

Saturday, July 30, 2022 (at 11:00 o'clock A.M.).

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.

Quorum.

Mr. Frost of Auburn asked for a count of the House to ascertain if a quorum was present. The Chair having determined that a quorum was not in attendance, then directed the Sergeant-at-Arms to secure the presence of a quorum.

Quorum.

Subsequently 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. 254.

[See Yea and Nay No. 254 in Supplement.]

Therefore a quorum was present.

Reports of Committees.

Ms. Hogan of Stow being in the Chair,—

By Mr. Michlewitz of Boston, for the committee on Ways and Means, that the Bill authorizing the commissioner of capital asset management and maintenance to lease the former Joseph Lee Pool Complex located in the city of Boston (Senate, No. 3004), ought to pass with an amendment striking out all after the enacting clause and inserting in place thereof the text contained in House document numbered 5144. Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Boston,—
lease.

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 the same member, the bill was read a second time forthwith. The amendment recommended by the committee on Ways and Means then was adopted; and the bill (Senate, No. 3004, amended) was ordered to a third reading.

Subsequently, under suspension of the rules, on motion of Ms. Garlick of Needham, 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, in concurrence. Sent to the Senate for concurrence in the amendment.

By Mr. Michlewitz of Boston, for the committee on Ways and Means, that the Bill authorizing the conveyance of certain parcels of real estate between the department of conservation and recreation and the town of Holden (Senate, No. 3031), ought to pass with an amendment striking out all after the enacting clause and inserting in place thereof the text contained in House document numbered 5145. Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Holden,—
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 the same member, the bill was read a second time forthwith. The amendment recommended by the committee on Ways and Means then was adopted; and the bill (Senate, No. 3031, amended) was ordered to a third reading.

Subsequently, under suspension of the rules, on motion of Ms. Garlick of Needham, 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, in concurrence. Sent to the Senate for concurrence in the amendment.

By Mr. Michlewitz of Boston, for the committee on Ways and Means, that the Bill authorizing the town of Carver to transfer certain real property, including water wells and a pumping station, to the Cranberry Village Residents Association, Inc. for water supply purposes (Senate, No. 3053), ought to pass with an amendment striking out all after the enacting clause and inserting in place thereof the text contained in House document numbered 5146. Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Carver,—
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 the same member, the bill was read a second time forthwith. The amendment recommended by the committee on Ways and Means then was adopted; and the bill (Senate, No. 3053, amended) was ordered to a third reading.

Subsequently, under suspension of the rules, on motion of Ms. Garlick of Needham, 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, in concurrence. Sent to the Senate for concurrence in the amendment.

By Mr. Michlewitz of Boston, for the committee on Ways and Means, that the Bill authorizing the town of Billerica to transfer certain parcels of land (Senate, No. 3062), ought to pass with an amendment striking out all after the enacting clause and inserting in place thereof the text contained in House document numbered 5147. Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Billerica,—
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 the same member, the bill was read a second time forthwith. The amendment recommended by the committee on Ways and Means then was adopted; and the bill (Senate, No. 3062, amended) was ordered to a third reading.

Subsequently, under suspension of the rules, on motion of Ms. Garlick of Needham, 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, in concurrence. Sent to the Senate for concurrence in the amendment.

By Mr. Michlewitz of Boston, for the committee on Ways and Means, that the Bill further regulating the transfer of care and control of certain parcels of land in the town of Bridgewater from the Department of Correction to the Department of Fire Services (Senate, No. 3065), ought to pass with an amendment striking out all after the enacting clause and inserting in place thereof the text contained in House document numbered 5148. Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Bridgewater,—
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 the same member, the bill was read a second time forthwith. The amendment recommended by the committee on Ways and Means then was adopted; and the bill (Senate, No. 3065, amended) was ordered to a third reading.

Subsequently, under suspension of the rules, on motion of Ms. Garlick of Needham, 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, in concurrence. Sent to the Senate for concurrence in the amendment.

By Mr. Michlewitz of Boston, for the committee on Ways and Means, that the Bill clarifying the application of judicial retirement law (House, No. 2595), ought to pass with an amendment substituting therefor a bill with the same title (House, No. 5149). Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Judicial retirement.

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 the same member, 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 Ms. Garlick of Needham, 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 authorizing the conveyance of certain state property to the town of Salisbury (House, No. 4673), ought to pass with an amendment substituting therefor a Bill authorizing the commissioner of Capital Asset Management and Maintenance to convey a certain parcel of land to the town of Salisbury (House, No. 5150). Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Salisbury,—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 the same member, 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 Ms. Garlick of Needham, 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. Roy of Franklin, for the committee on Telecommunications, Utilities and Energy, that the communication from the Division of Energy Resources of the Executive Office of Energy and Environmental Affairs (under the provisions of section 12 of Chapter 25A of the General Laws) submitting amendments to 225 CMR 14.00 and 15.00, Renewable Energy Portfolio Standard Regulations (RPS) Class I and Class II (House, No. 4919), be placed on file. Under Rule 42, the report was considered forthwith; and it was accepted. Sent to the Senate for concurrence.

