

---

**The Commonwealth of Massachusetts**

---

**JOURNAL OF THE SENATE.**



**WEDNESDAY, JULY 24, 2024**

[64]

## JOURNAL OF THE SENATE

Wednesday, July 24, 2024.

Met at seven minutes past one o'clock P.M. (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).

---

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 Mr. Timilty for the purpose of an introduction. Mr. Timilty then introduced, in the rear of the Chamber, Faith Kelley of Milton. Faith is an 8th grade student at Pierce School in Milton and a member of Project 351, a group that unites Massachusetts through youth service and leadership. She was recognized offering remarks on behalf of Her Excellency, Governor Healey and read the Project 351 Proclamation during Memorial Day ceremonies in Milton. Faith was accompanied by her parents, Andy and Catherine. The Senate welcomed them with applause and they withdrew from the Chamber.

Faith Kelley.

There being no objection, during consideration of the Orders of the Day, the following guests were introduced:

The Chair (Ms. Creem) handed the gavel to Mr. Cyr for the purpose of an introduction. Mr. Cyr then introduced, in the rear of the Chamber, Minnesota Speaker of the House of Representatives Melissa Hortman and Washington State Senator Jamie Pedersen. The Senate welcomed them with applause and they withdrew from the Chamber.

Melissa Hortman  
and Jamie Pedersen.

The Chair (Ms. Creem) introduced, in the Senate Gallery, former Lieutenant Governor Evelyn Murphy. The Senate welcomed her with applause and she withdrew from the Gallery.

Lt. Governor  
Evelyn Murphy.

The Chair (Ms. Creem) handed the gavel to Messrs. Fattman, Durant and Oliveira for the purpose of an introduction. Mr. Fattman then introduced, in the rear of the Chamber, Springfield police officer Nestor Santos. Officer Santos was recognized for his heroic service to the city of Springfield and for recuperating from a gunshot wound that he received while on duty. He was accompanied by his partner Officer Duff, and Representatives Gonzalez of Springfield and Marsi of Dudley. The Senate applauded his heroic efforts, thanked him for his service to the Commonwealth, and they withdrew from the Chamber.

Officer Nestor  
Santos.

The Chair (Ms. Creem) handed the gavel to Mr. Oliveira for the purpose of an introduction. Mr. Oliveira then introduced, in the rear of the Chamber, Samantha Bertini of Ludlow. Samantha was recognized for her remarkable athletic abilities and historical achievement as the first woman from Massachusetts to win a national title for amateur competitive wrestling in 2024 at the Fargo Nationals. The Senate applauded her accomplishments and she withdrew from the Chamber.

Samantha Bertini.

### *Reports.*

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

**UNCORRECTED PROOF.**

Report of the Department of Revenue (pursuant to Section 5 of Chapter 62F of the General Laws) submitting its May 2024 report on year-to-date net state tax revenue for the current fiscal year (received July 22, 2024); and

DOR,-- net state tax revenue report.  
SD3351

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 July 24, 2024).

EOPSS,-- SAECK quarterly report.  
SD3352

*Reports of a Committee.*

By Mr. Timilty, for the committee on Public Safety and Homeland Security, on petition, a Bill relative to ghost guns (Senate, No. 1496);

Ghost guns.

By the same Senator, for the same committee, on petition, a Bill relative to 3D printed guns and ghost guns (Senate, No. 1509);

3D printed guns.

By the same Senator, for the same committee, on petition, a Bill ensuring the safety of our communities and citizens (Senate, No. 1512) [Senator Eldridge dissenting];

Citizens,-- safety.

By the same Senator, for the same committee, on petition, a Bill to ensure educational rights are upheld for incarcerated emerging adults (Senate, No. 1542); and

Educational rights,--  
Incarcerated adults.

By the same Senator, for the same committee, on petition, a Bill providing for an audit of gun violence prevention and intervention funding (Senate, No. 1543);

Gun violence,--  
prevention.

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

By Mr. Timilty, for the committee on Public Safety and Homeland Security, on petition, a Bill relative to chief probation officers (Senate, No. 1555);

Chief probation officers.

**Read and, under Senate Rule 26, referred to the committee on Rules.**

PAPERS FROM THE HOUSE.

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

Petition (accompanied by bill, House, No. 4893) of William M. Straus (by vote of the town) that the town of Fairhaven be authorized to grant one additional license for the sale of all alcoholic beverages to be drunk on the premises in said town;

Fairhaven,-- liquor license.

**To the committee on Consumer Protection and Professional Licensure.**

Petition (accompanied by bill, House, No. 4894) of Christopher J. Worrell (with the approval of the mayor and city council) for legislation to amend the training requirement for the fire department cadet program in the city of Boston;

Boston,-- fire cadet program.

**To the committee on Public Service.**

A Bill increasing the maximum amount of fines which may be imposed for violations of ordinances in the city of Boston (House, No. 4507,-- on petition) [Local approval received],-- **was read and, under Senate Rule 26, placed in the Orders of the Day for the next session.**

Boston,-- ordinance violations.

*Emergency Preamble Adopted.*

An engrossed Bill designating a certain park in the city of Cambridge as Richard McKinnon park (see Senate, No. 469), 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.

Cambridge,--  
Richard McKinnon park.

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

*Reports of a Committee.*

By Mr. Collins, for the committee on State Administration and Regulatory Oversight, on petition, a Bill authorizing the town of Tewksbury to convert a certain parcel of land to general recreational purposes (Senate, No. 2819) [Local Approval Received];

Tewksbury,-- parcel of land.

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

By Mr. Collins, for the committee on State Administration and Regulatory Oversight, on petition, a Bill authorizing the release of parcels of land in the town of Raynham from certain restrictions (Senate, No. 2872);

Raynham,-- land restrictions.

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

PAPERS FROM THE HOUSE.

A Bill authorizing the town of Weston to grant an additional license for the sale of all alcoholic beverages to be drunk on the premises (House, No. 4849,-- on House, No. 4759,-- being a message from Her Excellency the Governor),-- was read.

Weston,-- liquor license.

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

The House Bill enhancing the market review process (House, No. 4653),-- came from the House with the endorsement that the House had NON-concurred in the Senate amendment striking out all after the enacting clause and inserting in place thereof the text contained in Senate document numbered 2881; and by striking out the title and inserting in place thereof the following title: "An Act enhancing the health care market review process", and had asked for a committee of conference on the disagreeing votes of the two branches; and that Representatives Lawn of Watertown, F. Moran of Lawrence and Kane of Shrewsbury had been appointed the committee on the part of the House.

Healthcare,-- market review.

**On motion of Ms. Friedman, the Senate insisted on its amendments and concurred in the appointment of a committee of conference; and Senators Friedman, Cronin and Tarr were appointed on the part of the Senate.**

**The bill was returned to the House endorsed accordingly.**

*Orders of the Day.*

The Orders of the Day were considered as follows:

Bills

Relative to the sale of all alcoholic beverages to be drunk on the premises in the town of Topsfield (Senate, No. 2859);

Second reading bills.

