

The Commonwealth of Massachusetts

JOURNAL OF THE HOUSE.



TUESDAY, JULY 26, 2022.

[79]*

JOURNAL OF THE HOUSE.

Tuesday, July 26, 2022.

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, guests and employees joined with him in reciting the pledge of allegiance to the flag.

Pledge of
allegiance.

Resolutions.

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

Resolutions (filed by Mr. McMurtry of Dedham) congratulating Peter D'Elia on the occasion of his one hundredth birthday; and

Peter
D'Elia.

Resolutions (filed by Mr. Pignatelli of Lenox) commending composer John Tower Williams for his contributions to the arts and culture of Berkshire County and the Commonwealth;

John
Williams.

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.

Petition.

Mr. Michlewitz of Boston presented a petition (accompanied by bill, House, No. 5097) of Aaron Michlewitz (with the approval of the mayor and city council) relative to certain affordable housing and branch library space in the Chinatown section of the city of Boston; and the same was referred to the committee on Housing. Sent to the Senate for concurrence.

Boston,—
affordable
housing.

Papers from the Senate.

The House Bill relative to regular compensation for certain retirees and active retirement system members (House, No. 4338), 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 3032. The amendment was referred, under Rule 35, to the committee on Bills in the Third Reading.

Retirement,—
regular
compensation.

Petitions were referred, in concurrence, under suspension of Joint Rule 12, as follows:

Petition (accompanied by bill, Senate, No. 3060) of Nick Collins, Daniel J. Hunt and David Biele for legislation relative to sustainability and resiliency in the Dorchester section of the city of Boston. To the committee on State Administration and Regulatory Oversight.

Boston,—
easement.

Petition (accompanied by bill, Senate, No. 3061) of John C. Velis for legislation to designate U.S. Route 20 in Massachusetts the Medal of Honor Highway. To the committee on Transportation.

Medal of
Honor
highway.

Reports of Committees.

By Mr. Michlewitz of Boston, for the committee on Ways and Means, that the House Bill providing for the terms of certain bonds for transportation improvements to be issued by the Commonwealth (printed in House, No. 4981), ought to pass. Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Transportation
bond,—
terms.

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

Under suspension of Rule 7A, on motion of Ms. Kerans of Danvers, the bill was read a second time forthwith. The amendment recommended by the committee on Ways and Means then was adopted; and it was ordered to a third reading.

Subsequently, under suspension of the rules, on motion of Mr. Wong of Saugus, the bill (having been reported by the committee on Bills in the Third Reading to be correctly drawn) was read a third time; and it was passed to be engrossed. Sent to the Senate for concurrence.

By Mr. Michlewitz of Boston, for the committee on Ways and Means, that the Bill providing for provisional licensure for speech-language pathologists (House, No. 4245), ought to pass with an amendment substituting therefor a bill with the same title (House, No. 5094). Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Speech
pathologists,—
licensure.

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

Under suspension of Rule 7A, on motion of Ms. Kerans of Danvers, the bill was read a second time forthwith. The amendment recommended by the committee on Ways and Means then was adopted; and the substituted bill was ordered to a third reading.

Subsequently, under suspension of the rules, on motion of Mr. Wong of Saugus, the bill (having been reported by the committee on Bills in the Third Reading to be correctly drawn) was read a third time; and it was passed to be engrossed. Sent to the Senate for concurrence.

By Mr. Michlewitz of Boston, for the committee on Ways and Means, that the Bill to permit the creation of a right-turn lane from Edgell Road to Central Street in Framingham (House, No. 4660), ought to pass with an amendment substituting therefor a Bill to permit the creation of a right-turn lane from Edgell road to Central street in the city of Framingham (House, No. 5095). Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Framingham,—
land.

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

Under suspension of Rule 7A, on motion of Ms. Kerans of Danvers, the bill was read a second time forthwith. The amendment recommended by the committee on

UNCORRECTED PROOF.

Ways and Means then was adopted; and the substituted bill was ordered to a third reading.

Subsequently, under suspension of the rules, on motion of Mr. Wong of Saugus, the bill (having been reported by the committee on Bills in the Third Reading to be correctly drawn) was read a third time; and it was passed to be engrossed. Sent to the Senate for concurrence.

By Mr. Michlewitz of Boston, for the committee on Ways and Means, that the Bill to study the development of an underground railroad, civil rights and black heritage museum and cultural center in Springfield (House, No. 4830), ought to pass with an amendment substituting therefor a bill with the same title (House, No. 5096). Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Springfield,—
museum.

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

Under suspension of Rule 7A, on motion of Ms. Kerans of Danvers, the bill was read a second time forthwith. The amendment recommended by the committee on Ways and Means then was adopted; and the substituted bill was ordered to a third reading.

