
The Commonwealth of Massachusetts

JOURNAL OF THE SENATE.



THURSDAY, NOVEMBER 14, 2024

[100]

JOURNAL OF THE SENATE

Thursday, November 14, 2024.

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

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

Pledge of allegiance.

Distinguished Guests.

There being no objection, the President handed the gavel to Mr. Timilty for the purpose of an introduction. Mr. Timilty then introduced, in the Chamber, Senator-Elect Billy Driscoll of Milton. Senator-Elect Driscoll was accompanied by his two children, Will and Robbie. The Senate welcomed them with applause and they withdrew from the Chamber.

Senator-Elect Billy Driscoll.

Communications.

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

Communication from the Honorable Karen E. Spilka, President of the Senate, announcing the appointment of Michael Fabbri (pursuant to Section 50 of Chapter 135 of the Acts of 2024) to the Firearm Control Advisory Board (received November 13, 2024); and

Firearm Control Advisory Board,-- appt. SD3527

Communication from the Honorable Michael O. Moore, in compliance with Massachusetts General Laws Chapter 268A (received November 14, 2024).

Senator Michael O. Moore,-- Chapter 268A.

Report.

Report of the Massachusetts Gaming Commission (pursuant to Section 20 of Chapter 23N of the General Laws) submitting its studies on the feasibility of allowing retail locations to operate sports wagering kiosks and on the participation by minority, women and veteran business enterprises in the sports wagering industry (copies having been forwarded to the Senate Chair of the Committee on Ways and Means, the Senate Chair of the Joint Committee on Consumer Protection and Professional Licensure and the Senate Chair of the Joint Committee on Economic Development and Emerging Technologies) (received November 14, 2024),-- was placed on file

MGC,-- sports wagering studies. SD3528

Committee Discharged.

Mr. Cyr, for the committee on Public Health, reported, asking to be discharged from further consideration of the petition (accompanied by bill, Senate, No. 2979) of Michael F. Rush for legislation to protect Norwood healthcare access,-- and recommending that the same be referred to the committee on Health Care Financing.

Norwood,-- healthcare services.

Under Senate Rule 36, the report was considered forthwith and accepted. Sent to the House for concurrence.

PAPERS FROM THE HOUSE.

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

Petition (accompanied by bill, House, No. 5101) of Andres X. Vargas (with the

Haverhill,-- Brittany

approval of the mayor and city council) for legislation to authorize Brittany Sproule to take the civil service examination for the position of firefighter in the city of Haverhill, notwithstanding the maximum age requirement;

Sproule.

Petition (accompanied by bill, House, No. 5102) of Andres X. Vargas (with the approval of the mayor and city council) for legislation to authorize Javier Vargas to take the civil service examination for the position of firefighter in the city of Haverhill, notwithstanding the maximum age requirement; and

Haverhill,-- Javier Vargas.

Petition (accompanied by bill, House, No. 5103) of Andres X. Vargas (with the approval of the mayor and city council) for legislation to authorize Stephen Justice to take the civil service examination for the position of firefighter in the city of Haverhill, notwithstanding the maximum age requirement;

Haverhill,-- Stephen Justice.

Severally to the committee on Public Service.

Bills

Authorizing raising the maximum retirement age of special police officers in the city of Methuen to 70 years old (House, No. 4895, amended,-- on House, No. 4510) [Local approval received on House, No. 4510];

Methuen,-- police officers retirement age.

Authorizing Brian Dacey to take the civil service examination for the position of police officer in the city of Haverhill notwithstanding the maximum age requirement (House, No. 4950, amended,-- on petition) [Local approval received]; and

Haverhill,-- Brian Dacey.

Authorizing Dante Perella to take the civil service examination for the position of police officer in the city of Haverhill notwithstanding the maximum age requirement (House, No. 4951,-- on petition) [Local approval received];

Haverhill,-- Dante Perella.

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

Resolutions.

