

The Commonwealth of Massachusetts

JOURNAL OF THE SENATE.



THURSDAY, JANUARY 25, 2024

[9]

JOURNAL OF THE SENATE

Thursday, January 25, 2024.

Met at thirteen 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.

Communications.

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

Communication from the Department of Children and Families (pursuant to line item 4800-0015 of Chapter 227 of the Acts of 2020) submitting its FY2023 Fair Hearing Report (received January 17, 2024); and

DCF,-- fair hearing report.
SD2961

Communication from the Department of Early Education and Care (pursuant to item 3000-6025 of Section 2 of Chapter 28 of the Acts of 2023) submitting its fiscal year 2023 report on the status of the Commonwealth Preschool Partnership Initiative (CPPI) implementation activities (received January 18, 2024).

EEC,-- FY23 CPPI report.
SD2963

Communication from the Massachusetts Gaming Commission (pursuant to Section 9B of Chapter 128A of the General Laws) submitting proposed regulations for 205 CMR 15.00 relative to racing meeting licensing (Senate, No. 2573) (received January 22, 2024),--
-was referred to the committee on Consumer Protection and Professional Licensure. Sent to the House for concurrence.

Mass. Gaming Commission,-- regulations.

Reports.

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

Report of the Department of Transitional Assistance (pursuant to section 10 of Chapter 18 of the General Laws) submitting its Annual Department of Transitional Assistance Organizational Report (received January 22, 2024);

DTA,-- organizational report.
SD2964

Report of the Department of Transitional Assistance (pursuant to Section 2 (B)(q) of Chapter 18 of the General Laws) submitting its fiscal year 2023 Economic Independence Accounts Report (received January 22, 2024);

DTA,-- economic independence.
SD2965

Report of the Office of Community Corrections (pursuant to Section 5 of Chapter 211F of the General Laws) submitting its fiscal year 2023 annual report and Community Justice Support Centers statistical report (copies having been forwarded as required to the Joint Committees on the Judiciary and Public Safety and Homeland Security) (received January 18, 2024);

OCC,-- FY23 annual report.
SD2966

Report of the Cape and Islands District Attorney's Office (under the provisions of Section 99 of Chapter 272 of the General Laws) submitting its annual report of wiretap interceptions for the 2023 calendar year (received January 24, 2024); and

Cape & Islands DA,-- wiretaps.
SD2967

Report of the Center for Health Information and Analysis (pursuant to Section 24 of Chapter 12C of the General Laws) submitting its Continuous Skilled Nursing (CSN) Care Biennial report (copies having been forwarded to the Senate Committees on Ways and Means and Health Care Financing and the Joint Committee on Public Health) (received

CHIA,-- CSN care study.
SD2970

January 25, 2024).

Reports of Committees.

By Ms. Comerford, for the committee on Agriculture, on petition, a Bill relative to a cranberry wetland mitigation bank (Senate, No. 539);

Cranberry wetlands,-- mitigation bank.

By Mr. Cronin for the committee on Consumer Protection and Professional Licensure, on petition, a Bill to modernize the issuance and sale of sports and entertainment tickets (Senate, No. 144);

Sports and entertainment tickets,-- sales.

By the same Senator, for the same committee on Senate, No. 171 and House, No. 311, a Bill modernizing protections for consumers in automobile transactions (Senate, No. 171);

Auto transactions,-- protections.

By the same Senator, for the same committee, on petition, a Bill to establish licensing standards for drain cleaners (Senate, No. 173);

Drain cleaners,-- licensing standards.

By the same Senator, for the same committee, on petition, a Bill relative to the fair distribution and pricing of event tickets (Senate, No. 215);

Event tickets,-- distribution.

By Ms. Jehlen, for the committee on Labor and Workforce Development, on Senate, No. 1170 and House, No. 1882, a Bill addressing workplace bullying, mobbing, and harassment, without regard to protected class status while promoting healthy workplaces (Senate, No. 1170);

Workplace harassment.

By the same Senator, for the same committee, on Senate, No. 1189 and House, No. 1958, a Bill consolidating multiple definitions of employee to prevent misclassification (Senate, No. 1189);

Employee,-- definitions.