Subsequently, under suspension of the rules, on motion of Mr. Wong of Saugus, the bill (having been reported by the committee on Bills in the Third Reading to be correctly drawn) was read a third time; and it was passed to be engrossed. Sent to the Senate for concurrence.

By Ms. Decker of Cambridge, for the committee on Public Health, on Senate, No. 1457 and House, No. 2318, a Bill to improve access to family physicians (House, No. 2318).

Family
physicians,—
access.

By the same member, for the same committee, on House, No. 2395, a Bill relative to sickle cell disease (House, No. 5086).

Sickle cell
disease.

Severally referred, under Rule 1E, to the committee on Health Care Financing.

By Mr. Cabral of New Bedford, for the committee on State Administration and Regulatory Oversight, on House, No. 3187, a Bill to establish a Massachusetts children's cabinet (House, No. 5088). Read; and referred, under Joint Rule 29, to the committees on Rules of the two branches, acting concurrently.

Children's
cabinet.

By Ms. Domb of Amherst, for the committee on Environment, Natural Resources and Agriculture, on a petition, a Bill authorizing the city of Lynn to grant a conservation restriction to park lands, forest lands and watershed lands to the Department of Conservation and Recreation and the Essex County Greenbelt Association, Inc. in Lynn, Saugus, and Lynnfield, Massachusetts (House, No. 5024) [Local Approval Received].

Lynn,—
conservation
restrictions.

By Mr. Day of Stoneham, for the committee on the Judiciary, on House, No. 135, a Bill to regulate face surveillance (House, No. 5091).

Face
surveillance.

By Ms. Decker of Cambridge, for the committee on Public Health, on House, No. 2227, a Bill incorporating the public health lessons learned from the Fukushima nuclear disaster (House, No. 5084).

Nuclear disasters
public health.

By the same member, for the same committee, on Senate, No. 1447 and House, No. 2230, a Bill to improve outdoor and indoor air quality for communities burdened by transportation pollution (House, No. 5085).

Air quality,—
improvements.

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

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By Mr. Finn of West Springfield, for the committee on Children, Families and Persons with Disabilities, on House, No. 240, a Bill relative to individuals with intellectual or developmental disabilities (House, No. 5089).

Disabilities.

By Mr. Day of Stoneham, for the committee on the Judiciary, on House, No. 1522, a Bill relative to civil rights (House, No. 5092).

Civil rights.

Severally read; and referred, under Rule 7A, to the committee on House Steering, Policy and Scheduling.

By Mr. Honan of Boston, for the committee on Steering, Policy and Scheduling, that the House Bill providing for tenant member appointment to the board of the Needham Housing Authority (House, No. 4964) [Local Approval Received], be scheduled for consideration by the House. Placed in the Orders of the Day for the next sitting for a second reading.

Needham Housing Authority.

Engrossed Bill.

The engrossed Bill relative to voting precincts in the city of Chicopee (see House, No. 4860) (which originated in the House), having been certified by the Clerk to be rightly and truly prepared for final passage, was passed to be enacted, there being no objection; and it was signed by the acting Speaker and sent to the Senate.

Bill enacted.

Matters Discharged from the Orders of the Day.

The Senate amendment of the House Bill protecting research animals (House, No. 901), reported by the committee on Bills in the Third Reading to be correctly drawn, was discharged from its position in the Orders of the Day, and considered forthwith, under suspension of Rule 47, on motion of Ms. Kerans of Danvers; and it was adopted, in concurrence.

Research animals.

The Senate amendment of the House Bill further regulating the enforcement of illegal hunting practices (House, No. 4442), reported by the committee on Bills in the Third Reading to be correctly drawn, was discharged from its position in the Orders of the Day, and considered forthwith, under suspension of Rule 47, on motion of Mr. Kerans of Danvers; and it was adopted, in concurrence.

Illegal hunting.

The Senate amendment of the House Bill relative to municipal light plant participation in green communities (House, No. 4351), reported by the committee on Bills in the Third Reading to be correctly drawn, was discharged from its position in the Orders of the Day, and considered forthwith, under suspension of Rule 47, on motion of Ms. Kerans of Danvers.

Municipal light plants.

Pending the question on adoption of the amendment, in concurrence, Ms. Garlick of Needham moved that the House concur with the Senate in its amendment with a further amendment by adding the following six sections:

“SECTION 3. Section 4A of chapter 40 of the General Laws, as so appearing, is hereby amended by inserting after the word ‘selectmen’, in line 8, the following words:-, in a municipal light plant by the board or commission.

