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**The Commonwealth of Massachusetts**

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**JOURNAL OF THE HOUSE.**



**WEDNESDAY, JULY 7, 2021.**

[65]\*

# JOURNAL OF THE HOUSE.

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Wednesday, July 7, 2021.

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

Pledge of  
allegiance.

## *Silent Tribute.*

During the session,— the Speaker being in the Chair, he declared a brief recess and at the request of Representatives Haddad of Somerset, Silvia of Fall River and Fiola of Fall River, the members and employees stood in a moment of silent tribute in respect to the memory of the Honorable Robert Correia, 82, of Fall River, who passed away unexpectedly on Friday, July 2nd. He was a Marine Corps Veteran, and educator and was elected in 1977 to the House of Representatives, in the 7th Bristol District, serving in several positions including Majority Whip. Upon his departure from the House, he was elected Mayor of Fall River in 2008.

Robert  
Correia.

## *Petitions.*

Petitions severally were presented and referred as follows:

By Mr. Murray of Milford, a petition (accompanied by bill, House, No. 3933) of Brian W. Murray (by vote of the town) that the town of Milford be authorized to grant an additional license for the sale of all alcoholic beverages not to be consumed on the premises in said town. To the committee on Consumer Protection and Professional Licensure.

Milford,—  
liquor  
license.

By Ms. Duffy of Holyoke, a petition (accompanied by bill, House, No. 3934) of Patricia A. Duffy (with the approval of the mayor and city council) relative to providing for the recall of elected officials in the city of Holyoke; and

Holyoke,—  
elected  
officials.

By Mr. Puppolo of Springfield, a petition (accompanied by bill, House, No. 3935) of Angelo J. Puppolo, Jr. (by vote of the town) that the town of Wilbraham be authorized to further regulate ballots in said town;

Wilbraham,—  
ballots.

Severally to the committee on Election Laws.

By Mrs. Harrington of Groton, a petition (accompanied by bill, House, No. 3936) of Sheila C. Harrington (by vote of the town) that the town of Dunstable be authorized to use certain land in said town for roadway improvements. To the committee on Municipalities and Regional Government.

Dunstable,—  
land.

Severally sent to the Senate for concurrence.

Petitions severally were presented and referred as follows:

By Mr. Fernandes of Falmouth, a petition (subject to Joint Rule 12) of Dylan A. Fernandes for legislation to further regulate Cape Cod's environment and water supply.

Cape Cod,—  
environment.

By Representative Ferguson of Holden and Senator Gobi, a joint petition (subject to Joint Rule 12) of Kimberly N. Ferguson, Anne M. Gobi and others relative to municipal light plant emergency mutual aid.

Municipal  
light plants,—  
mutual aid.

By Representative Kelcourse of Amesbury and Senator DiZoglio, a joint petition (subject to Joint Rule 12) of James M. Kelcourse and Diana DiZoglio relative to funding for radiological monitoring near operating nuclear plants.

Nuclear plants,—  
monitoring.

By Mr. Sena of Acton, a petition (subject to Joint Rule 12) of Danillo A. Sena relative to enhancing diversity in the awarding of liquor licenses.

Liquor  
licenses.

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

#### *Papers from the Senate.*

A message from His Excellency the Governor recommending legislation relative to enhanced enforcement of swimming limitations (Senate, No. 2490), was referred, in concurrence, to the committee on Environment, Natural Resources and Agriculture.

Swimming,—  
limitations.

A Bill regulating the terms of members of the zoning board of appeals in the city of Somerville (Senate, No. 1340) (on a petition) [Local Approval Received], passed to be engrossed by the Senate, was read; and it was referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Somerville,—  
zoning board  
of appeals.

A petition (accompanied by bill, Senate, No. 2491) of Patrick M. O'Connor (by vote of the town) for legislation to amend the Town Administrator Special Act to change the name of the Hingham board of selectmen to the Hingham select board, was referred, in concurrence, to the committee on Municipalities and Regional Government.

Hingham,—  
select board.

#### *Report of a Committee.*

By Mrs. Campbell of Methuen, for the committee on Advanced Information Technology, the Internet and Cybersecurity, asking to be discharged from further consideration of the petition (accompanied by bill, House, No. 127) of Kate Lipper-Garabedian, Jeffrey N. Roy and others relative to student and educator data privacy,— and recommending that the same be referred to the committee on Education. Under Rule 42, the report was considered forthwith; and it was accepted. Sent to the Senate for concurrence.

Education,—  
data privacy.