By the same Senator, for the same committee, on Senate, No. 1190 and House, No. 1915, a Bill relative to ensuring unemployment-insurance access by preventing employee misclassification (Senate, No. 1190);

Employee,-- misclassification.

By the same Senator, for the same committee, on Senate, No. 1193 and House, No. 1929, a Bill expanding access to commuter transit benefits offered by employers (Senate, No. 1193); and

Employers,-- transit benefits.

By Ms. Lovely, for the committee Rules of the two branches, acting concurrently, on petition, a Bill to provide sunlight to state government (Senate, No. 1963);

State government,-- transparency.

Severally read and, under Senate Rule 27, referred to the committee on Ways and Means.

By Ms. Comerford, for the committee on Agriculture, on petition, a Bill relative to the Farm Technology Review Commission (Senate, No. 46),-- **read and, under Senate Rule 26, referred to the committee on Rules.**

Farm Technology Review Commission.

PAPERS FROM THE HOUSE.

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

Petition (accompanied by bill, House, No. 4272) of Donald R. Berthiaume, Jr., (by vote of the town) relative to providing for recall elections in the town of North Brookfield;

North Brookfield,-- recall elections.

To the committee on Election Laws.

Petition (accompanied by bill, House, No. 4273) of Patricia A. Haddad and Michael J. Rodrigues (by vote of the town) that the town of Somerset be authorized to acquire interests in certain land in said town for sewer purposes;

Somerset,-- land acquisition.

To the committee on Municipalities and Regional Government.

Bills

Authorizing the town of Bernardston to continue the employment of fire chief Peter Shedd (House, No. 4064,-- on petition) [Local approval received];

Bernardston,-- Fire Chief Peter Shedd.

Authorizing Brandon Fredette to take the civil service examination for the position of

Haverhill,-- Brandon

UNCORRECTED PROOF.

firefighter in the city of Haverhill notwithstanding the maximum age requirement (House, No. 4147,-- on petition) [Local approval received];

Relative to the town of Lanesborough employee training (House, No. 4158,-- on petition) [Local approval received]; and

Authorizing the town of Weston to grant an additional license for the sale of wines at a food store (House, No. 4190, amended,-- on House, No. 4001) [Local approval received on House, No. 4001];

Were severally read and, under Senate Rule 26, placed in the Orders of the Day for the next session.

Reports

Of the committee on Children, Families and Persons with Disabilities, asking to be discharged from further consideration

Of the petition (accompanied by bill, Senate, No. 85) of Anne M. Gobi, Joanne M. Comerford, Jacob R. Oliveira, Hannah Kane and other members of the General Court for legislation relative to an agricultural healthy incentives program;

Of the petition (accompanied by bill, House, No. 150) of Mindy Domb and others for legislation to authorize agricultural healthy incentives program;

Of the petition (accompanied by bill, House, No. 185) of Bradley H. Jones, Jr., Hannah Kane and others relative to establishing a healthy incentives program for the purpose of ensuring the needs of SNAP recipients and farmers;

And recommending that the same severally be referred to the committee on Agriculture.

Were severally considered forthwith, under Senate Rule 36, and accepted, in concurrence.

Resolutions.

The following resolutions (having been filed with the Clerk) were considered forthwith and adopted, as follows:-

Resolutions (filed by Ms. Miranda) "honoring the memory of Julia Martin."

Reports of Committees.

By Ms. Lovely, for the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the Senate petition of Michael F. Rush for legislation relative to superannuation benefits for Ann Marie O'Keefe.

Senate Rule 36 was suspended, on motion of Mr. Durant, and the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Public Service.

Sent to the House for concurrence.

Matters Taken Out of the Orders of the Day.

There being no objection, the following matters were taken out of the Orders of the Day and considered as follows:

The House Bill establishing a sick leave bank for Cheryl Thouin, an employee of the Hampshire county sheriff's office (House, No. 4233) (its title having been changed by the committee on Bills in the Third Reading),-- **was read a third time and passed to be engrossed, in concurrence.**

The House Bill authorizing the town of Holliston to continue the employment of Mark Dellicker as deputy fire chief (House, No. 3998) (its title having been changed by the

Fredette.