Authorizing the town of Provincetown to grant 2 additional licenses for the sale of all alcoholic beverages not to be drunk on the premises (Senate, No. 2860); and

Authorizing the town of Sandwich to grant additional licenses for the sale of alcoholic beverages to be drunk on the premises (Senate, No. 2861);

**Were severally read a second time and ordered to a third reading.**

The House Bill reorganizing the Lexington Housing Assistance Board, Inc (House, No. 3775),-- was read a third time.

Lexington Housing Assistance Board, Inc.

Pending the question on passing the bill to be engrossed, Ms. Friedman moved that the bill be amended by striking out all after the enacting clause and inserting in place thereof the

text of Senate documents numbered 2890.

**The amendment was adopted.**

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

**Sent to House for concurrence in the amendment.**

There being no objection, during consideration of the Orders of the Day, the following matters were considered:

PAPERS FROM THE HOUSE

*Engrossed Bills.*

The following engrossed bills (the first of which originated in the Senate), 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:

Designating a certain park in the city of Cambridge as Richard McKinnon park (see Senate, No. 469); and

Bills laid before the Governor.

Facilitating the appropriation and expenditure of community preservation funds for community housing purposes in the town of Wellesley (see House, No. 4042, amended).

*Orders of the Day.*

Ms. Creem in the Chair, the Orders of the Day were further considered as follows:

The House Bill relative to disability pensions and critical incident stress management for violent crimes (House, No. 4746),-- was read a second time.

Violent crimes,--  
disability pensions.

After remarks, pending the question on adoption of the amendment previously recommended by the committee on Senate Ways and Means striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 2887 and pending the main question on ordering the bill to a third reading, Messrs. Durant and O'Connor moved that the proposed new text be amended by adding the following section:-

3

“SECTION \_\_. Section 91A of Chapter 32 of the General Laws, as appearing in the 2020 Official Edition, is hereby amended by striking out the figure ‘\$15,000’, in line 27, and inserting in place thereof the following figure:- ‘\$25,000’.”

The amendment was *rejected*.

Messrs. O'Connor and Tarr moved that the proposed new text be amended in section 3 by inserting after the words “reserve police officer”, in line 61, the following words:- “or a corrections officer or correctional program officer”.

4

After remarks, the amendment was *rejected*.

The Ways and Means amendment was then adopted.

The bill, as amended, was then ordered to a third reading and read a third time.

The question on passing the bill to be engrossed was determined by a call of the yeas and nays at two minutes past two o'clock P.M., on motion of Ms. Friedman, as follows, to wit (yeas 40 – nays 0) [**Yeas and Nays No. 216**]:

**YEAS.**

Barrett, Michael J.  
Brady, Michael D.  
Brownsberger, William N.  
Collins, Nick  
Comerford, Joanne M.  
Creem, Cynthia Stone

Kennedy, Edward J.  
Kennedy, Robyn K.  
Lewis, Jason M.  
Lovely, Joan B.  
Mark, Paul W.  
Miranda, Liz

Crighton, Brendan P.  
Cronin, John J.  
Cyr, Julian  
DiDomenico, Sal N.  
Durant, Peter J.  
Edwards, Lydia  
Eldridge, James B.  
Fattman, Ryan C.  
Feeney, Paul R.  
Finegold, Barry R.  
Friedman, Cindy F.  
Gomez, Adam  
Jehlen, Patricia D.  
Keenan, John F.

Montigny, Mark C.  
Moore, Michael O.  
Moran, Susan L.  
O'Connor, Patrick M.  
Oliveira, Jacob R.  
Pacheco, Marc R.  
Payano, Pavel M.  
Rausch, Rebecca L.  
Rodrigues, Michael J.  
Rush, Michael F.  
Spilka, Karen E.  
Tarr, Bruce E.  
Timilty, Walter F.  
Velis, John C. – 40.

NAYS – 0.

**The yeas and nays having been completed at nine minutes past two o'clock P.M., the bill was passed to be engrossed, in concurrence, with the amendment. Sent to the House for concurrence in the amendment.**

The House Bill making appropriations for the fiscal year 2024 to provide for supplementing certain existing appropriations and for certain other activities and projects (House, No. 4799),-- was read a second time.

Supplemental appropriations.

After remarks, pending the question on adoption of the amendment previously recommended by the committee on Senate Ways and Means striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 2888 and pending the main question on ordering the bill to a third reading.

**There being no objection, the matter was temporarily laid aside.**

There being no objection, during consideration of the Orders of the Day, the following matters were considered:

PAPERS FROM THE HOUSE

*Committee of Conference Reports.*

A report of the committee of conference of the disagreeing votes of the two branches, with reference to the Senate amendments to the House Bill to provide for the future information technology needs of Massachusetts (House, No. 4648) (*amended by the Senate* by striking out all after the enacting clause and inserting in place thereof the text contained in Senate document numbered 2814),-- reported, a "Bill to provide for the future information technology needs of Massachusetts" (House, No. 4889) [Bond Authorization: \$1,256,989,000.00],--

Information technology.

came from the House, and was read.

**The rules were suspended, on motion of Ms. Comerford, and, after remarks, the report was accepted, in concurrence.**

A report of the committee of conference of the disagreeing votes of the two branches, with reference to the Senate amendments to the House Bill relative to salary range transparency (House, No. 4109) (*amended by the Senate* by striking out all after the enacting clause and inserting in place thereof the text contained in Senate document numbered 2484),-- reported, a "Bill relative to salary range transparency" (House, No. 4890),-- came

Salary range,-- transparency.

**UNCORRECTED PROOF.**

from the House, and was read.

The rules were suspended, on motion of Ms. Jehlen, and the report was considered forthwith.

After remarks, the question on acceptance of the report of the committee of conference was determined by a call of the yeas and nays, at three minutes past three o'clock P.M., on motion of Ms. Jehlen as follows, to wit (yeas 38 – nays 2) [Yeas and Nays No. 217]:

**YEAS.**

Barrett, Michael J.	Kennedy, Robyn K.
Brady, Michael D.	Lewis, Jason M.
Brownsberger, William N.	Lovely, Joan B.
Collins, Nick	Mark, Paul W.
Comerford, Joanne M.	Miranda, Liz
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.
Gomez, Adam	Spilka, Karen E.
Jehlen, Patricia D.	Tarr, Bruce E.
Keenan, John F.	Timilty, Walter F.
Kennedy, Edward J.	Velis, John C. – 38.

**NAYS.**

Durant, Peter J.	Fattman, Ryan C. – 2.
------------------	-----------------------

**The yeas and nays having been completed at twelve minutes past three o'clock P.M., the report was accepted, in concurrence.**

*Emergency Preamble Adopted.*

An engrossed Bill to provide for the future information technology needs of Massachusetts (see House, No. 4889), 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 10 to 0.

Information  
technology.

