

The Commonwealth of Massachusetts

JOURNAL OF THE SENATE.



MONDAY, MAY 8, 2023

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Monday, May 8, 2023.

Met at ten minutes past eleven o'clock A.M. (Ms. Jehlen in the Chair).

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

Pledge of allegiance.

Communication.

Communication from the Executive Office of Health and Human Services (pursuant to Section 13L of Chapter 118E of the General Laws) submitting its 340B high-cost drugs impact report (received May 5, 2023),-- was placed on file.

EOHHS,-- 340B report. SD2595

Petitions.

Petitions were severally presented and referred as follows:

By Mr. Tarr, a petition (accompanied by bill, Senate, No. 2387) of Bruce E. Tarr, Sally P. Kerans and Jerald A. Parisella (by vote of the town) for legislation relative to appointing the town clerk of the town of Wenham [Local approval received];

Wenham,-- town clerk.

Under Senate Rule 20, to the committee on Municipalities and Regional Government.

Sent to the House for concurrence.

By Ms. Lovely, a petition (accompanied by bill) (subject to Joint Rule 12) of Joan B. Lovely for legislation relative to the well-being of new mothers and infants,-- **under Senate Rule 20, to the committees on Rules of the two branches, acting concurrently.**

Mothers and infants, - well-being. SD2597

Committee Discharged.

Ms. Rausch, for the committee on Environment and Natural Resources, reported, asking to be discharged from further consideration

Of the petition (accompanied by bill, Senate, No. 530) of Liz Miranda, Vanna Howard and Jacob R. Oliveira for legislation to preserve space for the creative economy,-- and recommending that the same be referred to the committee on Tourism, Arts and Cultural Development; and

Creative economy,-- space.

Of the petition (accompanied by bill, Senate, No. 552) of Patrick M. O'Connor, Jennifer Balinsky Armini, Julian Cyr, Bruce E. Tarr and other members of the General Court for legislation relative to lobstering closure mitigation,-- and recommending that the same be referred to the committee on Agriculture.

Lobstering,-- closure mitigation.

Severally, under Senate Rule 36, the reports were considered forthwith and accepted.

Severally sent to the House for concurrence.

PAPERS FROM THE HOUSE.

Communication was received from the Clerk of the House of Representatives, informing the Senate that the following proposals for legislative amendments to the Constitution have been called for consideration in the Joint Session by the House of

Representatives:

Proposal for a legislative amendment to the Constitution relative to voting rights of certain persons incarcerated in correctional facilities due to felony convictions (House, No. 26),-- **with reference to which the committee on Election Laws has reported that the amendment ought to pass.**

Voting rights.

Proposal for a legislative amendment to the Constitution relative to the oaths and affirmations of public office (House, No. 33),-- **with reference to which the committee on the Judiciary has reported that the amendment ought to pass.**

Public office,-- oaths and affirmations.

Proposal for a legislative amendment to the Constitution relative to prohibiting eminent domain takings (House, No. 35),-- **with reference to which the committee on the Judiciary has reported that the amendment ought NOT to pass.**

Eminent domain takings.

Proposal for a legislative amendment to the Constitution relative changing the mandatory age of retirement for judges (House, No. 36),-- **with reference to which the committee on the Judiciary has reported that the amendment ought NOT to pass.**

Judges,-- retirement age.

Proposal for a legislative amendment to the Constitution relative to agricultural and horticultural lands (House, No. 41),-- **with reference to which the committee on Revenue has reported that the amendment ought to pass.**

Agricultural and horticultural lands.

The communication was placed on file.

Petitions were severally referred, in concurrence, as follows, to wit:

Petition (accompanied by bill, House, No. 3824) of Gerard J. Cassidy, Michael D. Brady and others (with the approval of the mayor and city council) that the city of Brockton be authorized to appoint a commissioner of public health for said city;

Brockton,-- Health and Human Services Commissioner.

Petition (accompanied by bill, House, No. 3825) of William M. Straus (by vote of the town) that the town of Fairhaven be authorized to establish a fee for checkout bags in said town; and

Fairhaven,-- checkout bag fee.

Petition (accompanied by bill, House, No. 3827) of Alice Hanlon Peisch and Carmine Lawrence Gentile (by vote of the town) relative to the membership of the Housing Commission in the town of Lincoln;

Lincoln,-- Housing Commission membership.

Severally to the committee on Municipalities and Regional Government.

Petition (accompanied by bill, House, No. 3826) of James C. Arena-DeRosa (by vote of the town) that the town of Holliston be authorized to establish a means-tested senior citizen property tax exemption in said town;

Holliston,-- senior property tax exemption.

To the committee on Revenue.

Orders Adopted.