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

Resolutions (filed by Ms. Comerford, Messrs. Barrett, Brownsberger and Collins, Ms. Creem, Messrs. Crighton, Cyr, DiDomenico, Eldridge, Fattman, Feeney and Finegold, Ms. Friedman, Mr. Gomez, Ms. Jehlen, Messrs. Keenan and Kennedy, Ms. Kennedy, Mr. Lewis, Ms. Lovely, Mr. Mark, Ms. Miranda, Messrs. Montigny and Moore, Ms. Moran, Messrs. O'Connor, Oliveira and Pacheco, Ms. Rausch, and Messrs. Rush, Tarr, Timilty and Velis) "commending the Pancreatic Cancer Action Network and the American Cancer Society Cancer Action Network on its recognition of the twenty first of November 2024 as Pancreatic Cancer Awareness Day"; and

Pancreatic Cancer Action Network and American Cancer Society Cancer Action Network.

Resolutions (filed by Ms. Lovely) "congratulating Thomas Furey on receiving the Paul Harris Fellow Award from the Rotary Club of Salem."

Thomas Furey.

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 John C. Velis for legislation to establish a sick leave bank for Jerome Malcovsky, an employee of the department of transportation.

Jerome Malcovsky,-
- sick leave.
SD3413

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

Sent to the House for concurrence.

By Mr. Brady, for the committee on Public Service, on petition, a Bill establishing a sick leave bank for Jonathan Turner, an employee of the Norfolk County sheriff's office (Senate, No. 2981);

Jonathan Turner,--
sick leave.

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

Moment of Silence.

At the request of the Chair (Mr. Timilty), the members, guests and staff stood in a moment of silence and reflection to the memory of Dr. Thomas Kenney.

Moment of silence.

Recess.

There being no objection, at four minutes before twelve o'clock noon, the Chair (Mr. Brownsberger) declared a recess for the purposes of attending the Joint Session of the Two Houses.

Recess.

At twelve o'clock noon, the two Houses met in

JOINT SESSION

and were called to order by the Honorable William N. Brownsberger.

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

Pledge of
allegiance.

Mr. Brady moved that the convention of the two branches be dissolved.

Mr. Tarr objected to adjourning convention of the two branches and asked for a call of the yeas and nays, and an insufficient number of members joining him in this request, the yeas and nays were NOT ordered.

Subsequently, without action on the matters duly and constitutionally assigned for consideration, at one minute past twelve o'clock noon, the convention of the two branches was dissolved; and the Senate withdrew from the Joint Session, under the escort of the Sergeant-at-Arms.

At eight minutes past twelve o'clock noon, the Senate reassembled, Mr. Brownsberger in the Chair.

Matter Taken Out of the Orders of the Day.

Ms. Creem in the Chair, there being no objection, the following matter was taken out of the Orders of the Day and considered as follows:

The House Bill establishing a sick leave bank for Cherylann Collaro-Surette, an employee of the Massachusetts Department of Transportation (House, No. 5057),-- **was read a third time and passed to be engrossed, in concurrence.**

Cherylann Collaro-
Surette,-- sick
leave.

Recess.

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

Recess.

PAPERS FROM THE HOUSE

Committee of Conference Report.

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 strengthening Massachusetts' economic leadership (House, No. 4804) (*amended by the Senate* by striking out all after the enacting clause and inserting in place thereof the text contained in Senate document numbered 2869),-- reported, in part, a "Bill relative to strengthening Massachusetts' economic leadership" [General Obligation Bonds: \$3,958,517,000] (House, No. 5100),-- came from the House, and was read.

Economic development.

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

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:

Promoting a clean energy grid, advancing equity and protecting ratepayers (see Senate, No. 2967);

Bills laid before the Governor.

Amending the charter of the city of Greenfield (see House, No. 3725, changed and amended);

Increasing the membership of the board of sewer commissioners in the town of Northfield from 3 to 5 members (see House, No. 4404, amended);

Authorizing certain employment contracts for the town of Milford (see House, No. 4779); and

Authorizing the town of Warwick to continue the employment of David A. Shoemaker as police chief (see House, No. 4908).

Emergency Preamble Adopted.

An engrossed Bill relative to strengthening Massachusetts' economic leadership (see House, No. 5100), 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 8 to 0.

Economic Development.

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

Moment of Silence.

At the request of the Chair (Mr. Brownsberger), the members, guests and staff stood in a moment of silence and reflection to the memory of former Representative Gloria L. Fox.

Moment of silence.

PAPER FROM THE HOUSE

Engrossed Bill - Land Taking for Conservation, Etc.— State Loan.

The President in the Chair, an engrossed Bill relative to strengthening Massachusetts' economic leadership (see House, No. 5100) (which originated in the House), having been certified by the Senate Clerk to be rightly and truly prepared for final passage; and, this being a bill providing for the taking of land and other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution; and,

Economic Development.