**The bill was signed by the Acting President (Ms. Creem) (having been appointed by the President, under authority conferred by Senate Rule 4, to perform the duties of the Chair) and sent to the House for enactment.**

*Engrossed Bill—Land Taking for Conservation Etc.*

An engrossed Bill authorizing the town of Milton to use certain land acquired for conservation purposes for school purposes (see Senate, No. 2840, amended) (which originated in the Senate), having been certified by the Senate Clerk to be rightly and truly prepared for final passage,-- was put upon its final passage; and, this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution, the question on passing it to be

Milton,-- land.



enacted was determined by a call of the yeas and nays, at eighteen minutes past three o'clock P.M., as follows, to wit (yeas 39 - nays 0) **[Yeas and Nays No. 218]:**

**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.  |
| Durant, Peter J.         | Oliveira, Jacob R.    |
| Edwards, Lydia           | Pacheco, Marc R.      |
| Eldridge, James B.       | Payano, Pavel M.      |
| Fattman, Ryan C.         | Rausch, Rebecca L.    |
| Feeney, Paul R.          | Rodrigues, Michael J. |
| Finegold, Barry R.       | Rush, Michael F.      |
| Friedman, Cindy F.       | 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 twenty-six minutes past three o'clock P.M., the bill was passed to be enacted, two-thirds of the members present having agreed to pass the same, and it was signed by the Acting President (Ms. Creem) and laid before the Governor for her approbation.**

*Orders of the Day.*

The Orders of the Day were further considered as follows:

The House Bill making appropriations for the fiscal year 2024 to provide for supplementing certain existing appropriations and for certain other activities and projects (House, No. 4799), - the main question being on ordering the bill to a third reading. Supplemental appropriations.

Mr. Barrett moved that the proposed new text be amended in section 2, by inserting after item 4000-1998 the following item:- 3

“xxxx-xxxx For a tree and invasive species inventory and management plan in the town of Chelmsford.....\$75,000”.

The amendment was *rejected*.

Mr. Barrett moved that the proposed new text be amended in section 2, by inserting after item 4000-1998 the following item:- 4

“xxxx-xxxx For the costs associated with celebrations of the United States’ semiquincentennial; provided, that funds shall be made available as grants to municipalities for public safety, transportation and logistical costs associated with the celebration of the anniversary; provided further, that not less than \$250,000 shall be expended for First Night Boston, Inc. in the city of Boston; provided further, that not less than \$6,000,000 shall be expended for capital improvements to the Edward A. LeLacheur Park at the University of Massachusetts Lowell; provided further, that not less than \$50,000 shall be expended for planning and operating costs associated with the 250th



anniversary celebrations in the town of Sudbury; provided further, that not less than \$325,000 shall be expended for the towns of Concord, Arlington, Lexington and Lincoln for planning and operating costs associated with the 250th anniversary celebrations; provided further, that not less than \$75,000 shall be expended for the Berkshire Historical Society for coordination of 250th anniversary celebrations throughout Berkshire county; provided further, that not less than \$100,000 shall be expended for the Revolution 250, Inc. for statewide programming, educational and outreach efforts; provided further, that not less than \$75,000 shall be expended for the city of Quincy for planning and operating costs associated with the 250th celebrations; and provided further, that not less than \$250,000 shall be expended for Sail Boston, Inc. for the Tall Ships 2026 celebrations.....\$26,500,000”.

The amendment was *rejected*.

Mr. Barrett moved that the proposed new text be amended by inserting the following section:- 7

“SECTION X. Item 5011-0100 of section 2 of chapter 126 of the acts of 2022 is hereby amended by inserting after the word ‘Hospital’ the following words:- “and such funds shall not revert but shall be available through June 30, 2025.”

The amendment was *rejected*.

Messrs. Mark, Oliveira and O'Connor moved that the proposed new text be amended by inserting at the end thereof the following section:- 10

“SECTION XXX. Chapter 23A of the General Laws, as appearing in the 2020 Official Edition, is hereby amended by inserting after section 10A the following section:-

Section 10A ½. The Massachusetts Office of Business Development shall establish the Massachusetts Food Tourism Task Force for purposes of identifying, evaluating, making recommendations, and implementing those recommendations as to the issues, benefits, and challenges to promoting and marketing consumer food, farm and agricultural goods produced in Massachusetts.

Membership of the task force shall include: the Director of the Massachusetts Office of Business Development (MOBD) or their designee, who shall serve as chair; the Secretary of the Executive Office of Economic Development (EOED) or their designee; the Massachusetts Department of Transportation (MassDOT) director of the Office of Real Estate and Asset Development; the Massachusetts Port Authority (Massport) Chief Development Officer or their designee; the Massachusetts Department of Higher Education (DHE); the Massachusetts Office of Travel and Tourism (MOTT) Special Projects Manager; and the Massachusetts Department of Agricultural Resources (MDAR) Director of Market Development and Food Systems Planning.

Duties and responsibilities of the task force shall include, but not be limited to, the following: identify state operated and state owned locations that may be suitable for marketing, promoting or selling consumer food, farm and agriculture goods produced in Massachusetts; provide information to businesses that produce consumer food, farm and agricultural goods in Massachusetts about state operated and state owned locations that these businesses may sell their goods; develop and maintain a public record of businesses or vendors of consumer food, farm and agriculture goods produced in Massachusetts; develop and implement a brand to identify consumer food, farm and agriculture goods produced in Massachusetts, for purposes of promoting and marketing said goods.

The Massachusetts office of business development may expend such funds as may be appropriated therefor, and may accept federal funds, or private gifts and grants to assist it in carrying out the purposes as set forth in this section.

The Massachusetts office of business development shall promulgate regulations necessary for the administration of this section.”

The amendment was *rejected*.

Mr. Kennedy moved that the proposed new text be amended by inserting after item 7007-1300 the following item:- 11

“4000-1998 not less than \$50,000 shall be expended to the Lowell Festival Foundation to defray the cost increases brought about by the conversion of the UMass Lowell Inn and Conference Center to emergency shelter use.....\$50,000”

The amendment was *rejected*.

Messrs. Timilty and O'Connor moved that the proposed new text be amended by inserting after section X the following section:- 24

“SECTION XX. Item 9110-1900 of section 2 of chapter 28 of the acts of 2023 is hereby amended by striking the figure ‘\$12,872,860’ and inserting in place thereof the following figure:- ‘\$17,372,860’.”

The amendment was *rejected*.

Mr. Timilty moved that the proposed new text be amended by inserting after section X the following section:- 25

“SECTION XX. Item 2000-0100 of section 2 of chapter 28 of the acts of 2023 is hereby amended by inserting after the words ‘the Fore river area located in the city known as the town of Braintree’ the following words:- ‘and such funds shall be made available until June 30, 2025’.”

The amendment was *rejected*.

Mr. Timilty moved that the proposed new text be amended in section 2 by adding the following line item:- 27

7008-1776 For the costs associated with the planning and operational costs of the tercentennial celebrations in the town of Easton.....\$75,000

The amendment was *rejected*.

Messrs. Cronin and O'Connor moved that the proposed new text be amended by inserting the following section:- 30

“SECTION XX. Not less than \$50,000 for the Massachusetts Business Alliance for Education to author the report of the findings and recommendations of the Commission to study the implementation of vocational education annexes in gateway municipalities pursuant to Section 200 of the Fiscal Year 2025 budget.”

The amendment was *rejected*.

Mr. Cronin moved that the proposed new text be amended by adding the following sections:- 40

“SECTION XY. Section 6 of chapter 23N of the General Laws, as so appearing, is hereby amended by striking out subsection (i) and inserting in place thereof the following subsection:-

(i) Applications for operator licenses are public records under section 10 of chapter 66; provided, however, that trade secrets, competitively sensitive information or other proprietary information provided in the course of an application to the commission under this chapter, the disclosure of which would place the applicant or licensee at a competitive disadvantage, shall be withheld from disclosure under said section 10 of said chapter 66.

