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**The Commonwealth of Massachusetts**

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**JOURNAL OF THE HOUSE.**



**MONDAY, JULY 31, 2023.**

[67]\*

# JOURNAL OF THE HOUSE.

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Monday, July 31, 2023.

Met according to adjournment at eleven o'clock A.M., in an Informal Session, with Mr. Donato of Medford in the Chair (having been appointed by the Speaker, under authority conferred by Rule 5, to perform the duties of the Chair).

At the request of the Chair (Mr. Donato), the members, guests and employees joined with him in reciting the pledge of allegiance to the flag.

Pledge of  
allegiance.

## *Silent Tributes.*

During the session the Chair (Ms. Hogan of Stow) declared a brief recess; and, at the request of Representatives Walsh of Peabody and Kerans of Danvers, the members, guests and employees stood in a moment of silent tribute in respect to the memory of Officer Henry Breckenridge, a member of the Peabody Police Department since 2016.

Henry  
Breckenridge.

Well-respected and highly regarded by his fellow officers, Officer Breckenridge was a marvelous ambassador for the Peabody Police Department. His love of community was evident in his volunteerism and active participation with Peabody's children.

Officer Breckenridge enjoyed reading to students at the West Elementary School, volunteering for the Special Olympics, coaching baseball and football at the high school level, and interacting with children and their pets while on patrol. The heartwarming stories being shared from across our city for Officer Breckenridge is an acknowledgment of his impact on the Peabody community.

Epitomizing what it means to protect and serve, Officer Breckenridge played an exemplary role model for aspiring youth.

Officer Breckenridge passed away, at forty years old, on July 19th from complications from surgery.

During the session the Chair (Ms. Hogan of Stow) declared a brief recess; and, at the request of Representatives Ramos of Springfield and Saunders of Belchertown, the members, guests and employees stood in a moment of silent tribute in respect to the memory of Rudolph J. Chmura, a longtime resident of Springfield and Wilbraham then Nashua, New Hampshire, who passed away peacefully surrounded by his family on Friday, June 30, 2023. He was 91 years old. Rudy, as he was best known by all who loved him, was born on March 21, 1932, in Indian Orchard, MA, the son of John Chmura and Apolonia (Maziarz) Chmura.

Rudolph  
Chmura.

Rudy's childhood was spent working at the family bakery and farm with his brothers where he learned a strong work ethic that would accompany him throughout his lifetime. He graduated from Technical High School in 1949.

He joined the Army and was stationed in Korea during the Korean War.

Rudy was a co-owner of Chmura's Bakery until 1988. In addition, Rudy was elected to the Massachusetts House of Representatives in 1969 and served seven consecutive terms. Rudy further served on several House committees, appointed by

Speaker Thomas McGee, including as House Chair of the joint committee on Post Audit and Oversight from 1979-1981.

During the session the Chair (Ms. Hogan of Stow) declared a recess; and, at the request of Representative Decker of Cambridge, the members, guests and employees stood in a moment of silent tribute in respect to the memory of former Representative Saundra Graham, a lifelong Cambridge resident and public servant, who died on June 23 at the age of 81. Representative Graham served in the Legislature from 1977 to 1988, inclusive, and was the first Black woman elected to the Cambridge City Council and the third Black woman to be elected to the Legislature.

Saundra  
Graham.

As a founding member of the small but mighty Legislative Black Caucus in the 1970s and 1980s, Representative Graham always raised her voice to share her perspective and issues facing Black constituents across the Commonwealth. Among the highlights of her tenure in the Legislature, she successfully advocated for more Black judges, secured more federal and state funds for investments in African American communities, and called on the Governor and Attorney General to provide extra personnel to help solve a series of murders of Black women in Boston in 1979.

Saundra Graham was brave, bold, spoke truth to justice, and was profoundly ahead of the times as an elected official.

*Distinguished Guest.*

During the Session, the Speaker declared a brief recess, and introduced the Honorable Joseph Jama Ole Lenku, Governor of Kajiado County in Kenya. He was the guest of Mr. Mom of Lowell.