#### *Orders of the Day.*

The Senate Bill authorizing the city of Gloucester to appoint retired police officers as special police officers (Senate, No. 2479); and

Second  
reading  
bills.

House bills

Relative to the appointment of retired police officers as special police officers in the town of Arlington (House, No. 3754);

Authorizing Justin Brown to take the civil service examination for the position of firefighter in the town of Arlington (House, No. 3755);

Exempting the positions of police chief and police captain in the city of Leominster from the civil service law (House, No. 3756);

Relative to the fire department of the town of Lancaster (House, No. 3760);

Relative to the deputy fire chief of the town of Lancaster (House, No. 3761); and

Authorizing special police officers in the town of Natick to serve until the age of 70 (House, No. 3762);

Severally were read a second time; and they were ordered to a third reading.

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At four minutes after eleven o'clock A.M., on motion of Mr. Hill of Ipswich (Mr. Donato of Medford being in the Chair), the House recessed to one o'clock P.M.; and at twenty-seven minutes before two o'clock the House was called to order with Ms. Cronin of Easton in the Chair.

Recess.

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 160 members were recorded as being in attendance.

Quorum,—  
yea and nay  
No. 53.

**[See [Yea and Nay No. 53](#) in Supplement.]**

Therefore a quorum was present.

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The Order relative to the extension of Emergency House Rules (House, No. 3929), was considered.

Emergency  
rules.

On the question on adoption of the order, the sense of the House was taken by yeas and nays at the request of Mr. Galvin of Canton; and on the roll call 130 members voted in the affirmative and 30 in the negative.

Order  
adopted—  
yea and nay  
No. 54.

**[See [Yea and Nay No. 54](#) in Supplement.]**

Therefore the order was adopted.

The Order relative to the adoption of permanent House Rules for the 192nd General Court governing the 2021-2022 legislative sessions (House, No. 3930), was considered.

House  
rules.

After debate on the question on adoption of the order, Representatives Kearney of Scituate, Parisella of Beverly and other members of the House moved to amend it in proposed Rule 48 by adding the following paragraph:

“Any Member serving on active reserve military duty may participate remotely in a formal session, subject to the requirements and limitations of federal law, including, but not limited to, United States Department of Defense Directive 1344.10. A Member serving on active reserve military duty who is participating remotely in a formal session shall have the same privileges, rights and responsibilities as if the Member were physically present in the House Chamber, including without limitation, the right, privilege and responsibility to cast votes on all questions or other matters brought to a vote and the ability to take the oath required pursuant to Part the Second, Chapter VI, Article I of the Constitution of the Commonwealth.”

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. Parisella; and on the roll call 160 members voted in the affirmative and 0 in the negative.

Amendment  
adopted,—  
yea and nay  
No. 55.

**[See [Yea and Nay No. 55](#) in Supplement.]**

Therefore the amendment was adopted.

Representatives Gouveia of Acton, Uytterhoeven of Somerville and Connolly of Cambridge then moved to amend the order by inserting after proposed Rule 7 the following rule:

“7E. No member shall hold, for more than 8 consecutive years, the office of Speaker of the House. For the purposes of this rule, the counting of consecutive years shall commence on January 6, 2021.”.

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. Gouveia; and on the roll call 35 members voted in the affirmative and 125 in the negative.

**[See [Yea and Nay No. 56](#) in Supplement.]**

Therefore the amendment was rejected.

Representative Jones of North Reading and other members of the House then moved to amend the order in proposed Rule 1 by adding the following two sentences: “If the House has not begun proceedings within 30 minutes of the hour to which the House stands adjourned, the Speaker shall forthwith, and without debate, adjourn or recess the House to a time not earlier than ten o’clock A.M. on the next succeeding calendar day. For the purposes of this rule, proceedings shall mean voting and debate.”. The amendment was rejected.

The same members then moved to amend the order in proposed Rule 17, in line 400, by striking out the words “, insofar as practicable”, and in line 401, by inserting after the word “Representatives” the following: “unless the chair of the committee submits to the Clerk a written description of the emergency, as defined by rule 17A, that necessitates such a scheduling and the Clerk makes said description available to the members.”.

After remarks on the question on adoption of the amendments, the sense of the House was taken by yeas and nays at the request of Mr. Jones of North Reading; and on the roll call 30 members voted in the affirmative and 129 in the negative.

**[See [Yea and Nay No. 57](#) in Supplement.]**

Therefore the amendments were rejected.