SECTION XX. Section 11 of chapter 23N of the General Laws, as so appearing, is hereby amended by inserting the following new subsection:-

(l) An operator shall cooperate with the commission in sports wagering-related investigations. Each operator shall make readily available all documents, materials, equipment, personnel and any other items requested during an investigation; provided, however, that material that the operator considers a trade secret or detrimental to the operator if it were made public may, with the commission's approval, be protected from public disclosure and the operator may require nondisclosure agreements with the commission before disclosing such material.”

The amendment was *rejected*.

Mr. DiDomenico moved that the proposed new text be amended by inserting after item 8100-0102 the following item:- 42

“xxxx-xxxx For Just-A-Start Corporation's biomedical careers program in the city of Cambridge.....\$50,000.”

The amendment was *rejected*.

Messrs. Montigny, Tarr and O'Connor moved that the proposed new text be amended by adding the following section:- 43

“SECTION \_\_. Section 63 of chapter 277 of the General Laws, as so appearing, is hereby amended by inserting at the end thereof the following paragraph:-

Notwithstanding the first paragraph, a prosecution for a sex offense, as defined in section 178C of chapter 6, may be commenced at any time if forensic evidence, as defined in section 220 of chapter 111, has been collected and preserved, and if such forensic evidence can be subjected to DNA analysis, as defined in section 1 of chapter 22E, that can establish the identity of the defendant.”

The amendment was *rejected*.

Mr. Fattman moved that the proposed new text be amended by inserting after section X the following section:- 44

“SECTION X. The first paragraph of section 30 of chapter 23B of the General Laws, as amended by section 120 of chapter 7 of the acts of 2023, is hereby further amended by adding the following sentence:- Notwithstanding any general or special law, rule or regulation to the contrary, the emergency housing assistance program established herein shall be available only to residents of the commonwealth who have resided within the commonwealth for no less than three months, provided however that this provision shall not apply to a victim of domestic violence or a person whose living situation has been affected by a fire or other natural disaster that occurred in Massachusetts.

The department shall require applicants to provide proof of residency for a period of no less than three months. The department may require applicants to submit documentation including, but not limited to, federal and state-issued identification documents, mail, financial statements, and bills to meet the requirements of this section.

This section shall apply to applications submitted for the emergency housing assistance program on or after the effective date of this act.”

The amendment was *rejected*.

Mr. Fattman moved that the proposed new text be amended by inserting after section X the following section:- 45

“SECTION X. The first paragraph of section 30 of chapter 23B of the General Laws, as amended by section 120 of chapter 7 of the acts of 2023, is hereby further amended by adding the following sentence:- Notwithstanding any general or special law, rule or regulation to the contrary, the emergency housing assistance program established herein shall be available only to residents of the commonwealth who have resided within the commonwealth for no less than six months, provided however that this provision shall not apply to a victim of domestic violence or a person whose living situation has been affected by a fire or other natural disaster that occurred in Massachusetts.

The department shall require applicants to provide proof of residency for a period of no less than six months. The department may require applicants to submit documentation including, but not limited to, federal and state-issued identification documents, mail, financial statements, and bills to meet the requirements of this section.

This section shall apply to applications submitted for the emergency housing assistance program on or after the effective date of this act.”

The amendment was *rejected*.

Mr. Fattman moved that the proposed new text be amended by inserting after section 46

X the following section:-

“SECTION X. Section 30 of chapter 23B of the General Laws, as appearing in the 2022 Official Edition, is hereby amended in subclause (B) in the first sentence by inserting at the end thereof the following:- 'provided that said regulations shall prioritize eligibility for the program for (i) honorably discharged homeless veterans or any dependent(s) of said veteran, (ii) individuals or families displaced due to a sudden natural disaster, (iii) individuals or families displaced due to a displacing public safety event, (iv) individuals or families who are at an increased medical risk, (v) individuals or families who are at risk of being victims of domestic violence, or (vi) individuals or families who are victims of a no fault eviction'. On a biannual basis the executive office of housing and livable communities shall review the shelter priority criteria and adjust accordingly, so long as said individual or family has resided in the commonwealth for no less than 6 months.”

The amendment was *rejected*.

Mr. Fattman moved that the proposed new text be amended by inserting after section X the following section:-

47

“SECTION X. Notwithstanding any general or special law to the contrary, any persons, including persons residing under color of law and humanitarian paroles, who do not meet the requirements related to immigration status under chapter 18 of the General Laws, the federal Food and Nutrition Act of 2008, 7 U.S.C. § 2011 et seq., or regulations issued pursuant to the federal Food and Nutrition Act of 2008, who receive shelter services through the emergency housing assistance program of the commonwealth, shall not be eligible for Supplemental Nutrition Assistance Program benefits for more than 90 days.”

The amendment was *rejected*.

Mr. Fattman moved that the proposed new text be amended by inserting after section X the following section:-

48

“SECTION 1. Notwithstanding any general or special law to the contrary, an electronic benefit transfer transaction shall not be eligible for purchases from ammunitions dealers licensed pursuant to section 122B of chapter 140 of the General Laws.

SECTION 2. Section 1 shall go into effect on September 1, 2024.”

The amendment was *rejected*.

Mr. Fattman moved that the proposed new text be amended by inserting after section X the following section:-

49

“SECTION X. Section 23 of Chapter 88 of the Acts of 2024, is hereby amended by striking out paragraph (d) in its entirety and inserting in place thereof the following:- (d) The special commission shall file an interim report of its findings, including any recommendations, with the clerks of the senate and the house of representatives, the house and senate committees on ways and means, the joint committee on housing and the joint committee on children, families and persons with disabilities not later than December 1, 2024. The special commission shall file a final report of its findings for fiscal year 2026, including any recommendations, with the clerks of the senate and the house of representatives, the house and senate committees on ways and means, the joint committee on housing and the joint committee on children, families and persons with disabilities not later than March 15, 2025.”

The amendment was *rejected*.

Mr. Fattman moved that the proposed new text be amended by inserting after section X the following section:-

50

“SECTION X. Chapter 64 of the Acts of 2023 is hereby amended by inserting after section 2 the following subsection:-

(d) Notwithstanding any general or special law to the contrary, section 87A shall not apply to an individual committed to a state correctional facility, state prison, or county correctional facility who has been found guilty of any of the following crimes: rape, rape of

a child, first degree murder, second degree murder, attempted murder, sexual assault, assault and battery on second offense, assault and battery with dangerous weapon, arson, stalking, and armed robbery.”

The amendment was *rejected*.

Mr. Fattman moved that the proposed new text be amended by inserting after section X the following section:- 51

“SECTION X. Notwithstanding any general or special law to the contrary, a youthful offender, as defined by section 52 chapter 19 of the General Laws, who is charged with being an accessory to first or second degree murder, as defined by section 4 of chapter 274, may be tried as an adult.”

The amendment was *rejected*.

Mr. Fattman moved that the proposed new text be amended by inserting after section X the following sections:- 52

“SECTION X. Section 52E of said chapter 149, as so appearing, is hereby amended by inserting after the definition of “Abusive behavior” the following 2 definitions:-

‘Client employer’, a business entity that obtains or is provided workers to perform labor or services within its usual course of business from a third party, including, but not limited to, a staffing agency as defined in section 159C.