Governor  
Joseph Jama  
Ole Lenku.

*Resolutions.*

The following resolutions (filed with the Clerk) were referred, under Rule 85, to the committee on Rules:

Resolutions (filed by Representatives Haddad of Somerset, Fiola of Fall River, Howitt of Seekonk, Silvia of Fall River and Schmid of Westport) commending the one hundredth anniversary of WSAR; and

WSAR  
radio station.

Resolutions (filed by Representatives Vieira of Falmouth and Fernandes of Falmouth) recognizing the one hundredth anniversary of the Falmouth Commodores;

Falmouth  
Commodores.

Mr. Galvin of Canton, for the committee on Rules, reported, in each instance, that the resolutions ought to be adopted. Under suspension of the rules, in each instance, on motion of Mr. Robertson of Tewksbury, the resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted.

*Additional Petitions.*

The following additional petitions (having been deposited in the office of the Clerk of the House, previously to five o'clock in the afternoon on Friday, January 20, 2023) were referred, under Rule 24 and Joint Rule 13, as follows:

By Representative Connolly of Cambridge, a petition (accompanied by bill, House, No. 4029) of Mike Connolly relative to the estate tax. To the committee on Revenue.

Estate  
tax.

By Representative Sabadosa of Northampton, a petition (accompanied by bill, House, No. 4030) of Lindsay N. Sabadosa relative to public comments and open meeting law. To the committee on State Administration and Regulatory Oversight.  
Severally sent to the Senate for concurrence.

Open meeting law.

*Petitions.*

Petitions severally were presented and referred as follows:

By Representative Kearney of Scituate, a petition (accompanied by bill, House, No. 4025) of Patrick Joseph Kearney and Josh S. Cutler (by vote of the town) that the town of Marshfield be authorized to grant three additional liquor licenses for the sale of all alcoholic beverages not to be drunk on the premises and three additional licenses for alcoholic beverages to be drunk on the premises in said town. To the committee on Consumer Protection and Professional Licensure.

Marshfield,— liquor licenses.

By Representative Garballey of Arlington and Senator Friedman, a joint petition (accompanied by bill, House, No. 4026) of Sean Garballey, Cindy F. Friedman and David M. Rogers (by vote of the town) for legislation to amend the town manager act for the town of Arlington relative to the appointment of the town manager; and

Arlington,— town manager.

By the same members, a joint petition (accompanied by bill, House, No. 4027) of Sean Garballey, Cindy F. Friedman and David M. Rogers (by vote of the town) for legislation to allow print free digital legal notices for the town of Arlington.

Arlington,— digital legal notices.

Severally to the committee on Municipalities and Regional Government.

By Representative Garballey of Arlington and Senator Friedman, a joint petition (accompanied by bill, House, No. 4028) of Sean Garballey, Cindy F. Friedman and David M. Rogers (by vote of the town) that the town of Arlington be exempt from certain provisions of the civil service law relative to the recruitment and hiring of full time permanent police officers. To the committee on Public Service.

Arlington,— police officers.

Severally sent to the Senate for concurrence.

Petitions severally were presented and referred as follows:

By Representative Garballey of Arlington and Senator Friedman, a joint petition (subject to Joint Rule 12) of Sean Garballey, Cindy F. Friedman and David M. Rogers for legislation to repeal the prohibition of the Massachusetts Bay Transportation Authority from locating a facility within a certain distance of the Arlington Catholic High School.

Arlington,— MBTA facility prohibition.

By Representative Owens of Watertown, a petition (subject to Joint Rule 12) of Steven Owens and others (with the approval of the city council) that the city of Cambridge be authorized to install automated road safety camera systems as a means of promoting traffic safety in said city.

Cambridge,— traffic cameras.

Severally, under Rule 24, to the committee on Rules.

*Papers from the Senate.*

**Bills**

To provide identification to youth and adults experiencing homelessness (Senate, No. 2251) (on a petition); and

Homelessness,— identification.

