
The Commonwealth of Massachusetts

JOURNAL OF THE HOUSE.



WEDNESDAY, FEBRUARY 24, 2021.

[19]*

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Wednesday, February 24, 2021.

Met according to adjournment at eleven o'clock A.M., under emergency rules, with Mr. Garballey of Arlington 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. Garballey), the members and employees joined with him in reciting the pledge of allegiance to the flag.

Pledge of
allegiance.

Appointment of the Minority Leader.

The Minority Leader announced that he had appointed Iain Ward of Lakeville to the special commission (established under Section 94 of Chapter 358 of the Acts of 2020) to conduct an investigation and study regarding the needs of agriculture in the Commonwealth in the 21st century.

Agriculture,—
commission.

Recess.

At one minute after eleven o'clock A.M., on motion of Mr. D'Emilia of Bridgewater (Mr. Garballey of Arlington being in the Chair), the House recessed until one o'clock P.M.; and at nine minutes after one o'clock the House was called to order with Mr. Donato of Medford in the Chair.

Recess.

Silent Prayer.

During the session, the Chair (Mr. Donato) declared a brief recess, and at the request of Speaker Mariano, the members and employees joined in a moment of silent tribute in respect to the memory of James J. Twomey, Jr., of Jamaica Plain, who passed away on Monday, February 22nd.

James J.
Twomey, Jr.

Jimmy was a Clerical Assistant to the Clerk of the House from 1969 to 1982, inclusive, and Office Manager for the House Clerk's Office from 1982 to 2009, inclusive.

Jimmy is survived by his sister Cheryl, many nieces and nephews, and the staff of the House Clerk's Office, to whom he was a valued friend and mentor.

Quorum.

As required under the provision of Emergency Rule 2(4), a roll call was taken for the purpose of ascertaining the presence of a quorum; and on the roll call 159 members were recorded as being in attendance.

Quorum,—
yea and nay
No. 4.

[See Yea and Nay No. 4 in Supplement.]

Therefore a quorum was present.

Orders of the Day.

The Order relative to the adoption of permanent Joint Rules for the 192nd General Court governing the 2021-2022 legislative sessions (House, No. 68), was considered.

Joint
Rules.

After remarks on the question on adoption of the order (the Speaker being in the Chair), Ms. Uytterhoeven of Somerville and other members of the House moved to amend it in proposed Rule 1D, in lines 140 to 192, inclusive, by striking out the text contained in those lines and inserting in place thereof the following six paragraphs:

“All meetings of joint standing committees, and special joint committees of the Senate and House of Representatives, shall be open to the public, and any person shall be permitted to attend any such meeting unless such committee convenes in executive session, as provided herein. All joint standing committees shall determine a schedule for committee hearings to be held from the beginning of the first annual session through the fourth Wednesday in June in said session. These committee schedules shall be submitted to the Clerk of the House who shall cause them to be published on the official website for the General Court. Establishment of such schedules shall not preclude joint standing committees from scheduling additional hearings or meetings as needed. No executive session shall be held except upon extraordinary circumstances and only after the committee has first convened in an open session for which notice has been given, the presiding officer has stated the purpose of the executive session, a majority of the committee members present has voted to go into executive session, the vote of each member has been recorded on a roll call vote, and the presiding officer has stated before the executive session if the committee will reconvene after the executive session. The records of all such roll calls shall be kept in the offices of the committee for the duration of the General Court during which said vote was recorded, and shall be available for public inspection upon reasonable notice and during regular office hours.

Committees shall provide to members of the committee either the text or comprehensive summaries of the bills or other forms of legislative matters prior to the beginning of an executive session or poll. Any recorded votes on a favorable or adverse report on an individual bill or a study order, taken by roll call or electronic poll of each member, shall be posted on the website of the General Court. All joint standing committees, and special joint committees of the Senate and House of Representatives, shall notify the Sergeant-at-Arms of the time, place and agenda of all public hearings and executive sessions not less than 1 week prior to the time of such meetings. If public testimony is being solicited, agendas shall include an electronic mail address and physical mail address for the submission of testimony and shall inform the public that testimony received may be made publicly available. The Sergeant-at-Arms shall notify the clerk, who shall inform all members electronically and publish such information on the official website of the General Court whenever practicable.

Any such public testimony received by the committee that is readily capable of being reproduced shall be made available to the public upon request; provided, however, that the committee may redact such public testimony that includes sensitive personal information or information that may jeopardize the health, wellness or safety of an individual. If expert testimony is being solicited by the committee, the committee shall make reasonable efforts to promote the diversity of expert witness panels.