‘Contract worker’, an individual who performs services for a client employer but is not considered an employee under section 148B, including individuals who are contracted for work by client employers.

SECTION X. Said section 52E of said chapter 149, as so appearing, is hereby further amended by striking out, in line 36, the words ‘An employer shall permit an employee’ and inserting in place thereof the following words:- An employer or a client employer shall permit an employee or a contract worker.”

The amendment was *rejected*.

Mr. Fattman moved that the proposed new text be amended by inserting after section X the following section:- 53

“SECTION X. Chapter 156 of the acts of 2005 is hereby amended by striking out sections 1 through 4, and inserting in place thereof the following sections:-

‘SECTION 1. The commissioner of capital asset management and maintenance, in consultation with the department of conservation and recreation, shall, notwithstanding sections 40F, 40G, 40H and 40I of chapter 7C of the General Laws, convey by deed 2 parcels of land off of Maple Avenue in the town of Upton, presently under the care, custody and control of the department, to the Upton Development Group, Ltd., or its nominee. The parcels are shown on a plan of land entitled ‘Approval Not Required Plan of Land Maple Avenue, Hartford Avenue, Glen Avenue Upton, Massachusetts, Worcester County’ dated October 13, 2013, prepared by Geo/Network Land Survey, Inc.. The exact boundaries of the parcels shall be determined by the commissioner in consultation with the department.

SECTION 2. In consideration of the conveyance provided for in section 1, the division of capital asset management and maintenance shall receive from the recipient, conveyance of 2 parcels of land to be placed under the care, custody and control of the department of conservation and recreation, to be used for conservation purposes. The parcels are shown on a plan of land entitled ‘Approval Not Required Plan of Land Maple Avenue, Hartford Avenue, Glen Avenue Upton, Massachusetts, Worcester County’ dated October 13, 2013, prepared by Geo/Network Land Survey, Inc. The exact boundaries of the parcels shall be determined by the commissioner in consultation with the department and recipient.

SECTION 3. In further consideration of the conveyance provided for in section 1, the recipient shall donate \$25,000 to the department of conservation and recreation, as compensation and restitution for the trespass, encroachment and contamination related to the past disposal of solid and hazardous waste materials on the state parcels. At the time of

conveyance, compensation and restitution shall be paid and deposited in the Conservation Trust, established pursuant to chapter 132A, section 1 of the General Laws. The conveyance and payment of additional compensation shall satisfy the obligations of the Upton Fuels and Construction, Inc., and their stockholders to the commonwealth for the past activities identified above.

SECTION 4. There shall be an independent appraisal, or appraisals, of the parcels described in section 1 and section 2 to be conveyed by this act to determine their market values, or the values in use as proposed, based upon one or more professional appraisals as commissioned by the commissioner of the division of capital asset management and maintenance. The parcels described in section 2 were determined to be of three times greater value than the parcels to be conveyed by the commonwealth in section 1, the commonwealth shall not be obliged to pay such difference. The full and fair market value of all parcels were determined by an independent appraisal, prepared in accordance with the usual and customary professional appraisal practices, by a qualified appraiser commissioned and instructed by the commissioner to appraise the state parcels described in section 1 as if free of contamination and without the benefit of any permits, approvals or authorizations obtained by the recipient. The commissioner shall submit the appraisal or appraisals to the inspector general for review and comment as identified in this section at least 15 days before the execution of the conveyance.”

The amendment was *rejected*.

Mr. Fattman moved that the proposed new text be amended by inserting after section X the following section:-

54

“SECTION X. Notwithstanding any general or special law to the contrary, a municipality and its board of assessors may grant real and personal property tax abatement for beaver damage on personal property in the commonwealth.”

The amendment was *rejected*.

There being no objection, during consideration of the Orders of the Day, the following matters were considered:

PAPERS FROM THE HOUSE.

The Senate Bill relative to vacancies on the city of Lowell city council and school committee (Senate, No. 2878),-- came from the House passed to be engrossed, in concurrence *with an amendment*, in section 1, by striking out subsection (f) and inserting in place thereof the following subsection:-

Lowell,-- city council and school committee.

“(f) Except as provided for in this section, the nomination of candidates and the conduct of special elections held pursuant to this section shall be in accordance with all other provisions of the city charter and any general or special law. No preliminaries shall be held for special elections under this section.”

**The rules were suspended, on motion of Mr. Kennedy, and the House amendment was considered forthwith and adopted, in concurrence.**

*Engrossed Bill.*

An engrossed Bill relative to salary range transparency (see House, No. 4890) (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.*

The Orders of the Day were further considered as follows:



The House Bill making appropriations for the fiscal year 2024 to provide for supplementing certain existing appropriations and for certain other activities and projects (House, No. 4799),-- the main question being on ordering the bill to a third reading.

17

Messrs. Tarr and O'Connor moved that the proposed new text be amended by inserting after section \_\_\_\_ the following section:-

“SECTION \_\_\_\_ . The Foundation Budget Review Commission prescribed by Ch. 70, S. 4 of the General Laws shall convene not later than January 2, 2025, provided that, in addition to the review of the items identified in said section, the commission shall also consider the challenges presented for school districts with declining enrollment, the increased costs associated with social-emotional learning and mental health, the costs associated with special education, and the methodology employed to calculate required local contribution by municipalities, provided further that, in establishing the scope of its operations, the commission shall conduct no less than 3 public hearings in geographically diverse locations in the commonwealth, which shall accommodate remote electronic participation. The commission shall file a final report, including legislative recommendations, no later than September 30, 2025, with the clerks of the House and Senate, the House and Senate Committees on Ways and Means, the Joint Committee on Education, the Department of Elementary and Secondary Education, and the Executive Office of Education provided that the commission may file interim reports from time to time in the same manner.”

After remarks, the amendment was *rejected*.

18

Messrs. Tarr and O'Connor moved that the proposed new text be amended by inserting after section \_\_\_\_ the following section:-

“SECTION \_\_\_\_ . Section 25B of chapter 54 of the General Laws, as so appearing, is hereby amended by adding the following subsection:-

(r) The commonwealth shall reimburse each city and town an amount sufficient to defray the mandated costs imposed on the city or town under this section; provided, however, that annually not later than September 15, the state auditor shall determine and deliver to the state secretary a statement of the incremental costs attributed to this section and costs incurred by each city and town in the previous fiscal year; and provided further, that this amount shall be limited to statutorily obligated expenses and shall not include incidental and subordinate local administration expenses as determined by the state auditor.”

After remarks, the amendment was *rejected*.

20

Messrs. Tarr and O'Connor moved that the proposed new text be amended by inserting after section \_\_\_\_ the following sections:-

“SECTION \_\_\_\_ . Chapter 268 of the General Laws is hereby amended by inserting after section 13E the following section:-

Section 13F. Whoever unlawfully and with intent removes, destroys, damages or interferes with the proper functioning of a geolocation monitoring device or other mechanism intended to facilitate recognizance or compliance with conditions of pretrial release, probation or parole shall be punished by imprisonment in a house of correction for not more than 2 and one-half years; provided, however, that a second and subsequent offense shall be punished by imprisonment in the state prison for not more than 5 years or imprisonment in a house of correction for not more than 2 and one-half years. In any proceeding under section 57 to 58B, inclusive, of chapter 276, the fact of a person's prior conviction pursuant to this section shall be prima facie evidence that there is no financial condition or other condition of release that will reasonably assure the presence of the person so convicted.