Representative Jones and other members of the House then moved to amend the order in proposed Rule 16, in lines 248, 249 and 250, by striking out the following sentence: “The committee shall consist of eleven members, seven of whom shall be appointed by the Speaker, four of whom shall be appointed by the Minority Leader.” and inserting in place thereof the following sentence: “The committee shall consist of 8 members, 4 of whom shall be appointed by the Speaker, 4 of whom shall be appointed by the Minority Leader.”; and the amendment was rejected.

Representative Jones of North Reading and other members of the House then moved to amend the order by inserting at the end of proposed Rule 17 the following paragraph:

“(i) A list of matters and copies of all bills that are to be voted on at an executive session shall be made available to the members of each committee electronically no less 2 hours prior to their consideration. If the committee uses an electronic poll, the poll must stay open for at least 2 hours or until such time all committee members have voted.”.

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. Smola of Warren; and on the roll call 35 members voted in the affirmative and 124 in the negative.

**[See [Yea and Nay No. 58](#) in Supplement.]**

Therefore the amendment was rejected.

The same members then moved to amend the order in the second paragraph of Rule 33A by adding the following four sentences: “All amendments submitted to the

Amendment  
rejected,—  
yea and nay  
No. 56.

Amendments  
rejected,—  
yea and nay  
No. 57.

Amendment  
rejected,—  
yea and nay  
No. 58.

Clerk after a formal session is called to order shall be made available by electronic means to all members of the House and the public; and provided further a duplicate copy of each such amendment shall be distributed to each member's seat in the chamber. No technical or perfecting amendment shall be considered by the House until the expiration of at least 30 minutes after the amendment shall have been filed with the Clerk and distributed to the members. The House may consider an amendment that has not been so available for at least 30 minutes only upon a roll call vote of two-thirds of House members present and voting. This rule shall not be suspended unless by unanimous consent of the members present.”.

The amendment was rejected.

Representative Jones and other members of the House then moved to amend the order in proposed Rule 12, in line 183, by striking out the word “formal”; in lines 198 through 203, inclusive, by striking out the two sentences contained in those lines and inserting in place thereof the following two sentences: “Whenever the Clerk prepares a Calendar or advance Calendar under this rule, the Clerk shall also cause a true copy thereof, to be posted on the Legislative Web Page that is generally available to all members and their staff. Reasonably promptly thereafter, but at least one half hour prior to the start of the session, the Clerk shall cause the members and their staff to be notified of the same by way of electronic mail. Not less than 15 minutes prior to the convening of each session, the Clerk shall also make available by electronic mail transmission to all members of the House and legislative staff a list of all miscellaneous papers to be considered during the session including, but not limited to, reports of committees, engrossed bills, messages from the Governor and papers from the Senate, provided that the Clerk is in receipt of such papers.”.

After remarks on the question on adoption of the amendments, the sense of the House was taken by yeas and nays at the request of Mr. Jones; and on the roll call 33 members voted in the affirmative and 126 in the negative.

**[See [Yea and Nay No. 59](#) in Supplement.]**

Therefore the amendments were rejected.

The Speaker having taken the Chair,—

Representatives Jones of North Reading and other members of the House then moved to amend the order in proposed Rule 33E, in line 967, by striking out the following: “30 minutes” and inserting in place thereof the following: “1 hour”.

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 32 members voted in the affirmative and 127 in the negative.

**[See [Yea and Nay No. 60](#) in Supplement.]**

Therefore the amendment was rejected.

The same members then moved to amend the order by inserting after proposed Rule 20B the following rule:

“20C. The House shall consider a Resolution no later than March 31 in each year, defining the minimum financial contribution the Commonwealth will make to cities and towns for chapter 70 aid, so called, and unrestricted general government aid for the following fiscal year.”.

The amendment is rejected.

Representative Jones and other members of the House then moved to amend the order in proposed Rule 16 by adding the following sentence: “At the end of each biennial legislative session, the committee shall file a report with the Clerk disclosing the number of complaints received, the number of complaints determined to have merit, the number of complaints determined to be without merit, and the dates of all committee meetings held during the session; provided, that the committee's report

Amendments  
rejected,—  
yea and nay  
No. 59.

Amendment  
rejected,—  
yea and nay  
No. 60.

shall not contain any information sufficient to identify the source of or person named in any complaint received by the committee or any other confidential or personal identifying information.”; and the amendment was rejected.