Division of Energy Resources,—regulations.

By Mr. Ryan of Boston, for the committee on Election Laws, on a petition, a Bill to promote election audits (House, No. 819).

Election audits.

By Mr. Roy of Franklin, for the committee on Telecommunications, Utilities and Energy, on a petition, a Bill to eliminate geographic barriers of shared solar (House, No. 3283).

Shared solar,—geographic barriers.

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

By Mr. Ryan of Boston, for the committee on Election Laws, on a petition, a Bill authorizing the town of Marblehead to amend the general bylaws to add a new chapter 175, Elections regarding the order of candidates [sic] names on ballot (printed as Senate, No. 3027) [Local Approval Received].

Marblehead,—
candidates.

By the same member, for the same committee, on a joint petition, a Bill relative to the implementation of elements of the charter for the city known as the town of Amherst (House, No. 777) [Local Approval Received].

Amherst,—
ranked choice
voting.

By the same member, for the same committee, on a joint petition, a Bill relative to ranked choice voting in the town of Arlington (House, No. 4207) [Local Approval Received].

Arlington,—
ranked choice
voting.

By the same member, for the same committee, on a joint petition, a Bill relative to ranked choice voting in the city of Northampton (House, No. 4885) [Local Approval Received].

Northampton,—
ranked choice
voting.

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

Motions to Discharge Certain Matters in the Orders of the Day.

The Speaker being in the Chair,—

Mr. Day of Stoneham moved that the engrossed Bill to provide voice communication services at no cost to inmates (see House, No. 5112), being a printed copy of Sections 26, 71, 72, 177, 188 and 191 contained in the engrossed Bill making appropriations for the fiscal year 2023 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 (see House, No. 5050), which had been returned by His Excellency the Governor with recommendation of amendment (for message, see Attachment G of House, No. 5132), be discharged from its position in the Orders of the Day and considered forthwith, under suspension of Rule 47; and the motion prevailed.

Inmates,—
voice
communications.

The committee on Bills in the Third Reading reported that the amendment recommended by the Governor be considered in the following form:

By striking out all after the enacting clause and inserting in place thereof the following:

“SECTION 1. Section 2ZZZZZ of chapter 29 of the General Laws is hereby repealed.

SECTION 2. Chapter 127 of the General Laws is hereby further amended by inserting after section 87 the following section:—

Section 87A. (a) For the purposes of this section, the terms ‘state correctional facilities’, ‘state prison’ and ‘county correctional facility’ shall have the same meanings as in section 1 of chapter 125 of the General Laws.

(b) The department of correction and sheriffs shall provide persons committed to state correctional facilities, state prisons and county correctional facilities, including jails and houses of correction, with voice communication services including, phone calls free of charge to the person initiating and the person receiving the communication; provided however, that voice communication services shall be maximized to the extent operationally feasible and nothing in this section shall further limit or restrict access to voice communication services as the services were offered

and available at such facilities on July 1, 2022; and provided further, that nothing in this section shall prohibit in-person contact visits.

(c) The department of correction and sheriffs may supplement voice communication services with other communication services including, but not limited to, video and electronic communication services; provided however, that other communication services shall not replace voice communication services; and provided further, that other communication services shall be provided free of charge to the person initiating and the person receiving the communication.

SECTION 3. Chapter 127 of the General Laws is hereby further amended by adding the following section:—

Section 170. (a) For the purposes of this section, the terms ‘county correctional facility’, ‘state correctional facility’ and ‘state prison’ shall have the same meanings as in section 1 of chapter 125 of the General Laws.

(b) State correctional facilities, state prisons, and county correctional facilities shall not charge more than 3 per cent over the contracted-for cost for commissary items; provided however, that entities contracting with such facilities may charge for commissary items at their contracted rate. The department of correction and county sheriffs shall maximize discounts procured from bulk purchasing of commissary items or other contracting opportunities that reduce the cost of such items and shall not receive commissions, revenue or other financial incentives in any contract with a seller, supplier or vendor of commissary items. Commissary items offered shall include gender affirming items, consistent with section 32A, and culturally appropriate items for all communities in custody.

SECTION 4. Chapter 268 of the General Laws, as appearing in the 2020 Official Edition, is hereby amended by inserting after section 13E the following section:—

Section 13F. Whoever unlawfully removes, destroys, damages, or interferes with the proper functioning of a geolocation monitoring device, breath-testing instrument, or other mechanism intended to facilitate recognizance or compliance with conditions of pretrial release, probation or parole, shall be punished by imprisonment in the state prison for not more than 10 years or imprisonment in a house of correction for not more than 2 and ½ years. In any proceeding under section 57, 58, 58A, or 58B of chapter 276, the fact of a person’s prior conviction pursuant to this section shall be prima facie evidence that there is no financial condition or other condition of release that will reasonably assure the presence of the person so convicted.