Nothing contained in this rule shall prohibit a joint standing committee or special joint committee of the Senate and the House of Representatives from taking appropriate action including, but not limited to, the exclusion of a person from a committee meeting in order to prevent the disruption of or interference with committee proceedings. All meetings of joint standing committees, and special joint committees of the Senate and House of Representatives, shall be limited to no more than 50 bills to be discussed in a hearing, unless it can be determined that all of the bills being considered are of the same subject matter. The 1 week requirement shall be suspended in an emergency only after all reasonable efforts have been made to contact all committee members and upon a recorded vote of at least a majority of the members of each branch appointed to the committee, but not less than two-thirds of the members of each branch voting.

A meeting of a committee may be recorded by a person in attendance by means of a recorder or any other means of audio/visual reproduction except when a meeting is held in executive session; provided, that a person seeking to record a meeting of a committee notifies the Chairs of the committee prior to commencing such recording; and provided further that during such recording there is no interference with the conduct of the meeting.

The Chairs of each committee shall preserve decorum and order during each committee hearing. Persons attending hearings shall be required to refrain from the use of cellular telephones, beepers and pagers. The use of visual aids including, without limitation, posters, displays, or charts shall be permitted only upon approval of the Chairs.”; and

In proposed Rule 4, in lines 328 to 349, inclusive, by striking out the text contained in those lines and inserting in place thereof the following two paragraphs:

“Favorable reports, and adverse reports on subjects of legislation other than petitions, by joint committees shall be made to the branch in which the matter was originally introduced, unless the committee decides otherwise under its own rules and, except that reports on money bills shall be made to the House and if adverse reports on matters other than petitions which are accompanied by money bills are accepted by the House, this shall constitute final rejection. Adverse reports by joint committees on petitions shall be made to the branch in which the petition was originally introduced, except that such adverse reports on petitions accompanied by proposed money bills shall be made to the House; and, if accepted by the branch in which they are made, shall be considered as a final rejection. When a report is made from any committee to either branch, and the subject-matter of the report is subsequently referred to a joint committee, such committee, except for the committee on Health Care Financing, shall report its action to the branch in which the reference originated. [See also Joint Rule 5.]

A vote of a joint standing committee to give legislation a favorable or adverse report, or to issue a study order, shall be conducted by a roll call upon request of 2 committee members present at the committee meeting. Such votes shall be recorded on appropriate forms that show all votes for and against the particular committee action. The records of all such roll calls shall be kept in the offices of the committee for the duration of the General Court during which said vote was recorded, and shall be available for public inspection upon reasonable notice and during regular office hours and shall be posted on the website of the General Court.”.

After debate on the question on adoption of the amendments (Mr. Donato of Medford being in the Chair), the sense of the House was taken by yeas and nays, at the request of Ms. Uytterhoeven; and on the roll call 36 members voted in the affirmative and 122 in the negative.

Amendments
rejected,—
yea and nay
No. 5.

[See Yea and Nay No. 5 in Supplement.]

[Mrs. Campbell of Methuen answered “Present” in response to her name.]

Therefore the amendment was rejected.

Mr. Jones of North Reading and other members of the House then moved to amend the order in proposed Rule 1D, in line 169, by inserting after the word “solicited.” the following sentence:

“Any such public testimony received by the committee that is readily capable of being reproduced shall be made available to the public upon request; provided, however, that the committee may redact such public testimony that includes sensitive personal information or information that may jeopardize the health, wellness or safety of an individual.”.

Mr. Galvin of Canton thereupon raised a point of order that the amendment offered by the gentlemen from North Reading was improperly before the House for the reason that the House had previously voted to reject the language contained in the amendment.

Point of order.

The Chair (Mr. Donato) ruled that the point of order was well taken; and the amendment was laid aside accordingly.

The same members then moved to amend the order in proposed Rule 1D, in the third paragraph, by striking out the following: “72 hours” and inserting in place thereof the words “one week”.

Mr. Galvin of Canton thereupon raised a point of order that the amendment offered by the gentlemen from North Reading was improperly before the House for the reason that the House had previously voted to reject the language contained in the amendment.

Id.

The Chair (Mr. Donato) ruled that the point of order was well taken; and the amendment was laid aside accordingly.

Mr. Jones and other members of the House then moved to amend the order in proposed Rule 1D, in lines 159 to 163, inclusive, by striking out the sentence contained in those lines and inserting in place thereof the following sentence: “Any recorded votes on a favorable or adverse report on an individual bill, taken by roll call or electronic poll of each member, shall be posted on the website of the General Court.”.

Mr. Galvin of Canton thereupon raised a point of order that the amendment offered by the gentlemen from North Reading was improperly before the House for the reason that the House had previously voted to reject the language contained in the amendment.

