

The Commonwealth of Massachusetts

JOURNAL OF THE SENATE.



MONDAY, JANUARY 6, 2025.

[4]

JOURNAL OF THE SENATE.

Monday, January 6, 2025.

Met at six minutes past eleven o'clock A.M. (Mr. Collins in the Chair).

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

Pledge of allegiance.

Communications.

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

Communication from the Honorable Diana DiZoglio, Auditor of the Commonwealth (pursuant to Section 12 of Chapter 11 of the General Laws) relative to a performance audit of the General Court (received January 3, 2025); and

Auditor,-- performance audit. SD18

Communication from the Honorable Joan B. Lovely, Chair of the Temporary Senate Committee on Rules, announcing the following appointments to the Subcommittee on chapter 250 of the acts of 2024:

Temporary Rules Subcommittee,-- appts.

- Senator William N. Brownsberger
Senator Joanne M. Comerford
Senator Paul R. Feeney

Reports.

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

Report of the Department of Elementary and Secondary Education (pursuant to line item 7061-9650 of Section 2 of Chapter 28 of the Acts of 2023) submitting its Supporting Healthy Alliances Reinforcing Education (SHARE) 2024 report (copies having been forwarded to the Senate President, the Chair of the Senate Committee on Ways and Means and the Senate Chair of the Joint Committee on Education) (received January 2, 2025);

DESE,-- SHARE FY24 report. SD1

Report of the Department of Elementary and Secondary Education (pursuant to line item 7061-0028 of Section of Chapter 28 of the Acts of 2023) submitting its Social Emotional Learning Grant: FY24 report Universal Mental Health Screening Pilot (copies having been forwarded to the Chair of the Senate Committee on Ways and Means and the Senate Chairs of the Joint Committee on Education, and the Joint Committee on Mental Health, Substance Use and Recovery (received January 2, 2025);

DESE,-- Mental Health Screening Pilot FY24 report. SD2

Report of the Department of Elementary and Secondary Education (pursuant to line item 7061-0028 of Chapter 126 of the Acts of 2022) submitting Social Emotional Learning Grant: FY23 report on Universal Mental Health Screening Pilot (copies having been forwarded to the Chair of the Senate Committee on Ways and Means and the Senate Chairs of the Joint Committee on Education, and the Joint Committee on Mental Health, Substance Use and Recovery (received January 2, 2025);

DESE,-- Mental Health Screening Pilot FY23 report. SD3

Report of the Division of Insurance (pursuant to Section 8M(d) of Chapter 26 of the General Laws) submitting its Mental Health Parity Summary 2022 report

DOI,-- Mental Health Parity Summary 2022 report.

UNCORRECTED PROOF.

(copies having been forwarded to the Senate Chairs of the Joint Committee on Health Care Financing and the Joint Committee on Mental Health, Substance Use, and Recovery) (received January 2, 2025);

SD4

Report of the Division of Insurance (pursuant to Section 8M(d) of Chapter 26 of the General Laws) (copies having been forwarded to the Senate Chairs of the Joint Committee on Health Care Financing and the Joint Committee on Mental Health, Substance Use, and Recovery) submitting its Mental Health Parity Summary 2023 report (received January 2, 2025);

DOI,-- Mental Health Parity Summary 2023 report
SD5

Report of the Executive Office of Energy and Environmental Affairs (pursuant to Section 120Q of Chapter 25 of the General Laws) submitting its Department of Public Utilities Energy Facilities Siting Board Trust Fund FY 2024 report (a copy having been forwarded to the Chair of the Senate Committee on Ways and Means) (received January 2, 2025);

DPU 2024 EFSB Trust Fund report.
SD6

Report of the Executive Office of Energy and Environmental Affairs (pursuant to Section 12R of Chapter 25 of the General Laws) submitting its Department of Public Utilities Unified Carrier Registration Trust Fund 2024 report (a copy having been forwarded to the Chair of the Senate Committee on Ways and Means) (received January 2, 2025);

EOEEA,-- UCR trust fund 2024 report.
SD7

Report of the Executive Office of Energy and Environmental Affairs (pursuant to Section 5 of Chapter 23 of the General Laws) submitting its Massachusetts Clean Energy Technology Center's ("MassCEC") fiscal year 2024 annual report (copies having been forwarded to the Chair of the Senate Committee on Ways and Means and the Senate Chairs of the Joint Committee on Economic Development and Emerging Technologies, the Joint Committee on Environment, Natural Resources and the Joint Committee on Telecommunications, Utilities and Energy (received January 2, 2025);