Mr. Brownsberger offered the following order, to wit:

Ordered, that, conformably to the provisions of Article XLVIII (48), as amended by Article LXXXI (81) of the Amendments to the Constitution, a joint session of the two Houses be held on Wednesday, May 10, 2023, at eleven o'clock A.M., for the purpose of considering proposals for amendments to the Constitution.

Joint Session.

Insofar as applicable, the special rules of procedure, in effect in the preceding General Court shall govern said joint session, and any further joint sessions called for the purpose of considering amendments to the Constitution.

There being no objection, the rules were suspended, on motion of Mr. Tarr, and the order was considered forthwith and adopted.

Sent to the House for concurrence.

Mr. Brownsberger offered the following order:

Ordered, That the Senate hereby calls for a joint session of the two Houses,

Constitution,-- select boards.

UNCORRECTED PROOF.

conformably to the provisions of Article XLVIII (as amended by Article LXXXI) of the amendments to the Constitution, to consider the following proposal:

Proposal for a legislative amendment to the Constitution relative to select boards (see Senate, No. 12), with reference to which the committee on Municipalities and Regional Government has reported, in accordance with Joint Rule 23, that the amendment ought to pass.

There being no objection, the rules were suspended, on motion of Mr. Tarr, and the order was considered forthwith and adopted.

Ms. Comerford offered the following order, to wit:

Ordered, That the Senate hereby calls for a joint session of the two Houses, conformably to the provisions of Article XLVIII (as amended by Article LXXXI) of the amendments to the Constitution, to consider the following proposal:

Proposal for a legislative amendment to the Constitution relative to agricultural and horticultural lands (Senate, No. 13), with reference to which the committee on Revenue has reported, in accordance with Joint Rule 23, that the amendment ought to pass.

There being no objection, the rules were suspended, on motion of Mr. Tarr, and the order was considered forthwith and adopted.

Agricultural and horticultural lands.

Mr. Rodrigues offered the following order, to wit:

Ordered, That, pursuant to the provisions of Senate Rule 27A, all amendments to the general appropriations bill as reported by the Committee on Ways and Means shall be filed electronically in the Office of the Clerk of the Senate by 2:00 P.M., on Friday, May 12, 2023; and be it further ordered that, pursuant to the provisions of Senate Rule 38B, the general appropriations bill as reported by the Committee on Ways and Means shall be placed in the Orders of the Day for Tuesday, May 23, 2023, for its second reading, as the only item on the calendar (Senate, No. 3).

There being no objection, the rules were suspended, on motion of Mr. Tarr, and the order was considered forthwith and adopted.

General appropriation bill,-- procedural order.

Mr. Tarr offered the following order, to wit:

Ordered, That the Senate hereby calls for a joint session of the two Houses, conformably to the provisions of Article XLVIII (as amended by Article LXXXI) of the amendments to the Constitution, to consider the following proposal:

Proposal for a legislative amendment to the Constitution to require a supermajority vote for the utilization of rainy day funds (Senate, No. 14), with reference to which the committee on Revenue has reported, in accordance with Joint Rule 23, that the amendment ought NOT to pass.

There being no objection, the rules were suspended, on motion of Mr. Tarr, and the order was considered forthwith and adopted.

Rainy day funds,-- supermajority.

Mr. Tarr offered the following order, to wit:

Ordered, That the Senate hereby calls for a joint session of the two Houses, conformably to the provisions of Article XLVIII (as amended by Article LXXXI) of the amendments to the Constitution, to consider the following proposal:

Proposal for a legislative amendment to the Constitution to cap the state income tax (Senate, No. 15), with reference to which the committee on Revenue has reported, in accordance with Joint Rule 23, that the amendment ought NOT to pass.

There being no objection, the rules were suspended, on motion of Mr. Tarr, and the order was considered forthwith and adopted.

Income tax,-- cap.

PAPERS FROM THE HOUSE.

Petitions were severally referred, in concurrence, as follows, to wit:

Petition (accompanied by bill, House, No. 3829) of Jessica Ann Giannino for legislation to establish a sick leave bank for Tanya Pizzi, an employee of the Massachusetts Department of Transportation;

Tanya Pizzi,-- sick leave.

Under suspension of Joint Rule 12, to the committee on Public Service.

Petition (accompanied by bill, House, No. 3830) of Priscila S. Sousa and Jack Patrick Lewis that the commissioner of the Division of Capital Asset Management and Maintenance be authorized to convey certain parcels of land in the city of Framingham to said city;

Framingham,-- land.

Under suspension of Joint Rule 12, to the committee on State Administration and Regulatory Oversight.

Order Adopted.

On motion of Mr. Tarr,--

Ordered, That when the Senate adjourns today, it adjourn to meet again on Thursday next at eleven o'clock A.M., and that the Clerk be directed to dispense with the printing of a calendar.

Time of meeting.

On motion of the same Senator, at eighteen minutes past eleven o'clock A.M., the Senate adjourned to meet again on Thursday next at eleven o'clock A.M.