UNCORRECTED PROOF.

this being a bill that provided for the borrowing of money, in accordance with the provisions of Section 3 of Article LXII of the Amendments to the Constitution,-- **was laid before the Senate.**

Mr. Tarr moved to suspend Senate Rule 49, to offer amendments to the engrossed bill.

After debate, the question on suspension of Senate Rule 49 was determined by a call of the yeas and nays, at twenty-nine minutes past four o'clock P.M., on motion of Mr. Tarr, as follows, to wit (yeas 4 - nays 34) [**Yeas and Nays No. 251**]:

YEAS.

Durant, Peter J.
Fattman, Ryan C.

O'Connor, Patrick M.
Tarr, Bruce E. - 4.

NAYS.

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

Keenan, John F.
Kennedy, Edward J.
Kennedy, Robyn K.
Lovely, Joan B.
Miranda, Liz
Montigny, Mark C.
Moore, Michael O.
Moran, Susan L.
Oliveira, Jacob R.
Pacheco, Marc R.
Payano, Pavel
Rausch, Rebecca L.
Rodrigues, Michael J.
Rush, Michael F.
Spilka, Karen E.
Timilty, Walter F.
Velis, John C. - 34.

ABSENT OR NOT VOTING.

Lewis, Jason M.

Mark, Paul W. - 2.

The yeas and nays having been completed at twenty-two minutes before five o'clock P.M., the motion to suspend Senate Rule 49 was negatived.

The question on passing the bill to be enacted was determined by a call of the yeas and nays, at twenty minutes before five o'clock P.M., as follows, to wit (yeas 39 — nays 1) [**Yeas and Nays No. 252**]:

YEAS.

Barrett, Michael J.
Brady, Michael D.
Brownsberger, William N.
Collins, Nick
Comerford, Joanne M.
Creem, Cynthia Stone
Crighton, Brendan P.
Cronin, John J.
Cyr, Julian
DiDomenico, Sal N.
Durant, Peter J.
Edwards, Lydia

Kennedy, Robyn K.
Lewis, Jason M.
Lovely, Joan B.
Mark, Paul W.
Miranda, Liz
Montigny, Mark C.
Moore, Michael O.
Moran, Susan L.
O'Connor, Patrick M.
Oliveira, Jacob R.
Pacheco, Marc R.
Payano, Pavel

UNCORRECTED PROOF.

Eldridge, James B.
Feeney, Paul R.
Finegold, Barry R.
Friedman, Cindy F.
Gomez, Adam
Jehlen, Patricia D.
Keenan, John F.
Kennedy, Edward J.

Rausch, Rebecca L.
Rodrigues, Michael J.
Rush, Michael F.
Spilka, Karen E.
Tarr, Bruce E.
Timilty, Walter F.
Velis, John C. – 39.

NAYS.

Fattman, Ryan C. – 1.

The yeas and nays having been completed at twelve minutes before five 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 President and laid before the Governor for her approbation.

Order Adopted.

Mr. Brownsberger in the Chair, on motion of Mr. Tarr,--

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

Time of meeting.

Adjournment in Memory Dr. Thomas Joseph Kenney, Sr.

The Senator from Norfolk, Plymouth and Bristol, Mr. Timilty, moved that when the Senate adjourns today, it does so in memory of Dr. Thomas Joseph Kenney, Sr. of Milton who passed away at his home on October 20, 2024. He was 87 years old.

Tom was born on October 6, 1937, the oldest child of four to the late Thomas and Mary Kenney of Mattapan. Tom's father, a Boston police officer with whom he shared a very close bond, passed away when Tom was 12. This was the seminal moment in Tom's life that forced him to build the grit and strong work ethic that shaped the man he would become. As he would say many years later, "you wouldn't have given much of chance in life to a poor kid from Mattapan on welfare with no father..." But with the loving support of Mary, his family and the steady guidance from the Jesuit community, who recognized his intellect and his potential, Tom bootstrapped his way through school and built a life and career that was fulfilling, incredibly successful and touched countless lives.