SECTION 4. Said section 4A of said chapter 40, as so appearing, is hereby further amended by inserting after the word ‘40N’, in line 28, the following words:-, a municipal light plant established under chapter 164.

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SECTION 5. Section 47B of chapter 164 of the General Laws, as so appearing, is hereby amended by adding the following paragraph:-

Any municipality acting by and through its municipal light board may provide services and assistance to any municipal or state utility, tribal utility as defined in 25 CFR § 169.2, or any other publicly-owned or operated utility, whether located inside or outside of the commonwealth, and governmental units as defined in section 4A of chapter 40, to construct, install, alter, operate, maintain or repair utility poles and conduit, wires, cables and equipment, and streetlights and traffic signals to the same extent such municipality acting by and through its municipal light board may provide such services within its service territory. Any such municipality acting by and through its municipal light board may sell, rent or lease merchandise, equipment, fixtures, utensils and chattels of any description related to the provision of such services. Any employee providing such services entered into between the municipality acting by and through its municipal light board and such other public entity shall be subject to the provisions of sections 1 to 28, inclusive, of chapter 32 and shall have the same rights and privileges thereunder, as if performing the same duties within the scope of their employment including voluntary assignments.

SECTION 6 The definition of 'Emergency mutual aid' in section 133 of said chapter 164, as so appearing, is hereby amended by inserting after the first sentence the following sentence:- Any municipal lighting plant providing emergency mutual aid may sell, rent or lease equipment, fixtures and goods of any description related to the provision of emergency mutual aid.

SECTION 7. The second paragraph of said section 133 of said chapter 164, as so appearing, is hereby amended by adding the following sentence:- Any employee of a municipal lighting plant providing emergency mutual aid shall be covered by the provisions of sections 1 to 28, inclusive, of chapter 32, as may be amended from time to time, and shall have the same rights and privileges thereunder, as if performing such duties within the scope of their employment including voluntary assignments authorized by the employer.

SECTION 8. Said section 133 of said chapter 164, as so appearing, is hereby further amended by inserting after the word 'utility', in line 27, the following words:- or its employees.”.

The further amendment was adopted. The House then concurred with the Senate in its amendment, as amended. Sent to the Senate for concurrence in the further amendment.

The House Bill authorizing the town of Harvard to establish and enforce speed limits on certain public ways in the town (House, No. 4739) was discharged from its positions in the Orders of the Day and read a second time, under suspension of Rule 47, on motion of Ms. Kerans of Danvers; and it was ordered to a third reading.

Harvard,—
speed
limits.

Recess.

At nineteen minutes after twelve o'clock noon, on motion of Mr. Wong of Saugus (Mr. Donato of Medford being in the Chair), the House recessed until one o'clock P.M.; and at twelve minutes after one o'clock the House was called to order with Ms. Hogan of Stow in the Chair.

Recess.

Quorum.

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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 153 members were recorded as being in attendance.

Quorum,—
yea and nay
No. 230.

[See [Yea and Nay No. 230](#) in Supplement.]

Therefore a quorum was present.

Petition.

Mr. Lawn of Watertown presented a petition (subject to Joint Rule 12) of John J. Lawn, Jr. (with the approval of the city council) that the city known as the town of Watertown be authorized to acquire certain property in the city of Waltham; and the same was referred, under Rule 24, to the committee on Rules.

Watertown,—
land.

Mr. Galvin of Canton, for the committee on Rules and the committees on Rules of the two branches, acting concurrently, then reported recommending that Joint Rule 12 be suspended. Under suspension of the rules, on motion of Mr. Donato of Medford, the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Municipalities and Regional Government. Sent to the Senate for concurrence.

Report 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 petition of Shawn Dooley that the commissioner of the Division of Capital Asset Management and Maintenance be authorized to release a certain sewer easement in the town of Norfolk. Under suspension of the rules, on motion of Mr. Donato of Medford, the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on State Administration and Regulatory Oversight. Sent to the Senate for concurrence.

Norfolk,—
land.

Engrossed Bill — Land Taking.

The engrossed Bill authorizing the commissioner of capital asset management and maintenance to convey a parcel of land to the town of Brewster (House, No. 4901, amended), in respect to which the Senate had concurred in adoption of the emergency preamble, was put upon its final passage.

Brewster,—
land.

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 153 members voted in the affirmative and 0 in the negative.

Bill enacted
(land taking),—
yea and nay
No. 231.

[See [Yea and Nay No. 231](#) in Supplement.]

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

Matter Discharged from the Orders of the Day.

