

The Commonwealth of Massachusetts

JOURNAL OF THE SENATE.



THURSDAY, MARCH 7, 2024

[21]

JOURNAL OF THE SENATE

Thursday, March 7, 2024.

Met at eight minutes past eleven o'clock A.M. (Ms. Jehlen in the Chair) (having been appointed by the President, under authority conferred by Senate Rule 4, to perform the duties of the Chair).

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

Pledge of allegiance.

Reports.

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

Report of the Bristol District Attorney's Office (pursuant to Section 99R of Chapter 272 of the General Laws) submitting its annual report of wiretap interceptions for the 2023 calendar year (received March 5, 2024);

Bristol DA,--
wiretaps.
SD3051

Report of the Department of Economic Research (under the provisions Section 14F of Chapter 151A of the General Laws) submitting the February 2024 Unemployment Insurance Trust Fund report (received February 15, 2024);

DER,-- UI trust fund
report.
SD3052

Report of the Hampden County Sheriff (pursuant to line item 8910-1010 of Section 2 of Chapter 28 of the Acts of 2023) submitting its 2023 Evaluation and Stabilization Unit (ESU) report (received February 14, 2024);

ESU,-- 2023 report.
SD3053

Report of the Attorney General's Fair Labor Division (pursuant to item 0810-0045 of Section 2 of Chapter 126 of the Acts of 2022) submitting its 2023 report on enforcement actions and violation trends within the construction industry (received February 9, 2024);

AGO,-- construction
industry report.
SD2054

Report of the Massachusetts Department of Transportation (pursuant to Section 99 of Chapter 28 of the Acts of 2023) submitting its review report of performance data collected for the Fiscal Year 2023 term of the FY2022-23 Bilateral Performance Management Memoranda of Understanding (MOUs) between the 15 Regional Transit Authorities (RTA) and MassDOT (received March 5, 2024);

RTA,-- FY23
performance progress
report.
SD3055

Report of the Massachusetts Sheriffs' Association (pursuant to line item 8910-7110 of Section 2 of Chapter 28 of the Acts of 2023) submitting the FY23 Grants Report (received March 5, 2024);

MSA,-- FY23 grant
report.
SD3056

Report of the Department of Correction (pursuant to item 0330-0613 of Section 2 of Chapter 126 of the Acts of 2022) submitting its One-Year Recidivism Rates of Men and Women Released 2017-2020 (received March 5, 2024); and

DOC,-- recidivism
rates report.
SD3057

Report of the Department of Revenue (pursuant to Section 5 of Chapter 62F of the General Laws) submitting its January, 2024 report on year-to-date net state tax revenue for the current fiscal year (received March 6, 2024).

DOR,-- net state tax
revenue report.
SD3058

Reports of Committees.

By Ms. Kennedy, for the committee on Children, Families and Persons with Disabilities, on petition, a Bill to establish a Massachusetts children's cabinet (Senate, No. 79);

Children's cabinet,--
establish.

By Mr. Mark, for the committee on Tourism, Arts and Cultural Development, on petition, a Resolve to establish a Massachusetts Cabo Verdean Cultural Center (Senate,

Cabo Verdean
Cultural Center,--

No. 2192);

By the same Senator, for the same committee, on petition, a Bill to create the title of musician laureate of the Commonwealth of Massachusetts (Senate, No. 2193); and

By Mr. Crighton, for the committee on Transportation, on petition, a Resolve relative to a VFW Parkway master plan special commission (Senate, No. 2289);

Severally read and, under Joint Rule 29, referred to the committees on Rules of the two branches, acting concurrently.

