After remarks, the amendment was adopted.

Recess.

Recess.

At twenty-four minutes past two o'clock P.M, at the request of Mr. Tarr, for the purpose of a minority caucus, the Chair (Ms. Creem) declared a recess; and, at a half past four o'clock P.M., the Senate reassembled, Ms. Creem in the Chair.

Orders of the Day.

The Orders of the Day were further considered, as follows:

Senate Rules.

The Senate Report recommending proposed Senate Rules to be adopted as the permanent rules of the Senate for 2023-2024 (Senate, No. 17),-- was further considered, the main question being on acceptance of the report.

21

Ms. Lovely moved to amend the report in Senate Rule 12 by striking out the words "Hearings shall, to the extent feasible, be made available on a platform that permits remote public participation from outside the hearing room through audio or" and inserting in place thereof the following:- "Hearings shall be made available on a platform that permits remote public participation from outside the hearing room through audio and".

The amendment was adopted.

The question on acceptance of the report, as amended, was determined by a call of the yeas and nays at twenty-two minutes before five o'clock P.M., on motion of Ms. Lovely, as follows to wit (yeas 37 – nays 1) **[Yeas and Nays. No. 10]:**

YEAS.

- | | |
|--------------------------|-----------------------|
| Barrett, Michael J. | Kennedy, Edward J. |
| Brady, Michael D. | Kennedy, Robyn K. |
| Brownsberger, William N. | Lewis, Jason M. |
| Collins, Nick | Lovely, Joan B. |
| Comerford, Joanne M. | Mark, Paul W. |
| Creem, Cynthia Stone | Montigny, Mark C. |
| Crighton, Brendan P. | Moore, Michael O. |
| Cronin, John J. | Moran, Susan L. |
| Cyr, Julian | O'Connor, Patrick M. |
| DiDomenico, Sal N. | Oliveira, Jacob R. |
| Edwards, Lydia | Pacheco, Marc R. |
| Eldridge, James B. | Payano, Pavel M. |
| Feeney, Paul R. | Rausch, Rebecca L. |
| Finegold, Barry R. | Rodrigues, Michael J. |
| Friedman, Cindy F. | Rush, Michael F. |
| Gobi, Anne M. | Tarr, Bruce E. |
| Gomez, Adam | Timilty, Walter F. |
| Jehlen, Patricia D. | Velis, John C. – 37. |
| Keenan, John F. | |

NAYS.

- Fattman, Ryan C. – 1.

ABSENT OR NOT VOTING.

Miranda, Liz – 1.

The yeas and nays having been completed at sixteen minutes before five o'clock P.M., the report (Senate, No. 17, amended) was then accepted. [For text of report, printed as amended, see Senate, No. 19].

There being no objection, during consideration of the Orders the Day, the following matter was considered as follows:

PAPER FROM THE HOUSE

Engrossed Bill.

An engrossed Bill establishing a sick leave bank for Holli Hill, an employee of the department of children and families (see House, No. 25, amended) (which originated in the House), **having been certified by the Senate Clerk to be rightly and truly prepared for final passage, was passed to be enacted and signed by the Acting President (Ms. Creem) and laid before the Governor for her approbation.**

Bill laid before the Governor.

Orders of the Day.

Mr. Brownsberger in the Chair, the Orders of the Day were further considered as follows:

The Senate Report recommending the proposed Joint Rules to be adopted as permanent Joint Rules governing the 2023-2024 legislative session (Senate, No. 18),-- was considered, the main question being on acceptance of the report.

Joint Rules.

Mr. Tarr moved that the report be amended in rule 11B by striking "8 p.m. on the day preceding its consideration and the General Court shall not consider said report before 1 p.m. on the following day," and inserting in place thereof the following:- "5 p.m. and the General Court shall not consider said report before 72 hours after the report has been filed."

1

After debate, the question on adoption of the amendment was determined by a call of the yeas and nays at five minutes before five o'clock P.M., on motion of Mr. Tarr, as follows, to wit (yeas 4 – nays 35) [Yeas and Nays No. 11]:

YEAS.

Fattman, Ryan C.
O'Connor, Patrick M.

Rausch, Rebecca L.
Tarr, Bruce E. – 4.

NAYS.

Barrett, Michael J.
Brady, Michael D.
Brownsberger, William N.
Collins, Nick
Comerford, Joanne M.
Creem, Cynthia Stone
Crighton, Brendan P.
Cronin, John J.
Cyr, Julian
DiDomenico, Sal N.
Edwards, Lydia
Eldridge, James B.
Feeney, Paul R.
Finegold, Barry R.
Friedman, Cindy F.