SECTION \_\_\_\_ . Section 58A of chapter 276 of the General Laws, as appearing in the 2020 Official Edition, is hereby amended by inserting after the word ‘or’, in line 8, the following words:- a sex offense involving a child as defined in section 178C of chapter 6, or a violation of sections 13, 13½, 13B, 13B½, 13B¾, 13F, 13M, 15D, 18B, 22, 22A, 22B, 22C, 23A,



23B, 24, 25, 26B, 26C, 37, 43A, 50 or 51 of chapter 265, or a violation of section 23 of chapter 265; provided, however, that this clause shall not apply when the person charged pursuant to said section 23 of said chapter 265 is under 16 years of age or is within 2 years of the age of the alleged victim.

SECTION \_\_. Said chapter 276 is hereby further amended by inserting after section 58B the following section:-

Section 58C. No person who has attained the age of 18 years and who has been charged with any act that would constitute abuse, as defined in section 1 of chapter 209A, or a violation of sections 13M or 15D of chapter 265 or any offense enumerated in subsection 1 of section 58A that involves an identified victim shall be admitted to bail before all reasonable efforts are made to notify the alleged victim of the person's imminent release; provided, however, that the person charged shall not be held more than 6 hours in order to permit prior notice to the alleged victim.

When a person so charged is to be released from the custody of a police department, such notice shall be provided by the police department. When a person so charged is to be released from a courthouse, such notice shall be provided by the commonwealth. When a person so charged is to be released from a jail or correctional facility, such notice shall be provided by the superintendent or a designee. The person or agency responsible for providing notice shall undertake to provide notice promptly."

After remarks, the amendment was *rejected*.

There being no objection, during consideration of the Orders of the Day, the following matters were considered:

*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 Jacob R. Oliveira, Lindsay N. Sabadosa, Patricia A. Duffy and Daniel R. Carey for legislation to establish the Historic Connecticut River Water Trail Marking Trust Fund.

Historic  
Connecticut River  
Water Trail.  
SD3320

**Senate Rule 36 was suspended, on motion of Ms. Friedman, and the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Environment and Natural Resources.**

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 Ryan C. Fattman for legislation to provide for the disposition of certain property in the town of Upton.

Upton,-- disposition  
of certain property.  
SD3308

**Senate Rule 36 was suspended, on motion of Ms. Friedman, and the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on State Administration and Regulatory Oversight. Severally sent to the House for concurrence.**

*Orders of the Day.*

The Orders of the Day were further considered as follows:

The House Bill making appropriations for the fiscal year 2024 to provide for supplementing certain existing appropriations and for certain other activities and projects (House, No. 4799),- the main question being on ordering the bill to a third reading.

Supplemental  
appropriations.

Messrs. Tarr and O'Connor moved that the proposed new text be amended by inserting after section \_\_ the following sections:-

12

"SECTION X. Subsection (a)(1) of section 4 of chapter 62 is hereby amended by striking '8.5' and inserting in place thereof the following:- '7.3'

SECTION XX. Subsection (a)(1) of section 4 of chapter 62 is hereby amended by

striking '7.3' and inserting in place thereof the following:- '6.1'

SECTION XXX. Subsection (a)(1) of section 4 of chapter 62 is hereby amended by striking '6.1' and inserting in place thereof the following:- '5'

SECTION XXXX. SECTION X shall go into effect on January 1, 2025

SECTION XXXXX. SECTION XX shall go into effect on January 1, 2026

SECTION XXXXXX. SECTION XXX shall go into effect on January 1, 2027.”

The amendment was *rejected*.

Mr. Tarr moved that the proposed new text be amended by inserting after section \_\_\_\_ the following section:-

16

“SECTION X. The department of elementary and secondary education, in consultation with at least 1 public institution of higher education, shall study and report on the delivery of special education and services for students with disabilities pursuant to chapter 71B of the General Laws and all applicable federal laws, including, but not limited to, the Individuals with Disabilities Educational Act of 1990 and section 504 of the Rehabilitation Act of 1973. The report shall include: (i) best practices and national standards for the delivery of education and services for students with disabilities; (ii) social and societal factors that impact students diagnosed with a disability pursuant to section 3 of said chapter 71B; and (iii) a comprehensive evaluation of existing and potential models for providing education and services for students with disabilities in-district and out-of-district settings and the associated costs and benefits including, but not limited to, personnel, transportation, housing, specialized services and supports and assistive technologies.

The department shall submit a report with recommendations, including any legislative or regulatory changes that may be necessary. The report shall be submitted to the clerks of the house of representatives and the senate, the joint committee on education and the house and senate committees on ways and means not later than May 1, 2025.”

The amendment was *rejected*.

Mr. Tarr moved that the proposed new text be amended by inserting after section \_ the following section:-

19

“SECTION \_. There shall be a Merrimack River Collaborative to serve as a coordinating entity for efforts associated with the health of the Merrimack River in order to monitor, improve, and restore water quality. The Commission shall employ methods and strategies to advance the following goals:

(i) Convene and maintain a working group associated with addressing water quality in the Merrimack River

(ii) Improve public education and access to information regarding Merrimack River water quality

(iii) Advance the standardization and availability of water quality monitoring data along the river

(iv) Advance knowledge and monitoring efforts of known and emerging pollutants

(v) Identify and support legislation and priority implementation projects to improve water quality

(vi) Connect MRC members and associated communities with grant and other funding opportunities aligned with MRC goals

The Merrimack Valley Planning Commission shall be charged with managing and overseeing the Collaborative in collaboration with the Merrimack River Watershed Council and the Northern Middlesex Council of Governments. The Collaborative shall consist of members or designees that may include, but will not be limited to, representation from the following: Federal and State legislative offices, Municipal Mayors, Town Managers, and Town Administrators as well as their Boards of Health and Conservation Commissions representing communities along the Merrimack River, State entities including the Department of Environmental Protection, Department of Public Health, and the Massbays

National Estuary Partnership, Non-Governmental Organizations including the Alliance of Climate and Environmental Stewards, Groundwork Lawrence, and Lowell Parks and Conservation Trust, and local Universities including University of Massachusetts Lowell and Northern Essex Community College. The Commission shall solicit membership from analogous organizations with similar missions along the New Hampshire component of the Merrimack River.

Appointments to the Collaborative shall be made not later than 30 days after the effective date of this act. Each proposed member organization shall be approved by the designated convening bodies. Following approval, the chief executive officer of each member organization shall appoint themselves or a representative to serve as a member of the Collaborative. Members shall not receive compensation for their services associated with Merrimack River Collaborative.

The Collaborative may select and contract with independent consultants to assist with leading and managing public hearings, collecting, and analyzing data and information, completing yearly reports, and any other activities to achieve the goals of the Collaborative.

The Collaborative may conduct a series of public hearings to receive testimony and collect data. The hearings shall be held in geographic locations bordering the Merrimack River.