Lanesborough,--
employee training.

Weston,-- liquor
license.

Healthy incentives
program.

Id.

Id.

Julia Martin.

Ann Marie O'Keefe,-
- benefits.
SD2926

Cheryl Thouin-- sick
leave.

Holliston,-- Mark
Dellicker.

committee on Bills in the Third Reading),-- was read a third time and passed to be engrossed, in concurrence.

PAPERS FROM THE HOUSE.

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

Petition (accompanied by bill, House, No. 4286) of William M. Straus relative to the optional retirement program for certain employees of public higher education institutions; **Under suspension of Joint Rule 12, to the committee on Public Service.**

Higher education,-- retirement program.

Petition (accompanied by bill, House, No. 4287) of Manny Cruz and Joan B. Lovely (with the approval of the mayor and city council) that the city of Salem be authorized to employ automated enforcement of speed limit violations in designated school zones within said city;

Salem,-- speed limit violations.

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

Recess.

There being no objection, at a quarter past eleven o'clock A.M., the Chair (Mr. Brownsberger) declared a recess, subject to the call of the Chair; and at eighteen minutes before twelve o'clock noon, the Senate reassembled, Mr. Collins in the Chair (having been appointed by the President, under authority conferred by Senate Rule 4, to perform the duties of the Chair).

Recess.

PAPER FROM THE HOUSE.

Emergency Preamble Adopted.

An engrossed Bill establishing a sick leave bank for Cheryl Thouin, an employee of the Hampshire county sheriff's office (see House, No. 4233) 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 2 to 0.

Cheryl Thouin-- sick leave.

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

Recess.

There being no objection, at seventeen minutes before twelve o'clock noon, the Chair (Mr. Collins) declared a recess, subject to the call of the Chair; and at three minutes before four o'clock P.M., the Senate reassembled, Mr. Brownsberger in the Chair (having been appointed by the President, under authority conferred by Senate Rule 4, to perform the duties of the Chair).

Recess.

Order Adopted.

Ms. Creem presented the following order, to wit:

Procedural order.

Ordered, That notwithstanding Senate Rule 7 or any other rule to the contrary, the House Bill modernizing firearm laws (House, No. 4139), shall be considered for debate in the Senate session of Thursday, February 1, 2024, as a paper from the House, at which time the amendment offered by the Senator from Norfolk and Middlesex, Ms. Creem, striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 2572, will be considered with the main question being on ordering the bill to a third reading, with the amendment pending.

All amendments shall be filed electronically in the office of the Clerk of the Senate

by 5:00 P.M., on Monday, January 29, 2024. All such amendments shall be second-reading amendments to the proposed new text (Creem) (Senate, No. 2572), but further amendments in the third degree to such amendments shall be in order. The Clerk shall further specify the procedure and format for filing all amendments, consistent with this order.

After the bill as amended is ordered to a third reading, it shall immediately be read a third time and the question shall then immediately be on passing it to be engrossed, and no amendments shall be in order at the third reading of the bill unless recommended by the committee on Bills in the Third Reading.

The rules were suspended, on motion of Mr. Crighton, and the order was considered forthwith and adopted.

PAPERS FROM THE HOUSE

Engrossed Bills.

The following engrossed bills (all of which originated in the House), having been certified by the Senate Clerk to be rightly and truly prepared for final passage, were severally passed to be enacted and were signed by the Acting President (Mr. Brownsberger) and laid before the Governor for her approbation, to wit:

Bills laid before the Governor.

Authorizing the city of Revere to pay a certain sum of money to the estate of George J. Rotondo, Jr. (see House, No. 2055);

Expanding and improving equity in the sewer system in the town of Provincetown (see House, No. 2096);

Authorizing John R. Stowe, Jr. to purchase creditable service from the Barnstable county retirement board (see House, No. 3656); and

Establishing a sick leave bank for Cheryl Thouin, an employee of the Hampshire county sheriff's office (see House, No. 4233).

Order Adopted.

On motion of Mr. Durant,--

Time of meeting.

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

On motion of Mr. DiDomenico, at one minute past four o'clock P.M., the Senate adjourned to meet again on Monday next at eleven o'clock A.M.