SECTION 5. Section 58A of said chapter 276, as so appearing, is hereby amended by striking subsection (1) and inserting in place thereof the following subsection:— (1) The commonwealth may move, based on dangerousness, for an order of pretrial detention or release on conditions when a person has been charged with any of the following offenses:

(A) a felony that has as an element of the offense the use, attempted use or threatened use of physical force against the person of another;

(B) the offenses of burglary or arson;

(C) a violation of an order pursuant to section 18, 34B or 34C of chapter 208, section 32 of chapter 209, section 3, 3B, 3C, 4 or 5 of chapter 209A or section 15 or 20 of chapter 209C;

(D) a misdemeanor or felony involving abuse as defined in section 1 of chapter 209A;

(E) a sex offense involving a child as defined in section 178C of chapter 6;

(F) a violation of section 13B of chapter 268;

(G) a violation of section 13, 13 ½, 13B, 13B ½, 13 B ¾, 13F, 13M, 15D, 18B, 22, 22A, 22B, 22C, 23, 23A, 23B, 24, 25, 26B, 26C, 37, 43A, 50 or 51 of chapter 265

or a violation of section 13D of said chapter 265 in which the public employee is a police officer;

(H) a violation of section 4A, 4B, 16, 29A, 29B, 29C, 77, 94 or 105 of chapter 272;

(I) a violation of section 24G of chapter 90 which occurs under the influence of alcohol or drugs, or a violation of section 8B of chapter 90B; or a third or subsequent violation of section 24 of chapter 90 or section 8 of chapter 90B;

(J) an offense under chapter 94C for which the maximum term of imprisonment is more than 10 years;

(K) any violation of sections 102 or 102A, or a malicious violation of section 127 of chapter 266;

(L) a violation of section 131N of chapter 140 or subsection (a), (b), (c), (d), (h), (j) or (m) of section 10 or section 11C of chapter 269;

(M) a violation of section 10A, 10E, or 10G of chapter 269;

(N) threats to kill, rape, or cause serious bodily injury; or

(O) conspiracy or solicitation to commit any of the above enumerated offenses.

SECTION 6. Said section 58A of said chapter 276, as so appearing, is hereby further amended by striking out, in lines 102 to 108, the second sentence of subsection (3) and inserting in place thereof the following two sentences:— A person detained under this subsection shall be detained until the disposition of the case; provided that the person shall be entitled to a speedy trial and shall be brought to trial as soon as reasonably possible and in any case within the time limit mandated pursuant to Massachusetts Rules of Criminal Procedure Rule 36 (b); and further provided that the person's case shall be given priority over other cases, as required by Massachusetts Rules of Criminal Procedure Rule 36(a)(1). Nothing in this section shall be construed as modifying or limiting the requirements and provisions of Massachusetts Rules of Criminal Procedure Rule 36.

SECTION 7. Said section 58A of said chapter 276, as so appearing, is hereby further amended by striking out, in lines 113-to 124, the first four sentences of subsection (4) and inserting in place thereof the following five sentences:—

(4) When a person is charged with an offense listed in subsection (1) and upon a motion by the commonwealth, the judge shall hold a hearing to determine whether conditions of release will reasonably assure the safety of any other person or the community.

If the commonwealth moves for a hearing at the time of arraignment, the hearing shall be held immediately upon the person's first appearance before the court unless that person, or the attorney for the commonwealth, seeks a continuance. Except for good cause, a continuance on motion of the person may not exceed seven days, and a continuance on motion of the attorney for the commonwealth may not exceed three business days. During a continuance, the individual shall be detained upon a showing that there existed probable cause to arrest the person.

If the attorney for the commonwealth files a motion seeking to detain the person under this section at any time after the time of arraignment or the person's first appearance before the court, the court shall order that the hearing shall occur as soon as possible and within the time periods and as otherwise set forth in this section.

SECTION 8. Said chapter 276 is hereby further amended by inserting after section 58B the following section:—

Section 58C. No person who has attained the age of 18 years and who has been charged with any act that would constitute abuse, as defined in section 1 of chapter 209A, or a violation of sections 13M or 15D of chapter 265, or any offense enumerated in subsection 1 of section 58A that involves an identified victim shall be

admitted to bail before the alleged victim is notified of the person's imminent release; provided, however, that the person charged shall not be held more than 6 hours in order to permit prior notice to the alleged victim.

When a person so charged is to be released from the custody of a police department, such notice shall be provided by the police department. When a person so charged is to be released from a courthouse, such notice shall be provided by the commonwealth. When a person so charged is to be released from a jail or correctional facility, such notice shall be provided by the superintendent or superintendent's designee. The person or agency responsible for providing notice shall undertake to provide notice promptly.