By Mr. Feeney, for the committee on Financial Services, on petition, a Bill relative to mental health providers (Senate, No. 593);

By the same Senator, for the same committee, on petition, a Bill addressing duplicative notifications of UR approvals (administrative simplification) (Senate, No. 594);

By the same Senator, for the same committee, on petition, a Bill relative to preserving fertility (Senate, No. 598);

By the same Senator, for the same committee, on petition, a Bill improving access to breast pumps (Senate, No. 600);

By the same Senator, for the same committee, on petition, a Bill prohibiting self-dealing by pharmacy benefit managers and pharmacies under common ownership (Senate, No. 601);

By the same Senator, for the same committee, on petition, a Bill relative to transparency of consumer health insurance rights (Senate, No. 602);

By the same Senator, for the same committee, on petition, a Bill promoting consumer choice in health care (Senate, No. 603);

By the same Senator, for the same committee, on petition, a Bill empowering health care consumers (Senate, No. 605);

By the same Senator, for the same committee, on petition, a Bill to increase access to nurse-midwifery services (Senate, No. 607);

By the same Senator, for the same committee, on petition, a Bill mandating access to cancer screenings for firefighters through health care benefits plans or programs provided by the public employer (Senate, No. 608);

By the same Senator, for the same committee, on petition, a Bill relative to consumer deductibles (Senate, No. 609);

By the same Senator, for the same committee, on petition, a Bill for supportive care for serious mental illness (Senate, No. 610);

By the same Senator, for the same committee, on petition, a Bill relative to promoting healthcare access and affordability for patients (Senate, No. 612);

By the same Senator, for the same committee, on petition, a Bill relative to community behavioral health centers (Senate, No. 613);

By the same Senator, for the same committee, on petition, a Bill reining in premiums through stronger rate review (Senate, No. 614);

By the same Senator, for the same committee, on petition, a Bill relative to ensuring treatment for genetic craniofacial conditions (Senate, No. 615);

By the same Senator, for the same committee, on petition, a Bill relative to applied behavioral analysis therapy (Senate, No. 617);

By the same Senator, for the same committee, on petition, a Bill relative to telehealth parity for nutrition counseling (Senate, No. 618);

By the same Senator, for the same committee, on petition, a Bill to address barriers to HIV prevention medication (Senate, No. 619);

By the same Senator, for the same committee, on petition, a Bill requiring prospective

commission.

Musician laureate,--
create.

VFW Parkway,--
commission.

Mental health
providers.

UR approvals,--
notifications.

Fertility preservation.

Breast pumps,--
access.

Pharmacy benefit
managers.

Health insurance,--
transparency.

Health insurance,--
athletic trainers.

Health care
consumers

Nurse-midwifery
services.

Firefighters,-- cancer
screening.

Health insurance,--
deductibles.

Supportive care,--
mental illness.

Healthcare,--
affordability.

Community,--
behavioral health
centers.

Health insurance,--
small group.

Craniofacial
disorders.

Down syndrome,--
therapy.

Nutrition
counseling,--
telehealth.

HIV,-- prevention
medication.

Community health

payment system methodology for reimbursement to community health centers (Senate, No. 620);

By the same Senator, for the same committee, on petition, a Bill relative to LGBTQ family building (Senate, No. 622);

By the same Senator, for the same committee, on petition, a Bill ensuring access to specialty medications (Senate, No. 630);

By the same Senator, for the same committee, on petition, a Bill relative to access to care for serious mental illness (Senate, No. 631);

By the same Senator, for the same committee, on petition, a Bill relative to cognitive rehabilitation for individuals with an acquired brain injury (Senate, No. 635);

By the same Senator, for the same committee, on petition, a Bill relative to rehabilitation periods for those in addiction recovery (Senate, No. 636);

By the same Senator, for the same committee, on petition, a Bill relative to group insurance commission procurement (Senate, No. 637);

By the same Senator, for the same committee, on petition, a Bill limiting out of pocket health expenses (Senate, No. 638);

By the same Senator, for the same committee, on petition, a Bill relative to insurance companies (Senate, No. 640);

By the same Senator, for the same committee, on petition, a Bill related to health insurance benefits for municipal employees (Senate, No. 642);

By the same Senator, for the same committee, on petition, a Bill relative to out-of-network billing (Senate, No. 645);

By the same Senator, for the same committee, on petition, a Bill ensuring access to full spectrum pregnancy care (Senate, No. 646);