The Collaborative shall produce an annual report. This report shall address accomplishments to date, outline forthcoming efforts as related to the Collaborative’s overarching goals, and make recommendations regarding appropriate measures to ensure the present and future health of the Merrimack River. The Collaborative shall submit an annual report documenting its accomplishments and forthcoming efforts no later than December 15th of each year, beginning on December 15th, 2025.

This report, together with any proposed legislation, shall be submitted to the clerks of the Senate and House of Representatives. The first meeting of the Collaborative shall be no later than May 1st, 2025.

The amendment was *rejected*.

Mr. Tarr moved that the proposed new text be amended by inserting after section \_\_\_ the following section:- 22

“SECTION XX. Notwithstanding any general or special laws to the contrary, a person who is not lawfully present in the United States shall not be eligible for a community college program to provide an approved certificate or associate degree offered by a community college segment under section 5 of chapter 15A; where said program has waived tuition and mandatory fees no person who is not lawfully present in the United States shall not be eligible; further no person who is not lawfully present in the United States shall not be eligible for in-state tuition at any public college or university.”

The amendment was *rejected*.

Mr. Tarr moved that the proposed new text be amended by striking section 52 in its entirety; and by striking section 53 in its entirety. 23

The amendment was *rejected*.

Mr. Tarr moved that the proposed new text be amended by inserting after section \_\_\_ the following sections:- 32

“SECTION X. Chapter 29 of the General Laws, as appearing in the 2022 Official Edition, is hereby amended by inserting after section 2DDDDDD the following section:

Section 2EEEEEE. There shall be established and set up on the books of the commonwealth a separate, non-budgeted special revenue fund known as Office of the Inspector General Recovery Fund, which shall be administered by the office of the inspector general. The fund shall be credited with any monies payable to the inspector general from civil recoveries, settlement funds, or recoupment of administrative and investigatory costs and may earn and be credited interest.

Amounts credited to the fund shall be expended, without further appropriation, for the office of the inspector general's operational, administrative and investigatory purposes.

The unexpended balance in the fund at the end of a fiscal year shall remain available for expenditure in subsequent fiscal years. No expenditure made from the fund shall cause the fund to be in deficit at any point.

SECTION XX. Notwithstanding any general or special law to the contrary, all funds currently in the Commonwealth of Massachusetts, Inspector General Expendable Trust shall be transferred by the Comptroller to the Office of the Inspector General Recovery Fund, established under section 2EEEEEE of chapter 29 of the General Fund not later than 90 days from the effective date of this act."

The amendment was *rejected*.

Messrs. Tarr and O'Connor moved that the proposed new text be amended by striking section 12 in its entirety.

38

The amendment was *rejected*.

Ms. Friedman and Messrs. Payano and Tarr moved that the proposed new text be amended by adding the following sections:-

41

"SECTION X. Section 9B of chapter 118E of the General Laws, as appearing in the 2020 Official Edition, is hereby amended by adding the following paragraph:-

All MassHealth managed care organizations and accountable care organizations shall reimburse pharmacies at the rate contained in the MassHealth Pharmacy Provider Manual. The commissioner of insurance and the secretary of health and human services shall promulgate regulations to enforce the provisions of this section.

SECTION X. Section 1 of chapter 175 of the General Laws, as appearing in the 2020 Official Edition, is hereby amended by striking the definition of 'Emergency services programs' and replacing it with the following definition:-

'Emergency services programs', community-based organizations providing emergency psychiatric services, including, but not limited to, behavioral health crisis assessment, intervention and stabilization services 24 hours per day, 7 days per week, through: (i) mobile crisis intervention services for youth; (ii) mobile crisis intervention services for adults; (iii) emergency service provider community-based locations; (iv) emergency departments of acute care hospitals or satellite emergency facilities; (v) youth community crisis stabilization services; (vi) adult community crisis stabilization services; and (vii) MassHealth-designated community behavioral health centers, including outpatient behavioral health bundled services delivered by these centers.

SECTION X. Said chapter 175 of the General Laws is hereby further amended by striking section 47RR, as so appearing, and inserting in place thereof the following section:-

Section 47RR. An individual policy of accident and sickness insurance issued under section 108 that provides hospital expense and surgical expense insurance or a group blanket or general policy of accident and sickness insurance issued under section 110 that provides hospital expense and surgical expense insurance that is issued or renewed within or without the commonwealth shall provide benefits on a nondiscriminatory basis for medically necessary emergency services programs. Services delivered by emergency services programs shall be deemed medically necessary and shall not require prior authorization. Services delivered by emergency service programs shall be covered with no patient cost-sharing; provided, however, that cost-sharing shall be required if the applicable plan is governed by the Federal Internal Revenue Code and would lose its tax-exempt status as a result of the prohibition on cost-sharing for this service.

An individual policy of accident and sickness insurance issued pursuant to section 108 that provides hospital expense and surgical expense insurance or a group blanket or general policy of accident and sickness insurance issued pursuant to section 110 that provides hospital expense and surgical expense insurance that is issued or renewed within or without

the commonwealth shall provide coverage for emergency services programs delivered by MassHealth-designated community behavioral health centers. Reimbursement for outpatient services delivered by emergency services programs through MassHealth-designated community behavioral health centers shall be structured as a bundled rate per encounter at a rate not less than the corresponding bundled encounter rate paid by MassHealth.

SECTION X. Said chapter 175 of the General Laws, as so appearing, is hereby further amended by inserting after section 47UU the following sections:

Section 47VV. (a) For the purposes of this section, the following terms shall have the following meanings unless the context clearly requires otherwise:

‘Federally Qualified Health Center’, any entity receiving a grant under 42 U.S.C. 254B.

‘Federally Qualified Health Center Services’, as such term is defined in 42 U.S.C. 1396d(a)(2)(C), and as further defined in 101 CMR 304.00.

(b) Notwithstanding any general or special law to the contrary, any entity licensed by the division of health insurance and providing reimbursement to federally qualified health centers for services provided to patients shall ensure that payment for any federally qualified health center services provided to a patient, including, but not limited to, behavioral health services, telehealth services, primary care services, and dental services, as defined in 101 CMR 304.00, shall be reimbursed in an amount at least equivalent on annual basis to the annual aggregate revenue that the health center would have received if reimbursed by MassHealth pursuant to methodology that conforms with 42 U.S.C. § 1396a(bb) and 1396b(m)(2)(A)(ix) as they appear in Title 42 of the United States Code as of January 1, 2023.

(c) Notwithstanding any general or special law to the contrary, any entity licensed by the division of health insurance and providing reimbursement to federally qualified health centers for services provided to patients, including, but not limited to, non-profit hospital service corporations, medical service corporations, dental service corporations, health maintenance organizations, and preferred provider organizations, or any other entity not specifically enumerated hereunder licensed by the division of health insurance and providing reimbursement to federally qualified health centers for services provided to patients, shall: (1) ensure that payment for any federally qualified health center services provided to a patient shall be reimbursed in an amount on an annual basis at least equivalent to the annual aggregate revenue that the health center would have received if reimbursed by MassHealth pursuant to methodology that conforms with 42 U.S.C. § 1396a(bb) and 1396b(m)(2)(A)(ix) as they appear in Title 42 of the United States Code as of January 1, 2023; and (2) submit an annual report to the division of health insurance as a condition of their licensure evidencing that the total reimbursement to federally qualified health centers for services provided to patients in the prior year was equivalent to the annual aggregate revenue the health center would have received if reimbursed by MassHealth.