SECTION 9. (a) Notwithstanding any general or special law to the contrary, no voice communication services contract in force on the effective date of this act shall be affected by section 71; provided, that voice communication services shall be free of charge to the person initiating and the person receiving the communication on or after January 1, 2023; provided further, that other communication services offered pursuant to said section 71, including, but not limited to, video and electronic communication services shall be offered free of charge to the person initiating and the person receiving the communication on or after January 1, 2023.

(b) Notwithstanding any general or special law to the contrary, upon the expiration of any contract for voice communication services the department of corrections and the sheriffs shall seek to maximize purchasing power and consolidate contracts to the extent feasible; provided, that not later than July 1, 2023, the department of correction and the sheriffs shall report to the house and senate committees on ways and means and the joint committee on the judiciary on the status of any communication services contracts and plans to consolidate contracts to maximize purchasing power for voice communication services.

(c) Notwithstanding any general or special law to the contrary any financial incentive received in connection with a voice communication services or other communication services contract including, but not limited to a commission, shall be utilized for the purposes set forth in subsection (d).

(d) Any service, benefit or program for incarcerated people to which commissary commissions were specifically designated in fiscal year 2022 including, but not limited to, the Inmate Benefit Fund, The Law Library and the Central Program Account in the state prison system, shall be funded by the department of correction and the sheriffs at not less than the level of funding in fiscal year 2022.

SECTION 10. Section 1 shall take effect on June 30, 2024.

SECTION 11. Section 3 shall take effect 1 year after the effective date of this act.”; and the report was accepted.

After debate on the question on adoption of the amendment recommended by the Governor (as reported by the committee on Bills in the Third Reading), the sense of the House was taken by yeas and nays, at the request of Ms. Sullivan of Abington; and on the roll call 31 members voted in the affirmative and 122 in the negative.

[See [Yea and Nay No. 255](#) in Supplement.]

Therefore the amendment was rejected. Sent to the Senate for its action.

Ms. Hogan of Stow being in the Chair,—

The Senate amendment of the House Bill authorizing the Massachusetts Water Resources Authority to release easements upon certain real property in the town of Canton (House, No. 4250), reported by the committee on Bills in the Third Reading to be correctly drawn, was taken from its position in the Orders of the Day, under

Amendment
rejected,—
yea and nay
No. 255.

Canton,—
land.

suspension of Rule 47, on motion of Ms. Garlick of Needham; and it was adopted, in concurrence.

The Senate amendments of the House Bill authorizing the town of Pepperell to convey a certain parcel of land to the Commonwealth (House, No. 4794), reported by the committee on Bills in the Third Reading to be correctly drawn, was taken from its position in the Orders of the Day, under suspension of Rule 47, on motion of Ms. Garlick of Needham; and it was adopted, in concurrence.

Pepperell,—
land.

The Senate amendment of the House Bill authorizing the conveyance of easements by the city of Fitchburg to the town of Westminster (House, No. 4946), reported by the committee on Bills in the Third Reading to be correctly drawn, was taken from its position in the Orders of the Day, under suspension of Rule 47, on motion of Ms. Garlick of Needham; and it was adopted, in concurrence.

Fitchburg and
Westminster,—
land.

The House Bill relative to certain land in the town of Winchester (printed in House, No. 5142), 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 read a third time forthwith, under suspension of Rule 47, on motion of Mr. Day of Stoneham; and it was passed to be engrossed. Sent to the Senate for concurrence.

Winchester,—
land.

Recess.

At twenty-nine minutes after twelve o'clock noon (Saturday, July 30), on motion of Mr. Jones of North Reading (Ms. Hogan of Stow being in the Chair), the House recessed subject to the call of the Chair; and at three minutes after two o'clock P.M., the House was called to order with Ms. Hogan in the Chair.

Recess.

Papers from the Senate.

The House Bill to reduce traffic fatalities (House, No. 5103), came from the Senate passed to be engrossed, in concurrence, with amendments inserting before section 1 the following section:

Traffic
fatalities.

“SECTION A1. Section 11B of chapter 85 of the General Laws, as appearing in the 2020 Official Edition, is hereby amended by striking out, in lines 71 and 72, the words ‘either a lamp emitting a red light, or’ and inserting in place thereof the following words:— a lamp emitting a red light and”;

In section 6, adding at the end thereof the following sentence: “The registrar may provide alternative means of compliance with the convex mirror, cross-over mirror and lateral protective device requirements.”;

In section 7, in lines 57 and 58, striking out the word “before” and inserting in place thereof, in each instance, the word “after”;

Striking out section 10; and

Inserting after section 13 the following section:

“SECTION 13A. The Executive Office of Public Safety and Security shall within one year report the results of a study of the implementation of this bill focusing on racial, gender and geographic disparities if any.”.

The amendments were referred, under Rule 35, to the committee on Bills in the Third Reading.

Bills

Relative to safety and violence education for students (the SAVE Students Act) (Senate, No. 3082) (on Senate bill No. 3072);

Violence education.