By the same Senator, for the same committee, on petition, a Bill relative to increasing consumer access to licensed rehabilitation counselors (Senate, No. 649);

By Mr. Velis, for the committee on Mental Health, Substance Use and Recovery, on petition, a Bill relative to benzodiazepines and non-benzodiazepine hypnotics (Senate, No. 1236) [Representative Xiarhos of Barnstable dissenting];

By the same Senator, for the same committee, on petition, a Bill to educate on prescription opioids (Senate, No. 1240) [Representative Xiarhos of Barnstable dissenting]; and

By the same Senator, for the same committee, on petition, a Bill relative to preventing overdose deaths and increasing access to treatment (Senate, No. 1242) [Representatives Markey of Dartmouth, Sullivan-Almeida of Abington, Berthiaume of Spencer, and Xiarhos of Barnstable dissenting];

Severally referred, under Joint Rule 1E, to the committee on Health Care Financing.

By Mr. Feeney, for the committee on Financial Services, on petition, a Bill to incentivize the adoption of local climate resilience policies (Senate, No. 599);

By the same Senator, for the same committee, on petition, a Bill relative to certain loans by the federal home loan bank (Senate, No. 641);

By the same Senator, for the same committee, on petition, a Bill relative to the remediation of home heating oil releases (Senate, No. 648);

By Mr. Velis, for the committee on Mental Health, Substance Use and Recovery, on petition, a Bill relative to student mental health (Senate, No. 1237) [Representative Xiarhos of Barnstable dissenting];

By Mr. Brady, for the committee on Public Service, on petition, a Bill relative to regional planning agencies (Senate, No. 1682);

centers,--
reimbursement.

LGBTQ,-- pregnancy
related coverage.

Medications,--
access.

Mental illness,-- care.

Cognitive
rehabilitation.

Substance abusers,--
rehab.

GIC,-- proposals and
bids.

GIC,-- health
insurance plans.

Insurance companies.

Municipal
employees,-- health
insurance.

Healthcare services,--
billing.

Pregnancy,-- health
coverage.

Consumer access,--
rehab counselors.

Hypnotics,--
benzodiazepines.

Prescription opioids,-
- education.

Injection sites,-- pilot
program.

Climate resilience
policies,-- adoption.

Federal home loan
bank.

Home heating,--
remediation.

Student mental
health.

Regional planning
agencies.

UNCORRECTED PROOF.

By the same Senator, for the same committee, on petition, a Bill extending killed in line of duty benefits to those deceased as a result of COVID-19 (Senate, No. 1688);

COVID-19,-- line of duty benefits.

By the same Senator, for the same committee, on petition, a Bill authorizing the state retirement board to retire Richard D'Auria, a University of Massachusetts police officer disabled by cardiac disease, under the provisions of the "Heart Law" (Senate, No. 1693);

Richard D'Auria,-- Heart Law.

By the same Senator, for the same committee, on Senate, Nos. 1694, 1716 and 1737, a Bill providing equity to police officers disabled by cardiac disease (Senate, No. 1694);

Police officers,-- cardiac disease.

By the same Senator, for the same committee, on Senate, No. 1703 and House, No. 2532, a Bill providing equity to police officers disabled by cardiac disease (Senate, No. 1703);

Id.

By the same Senator, for the same committee, on petition, a Bill authorizing independent retirement boards to divest from fossil fuel companies (Senate, No. 1723);

Retirement boards,-- investments.

By the same Senator, for the same committee, on petition, a Bill relative to disability pensions for public safety employees who are victims of violence (Senate, No. 1736);

Public safety employees,-- pensions.

By the same Senator, for the same committee, on petition, a Bill regulating education administrator retirement (Senate, No. 1751);

School administrators,-- retirement.

By the same Senator, for the same committee, on petition, a Bill relative to the definition of veteran for public retirees (Senate, No. 1752);

Veterans,-- public retirees.

By the same Senator, for the same committee, on Senate, No. 1753 and House, No. 2626, a Bill relative to the veteran allowance for public retirees (Senate, No. 1753);

Retirees,-- veteran allowance.