Tom would graduate from Boston College High School in 1955 and later Boston College in 1959, before pursuing his passion in medicine. He attended Georgetown University School of Medicine, where he graduated Cum Laude in 1963, and was a member of the Alpha Omega Alpha Honor Society. He completed his internship in internal medicine at the UNC School of Medicine in Chapel Hill, followed by residency in internal medicine at Georgetown University School of Medicine and Boston City Hospital in 1965. Tom then served as a Captain in the United States Air Force during the Vietnam War. He would later complete his fellowship in gastroenterology at Duke University School of Medicine in 1970.

Thereafter, Tom began his private medical practice on the south shore specializing in gastroenterology, a pioneering achievement which was the first of its kind. In the early years, he traveled from office to office with his suitcase and scopes, never missing a day of work, working tirelessly to establish himself and make ends meet with eight children at home. As he burnished his reputation as an outstanding practitioner, he expanded his practice to include Carney Hospital, where he would later become the Chief of Gastroenterology, a board member, and earn the Vincentian Award for medical excellence.

He also served South Shore Hospital and Milton Hospital, where he practiced for more than 40 years and was honored for his exemplary service. He was a visionary in the field of gastrointestinal medicine and was among the first to introduce gastrointestinal endoscopy to the region and built the first dedicated endoscopy center on the south shore of Massachusetts.

Skilled and compassionate, Tom became one of the most respected physicians in his field. Treating and caring for thousands of patients and saving lives, he helped generations of patients doing what he loved to do. He loved his nurses. He loved his patients. He loved his staff. Tom had time for everyone. Tom made each and every person feel like they mattered to him, because they did. Despite his status and his achievements, he never lost sight of who he was and where he came from. When scheduling patients, he'd remind his nurses not to tell him whether or not the patient could pay or had insurance; he insisted that he would see anyone who needed help, regardless of their means. It was this empathy that so characterized who he was.

Tom is survived by his extraordinary wife of 63 years, Mary Kenney, and their eight children: Dr. Thomas Kenney, Jr. and his wife Rebecca, Kathleen Shea and her husband Danny, Erin Donahoe and her husband Kevin, Patrick Kenney and his wife Anacristina, Dr. Christopher Kenney and his wife Danielle, all of Milton, Matthew Kenney and his wife Katie of Hingham, Andrew Kenney and his wife Shannon of Hermosa Beach, CA, and Courtney Kenney and Sean Irving of Milton.

Tom was also a loving grandfather to 27 grandchildren, all of whom he adored. Tom is survived by his three siblings, Jack Kenney of Las Vegas, NV, Patricia Nyhan of Naples, FL, and Paul Kenney of Norwood, MA.

Tom's remarkable life was filled with love, adventure, and tremendous achievement. He was a distinguished physician, a devoted husband, and a beloved father and grandfather. To know him was to truly love him. He filled every room he entered with life, laughter, and song. His Irish wit, storytelling, and joyful sense of humor brought great happiness to his family and friends. He loved to talk to anyone about any subject imaginable (other than hockey) with complete confidence and expertise.

Over the years, as Tom raised a family with Mary, he built lifelong relationships with their many dear friends from the Milton community, with whom they spent cherished years together at Wollaston Golf Club, St. Elizabeth's Parish, and traveling the world.

Tom was a loyal friend and a kind man who believed in the importance of decency, honesty and integrity. His simple explanation for most everything he did in his life was, in his words, "because it was the right thing to do." Drawing on his Catholic upbringing, he understood the importance of being a good person, and helping those around him, particularly those sick and those less fortunate. It was this compassion and his enduring belief in helping others that made him an irreplaceable role model for his family and also a pillar of the medical community.

In retirement, Tom spent his time with Mary and their family and friends. He always kept up with his medical journals and research, because there was nothing, he enjoyed more than being a doctor. He loved learning and he always wanted to be informed. He loved to work in his yard, his gardening added touches of beauty everywhere you looked. He joined the church choir, an amazing tenor, singing like he used to for his father at local bars when he was young. He lit up every holiday with his voice and sang beautifully until his very last days. He became an artist, and his beautiful paintings adorned the walls of his and his children's homes, bringing color and warmth to every room, just as he had.

As a man of strong faith, and an active member of St. Elizabeth's Parish in Milton, Tom and Mary always looked for ways to help others through charitable giving throughout their lives. In addition to their work with the Catholic Charities, Tom and Mary endowed B.C. High School, Boston College, and Georgetown with scholarships to enable "talented

young men and women to benefit from a Jesuit education regardless of their family's financial circumstances," which continue a legacy of giving at these schools that meant so much to him.