Relative to sustainability and resiliency in the Dorchester section of the city of Boston (Senate, No. 3088) (on Senate bill No. 3078);

Boston,— easements.

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

Bills

Exempting a certain affordable housing project in the city of Brockton from public procurement laws (Senate, No. 2864) (on a petition) [Local Approval Received]; and

Brockton,— housing.

Further regulating elections in the town of Bridgewater (Senate, No. 3080) (on Senate bill No. 2946);

Bridgewater,— elections.

Severally passed to be engrossed by the Senate were read; and they were referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Motions to Discharge Certain Matters in the Orders of the Day.

The engrossed Bill relative to the the [sic] collection of demographic data (see House, No. 5109), being a printed copy of Sections 6, 176 and 184 contained in the engrossed Bill making appropriations for the fiscal year 2023 (see House, No. 5050), which had been returned by His Excellency the Governor with recommendation of amendment (for message see Attachment D of House, No. 5132), was discharged from its position in the Orders of the Day and considered forthwith, under suspension of Rule 47, on motion of Ms. Garlick of Needham.

Demographic data,— collection.

The committee on Bills in the Third Reading reported recommending that the amendment recommended by the Governor be considered in the following form:

By striking out all after the enacting clause and inserting in place thereof the following:

“SECTION 1. Chapter 6A of the General Laws is hereby amended by adding the following section:—

Section 105. (a) For the purposes of this section, the following words shall have the following meanings unless the context clearly requires otherwise:

‘Government agency’, any state agency, quasi-state agency, subdivision of a state agency, or board, commission or any other entity created by the commonwealth.

‘Personal identifying information’, information: (i) that directly identifies an individual, including name, address, social security number or other identifying number or code; (ii) by which an agency intends to identify specific individuals in conjunction with other data elements, which shall include indirect identification which can compile an identity, such as a combination of gender, race, birth date, geographic indicator and other descriptors; or (iii) that permits the physical or online contacting of a specific individual.

(b) Every government agency that collects demographic data as to the race or ethnicity of residents of the commonwealth shall, to the extent feasible, use separate collection and tabulations for the following:

(i) each major Asian group, as reported by the United States Census Bureau, including, but not limited to, Chinese, Japanese, Filipino, Korean, Vietnamese, Asian Indian, Laotian, Cambodian, Bangladeshi, Hmong, Indonesian, Malaysian, Pakistani, Sri Lankan, Taiwanese, Nepalese, Burmese, Tibetan and Thai;

(ii) each major Pacific Islander group, as reported by the United States Census Bureau, including, but not limited to, Native Hawaiian, Guamanian, Samoan, Fijian and Tongan;

(iii) each other Asian or Pacific Islander group;

(iv) each major Black or African American group, as reported by the United States Census Bureau, including, but not limited to, African American, Jamaican, Haitian, Nigerian, Ethiopian, Cape Verdean and Somali;

(v) each major Latino group, as reported by the United States Census Bureau, including, but not limited to, Mexican, Puerto Rican, Cuban, Salvadoran, Dominican and Colombian; and

(vi) each major white or Caucasian group, as reported by the United States Census Bureau, including, but not limited to, German, Irish, English, Italian, Polish, Portuguese and French.

(c) Each government agency shall allow individuals to choose more than 1 group, write in their own group or choose the aggregate category.

(d) Except for personal identifying information, which shall be deemed confidential, each government agency shall make the data available to the public in accordance with state and federal law. This information may be maintained in either paper, electronic or other media form. To prevent identification of individuals, the information may be aggregated into data categories at a state, county, city, census tract or zip code level to facilitate comparisons, identify disparities and to be included in studies and reports. This subsection shall not be construed to prevent any other government agency from posting data collected on the agency's website, in a manner prescribed in this section.

(e)(1) The secretary of administration and finance shall promulgate regulations and issue guidelines on the collection of demographic data which shall include, but not be limited to: (i) a standardized form for information collection; (ii) expanding the categories of race or ethnicity; (iii) a standard format for agencies to make data publicly available and to update said data on an annual basis; (iv) a method to ensure no personal identifying information is publicly released; (v) a standardized written disclosure to the individual filling the form out that information collection is voluntary; (vi) procedures to ensure that nonparticipation in information collection shall have no impact on an individual's eligibility for state services; and (vii) annual cost impact and review of the successfulness of collecting information.

(2) Annually, not later than August 1, the secretary of administration and finance shall file a report on the progress of data collection with the clerks of the house of representatives and senate and the joint committee on state administration and regulatory oversight.

(f) All data collected by government agencies shall be subject to both state and federal privacy laws including, but not limited to, Title 13 of the United States Code and section 2 of chapter 93H of the General Laws.

SECTION 2. Section 1 shall take effect on January 1, 2025.”; and by striking out the emergency preamble; and the report was accepted.

The amendments recommended by the Governor (as reported by the committee on Bills in the Third Reading) were rejected.