By Mr. Crighton, for the committee on Transportation, on petition, a Bill relative to the composition of the board of directors of the Massachusetts Department of Transportation (Senate, No. 1727);

MassDOT,-- board of directors.

By the same Senator, for the same committee, on petition, a Bill relative to Hot Box Detectors (Senate, No. 2202);

Hot box detectors.

By the same Senator, for the same committee, on Senate, No. 2205 and House, No. 3271, a Bill facilitating cost efficient transportation (Senate, No. 2205);

Transportation,-- cost efficient.

By the same Senator, for the same committee, on petition, a Bill relative to increasing operational safety for keyless ignition technology in motor vehicles (Senate, No. 2210);

Motor vehicles,-- keyless ignition.

By the same Senator, for the same committee, on Senate, No. 2217 and House, No. 3392, a Bill relative to setting deadlines to electrify the MBTA commuter rail (Senate, No. 2217);

Public transit,-- electrification.

By the same Senator, for the same committee, on Senate, No. 2218 and House, No. 3769, a Bill setting deadlines for school bus and public fleet electrification, and programs to encourage electrification of private fleets (Senate, No. 2218);

Public vehicles,-- electrification.

By the same Senator, for the same committee, on Senate, No. 2226 and House, No. 3458, a Bill relative to human trafficking awareness (Senate, No. 2226);

Human trafficking,-- awareness.

By the same Senator, for the same committee, on Senate, Nos. 2229 and 2280, a Bill relative to partial payment of fines relating to driver's license suspension or revocation (Senate, No. 2229);

Driver's license,-- suspension fees.

By the same Senator, for the same committee, on petition, a Bill directing the Massachusetts Department of Transportation to conduct a highway noise study in Foxborough (Senate, No. 2233);

Foxborough,-- highway noise study.

By the same Senator, for the same committee, on petition, a Bill to remediate and reopen the visitor information center on I-95 in Northern Bristol County for traveler safety and convenience and to promote regional tourism and economic development (Senate, No. 2235);

Northern Bristol County,-- information center.

By the same Senator, for the same committee, on petition, a Bill to ensure financial viability in the transportation of farm goods (Senate, No. 2241);

Farm goods,-- transport fee.

By the same Senator, for the same committee, on petition, a Bill directing the

Quincy,-- noise

UNCORRECTED PROOF.

Massachusetts Department of Transportation to conduct a highway noise study in Quincy (Senate, No. 2249);

By the same Senator, for the same committee, on petition, a Bill to strengthen the review process for a medically conditioned license to operate a motor vehicle (Senate, No. 2253);

By the same Senator, for the same committee, on Senate, No. 2254 and House, No. 3394, a Bill to protect motorists from excessive EZ-Pass fees and fines (Senate, No. 2254);

By the same Senator, for the same committee, on petition, a Bill relative to pedestrian safety (Senate, No. 2262);

By the same Senator, for the same committee, on Senate, No. 2263 and House, No. 3400, a Bill relative to the Hall-Whitaker Bridge (Senate, No. 2263);

By the same Senator, for the same committee, on petition, a Bill relative to pup trailers (Senate, No. 2264);

By the same Senator, for the same committee, on Senate, No. 2265 and House, No. 3457, a Bill to authorize Massachusetts Fallen Firefighter Memorial motorcycle license plates (Senate, No. 2265);

By the same Senator, for the same committee, on petition, a Bill relative to an interstate compact for western MA rail service (Senate, No. 2266);

By the same Senator, for the same committee, on petition, a Bill relative to child passenger safety (Senate, No. 2273);

By the same Senator, for the same committee, on petition, a Bill relative to life cycle costs for long term pavement solutions (Senate, No. 2274);

By the same Senator, for the same committee, on petition, a Bill relative to motorcycle permit requirements (Senate, No. 2279);

By the same Senator, for the same committee, on petition, a Bill relative to a clean fuel standard (Senate, No. 2286);