Adjournment in Memory of Former Representative Gloria L. Fox.

The Senator from Suffolk, Ms. Miranda moved that when the Senate adjourns today, it does so in memory of former Representative Gloria L. Fox.

The life of Gloria L. Fox is a testament to the power of resilience, advocacy, and heart-driven leadership. A Boston native who dedicated over three decades to serving the people of Roxbury and the Commonwealth, Gloria passed away at the age of 82, leaving an enduring legacy of service, activism, and love for her community.

Elected to the Massachusetts House of Representatives in 1985, Gloria became the longest-serving woman in the State House by the time she retired in 2016. For more than 30 years, she represented the 7th Suffolk district, making history as one of the few women of color to hold such a position at the time. Her pioneering presence on Beacon Hill paved the way for future generations of Black women in politics, and her influence will continue to echo through the streets of Roxbury and beyond. Gloria's path was one of firsts, but it was also one of enduring commitment to justice, community, and the belief that leadership should come from the heart.

Raised in foster care and later settling in the Whittier Street public housing development in Roxbury, Gloria's journey into public service was shaped by her own struggles and triumphs.

Her experiences with displacement, poverty, and systemic inequality fueled her fierce advocacy for those who faced similar challenges. As a young, single mother, she became deeply involved in local community organizing, first joining efforts to fight the proposed construction of Interstate 95, which threatened to devastate Roxbury's vibrant, close-knit community. Her work in these early years forged a lifelong dedication to the preservation of her neighborhood's history, culture, and people. Her grassroots activism was central to blocking the highway project in the 1970s, a victory that protected hundreds of families from displacement.

Throughout her legislative career, Gloria's leadership was rooted in her belief that public service was about more than just policy—it was about people. Her commitment to her district was unwavering, and she championed a broad range of issues that focused on empowering communities, especially those of low income and people of color. She fought tirelessly for programs that supported children, families, and youth, including expanding access to childcare, early education, and health care. She was also a staunch advocate for affordable housing, civil rights, and the preservation of the cultural identity of Roxbury, a community that had long been home to a rich, diverse African American heritage.

Gloria's legacy is not just one of policies passed or battles won, but of the hearts and minds she touched through her example. She led with compassion, and her personal understanding of the struggles faced by her constituents informed every decision she made. As one of the first Black women to hold office in the State House, she never lost sight of the importance of representation, and she worked tirelessly to ensure that all voices, especially those of marginalized communities, were heard.

Her mentorship and advocacy for future generations were also central to her work. Gloria understood the importance of paving the way for others to follow, and she was deeply committed to encouraging and uplifting young leaders. She often spoke of how essential it

was to lead with heart—an approach that emphasized compassion, collaboration, and a fierce commitment to justice over partisan politics. She often noted that the most effective leaders are those who never forget where they come from, and who lead not for the sake of power, but for the greater good of the people they serve.

Gloria’s legacy will continue to reverberate through the streets of Roxbury, where her work helped preserve the community’s spirit and sense of identity in the face of gentrification and urban redevelopment. Her fight for equity, her defense of the local culture, and her vision for an inclusive future will live on in the very fabric of the neighborhood. The challenges she fought against—economic disparity, displacement, and the erosion of community ties—remain ever-present, but her example of heart-centered activism serves as a guide for all who continue the work she started.

As a mother, mentor, and public servant, Gloria Fox showed us that leadership is not about titles or accolades—it is about making a difference in the lives of others and leaving a lasting impact on the community you serve. Her love for Roxbury, her dedication to justice, and her tireless advocacy for those who had no voice will continue to inspire future generations of leaders, especially young women and women of color who now have a pathway to follow thanks to her groundbreaking work.

Gloria’s passing is a great loss, but her legacy is one that will endure. Her contributions to the State House, to the city of Boston, and to the people of Roxbury will continue to inspire change long into the future. Rest in peace, Representative Gloria L. Fox. Your heart-driven leadership, your commitment to justice, and your unwavering love for your community will never be forgotten.

Accordingly, as a mark of respect to the memory of Dr. Thomas Joseph Kenney, Sr. and former Representative Gloria L. Fox., at eleven minutes before five o’clock P.M., on motion of Ms. Miranda, the Senate adjourned to meet again on Monday next at eleven o’clock A.M.