The report of the committee of conference on the disagreeing votes of the two branches, with reference to the Senate amendments (striking out at all after the

Reproductive
rights.

enacting clause and inserting in place thereof the text contained in Senate document numbered 3003, striking out the emergency preamble and inserting in place thereof the following emergency preamble:

“Whereas, the deferred operation of this act would tend to defeat its purpose, which is to expand protections for reproductive and gender-affirming care, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.”; and striking out the title and inserting in place thereof the following title: “An Act expanding protections for reproductive and gender-affirming care.”) of the House Bill expanding protections for reproductive rights (House, No. 4954) (for report, see House, No. 5090), was taken from its position in the Orders of the Day and considered forthwith, under suspension of Rule 47, on motion of Ms. Barber of Somerville.

After remarks on the question on acceptance of the report, the sense of the House was taken by yeas and nays, at the request of Mr. Michlewitz of Boston; and on the roll call 137 members voted in the affirmative and 16 in the negative.

[See [Yea and Nay No. 232 in Supplement.](#)]

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

Conference committee report accepted,—yea and nay No. 232.

Engrossed Bill — State Loan.

The engrossed Bill financing the general governmental infrastructure of the Commonwealth (see House, No. 5065) (which originated in the House), in respect to which the Senate had concurred in adoption of the emergency preamble, was put upon its final passage.

On the question on passing the bill to be enacted, the sense of the House was taken by yeas and nays (this being a “loan” bill as defined by Section 3 of Article LXII of the Amendments to the Constitution); and on the roll call 153 members voted in the affirmative and 0 in the negative.

[See [Yea and Nay No. 233 in Supplement.](#)]

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

General infrastructure,—bond.

Bill enacted (state loan),—yea and nay No. 233.

Engrossed Bill — Land Taking.

The engrossed Bill authorizing the use of Article ninety-seven land for roadway improvements in the town of Dunstable (see House, No. 3936, amended) (which originated in the House), having been certified by the Clerk to be rightly and truly prepared for final passage, was put upon its final passage.

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 152 members voted in the affirmative and 0 in the negative.

[See [Yea and Nay No. 234 in Supplement.](#)]

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

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

Dunstable,—land.

Bill enacted (land taking),—yea and nay No. 234.

UNCORRECTED PROOF.

MR. SPEAKER: I would like to call to the attention of the House the fact that on the previous roll call, I was unable to vote due to technical problems. If I could have voted, I would have been recorded in the affirmative.

Statement of
Ms. Elugardo
of Boston.

The engrossed Bill providing for the disposition of certain land in the town of West Brookfield (see House, No. 4519, amended) (which originated in the House), having been certified by the Clerk to be rightly and truly prepared for final passage, was put upon its final passage.

West
Brookfield,—
land.

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 152 members voted in the affirmative and 0 in the negative.

Bill enacted
(land taking),—
yea and nay
No. 235.

[See [Yea and Nay No. 235](#) in Supplement.]

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

Subsequently a statement of Ms. Elugardo 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, I was unable to vote due to technical problems. If I could have voted, I would have been recorded in the affirmative.

Statement of
Ms. Elugardo
of Boston.

Emergency Measures.

Mr. Donato of Medford being in the Chair,—

The engrossed Bill expanding protections for reproductive and gender affirming care (see House, No. 5090), 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.

Reproductive
and gender
affirming care.

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 28 to 11. 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.

On the question on passing the bill to be enacted, the sense of the House was taken by yeas and nays, under Emergency Rule 2; and on the roll call (Ms. Hogan of Stow being in the Chair) 137 members voted in the affirmative and 16 in the negative.

Bill enacted,—
yea and nay
No. 236.

[See [Yea and Nay No. 236](#) in Supplement.]

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

Prior to the noon recess (Mr. Donato of Medford being in the Chair),— the engrossed Bill relative to the alternative superannuation retirement benefit program for teachers (see House, No. 4443, 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.

Teachers'
retirement.

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 4 to 0. Sent to the Senate for concurrence.

UNCORRECTED PROOF.

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 (Ms. Hogan of Stow being in the Chair); and it was signed by the acting Speaker and sent to the Senate.

Bill
enacted.

Engrossed Bills.

Engrossed bills
Protecting research animals (see House, No. 901, amended); and
Further regulating the enforcement of illegal hunting practices (see House, No. 4442, amended);
(Which severally originated in the House);
Severally having been certified by the Clerk to be rightly and truly prepared for final passage, were passed to be enacted, there being no objection; and they were signed by the acting Speaker and sent to the Senate.

Bills
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.

Mr. Jones of North Reading then moved that the House adjourn; and the motion prevailed. Accordingly, without proceeding to consideration of the matters in the Orders of the Day, at a quarter before five o'clock P.M. (Ms. Hogan of Stow being in the Chair), the House adjourned, to meet the following Thursday at eleven o'clock A.M.