Relative to gender identity on Massachusetts identification (Senate, No. 2429) (on Senate bill No. 2425);

Identification,— gender identity.

Severally passed to be engrossed by the Senate, were read; and they were referred, under Rule 33, to the committee on Ways and Means.

*Reports of Committees.*

By Mr. Galvin of Canton, for the committee on Rules and the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the following petitions:

Petition (accompanied by bill) of Carmine Lawrence Gentile and others for legislation to establish coordinated management guidelines for public forest lands. To the committee on Environment and Natural Resources.

Public forests,—  
management.

Petition (accompanied by bill) of Michael S. Day and Michelle L. Ciccolo that the Massachusetts Bay Transportation Authority shall convey to the town of Winchester certain land in said town for the purpose of facilitating a transit-oriented development including affordable housing; and

Winchester,—  
MBTA land.

Petition (accompanied by bill) of David T. Vieira for legislation to designate a certain bridge on state Route 28 in the town of Falmouth as the Kevin P. Quinn memorial bridge;

Falmouth,—  
Quinn  
bridge.

Severally to the committee on Transportation.

Under suspension of the rules, on motion of Mr. Robertson of Tewksbury, the reports were considered forthwith. Joint Rule 12 then was suspended, in each instance. Severally sent to the Senate for concurrence.

By Mr. Honan of Boston, for the committee on Steering, Policy and Scheduling, that the following House bills be scheduled for consideration by the House:

To amend the charter of the town of Middleborough (House, No. 2092) [Local Approval Received];

Middleborough,—  
charter.

Relative to the home rule charter of the city of Beverly (House, No. 3747) [Local Approval Received];

Beverly,—  
charter.

Relative to [sic] Yarmouth tourism funding change (House, No. 3796) [Local Approval Received];

Yarmouth,—  
tourism fund.

Amending the membership of the housing commission in the town of Lincoln (House, No. 3827) [Local Approval Received]; and

Lincoln,—  
commission.

Authorizing Cynthia Falzone to purchase creditable service from the Norfolk County Retirement Board (House, No. 3979);

Cynthia  
Falzone.

Under suspension of Rule 7A, in each instance, on motion of Mr. Robertson of Tewksbury, the bills severally were read a second time forthwith; and they were ordered to a third reading.

By Mr. Schmid of Westport, for the committee on Agriculture, on Senate, No. 41 and House, No. 87, a Bill promoting equity in agriculture (House, No. 87). Read; and referred, under Joint Rule 29, to the committees on Rules of the two branches, acting concurrently.

Agriculture,—  
equity.

By Mr. Cabral of New Bedford, for the committee on State Administration and Regulatory Oversight, on a joint petition, a Bill ensuring equitable representation in the Commonwealth (House, No. 3003).

Equitable  
representation.

By the same member, for the same committee, on a petition, a Bill to promote diversity on public boards and commissions (House, No. 3095).

Boards and  
commissions.

Severally read; and referred, under Rule 33, to the committee on Ways and Means.

By Mr. Cabral of New Bedford, for the committee on State Administration and Regulatory Oversight, on a petition, a Bill prohibiting license revocation for student loan default (House, No. 3045). Read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Student loans,—  
default.

*Recess.*

At eight minutes after eleven o'clock A.M., on motion of Mr. McKenna of Webster (Mr. Donato of Medford being in the Chair), the House recessed until one o'clock P.M.; and at a quarter before two o'clock, the House was called to order with Ms. Hogan of Stow in the Chair.

Recess.

*Paper from the Senate.*

A petition (accompanied by bill) of Michael J. Rodrigues for legislation to establish a sick leave bank for Jody Ricketson, an employee of the Department of Children and Families, came from the Senate referred, under suspension of Joint Rule 12, to the committee on Public Service.

Jody  
Ricketson,—  
sick leave.

The House then concurred with the Senate in the suspension of said rule; and the petition (accompanied by bill, Senate, No. 2431) was referred, in concurrence, to the committee on Public Service.