Mr. Michlewitz of Boston then moved to amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

“SECTION 1. Chapter 6A of the General Laws is hereby amended by adding the following section:—

Section 105. (a) For the purposes of this section, the following words shall, unless the context clearly requires otherwise, have the following meanings:

‘Government agency’, any state agency, quasi-state agency, subdivision of a state agency, or board, commission or any other entity created by the commonwealth.

‘Personal identifying information’, information: (i) that directly identifies an individual, including name, address, social security number or other identifying number or code; (ii) by which an agency intends to identify specific individuals in conjunction with other data elements, which shall include indirect identification which can compile an identity, such as a combination of gender, race, birth date, geographic indicator and other descriptors; or (iii) that permits the physical or online contacting of a specific individual.

(b) Every government agency that collects demographic data as to the race or ethnicity of residents of the commonwealth shall use separate collection and tabulations for the following:

(i) each major Asian group, as reported by the United States Census Bureau, including, but not limited to, Chinese, Japanese, Filipino, Korean, Vietnamese, Asian Indian, Laotian, Cambodian, Bangladeshi, Hmong, Indonesian, Malaysian, Pakistani, Sri Lankan, Taiwanese, Nepalese, Burmese, Tibetan and Thai;

(ii) each major Pacific Islander group, as reported by the United States Census Bureau, including, but not limited to, Native Hawaiian, Guamanian, Samoan, Fijian and Tongan;

(iii) each other Asian or Pacific Islander group;

(iv) each major Black or African American group, as reported by the United States Census Bureau, including, but not limited to, African American, Jamaican, Haitian, Nigerian, Ethiopian, Cape Verdean and Somali;

(v) each major Latino group, as reported by the United States Census Bureau, including, but not limited to, Mexican, Puerto Rican, Cuban, Salvadoran, Dominican and Colombian; and

(vi) each major white or Caucasian group, as reported by the United States Census Bureau, including, but not limited to, German, Irish, English, Italian, Polish, Portuguese and French.

(c) Each government agency shall allow individuals to choose more than 1 group, write in their own group or choose the aggregate category.

(d) Except for personal identifying information, which shall be deemed confidential, each government agency shall make the data available to the public in accordance with state and federal law. This information may be maintained in either paper, electronic or other media form. To prevent identification of individuals, the information may be aggregated into data categories at a state, county, city, census tract or ZIP code level to facilitate comparisons, identify disparities and to be included in studies and reports. This subsection shall not be construed to prevent any other government agency from posting data collected on the agency’s website, in a manner prescribed in this section.

(e)(1) The secretary of administration and finance shall issue guidelines on the collection of demographic data, which shall include, but not be limited to: (i) forms for information collection; (ii) expanding the categories of race or ethnicity; (iii) formats for agencies to make data publicly available and to update said data on an annual basis; (iv) methods to ensure no personal identifying information is publicly released; (v) forms for written disclosure to the individual filling the form out that information collection is voluntary; (vi) procedures to ensure that nonparticipation in information collection shall have no impact on an individual’s eligibility for state services; and (vii) annual cost impact and review of the successfulness of collecting information.

(2) Annually, not later than August 1, the secretary of administration and finance shall file a report on the progress of data collection with the clerks of the house of representatives and senate and the joint committee on state administration and regulatory oversight.

(f) All data collected by government agencies shall be subject to both state and federal privacy laws, including, but not limited to, Title 13 of the United States Code and section 2 of chapter 93H.

SECTION 2. Section 1 shall take effect on January 1, 2025.”; and by striking out the emergency preamble.

The amendments were adopted. Sent to the Senate for its action.

The engrossed Bill relative to appointments to the Pension Reserves Investment Management Board (see House, No. 5113), being a printed copy of Section 28 contained in the engrossed Bill making appropriations for the fiscal year 2023 (see House, No. 5050), which had been returned by His Excellency the Governor with recommendation of amendment (for message see Attachment H of House, No. 5132), was discharged from its position in the Orders of the Day and considered forthwith, under suspension of the rules/Rule 47, on motion of Ms. Garlick of Needham.

PRIM
board.

The committee on Bills in the Third Reading reported recommending that the amendment recommended by the Governor be considered in the following form:

By striking out section 1 and inserting in place thereof the following:

“SECTION 1. Section 23 of chapter 32 of the General Laws, as appearing in the 2020 Official Edition, is hereby amended by inserting after the words ‘representative of a public safety union’, in line 201, the following words:— who shall also be a member of the state employee’s retirement system, the teacher’s retirement system or a participating system in the PRIT Fund and”;

and the report was accepted.
The amendment recommended by the Governor (as reported by the committee on Bills in the Third Reading) then was rejected.

Mr. Michlewitz of Boston then moved to amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

“SECTION 1. Section 23 of chapter 32 of the General Laws, as appearing in the 2020 Official Edition, is hereby amended by inserting, in line 201, after the words ‘representative of a public safety union’ the following words:— from a list of 3 candidates nominated by the executive board of the Massachusetts Association of Contributory Retirement Systems, Inc. who shall be a member of the state employees’ retirement system, or the teachers’ retirement system, or any other system that has been vested in the PRIT Fund.