Keenan, John F.
Kennedy, Edward J.
Kennedy, Robyn K.
Lewis, Jason M.
Lovely, Joan B.
Mark, Paul W.
Miranda, Liz
Montigny, Mark C.
Moore, Michael O.
Moran, Susan L.
Oliveira, Jacob R.
Pacheco, Marc R.
Payano, Pavel M.
Rodrigues, Michael J.
Rush, Michael F.

Gobi, Anne M.
Gomez, Adam
Jehlen, Patricia D.

Timilty, Walter F.
Velis, John C. – 35.

The yeas and nays having been completed at two minutes before five o'clock P.M., the amendment was *rejected*.

Mr. Tarr moved that the report be amended by inserting at the end of Joint Rule 11B the following:- "The clerk shall as soon post the text of the conference committee report or the General Appropriations Act as soon as practicable, but no later than 30 minutes, following its filing."

The amendment was *rejected*.

Mr. Keenan moved that the report be amended in Rule 2A in by striking the paragraph and inserting in place thereof the following paragraph:- "No member or immediate family member of the member, officer, or employee of either branch shall purchase or sell, directly or indirectly, the stock or other securities of any corporation or association knowing that there is pending before the General Court any measure specially granting to or depriving such corporation or association any immunity, exemption, privilege or benefit or any measure providing for the creation of, or termination of, or directly affecting any, contractual relations between such corporation or association and the Commonwealth. This rule shall not apply to the purchase of securities issued by the Commonwealth or any political subdivision of the Commonwealth."

After remarks, the amendment was *rejected*.

Mr. Keenan moved that the report be amended in Rule 11B by inserting after the words "branch until the" the word "third";

By inserting after the words "8 p.m. on the" the word "third";

By striking the words "1 p.m. on the following day" and inserting in place thereof the following words:- "1 p.m. on the third calendar day following its filing"; and

By inserting after the word "filed." the following sentence:- "This rule shall be neither rescinded, nor amended, nor suspended."

The amendment was *rejected*.

Mr. Keenan moved that the report be amended in Rule 11D by inserting after the words "9 p.m. on the" the word "third".

The amendment was *rejected*.

Messrs. Tarr and Montigny moved that the report be amended in rule 1 by striking "A committee on Agriculture;" and inserting in place thereof the following:- "A committee on Agriculture and Fisheries;"

After remarks, the amendment was *rejected*.

Mr. Tarr moved that the report be amended in rule 1D by striking in Subparagraph 4 the phrase "limited to no more than 50 bills to be discussed in a hearing" and inserting in place thereof the following:- "limited to no more than 30 bills to be discussed in a hearing".

The amendment was *rejected*.

Mr. Timilty moved that the report be amended by inserting, in Joint Rule 1, after the words "website for the General Court" the following words:- "If the joint standing committee is unable to come to an agreement, the Clerk of the Senate and the Clerk of the House may, upon agreement, establish temporary joint rules regarding the procedure of the conduct of the committee until the committee adopts rules of procedure regarding its conduct."

After remarks, the amendment was *rejected*.

Mr. Tarr moved that the report be amended in joint rule 30, by inserting after the words "motion or order" the following:- "provided that said extension order includes in writing from the committee seeking said extension an explanation on the need for the

extension”.

After remarks, the amendment was *rejected*.

Mr. Tarr moved that the report be amended in Rule 4 by striking the period at the end of the first sentence in subparagraph 3 and inserting in place thereof the following:- “, additionally the dissenting members may file a separate report with respect to the committee reports in question”.

12

After debate, the question on adoption of the amendment was determined by a call of the yeas and nays at seven minutes past five o’clock P.M., on motion of Mr. Tarr, as follows, to wit (yeas 3 – nays 36) [**Yeas and Nays No. 12**]:

YEAS.

Fattman, Ryan C.
O'Connor, Patrick M.

Tarr, Bruce E. – **3**.

NAYS.

Barrett, Michael J.
Brady, Michael D.
Brownsberger, William N.
Collins, Nick
Comerford, Joanne M.
Creem, Cynthia Stone
Crighton, Brendan P.
Cronin, John J.
Cyr, Julian
DiDomenico, Sal N.
Edwards, Lydia
Eldridge, James B.
Feeney, Paul R.
Finegold, Barry R.
Friedman, Cindy F.
Gobi, Anne M.
Gomez, Adam
Jehlen, Patricia D.