Representatives Jones of North Reading and other members of the House then moved to amend the order in proposed Rule 17B, in lines 505 to 509, inclusive, by striking out the sentence contained in those lines and inserting in place thereof the following sentence:

“All votes by the committee to give any legislation a favorable or adverse report, whether by recorded vote at an executive session or by an electronic poll of the committee, shall be kept in the offices of the committee and shall be posted on the website of the General Court as soon as practicable but no later than 48 hours of the vote being taken.”.

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 38 members voted in the affirmative and 121 in the negative.

**[See [Yea and Nay No. 61](#) in Supplement.]**

Therefore the amendment was rejected.

Subsequently a statement of Mr. Scanlon of North Attleborough was spread upon the records of the House as follows:

MR. SPEAKER: I would like to call to the attention of the House the fact that on the previous roll call, it was my intention to vote in the affirmative. However, I now find that, due to a miscommunication, I was recorded in the negative.

Representative Uytterhoeven of Somerville and other members of the House then moved to amend the order in proposed Rule 17B, in lines 506, 507 and 508, by striking out the words “the aggregate tally of members voting in the affirmative, members voting in the negative, members not voting or members reserving their rights on an individual bill shall”; and by inserting after line 509 the following paragraph:

“All votes by the committee to give any legislation a favorable report, adverse report, or study order, whether by recorded vote at an executive session or by an electronic poll of the committee, shall be recorded on appropriate forms that show the names of all members voting in the affirmative, members voting in the negative, members not voting, and members reserving their rights, shall be kept in the offices of the committee, and shall be posted on the website of the General Court as soon as practicable; provided that votes may also be recorded in LAWS.”.

After debate on the question on adoption of the amendments, the sense of the House was taken by yeas and nays at the request of Ms. Uytterhoeven; and on the roll call 41 members voted in the affirmative and 117 in the negative.

**[See [Yea and Nay No. 62](#) in Supplement.]**

Therefore the amendments were rejected.

Subsequently a statement of Ms. Tyler of Boston was spread upon the records of the House as follows:

MR. SPEAKER: I would like to call to the attention of the House the fact that on the previous roll call, my intention was to vote “yes” in favor of the amendment relative to transparency regarding votes that my colleagues and I take in committee.

Unfortunately, technology had other plans, and I was recorded as a non-vote during the virtual roll call session.

Representatives Markey of Dartmouth, Jones of North Reading and Ciccolo of Lexington then moved to amend the order by striking out proposed Rule 33A and inserting in place thereof the following rule:

Amendment rejected,—  
yea and nay  
No. 61.

Statement of  
Mr. Scanlon  
of North  
Attleborough.

Amendments rejected,—  
yea and nay  
No. 62.

Statement of  
Ms. Tyler  
of Boston.

“33A. Copies of all bills shall be available, in a format to be determined by the Speaker in consultation with the Clerk, to all members of the House and the public at least 48 hours in advance of consideration by the House; provided further that, to the extent practicable, a summary of any bill containing meaningful policy changes to be considered by the House in a formal session shall be made available by the chair of the committee reporting the bill, to all members of the House prior to the commencement of roll calls for the formal session in which the bill will be considered, such 48 hours can be waived by a roll call of two thirds of the House;

All amendments offered by members to any legislative matter in the House shall be submitted in a format to be determined by the Speaker in consultation with the Clerk; and shall be considered chronologically as submitted to the Clerk, except for an amendment in the second degree; provided that all of said amendments shall be drafted in proper form acceptable to the clerk; and provided further that there shall be available to the members a duplicate copy of each amendment.”.

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. Markey; and on the roll call 39 members voted in the affirmative and 119 in the negative.

**[See [Yea and Nay No. 63](#) in Supplement.]**

Therefore the amendment was rejected.

Representative Uyterhoeven of Somerville and other members of the House then moved to amend the order in proposed Rule 33A, in lines 948 to 954, inclusive, by striking out the paragraph contained in those lines and inserting in place thereof the following paragraph:

“33A. Copies of all bills shall be available, in a format to be determined by the Speaker in consultation with the Clerk, to all members of the House and the public at least 72 hours in advance of consideration by the House; provided further that, to the extent practicable, a summary of any bill containing meaningful policy changes to be considered by the House in a formal session shall be made available by the chair of the committee reporting the bill, to all members of the House prior to the commencement of roll calls for the formal session in which the bill will be considered. The House may consider a bill that has not been so available for at least 72 hours only upon a roll call vote of two-thirds of House members present and voting. This rule shall not be suspended unless by unanimous consent of the members present.”.