MassCEC,-- financial 24 FY24 report.
SD8

Report of the Executive Office of Energy and Environmental Affairs (pursuant to Section 86 of Chapter 179 of the Acts of 2022) submitting its Massachusetts Clean Energy Center Electric Vehicle Projection 2024 report (received January 2, 2025);

EOEEA,-- MassCEC EV 2024 report.
SD9

Report of the Executive Office of Energy and Environmental Affairs (pursuant to Section 9 of Chapter 149 of the Acts of 2014) submitting its Department of Public Utilities Gas Leaks 2024 report (copies having been forwarded to the Senate Chair of the Joint Committee on Telecommunications, Utilities and Energy) (a copy will be forwarded to the Senate Chair of the Joint Committee on Public Safety and Homeland Security) (received January 2, 2025);

EOEEA,-- DPU Gas Leaks 2024 report.
SD10

Report of the Executive Office of Energy and Environmental Affairs (pursuant to Section 2LLLLL of Chapter 29 of the General Laws) submitting its Department of Energy Resources Low-Income Services Solar Program 2024 report (a copy having been forwarded to the Senate Chair of the Joint Committee on Telecommunications, Utilities and Energy) (received January 2, 2025);

EOEEA,-- Low Income Solar Program 2024 report.
SD11

Report of the Executive Office of Public Safety and Security (pursuant to Section 223 of Chapter 69 of the Acts of 2018) submitting its Panel on Justice-Involved Women 2024 annual report (received January 3, 2025);

EOPSS,-- JIWP 2024 annual report.
SD12

Report of the Executive Office of Public Safety and Security (pursuant to Section 2 and Section 4(b) of Chapter 258 of the General Laws) submitting its Certification for Victims of Violent Crime and Human Trafficking FY23 report (a copy having been forwarded to the Senate Chair of the Joint Committee on the Judiciary) (received January 3, 2025);

EOPSS,-- Violent Crime and Human Trafficking FY2023 report.
SD13

Report of the Department of Elementary and Secondary Education (pursuant to line item 7061-9607 of Section 2 of the Chapter 126 of the Acts of 2022) submitting its Recovery High Schools FY23 report (a copy having been forwarded to the Chair

EOPSS,-- Violent Crime and Human Trafficking FY2023

of the Senate Committee on Ways and Means) (received January 3, 2025);

Report of the Department of Elementary and Secondary Education (pursuant to line item 7061-9607 of Section 2 of Chapter 28 of the Acts 2023) submitting its Recovery High Schools FY24 report (a copy having been forwarded to the Chair of the Senate Committee on Ways and Means) (received January 3, 2025); and

Report of the Executive Office of Public Safety and Security (pursuant to Section 221 of Chapter 6 of the General Laws) submitting its Fiscal Year 2024 Hate Crimes Task Force annual report (copies having been forwarded to the Chair of the Senate Committee on Ways and Means and the Senate Chair of the Joint Committee on the Judiciary) (a copy will be forwarded to the Senate Chair of the Joint Committee on Public Safety and Homeland Security) (received January 3, 2025).

Remarks of Senator Ryan C. Fattman.

I rise to pose a question to my colleagues in the legislature, the governor, all the executive branch of government, to our judiciary - especially the judiciary - and to all agencies across the state:

What are we waiting for?

What are we waiting for?

Are we waiting for someone to be murdered, for someone to die, for a family to be deprived of life?

I don't believe this is the outcome that anyone wants, but when you see headlines in news reports - my god -

In Middlesex Superior Court, where a 38-year-old Guatemalan national who was in the country illegally but was released by a Middlesex Superior Court judge after being arraigned on charges of aggravated rape of a child with force and attempted rape of a child by force.

Another case involved another non-citizen from Guatemala who was convicted in Gloucester District Court for indecent assault and battery on a child under 14 and assault and battery.

Rape of a minor in Plymouth that occurred in a state shelter

Or the most recently the headline of a Dominican immigrant staying in the Chelsea shelter with \$1 million of drugs and an AR-15, which Most of my colleagues here describe as weapons of war.