(d) A policy, contract, agreement, plan or certificate of insurance issued, delivered or renewed within or without the commonwealth shall not be required to reimburse a health care provider not contracted under the plan except as described in subclause (i) of clause (4) of subsection (a) of section 6 of chapter 176O.

(e) The division of health insurance shall consult with MassHealth to receive technical assistance regarding the per visit payment rate for each individual federally qualified health center for a given year. MassHealth shall provide the division of health insurance with a proxy rate for any federally qualified health center who has not received an individual prospective payment system rate and the division of health insurance shall make available to health plans upon request the necessary prospective payment system rate information regarding their contracted federally qualified health centers such that the health plan can ensure compliance with this requirement.



Section 47WW. (a) For the purposes of this section, the following terms shall have the following meanings unless the context clearly requires otherwise:

‘Behavioral Health Urgent Care Provider’, a Mental Health Center designated as a Behavioral Health Urgent Care Provider, as set forth in 130 CMR 429.000.

‘Behavioral Health Urgent Care Provider Services’, shall include, but not be limited to: (i) diagnostic psychiatric evaluations; (ii) individual, group, couple, and family therapy; (iii) psychotherapy for crisis; (iv) case consultation; (v) family consultation; and (vi) evaluation and management medication visits as set forth in 101 CMR 306.000 and 103 CMR 429.000.

(b) Notwithstanding any general or special law to the contrary, a carrier licensed by the division of insurance, directly or through any entity that manages or administers mental health or substance use disorder benefits for the carrier, shall ensure that payment for any services provided by a Behavioral Health Urgent Care Provider include a rate add-on of at least 15 per cent over a negotiated fee schedule consistent with the MassHealth Behavioral Health Urgent Care Provider methodology, provided that a carrier shall not lower a negotiated fee schedule to comply with this section. For purposes of this section, a carrier shall pay a rate add-on of at least 15 per cent for all Behavioral Health Urgent Care Provider Services delivered by a Behavioral Health Urgent Care Provider regardless of whether the presenting reason for care is determined to be an urgent behavioral health need.”

After remarks, the amendment was adopted.

Mr. Rodrigues moved that the proposed new text be amended in section 2A, in item 4000-1998, by striking out, in lines 85 to 88, inclusive, the words “provided further, that each payment made to an eligible community health center shall be allocated in direct proportion to each eligible community health center’s average monthly Medicaid payments, as determined by the secretary, for the preceding year or the most recent year for which data is available” and inserting in place thereof the following words:- “provided further, that payments to eligible community health centers shall be allocated as determined by the secretary in consultation with the Massachusetts League of Community Health Centers, Inc.”;

13

In said section 2A, in said item 4000-1998, by striking out, in line 88, the words “enhanced Medicaid”;

In said section 2A, in said item 4000-1998, by striking out, in line 91, the word “Medicaid”;

By inserting after section 31 the following section:-

“SECTION 31A. Item 0521-0002 of section 2 of chapter 28 of the acts of 2023 is hereby amended by adding the following words:-; provided, that any remaining funds in this item shall be made available until December 31, 2024”;

By inserting after section 38 the following 2 sections:-

“SECTION 38A. Item 9700-0000 of said section 2 of said chapter 28 is hereby amended by adding the following words:- ; provided, that not less than \$50,000 shall be expended to facilitate the work of the special commission to study poverty in the commonwealth established in chapter 74 of the acts of 2021 and such funds shall be made available until June 30, 2025”.

SECTION 38B. Said item 9700-0000 of said section 2 of said chapter 28 is hereby further amended by striking out the figure ‘\$10,724,567’ and inserting in place thereof the following figure:- \$10,774,567”;

In section 23, by striking out, in line 330, the words “June 15” and inserting in place thereof the following words:- “August 30”;

In section 36, by inserting after the word “Nantucket”, in line 384, the following words:- and such funds shall be made available until June 30, 2025.

The amendment was adopted.

**UNCORRECTED PROOF.**

The Ways and Means amendment, as amended, was then adopted.

The bill, as amended, was then ordered to a third reading and read a third time.

The question on passing the bill to be engrossed was determined by a call of the yeas and nays at nine minutes past four o'clock P.M., on motion of Mr. Rodrigues, as follows, to wit (yeas 38 – nays 1) [**Yeas and Nays No. 219**]:

**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.
Durant, Peter J.	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.
Gomez, Adam	Tarr, Bruce E.
Jehlen, Patricia D.	Timilty, Walter F.
Keenan, John F.	Velis, John C. – <b>38.</b>

**NAYS.**

Fattman, Ryan C. – **1.**

**The yeas and nays having been completed at sixteen minutes past four o'clock P.M., the bill was passed to be engrossed, in concurrence, with the amendment [For text of Senate amendment, printed as amended, see Senate, No. 2891].**

**Sent to the House for concurrence in the amendment.**

PAPERS FROM THE HOUSE

*Engrossed Bill—State Loan.*

An engrossed Bill to provide for the future information technology needs of Massachusetts (see House No. 4889) (which originated in the House), having been certified by the Senate Clerk to be rightly and truly prepared for final passage, was put upon its final passage; and, this being a bill providing for the borrowing of money, in accordance with the provisions of Section 3 of Article LXII of the Amendments to the Constitution, the question on passing it to be enacted was determined by a call of the yeas and nays, at seventeen minutes past four o'clock P.M., as follows to wit (yeas 39 - nays 0) [**Yeas and Nays No. 220**]:

Information  
technology.

**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  
Crighton, Brendan P.  
Cronin, John J.  
Cyr, Julian  
DiDomenico, Sal N.  
Durant, Peter J.  
Edwards, Lydia  
Eldridge, James B.  
Fattman, Ryan C.  
Feeney, Paul R.  
Finegold, Barry R.  
Friedman, Cindy F.  
Gomez, Adam  
Jehlen, Patricia D.  
Keenan, John F.

Miranda, Liz  
Montigny, Mark C.  
Moore, Michael O.  
Moran, Susan L.  
O'Connor, Patrick M.  
Oliveira, Jacob R.  
Pacheco, Marc R.  
Payano, Pavel M.  
Rausch, Rebecca L.  
Rodrigues, Michael J.  
Rush, Michael F.  
Tarr, Bruce E.  
Timilty, Walter F.  
Velis, John C. – 39.

NAYS – 0.

**The yeas and nays having been completed at twenty-three minutes past four o'clock P.M., the bill was passed to be enacted, two-thirds of the members present having agreed to pass the same, and it was signed by the Acting President (Ms. Creem) and laid before the Governor for her approbation.**

*Engrossed Bill.*

An engrossed Bill relative to vacancies on the city of Lowell city council and school committee (see Senate, No. 2878, 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.

*Order Adopted.*

On motion of Ms. Rausch:--

*Ordered,* That when the Senate adjourns today, it adjourns to meet again tomorrow, at eleven o'clock A.M., in a full formal session with a calendar.

Time of meeting.

On motion of Mr. Brady, at twenty-six minutes past four o'clock P.M., the Senate adjourned to meet again tomorrow at eleven o'clock A.M.