*Reports of Committees.*

Mr. Michlewitz of Boston, for the committee of conference on the disagreeing votes of the two branches, with reference to the Senate amendment (striking out all after the enacting clause and inserting in place thereof the text contained in Senate document numbered 2400) of the House Bill making appropriations for the fiscal year 2024 for the maintenance of the departments, boards, commissions, institutions, and certain activities of the Commonwealth, for interest, sinking fund, and serial bond requirements, and for certain permanent improvements (House, No. 3901), reported, in part, a bill with the same title (House, No. 4040) [Total Appropriation: \$56,256,441,587.00]. Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

General  
Appropriation  
Bill.

Mr. Honan of Boston, for said committee, then reported that the matter be scheduled for consideration by the House.

Conference  
committee  
report accepted,—  
yea and nay  
No. 30.

Under suspension of the rules, on motion of Mr. Michlewitz of Boston, the report was considered forthwith.

After debate on the question on acceptance of the report, the sense of the House was taken by yeas and nays, at the request of the same member; and on the roll call 156 members voted in the affirmative and 2 in the negative.

**[See [Yea and Nay No. 30](#) in Supplement.]**

Therefore the report of the committee of conference was accepted. Sent to the Senate for concurrence.

By Mr. Honan of Boston, for the committee on Steering, Policy and Scheduling, that the House Bill exempting Joanne Ricardelli from the maximum age requirements for firefighters in the town of Wilmington (House, No. 3964) [Local Approval Received], be scheduled for consideration by the House.

Wilmington,—  
Joanne  
Ricardelli.

Under suspension of Rule 7A, on motion of Mr. Jones of North Reading, the bill was read a second time forthwith; and it was ordered to a third reading.

*Recess.*

There being no objection,— At a quarter after two o'clock P.M., the Chair (Ms. Hogan of Stow) declared a recess subject to the call of the Chair; and at sixteen minutes after three o'clock, the House was called to order with Ms. Hogan in the Chair.

Recess.

*Emergency Measure.*

The engrossed Bill making appropriations for the fiscal year 2024 for the maintenance of the departments, boards, commissions, institutions and certain activities of the Commonwealth, for interest, sinking fund and serial bond requirements and for certain permanent improvements (House, No. 4040), having been certified by the Clerk to be rightly and truly prepared for final passage, was considered, the question being on adopting the emergency preamble.

General  
Appropriation  
Bill.

A separate vote was taken, as required by the provisions of Article XLVIII (as amended by Article LXVII) of the Amendments to the Constitution; and the preamble was adopted, by a vote of 23 to 0. Sent to the Senate for concurrence.

Subsequently, the Senate having concurred in adoption of the emergency preamble, the bill (which originated in the House) was put upon its final passage. Pending the question on passing the bill to be enacted (the Speaker having taken the Chair), Mr. Jones of North Reading moved that Rule 40 be suspended.

After debate on the motion to suspend Rule 40, the sense of the House was taken by yeas and nays, at the request of the same member; and on the roll call 25 members voted in the affirmative and 132 in the negative.

Motion to  
suspend Rule  
40 negatived,—  
yea and nay  
No. 31.

[See [Yea and Nay No. 31](#) in Supplement.]

Therefore the motion to suspend Rule 40 was negatived.

On the question on passing the bill to be enacted, the sense of the House was taken by yeas and nays (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); and on the roll call (Ms. Hogan of Stow being in the Chair) 156 members voted in the affirmative and 2 in the negative.

Bill enacted  
(land taking),—  
yea and nay  
No. 32.

[See [Yea and Nay No. 32](#) in Supplement.]

Therefore the bill was passed to be enacted; and it was signed by the Speaker and sent to the Senate.

*Recess.*

There being no objection,— At fourteen minutes before four o'clock P.M., the Chair (Ms. Hogan of Stow) declared a recess subject to the call of the Chair; and at twenty-nine minutes before six o'clock, the House was called to order with Ms. Hogan in the Chair.

