
The Commonwealth of Massachusetts

JOURNAL OF THE HOUSE.



THURSDAY, MARCH 11, 2021.

[25]*

JOURNAL OF THE HOUSE.

Thursday, March 11, 2021.

Met according to adjournment at eleven o'clock A.M., 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.

Appointments of the Minority Leader.

The Minority Leader announced that he had made the following appointments:

That Maureen Cavanagh of North Reading had been appointed as his designee (under Chapter 309 of the Acts of 2020) to the Opioid Recovery and Remediation Fund Advisory Council; and

Opioid
council.

That Representative Xiarhos of Barnstable had been appointed as his designee to the special legislative commission established (under section 116 of Chapter 253 of the Acts of 2020) to investigate and study the impact to the administration of justice of the Qualified Immunity Doctrine in the Commonwealth.

Qualified
Immunity
Doctrine.

Resolutions.

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

Resolutions (filed by Mr. Cutler of Pembroke) commending Dr. Mark Steven Pasternack for his great achievements in the arena of infectious diseases; and

Mark
Pasternack.

Resolutions (filed by Representatives Ehrlich of Marblehead and Puppolo of Springfield) recognizing March 2021 as Francophonie Month in the Commonwealth;

Francophonie
Month.

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. Wong of Saugus, the resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted.

Recess.

At two minutes after eleven o'clock A.M., on motion of Mr. Wong of Saugus (Mr. Garballey of Arlington being in the Chair), the House recessed until two o'clock P.M.; and at fourteen minutes after two o'clock, the House was called to order with the Mr. Moran of Boston in the Chair.

Recess.

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. 10.

[See Yea and Nay No. 10 in Supplement.]

Therefore a quorum was present.

Orders of the Day.

The House Bill financing a program for improvements to the Unemployment Insurance Trust Fund and providing relief to employers and workers in the Commonwealth (House, No. 89), reported by the committee on Bills in the Third Reading be correctly drawn, was read a third time.

Unemployment
Insurance
Trust Fund.

After debate on the question on passing the bill to be engrossed, Representative Uytterhoeven of Somerville and other members of the House moved to amend it by adding the following section:

“SECTION 31. Notwithstanding any other provision of law, in any tax year in which a taxpayer, or an entity whose income is passed through to one or more Massachusetts taxpayers, excludes from income the amount of a federal Paycheck Protection Program loan which has been forgiven pursuant to the provisions of subsection (b) of section 1106 of the federal Coronavirus Aid, Relief, and Economic Security Act of 2020, Public Law 116-136, said taxpayer or entity shall add back to its income an amount equal to the expenses incurred by the taxpayer or entity that qualified it for loan forgiveness under the federal Paycheck Protection Program that are in excess of \$100,000. This provision shall apply to all recipients of forgiven Paycheck Protection Program loans, whether their income is taxable under chapter 62 or chapter 63 of the General Laws.”.

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 Ms. Uytterhoeven; and on the roll call 4 members voted in the affirmative and 152 in the negative.

Amendment
rejected,—
yea and nay
No. 11.

[See Yea and Nay No. 11 in Supplement.]

[Representatives Day of Stoneham, Moran of Boston and Whipps of Athol answered “Present” in response to their names.]

Therefore the amendment was rejected.

The same member and other members of the House then moved to amend the bill in section 15, in line 272, by striking out the figures: “40”, the second time they appear, and inserting in place thereof the figures: “80”; in lines 280 and 284, by striking out the word “week” and inserting in place thereof, in each instance, the words “two weeks”. After remarks the amendments were rejected.

After remarks, Ms. Nguyen of Andover and other members of the House moved to amend the bill in section 4, in line 33, by inserting after the year: “2020”, the second time it appears, the words “, the federal Lost Wages Assistance program”; and the amendment was adopted.

Mr. Cutler of Pembroke and other members of the House then moved to amend the bill by inserting after section 25 the following section:

“SECTION 25A. (a) There shall be a special commission to study and develop recommendations on the solvency of the unemployment trust fund established in section 14F of chapter 151A of the General Laws. The commission shall consist of the following 21 members: the chairs of the joint committee on labor and workforce development, who shall serve as co-chairs; 1 member appointed by the minority leader of the house of representatives; 1 member appointed by the minority leader of

the senate; the secretary of labor and workforce development or a designee; the director of unemployment assistance or a designee; 1 member appointed by the Massachusetts State Labor Council, AFL-CIO; 1 member appointed by the Associated Industries of Massachusetts, Inc.; 1 member appointed by the Massachusetts Legal Assistance Corporation representing unemployed workers; 1 member appointed by the Alliance for Business Leadership, Inc.; 1 member appointed by the National Federation of Independent Business Massachusetts; 1 member appointed by the Union of Minority Neighborhoods, Inc.; 1 member appointed by the Massachusetts Restaurant Association, Inc.; 1 member appointed by the Black Economic Council of Massachusetts, Inc.; 1 member appointed by the Greater Boston Chamber of Commerce; 1 member appointed by the Massachusetts Building Trades Council; 1 member appointed by the Massachusetts Competitive Partnership; 1 member appointed by Greater Boston Legal Services Employment Unit; 1 member appointed by the Massachusetts Taxpayers Foundation, Inc.; 1 member appointed by the Tufts University Jonathan M. Tisch College of Civic Life Center for State Policy Analysis; and 1 member appointed by the Retailers Association of Massachusetts, Inc.

(b) The commission shall study the long-term solvency of the unemployment trust fund, including, but not limited to: (i) evaluating whether changes are necessary to the experience rating system in order to promote solvency and reduce the tax impact on small businesses; (ii) examining increasing or indexing the taxable wage base under section 14 of said chapter 151A; (iii) examining the industry specific impacts of changes to the unemployment tax rate; (iv) reviewing solvency efforts in other state unemployment tax systems; and (v) determining what changes are necessary to benefit from federal tax credits and federal interest-free borrowing under the Federal Unemployment Tax Act, 26 U.S.C. § 3301-3305. The report by the commission shall include recommendations to promote the long-term solvency of the trust fund and meet solvency criteria required by the United States Department of Labor under the Federal Unemployment Tax Act, 26 U.S.C. § 3301-3305, and the Social Security Act, 42 U.S.C. § 1321-1324 and applicable regulations and guidance.

(c) The commission shall hold at least one public hearing and may hold additional hearings as necessary at which members of the public shall have an opportunity to speak.

(d) Not later than December 15, 2021, the commission shall file a report on its findings and recommendations with the clerks of the house of representatives and the senate, the chairs of the joint committee on labor and workforce development and the house and senate committees on ways and means.”.

The amendment was adopted.

Mr. Michlewitz of Boston then moved to amend the bill in section 5, in lines 114 and 115, by striking out the following: “, and shall be due at the same time as the contributions required pursuant to section 14”; and

In section 15, in line 276, by inserting after the word “works” the words “per week”. The amendments were adopted.

On the question on passing the bill, as amended, to be engrossed, the sense of the House was taken by yeas and nays, at the request of Mr. Michlewitz; and on the roll call (Ms. Hogan of Stow being in the Chair) 155 members voted in the affirmative and 0 in the negative.

[See Yea and Nay No. 12 in Supplement.]

[Representatives Barrows of Mansfield, D’Emilia of Bridgewater, Whipps of Athol and Wong of Saugus answered “Present” in response to their names.]

Bill passed to
be engrossed,—
yea and nay
No. 12.

Therefore the bill (House, No. 90, published as amended) was passed to be engrossed. Sent to the Senate for concurrence.

Paper from the Senate.

The House Bill further providing for early voting by mail (House, No. 73), came from the Senate passed to be engrossed, in concurrence, with an amendment adding the following section:

Early
voting.

“SECTION 8. Said chapter 255 is hereby further amended by adding the following subsection:

(m) A voter who is blind or has a vision impairment, a mobility or dexterity disability or other disability that makes it difficult or impossible for the voter to effectively access a paper vote by mail ballot because the voter cannot independently read, write, hold or physically manipulate standard print materials may request an accommodation from their local election official by phone or electronically. The request shall be received by the local election official not later than the fourth business day before the election. Upon receiving such a request from a voter, the local election official shall make reasonable efforts to grant accommodations to the voter.”.

The amendment was referred, under Rule 35, to the committee on Bills in the Third Reading. Said committee then reported that the amendment was correctly drawn; and it was adopted, in concurrence.

Emergency Measure.

The engrossed Bill further providing for early voting by mail (see House, No. 73, 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.

Early
voting.

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 5 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, there being no objection; 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 Monday next at eleven o'clock A.M.

Next
sitting.

At eighteen minutes after five o'clock P.M., on motion of Mr. Jones of North Reading (Ms. Hogan of Stow being in the Chair), the House adjourned, to meet the following Monday at eleven o'clock A.M., in an Informal Session.