Id.

The Chair (Mr. Donato) ruled that the point of order was well taken; and the amendment was laid aside accordingly.

Mr. Jones of North Reading and other members of the House then moved to amend the order in proposed Rule 1D, in line 163, by inserting after the word “Court.” the following sentence: “If the committee uses an electronic poll, the poll must stay open for at least 2 hours or until such time as all committee members shall have voted.”.

After debate on the question on adoption of the amendment, the sense of the House was taken by yeas and nays, at the request of Mr. Smola of Warren; and on the roll call 38 members voted in the affirmative and 121 in the negative.

Amendment rejected,—
yea and nay
No. 6.

[See Yea and Nay No. 6 in Supplement.]

Therefore the amendment was rejected.

The same members then moved to amend the order in proposed Rule 1D, in line 158, by inserting after the word “matters” the following: “no less than 2 hours”; and the amendment was rejected.

Mr. Jones and other members of the House then moved to amend the order in proposed Rule 36 by adding the following paragraph:

“(i) Any procurement by the House Business Manager and Chief Financial Officer of the Senate under this rule for over \$10,000 either individual or cumulative shall be submitted to the state comptroller for posting on the Open Checkbook website or its equivalent.”.

After debate on the question on adoption of the amendment, the sense of the House was taken by yeas and nays, at the request of Mr. Jones; and on the roll call 34 members voted in the affirmative and 125 in the negative.

[See Yea and Nay No. 7 in Supplement.]

Therefore the amendment was rejected.

Mr. Jones of North Reading and other members of the House then moved to amend the order by inserting after proposed Rule 36 the following rule:

“Rule 37. Not later than March 31st of each year, the house and senate shall approve a joint resolution declaring the minimum amount of aid to be distributed to the cities and towns of the commonwealth in the upcoming fiscal year. Said resolution shall declare the minimum amount of chapter 70 aid, so called, and unrestricted general government aid to be received by each city, town or school district.”.

The amendment was rejected.

The same members then moved to amend the order by striking out proposed Rule 11B and inserting in place thereof the following:

“Rule 11B. A committee of conference shall file its report no later than 5 p.m. and the General Court shall not consider said report until 72 hours after the report has been filed. No report from a committee of conference shall be considered or acted upon by either branch until said report shall have been available to the public and to the members of the General Court for at least 72 hours, except that a report from such committee of conference that it is unable to agree may be considered and acted upon at the time that such report is filed.”.

After remarks on the question on adoption of the amendment, the sense of the House was taken by yeas and nays, at the request of Mr. Jones; and on the roll call 35 members voted in the affirmative and 123 in the negative.

[See Yea and Nay No. 8 in Supplement.]

Therefore the amendment was rejected.

Mr. Jones and other members of the House then moved to amend the order in proposed Rule 34, in line 899, by inserting after the word “hours” the following “and posted on the General Court website”; and the amendment was rejected.

Ms. Peake of Provincetown and other members of the House then moved to amend the order in proposed Rule 7C, in line 428, by striking out the words “board of selectmen” and inserting in place thereof the words “select board”; and the amendment was adopted.

On the question of adoption of the order, as amended, the sense of the House was taken by yeas and nays, at the request of Mr. Galvin of Canton; and on the roll call 128 members voted in the affirmative and 31 in the negative.

[See Yea and Nay No. 9 in Supplement.]

Therefore the order (House, No. 68, amended) was adopted. Sent to the Senate for concurrence.

Amendment
rejected,—
yea and nay
No. 7.

Amendment
rejected,—
yea and nay
No. 8.

Order
adopted,—
yea and nay
No. 9.

Report of a Committee.

By Mr. Galvin of Canton, for the committee on Rules, that the Senate Order relative to the adoption of permanent Joint Rules for the 192nd General Court governing the 2021-2022 legislative sessions (Senate, No. 14), ought to be adopted with an amendment striking out the text contained therein and inserting in place thereof the text contained in House, No. 68, amended.

Joint
Rules.

Under suspension of the rules, on motion of the same member, the order was considered forthwith.

The amendment recommended by the committee on Rules was adopted; and the order, as amended, also was adopted. The order (Senate, No. 14, amended) then was sent to the Senate for concurrence in the amendment.

Order.

On motion of Mr. Mariano of Quincy,—

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

Next
sitting.

At sixteen minutes after four o'clock P.M., on motion of Mr. D'Emilia of Bridgewater (Mr. Donato of Medford being in the Chair), the House adjourned, to meet the following day at eleven o'clock A.M., in an Informal Session.