SECTION 2. This act shall take effect on July 1, 2022.”.

The amendment was adopted. Sent to the Senate for its action.

The engrossed Bill relative to HIV prevention services (see House, No. 5115), being a printed copy of Sections 49, 50 and 51 contained in the engrossed Bill making appropriations for the fiscal year 2023 (see House, No. 5050), which had been returned by His Excellency the Governor with recommendation of amendment (for message see Attachment J of House, No. 5132), was discharged from its position in the Orders of the Day and considered forthwith, under suspension of Rule 47, on motion of Ms. Garlick of Needham.

HIV prevention
services.

The committee on Bills in the Third Reading reported recommending that the amendment recommended by the Governor be considered in the following form:

By striking out sections 1, 2 and 3 and inserting in place thereof the following 3 sections:

“SECTION 1. Section 12F of chapter 112 of the General Laws, as appearing in the 2020 Official Edition, is hereby amended by inserting after the word ‘patient’, in line 6, the following words:— , or for the prevention of HIV for sexually active minors.

SECTION 2. Said section 12F of said chapter 112, as so appearing, is hereby further amended by inserting after the word ‘be’, in line 14, the following words:— at risk of exposure due to sexual activity or to be.

SECTION 3. Said section 12F of said chapter 112, as so appearing, is hereby further amended by inserting after the word ‘disease’, in line 18, the following words:— , or prevention of HIV if the minor is sexually active.”; and the report was accepted.

The amendment recommended by the Governor (as reported by the committee on Bills in the Third Reading) then was adopted. Sent to the Senate for its action.

The engrossed Bill relative to the Massachusetts Bay Transportation Authority board of directors (see House, No. 5116), being a printed copy of Section 73 contained in the engrossed Bill making appropriations for the fiscal year 2023 (see House, No. 5050), which had been returned by His Excellency the Governor with recommendation of amendment (for message see Attachment K of House, No. 5132), was discharged from its position in the Orders of the Day and considered forthwith, under suspension of Rule 47, on motion of Ms. Garlick of Needham.

MBTA,—
board of
directors.

The committee on Bills in the Third Reading reported recommending that the amendment recommended by the Governor be considered in the following form:

By striking out all after the enacting clause and inserting in place thereof the following:

“SECTION 1. Subsection (a) of section 7 of chapter 161A of the General Laws, as appearing in section 19 of chapter 29 of the acts of 2021, is hereby amended by striking out the first paragraph and inserting in place thereof the following paragraph:—

The authority shall be governed and its corporate powers exercised by a board of directors. The board shall consist of: the secretary, who shall serve ex officio; 1 person to be appointed by the advisory board who shall have municipal government experience in the service area constituting the authority and experience in transportation operations, transportation planning, housing policy, urban planning or public or private finance; and 7 persons to be appointed by the governor, 1 of whom shall have experience in safety, 1 of whom shall have experience in transportation operations, 1 of whom shall have experience in human resources management and talent acquisition, 1 of whom shall have experience in public or private finance, 1 of whom shall be a rider as defined in section 1 and a resident of an environmental justice population as defined in section 62 of chapter 30, 1 of whom shall be selected from a list of 3 persons with experience in transportation operations and who are employees of the city of Boston recommended by the mayor of the city of Boston and 1 of whom shall be selected from a list of 3 persons recommended by the president of the Massachusetts State Labor Council, AFL-CIO.

SECTION 2. The first sentence of subsection (d) of said section 7 of said chapter 161A, as so appearing, is hereby amended by striking out the word ‘Four’ and inserting in place thereof the following word:— Five.

SECTION 3. This act shall take effect on July 1, 2022.”; and the report was accepted.

The amendment recommended by the Governor (as reported by the committee on Bills in the Third Reading) then was adopted. Sent to the Senate for its action.

The engrossed Bill relative to the South Boston Community Development Foundation (see House, No. 5120), being a printed copy of Section 109 contained in the engrossed Bill making appropriations for the fiscal year 2023 (see House, No. 5050), which had been returned by His Excellency the Governor with recommendation of amendment (for message see Attachment O of House, No. 5132), was discharged from its position in the Orders of the Day and considered forthwith, under suspension of Rule 47, on motion of Ms. Garlick of Needham.

South Boston
Community
Development
Foundation.

The committee on Bills in the Third Reading reported recommending that the amendment recommended by the Governor be considered in the following form:

By striking out section 1 and inserting in place thereof the following section:

“SECTION 1. Paragraph (i) of subsection (g) of section 4 of chapter 152 of the acts of 1997, as amended by chapter 256 of the acts of 2006, is hereby further amended by inserting after the words ‘the representative from the fourth Suffolk district or his designee, who shall be a non-voting member;’ the following words:— 1 member appointed by the senator from the first Suffolk district who shall be a veteran or active duty service member; 1 member appointed by the representative of the fourth Suffolk district, who shall be a member of the local hospitality workforce;”;

and the report was accepted.