By the same Senator, for the same committee, on petition, a Bill relative to the transportation of individuals seated in wheelchairs (Senate, No. 2287);

By the same Senator, for the same committee, on Senate, No. 2293 and House, No. 3379, a Bill promoting road safety (Senate, No. 2293);

By the same Senator, for the same committee, on petition Bill relative to child vehicle passenger safety (Senate, No. 2297);

By the same Senator, for the same committee, on petition, a Bill relative to motorcycle safety (Senate, No. 2299);

By the same Senator, for the same committee, on petition, a Bill to protect the health and well-being of child passengers in vehicles (Senate, No. 2300);

By the same Senator, for the same committee, on petition, a Bill establishing speed limits on portions of state highway route 28 and Chickatawbut road in the town of Milton (Senate, No. 2301);

By the same Senator, for the same committee, on petition, a Bill directing the Massachusetts Bay Transportation Authority to install sound barriers in Quincy and Braintree (Senate, No. 2302);

By the same Senator, for the same committee, on petition, a Bill relative to commuter rail pedestrian safety (Senate, No. 2507);

By the same Senator, for the same committee, on petition (accompanied by bill, Senate, No. 2267), a Bill enhancing school bus safety (Senate, No. 2600);

By the same Senator, for the same committee, on Senate, Nos. 2212 and 2240 and House, Nos. 3329 and 3479, a Bill relative to the Move Over Law (Senate, No. 2639); and

By Mr. Mark, for the committee on Tourism, Arts and Cultural Development, on petition, a Bill defining agritourism (Senate, No. 2469);

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

study.

Medically conditioned license,-- review.

EZ-Pass fees.

Pedestrian safety.

Beverly,-- Hall-Whitaker Bridge.

Pup trailers.

Fallen firefighters,-- memorial plates.

Western MA,-- rail compact.

Child passengers,-- motor vehicles.

Pavement solutions,-- costs.

Motorcycle permits,-- requirements.

Clean fuel,-- standard.

Wheelchair,-- transportation.

Yellow dot program.

Child vehicle,-- passenger safety.

Motorcycle safety.

Child passengers,-- vehicles.

Milton,-- speed limits.

Quincy and Braintree,-- sound barriers.

Commuter rail,-- pedestrian safety.

School bus safety.

Move Over Law,-- utility vehicle.

Agritourism,-- definition.

and Means.

By Ms. Kennedy, for the committee on Children, Families and Persons with Disabilities, on petition, a Bill updating the juvenile justice policy and data board (Senate, No. 78);

JJPAD board,-- membership.

By Ms. Rausch, for the committee on Environment and Natural Resources, on petition, a Bill designating a certain park in the city of Cambridge as Richard McKinnon park (Senate, No. 469);

Cambridge,-- Richard McKinnon park.

By Mr. Mark, for the committee on Tourism, Arts and Cultural Development, on petition, a Bill to establish a choreographer laureate of the commonwealth (Senate, No. 2196);

Choreographer laureate.

By Mr. Crighton, for the committee on Transportation, on petition, a Bill relative to billboard permitting (Senate, No. 2278); and

Billboard,-- permitting.

By the same Senator, for the same committee, on petition, a Bill relative to motor vehicle distributors (Senate, No. 2413);

Motor vehicle,-- distributors.

Severally read and, under Senate Rule 26, referred to the committee on Rules.

By Mr. Oliveira, for the committee on Municipalities and Regional Government, on petition, a Bill authorizing the town of Milton to use certain property for school purposes (Senate, No. 2549) [Local approval received];

Milton,-- school land.

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

PAPERS FROM THE HOUSE

Engrossed Bills.

An engrossed Bill validating the actions taken at the Princeton annual town meeting (see House Bill, printed in House, No. 4067) (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, two-thirds of the members present having voted in the affirmative, and signed by the Acting President (Ms. Jehlen) and laid before the Governor for her approbation.**

Bill laid before Governor.