Keenan, John F.
Kennedy, Edward J.
Kennedy, Robyn K.
Lewis, Jason M.
Lovely, Joan B.
Mark, Paul W.
Miranda, Liz
Montigny, Mark C.
Moore, Michael O.
Moran, Susan L.
Oliveira, Jacob R.
Pacheco, Marc R.
Payano, Pavel M.
Rausch, Rebecca L.
Rodrigues, Michael J.
Rush, Michael F.
Timilty, Walter F.
Velis, John C. – **36**.

The yeas and nays having been completed at nine minutes past five o’clock P.M., the amendment was *rejected*.

Mr. Tarr moved that the report be amended in Rule 7C by striking everything after “Commonwealth, shall” and inserting in place thereof the following:- “be valid until revoked or modified.”

13

The amendment was *rejected*.

Mr. Tarr and Ms. Rausch moved that the report be amended in rule 4, subparagraph 3, by adding after “dissent or abstention” the following words:- “, or reservation of rights,”.

14

The amendment was *rejected*.

Mr. Tarr moved that the report be amended in Rule 12 by inserting at the end thereof the following:- “Any bill filed after the third Friday in January but not acted upon within 60 days of its proper submission shall be deemed admitted, and referred to its proper committee.”

15

After remarks, the amendment was *rejected*.

Ms. Lovely moved that the report be amended in joint rule 1C, in the first paragraph, by striking out the words “from the first Wednesday in January through the fourth Wednesday of April in the first annual session”;

9

In said joint rule 1C, by striking out the words “Hearings shall, to the extent feasible,

be made available on a platform that permits remote public participation from outside the hearing room through audio or” and inserting in place thereof the following:- “Hearings shall be made available on a platform that permits remote public participation from outside the hearing room through audio and”; and

In joint rule 1D, in the first paragraph, by striking out the words “to be held from the beginning of the first annual session through the fourth Wednesday in June in said session”.

The amendment was adopted.

The question on acceptance of the report, as amended, was determined by a call of the yeas and nays at thirteen minutes past five o’clock P.M., on motion of Ms. Lovely, as follows to wit (yeas 39 – nays 0) [**Yeas and Nays. No. 13**]:

YEAS.

Barrett, Michael J.	Kennedy, Edward J.
Brady, Michael D.	Kennedy, Robyn K.
Brownsberger, William N.	Lewis, Jason M.
Collins, Nick	Lovely, Joan B.
Comerford, Joanne M.	Mark, Paul W.
Creem, Cynthia Stone	Miranda, Liz
Crighton, Brendan P.	Montigny, Mark C.
Cronin, John J.	Moore, Michael O.
Cyr, Julian	Moran, Susan L.
DiDomenico, Sal N.	O'Connor, Patrick M.
Edwards, Lydia	Oliveira, Jacob R.
Eldridge, James B.	Pacheco, Marc R.
Fattman, Ryan C.	Payano, Pavel M.
Feeney, Paul R.	Rausch, Rebecca L.
Finegold, Barry R.	Rodrigues, Michael J.
Friedman, Cindy F.	Rush, Michael F.
Gobi, Anne M.	Tarr, Bruce E.
Gomez, Adam	Timilty, Walter F.
Jehlen, Patricia D.	Velis, John C. – 39 .
Keenan, John F.	

NAYS – 0.

The yeas and nays having been completed at a quarter past five o’clock P.M., the report (Senate, No. 18, amended) was then accepted. [For text of report, printed as amended, see Senate, No. 20].

PAPER FROM THE HOUSE.

The House Order relative to the adoption of permanent Joint Rules for the 193rd General Court governing the 2023-2024 legislative session (House, No. 2025),-- was considered.

Joint Rules.

There being no objection, the rules were suspended, on motion of Ms. Lovely, and the order was considered forthwith.

Pending the question on adoption of the order, Ms. Lovely moved that the order be amended by striking out the text in its entirety and inserting in place thereof the text of Senate document numbered 21.

The amendment was adopted.

The order, as amended, was then adopted.

Sent to the House for concurrence in the amendment.

UNCORRECTED PROOF.

Order Adopted.

On motion of Mr. Tarr--

Ordered, That when the Senate adjourns today, it adjourn to meet again on Monday next at eleven o'clock A.M.

Time of meeting.

On motion of Ms. Lovely, at seventeen minutes past five o'clock P.M., the Senate adjourned to meet again on Monday next at eleven o'clock A.M.