Ms. Peake of Provincetown thereupon raised a point of order that the amendment offered by the gentelady from Somerville is improperly before the House for the reason that the House has already refused to expand to 48 hours the time for the availability of bills.

The Speaker ruled that the point of order was well taken; and the amendment was laid aside accordingly

Representatives Jones of North Reading and other members of the House then moved to amend the order in proposed Rule 101, in line 2356, by striking out the following: “=”; and in line 2358, by striking out the word “subsequently” and inserting in place thereof the word “subsequent”; and the amendments were adopted.

Mr. Galvin of Canton then moved to amend the order in proposed Rule 2, in line 30, by striking out the following: “dignitaries.The” and inserting in place thereof the words “dignitaries. The”;

In proposed Rule 13A, in line 209, by inserting after the word “all” the words “dockets and”;

In proposed Rule 17B, in line 505, by striking out the word “provided” and inserting in place thereof the word “provided,”; in line 506 by inserting after the word “shall”, the second time it appears, the word “include”; in line 507 by striking out the

Amendment  
rejected,—  
yea and nay  
No. 63.

Point  
of order.



words “members voting in the negative,”; and in line 508, by striking out the words “rights on an individual bill” and inserting in place thereof the words “rights, and the names of members voting in the negative on an individual bill, and”;

In proposed Rule 17C, in line 518 to 521, inclusive, by striking out the paragraph contained in those lines and inserting in place thereof the following sentence: “Said committee shall discharge its duties pursuant to the Rules, including Rule 16B and Rules 88 through 100, and shall also be responsible for the allocation of office space as equitably as possible among the various members and joint and standing committees.”;

In proposed Rule 23A, in line 757, by striking out the word “chairmen” and inserting in place thereof the word “chairs”;

In proposed Rule 24, in line 764, by striking out the following: “Pursuant to Rule 16” and inserting in place thereof the following: “pursuant to rule 16,”;

In proposed Rule 28A, in line 896, by striking out the word “Committee” and inserting in place thereof the word “committee”;

In proposed Rule 33A, in line 954, by striking out, the following: “,”;

In proposed Rule 48 (as amended) by striking out the last paragraph (inserted by amendment);

In proposed Rule 49 by adding the following four paragraphs:

“A Member serving on active reserve military duty may participate remotely in a formal session, subject to the requirements and limitations of federal law and regulation, including, but not limited to, United States Department of Defense Directive 1344.10. A Member serving on active reserve military shall notify the Clerk of such service as soon as practicable.

A Member diagnosed with a serious medical condition may, upon submission of a request for an accommodation to participate remotely to Counsel appointed pursuant to Rule 13B, accompanied by documentation from said Member’s medical provider that an accommodation is necessary, may participate remotely in a formal session. Upon receipt and approval of a request for accommodation to participate remotely Counsel shall notify the Clerk that the Member filing the request has been authorized to participate remotely. Other than the notification provided to the Clerk, Counsel shall maintain any request for accommodation pursuant to this rule as confidential.

A Member authorized to participate remotely in a formal session pursuant to this Rule shall have the same privileges, rights and responsibilities as if the Member were physically present in the House Chamber, including without limitation, the right, privilege and responsibility to cast votes on all questions or other matters brought to a vote and the ability to take the oath required pursuant to Part the Second, Chapter VI, Article I of the Constitution of the Commonwealth.

The Journal of the House for any formal session of the House where a Member is participating remotely in a formal session pursuant to this Rule shall not specify which Members participated remotely.”; and

In proposed Rule 92, in line 1777, by striking out the following: “organizationsto” and inserting in place thereof the words “organizations to”.

The amendments were adopted.

On the question on adoption of the order, as amended, the sense of the House was taken by yeas and nays at the request of Ms. Hogan of Stow; and on the roll call 129 members voted in the affirmative and 29 in the negative.

**[See [Yea and Nay No. 64](#) in Supplement.]**

Therefore the order (House, No. 3932, published as amended) was adopted.

Order  
adopted—  
yea and nay  
No. 64.

*Order.*

On motion of Mr. Cusack of Braintree,—

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

Next  
sitting.

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Representatives Haddad of Somerset, Silvia of Fall River and Fiola of Fall River moved that when the House adjourns today, it do so in respect to the memory of Robert Correia, a member of the House from Fall River from 1977 to 2008, inclusive; and the motion prevailed.

Accordingly, at twenty-one minutes before seven o'clock P.M., on motion of Mr. Hill of Ipswich (the Speaker being in the Chair), the House adjourned, to meet the following day at eleven o'clock A.M., in an Informal Session.