The following engrossed bills (both 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 (Ms. Jehlen) and laid before the Governor for her approbation, to wit:

Authorizing the town of Hopkinton to offer an income-eligible discount program for sewer and water rates (see House, No. 2017); and

Bills laid before the Governor.

Separating the positions of town clerk and treasurer-collector in the town of Southwick (see House, No. 4079).

Resolutions.

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

Resolutions (filed by Mr. Payano) “commending the American Red Cross of Massachusetts on its celebration of American Red Cross Day.”

American Red Cross of Massachusetts.

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 Senate bill authorizing the City of Newton to prohibit the application of second generation anti-coagulant rodenticides within its borders (Senate, No. 2448),-- **was read a second time and ordered to a third reading.**

Newton,-- prohibit anti-coagulant rodenticides.

The House Bill directing the police department of the city of Boston to waive the maximum age requirement for police officers for Ariel Rodriguez (House, No. 3844) (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.**

Boston,-- Ariel Rodriguez.

The House Bill authorizing the town of Dedham to establish a maximum age requirement for original appointment to the position of police officer (House, No. 3910) (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.**

Dedham,-- police officer appointment.

The House Bill amending the charter of the city of Easthampton (House, No. 3959),-- was read a third time.

Easthampton,-- charter.

Pending the question on passing the bill to be engrossed, Mr. Velis presented an amendment striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 2696.

The amendment was adopted.

The bill, as amended, was then passed to be engrossed, in concurrence with the amendment.

Sent to the House for concurrence in the amendment.

Report of a Committee.

By Mr. Rodrigues, for the committee on Ways and Means, the Senate Bill providing affordable and accessible high-quality early education and care to promote child development and well-being and support the economy in the Commonwealth (Senate, No. 2619),-- ought to pass, with an amendment substituting a new draft entitled "An Act ensuring affordability, readiness and learning for our youth and driving economic development" (Senate, No. 2697).

Early education and care.

Order Adopted.

Mr. Rodrigues presented the following order, to wit:

Ordered, That notwithstanding Senate Rule 7 or any other rule to the contrary, the Senate Bill providing affordable and accessible high-quality early education and care to promote child development and well-being and support the economy in the Commonwealth (Senate, No. 2619) (the committee on Ways and Means having recommended that the bill be amended by substituting a new draft entitled "An Act ensuring affordability, readiness and learning for our youth and driving economic development" Senate, No. 2697) shall be placed in the Orders of the Day for a second reading on Thursday, March 14, 2024.

Procedural order.

All amendments shall be filed electronically in the office of the Clerk of the Senate by 4:00 P.M, on Monday, March 11, 2024. All such amendments shall be second reading-amendments to the Senate Ways and Means new draft (Senate, No. 2697), 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. O'Connor, and the order was considered forthwith and adopted.

The bill will be placed in the Orders of the Day for Thursday, March 14, 2024, for a second reading with the amendment pending.

PAPER FROM THE HOUSE.

The Senate Bill to provide for competitiveness and infrastructure investment in Massachusetts (Senate, No. 2554),-- came from the House passed to be engrossed, in concurrence, *with an amendment* striking out all after the enacting clause and inserting in place thereof the text of House document numbered 4446; and by striking out the emergency preamble and inserting in place thereof the following emergency preamble:

Infrastructure investment.

"Whereas, The deferred operation of this act would tend to defeat its purposes, which are to enhance the competitiveness of the commonwealth in winning federal funds and to provide for the infrastructure needs of the commonwealth, each of which is immediately necessary to accomplish important public purposes, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience."

Mr. O'Connor moved that the Senate NON-concur in the House amendments and asked for a committee of conference on the disagreeing votes of the two branches; and Senators Rodrigues, Cronin and O'Connor were appointed to the committee on the part of the Senate.

The bill was returned to the House endorsed accordingly.

Order Adopted.

On motion of Mr. O'Connor,--

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.

Time of meeting.

On motion of the same Senator, at nine minutes before twelve o'clock noon, the Senate adjourned to meet again on Monday next at eleven o'clock A.M.