Recess.

*Paper from the Senate.*

A Bill making appropriations for the fiscal year 2023 to provide for supplementing certain existing appropriations and for certain other activities and projects (Senate, No. 2428) (on Senate bill No. 2426), passed to be engrossed by the Senate was read; and it was referred, under Rule 33, to the committee on Ways and Means.

Mr. Michlewitz of Boston, for said committee, then reported, in part, on the foregoing bill, a Bill making appropriations for the fiscal year 2023 to provide for supplementing certain existing appropriations and for certain other activities and projects (House, No. 4033). Read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Mr. Honan of Boston, for said committee, reported that the matter be scheduled for consideration by the House.

Under suspension of the rules, on motion of Mr. Michlewitz of Boston, the bill was read a second time forthwith; and it was ordered to a third reading.

Subsequently, under further suspension of the rules, on motion of the same member, the bill (reported by the committee on Bills in the Third Reading to be correctly drawn) was read a third time forthwith; and it was passed to be engrossed, its title having been changed by said committee to read: "An Act extending live horse racing and simulcasting in the Commonwealth." Sent to the Senate for concurrence.

Subsequently, the evening recess having terminated, Mr. Donato of Medford being in the Chair,— the bill came from the Senate passed to be engrossed, in concurrence, with an amendment striking out all after the enacting clause and inserting in place thereof the text contained in Senate document numbered 2432. The amendment was referred, under Rule 35, to the committee on Bills in the Third Reading.

Subsequently the amendment (having been reported by said committee to be correctly drawn) was considered.

Mr. Michlewitz of Boston then moved that the House concur with the Senate in its amendment with further amendments by striking out all after the enacting clause (inserted by amendment by the Senate) and inserting in place thereof the text contained in House document numbered 4034; by striking out the emergency preamble (as changed by the committee on Bills in the Third Reading) and inserting in place thereof the following emergency preamble:

*"Whereas, The deferred operation of this act would tend to defeat its purposes, which are forthwith to make supplemental appropriations for fiscal year 2023 and to make certain changes in law, each of which is immediately necessary to carry out those appropriations or to accomplish other important public purposes, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience."*; and by striking out the title (as changed by the committee on Bills in the Third Reading) and inserting in place thereof the following title: "An Act making appropriations for the fiscal year 2023 to provide for supplementing certain existing appropriations and for certain other activities and projects."

The further amendments were adopted. The House then concurred with the Senate in its amendment, as amended. The bill (House, No. 4033, amended) then was sent to the Senate for concurrence in the further amendments.

*Recess.*

There being no objection,— At three minutes after six o'clock P.M., the Chair (Ms. Hogan of Stow) declared a recess subject to the call of the Chair; and at twenty-

Recess.



four minutes before nine o'clock, the House was called to order with Mr. Donato of Medford in the Chair.

*Emergency Measure.*

The engrossed Bill making appropriations for the fiscal year 2023 to provide for supplementing certain existing appropriations and for certain other activities and projects (see House, No. 4033, amended), having been certified by the Clerk to be rightly and truly prepared for final passage, was considered, the question being on adopting the emergency preamble.

Supplemental appropriations.

A separate vote was taken, as required by the provisions of Article XLVIII (as amended by Article LXVII) of the Amendments to the Constitution; and the preamble was adopted, by a vote of 2 to 0. Sent to the Senate for concurrence.

Subsequently, the Senate having concurred in adoption of the emergency preamble, the bill (which originated in the House) was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

Bill enacted.

*Order.*

On motion of Mr. Mariano of Quincy,—

*Ordered,* That when the House adjourns today, it adjourn to meet on Thursday next at eleven o'clock A.M.

Next sitting.

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Accordingly, without proceeding to consideration of the matters in the Orders of the Day, at seven minutes before ten o'clock P.M., on motion of Mr. McKenna of Webster (Mr. Donato of Medford being in the Chair), the House adjourned, to meet the following Thursday at eleven o'clock A.M., in an Informal Session.