So what are we waiting for? And how are we allowing these dangerous individuals to come into our Commonwealth?

For over a year, I've stood here and questioned the finances or the budget for our only in the nations right to shelter law - it is a question of government competence and whether or not due to the policies that have played out right before our eyes, that we can keep people safe?

The hypocrisy is unreal, and it goes to the highest levels of our government.

You do not as Attorney General get to celebrate the Lunn decision by the SJC calling it a victory being a party to the Case, and then as Governor get to say oh you know, we want to work with federal law enforcement for dangerous people, when you've done nothing to change the law, but you helped create , and barriers to entry are placed all around federal law enforcement officials.

For example, this is a trial court policy that was promulgated to court officials and judges:

“Requests by DHS officials for information regarding an individual or an individual’s case, whether made in a civil immigration detainer or made directly to court personnel, shall be treated by court employees in the same manner as would a

report.
SD14
DESE,-- Recovery
High Schools FY24
report.
SD15

EOPSS,-- Hate
Crimes Task Force
FY24 report.
SD20

Remarks of Senator
Ryan C. Fattman.

request for information from any other member of the public.”

The excuse - another barrier - put up by the trial court is we don't honor our civil detainees, we only honor criminal detainees. And here lies the sick, twisted mentality :

There's no such thing. There's no such thing as a criminal detainee issued by federal immigration authorities. A civil detainee is a criminal detainee, unless you want to argue the rape is a civil crime.

Is rape not enough?

Trafficking \$1 million worth of drugs not enough

Is possession of weapons of war not enough?

The SJC's Lunn decision essentially determined that Massachusetts law provides no authority for Massachusetts court officers to arrest and hold an individual solely on the basis of a Federal civil immigration detainee, beyond the time that the individual would otherwise be entitled to be released from State custody.

And since 2017, we have done nothing. Nothing to change the standard nothing to change this law. Some of us have tried, present company included. And I am telling you today we are going to continue to work to try even California - a state we point to all the time as a paragon of truth and possibility - has a law on its books that allows for Ice detainees to be honored. We do not.

Are we waiting for someone to die? For the benefit of our communities and families, this must end. My answer is no.

On motion of Mr. Durant, pursuant to the provisions of Senate Rule 6A, the above remarks were printed in the Journal of the Senate.

Ordered printed.

Order Adopted.

On motion of Ms. Spilka,--

Ordered, that, notwithstanding Senate Rule 12 or any other rule to the contrary, until such time as a permanent committee is appointed, there shall be a temporary committee on rules to consist of 9 members, 2 of whom shall be appointed by the minority leader; and

Temporary Rules Committee.

Be it further ordered that, there shall be a subcommittee of the temporary committee on rules chaired by the vice chair and to consist of members of the temporary committee appointed by the chair. The subcommittee shall receive and respond as appropriate to any matters referred to it by the Senate in relation to chapter 250 of the acts of 2024 (Senate, No. 5).

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

Communications.

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

Communication from the Honorable Karen E. Spilka, President of the Senate, announcing that, effective today, the following Senators have been appointed to serve as members of the following temporary committee:

Temporary committee. SD17

Temporary committees: on Rules:

Senator Joan B. Lovely, Chair

Senator Cindy F. Friedman, Vice Chair

Senator William N. Brownsberger

Senator Joanne M. Comerford

UNCORRECTED PROOF.

Senator Paul R. Feeney
Senator Robyn K. Kennedy
Senator Pavel Payano

Communication from the Honorable Bruce E. Tarr, Senate Minority Leader,
announcing the following appointments:

Minority Party
appointments.
SD31

Temporary committees: on Rules:

Senator Bruce E. Tarr
Senator Ryan C. Fattman

Taken from the Files.

The communication from the Honorable Diana DiZoglio, Auditor of the
Commonwealth (pursuant to Section 12 of Chapter 11 of the General Laws) relative
to a performance audit of the General Court,-- was taken from the files.

Auditor,--
performance audit.
SD18

**On motion of Mr. Driscoll, the matter was referred to the Subcommittee
on chapter 250 of the acts of 2024.**

Order Adopted.

On motion of Mr. Driscoll,--

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

Time of meeting.

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