The amendment recommended by the Governor (as reported by the committee on Bills in the Third Reading) then was rejected. Sent to the Senate for its action.

The engrossed Bill relative to cost-of-living adjustments for retirees (see House, No. 5124), being a printed copy of Section 134 contained in the engrossed Bill making appropriations for the fiscal year 2023 (see House, No. 5050), which had been returned by His Excellency the Governor with recommendation of amendment (for message see Attachment S of House, No. 5132), was discharged from its position in the Orders of the Day and considered forthwith, under suspension of Rule 47, on motion of Ms. Garlick of Needham.

Retirees,—
cost of living.

The committee on Bills in the Third Reading reported recommending that the amendment recommended by the Governor be considered in the following form:

By striking out section 1 and inserting in place thereof the following section:

“SECTION 1. (a) (1) Notwithstanding section 103 of chapter 32 of the General Laws or any other general or special law to the contrary, the retirement board of any system that has accepted said section 103 may elect to establish a cost-of-living adjustment increase of not less than 3 per cent and not greater than 5 per cent on the base amount provided for in said section 103 for fiscal year 2023.

(2) The sum of the dollar amount of the cost-of-living increase on the base amount, together with the amount of retirement allowance, pension or annuity to which the cost-of-living increase is applied, shall become the fixed retirement allowance, pension or annuity for all future purposes, including the application of subsequent cost-of-living adjustments in future years.

(b) A retirement board may grant a cost-of-living increase of not less than 3 per cent and not greater than 5 per cent on the base amount for fiscal year 2023 at any time during the fiscal year.

(c) This section shall take effect for the members of a retirement system by a majority vote of the board of such system and upon local acceptance of the city council upon recommendation of the mayor in a city, of the chief executive officer as defined in section 7 of chapter 4 of the General Laws in a town, of the county commissioners in a county and in a district or other political subdivision of the commonwealth by vote of the governing board, commission or committee. For any

retirement system comprising more than 1 political subdivision of the commonwealth, this section shall be effective by a majority vote of the board of such system and upon the acceptance of two-thirds of cities and towns within the system by approval of the city council upon recommendation of the mayor in a city and the chief executive officer as defined in section 7 of chapter 4 of the General Laws in a town.”; and the report was accepted.

The amendment recommended by the Governor (as reported by the committee on Bills in the Third Reading) then was rejected.

Mr. Michlewitz of Boston then moved to amend the bill by striking out section 1 and inserting in place thereof the following section:

“SECTION 1. (a) (1) Notwithstanding section 103 of chapter 32 of the General Laws or any other general or special law to the contrary, the retirement board of any system that has accepted said section 103 may elect to establish a cost-of-living adjustment increase of not less than 3 per cent and not greater than 5 per cent on the base amount provided for in said section 103 for fiscal year 2023.

(2) The sum of the dollar amount of the cost-of-living increase on the base amount, together with the amount of retirement allowance, pension or annuity to which the cost-of-living increase is applied, shall become the fixed retirement allowance, pension or annuity for all future purposes, including the application of subsequent cost-of-living adjustments in future years.

(b) A retirement board may grant a cost-of-living increase of not less than 3 per cent and not greater than 5 per cent on the base amount for fiscal year 2023 at any time during the fiscal year.

(c) This section shall take effect for the members of a retirement system by a majority vote of the board of such system and upon local acceptance: (i) of the city council upon recommendation of the mayor in a city, (ii) of the city council upon recommendation of the city manager in a city having a Plan D or Plan E charter, (iii) of the chief executive officer, as defined in section 7 of chapter 4 of the General Laws, in a town, (iv) of the county commissioners in a county and (v) by vote of the governing board, commission or committee in a district or other political subdivision of the commonwealth. For any retirement system comprising more than 1 political subdivision of the commonwealth, this section shall be effective by a majority vote of the board of such system and upon the acceptance of two-thirds of cities and towns within the system by approval of: (i) the city council upon recommendation of the mayor in a city, (ii) the city council upon recommendation of the city manager in a city having a Plan D or Plan E charter, and (iii) the chief executive officer, as defined in section 7 of chapter 4 of the General Laws, in a town.”.

The amendment was adopted. Sent to the Senate for its action.

The engrossed Bill relative to a purchase option on a University of Massachusetts at Dartmouth leased facility in New Bedford (see House, No. 5130), being a printed copy of Section 171 contained in the engrossed Bill making appropriations for the fiscal year 2023 (see House, No. 5050), which had been returned by His Excellency the Governor with recommendation of amendment (for message see Attachment Y of House, No. 5132), was discharged from its position in the Orders of the Day and considered forthwith, under suspension of Rule 47, on motion of Ms. Garlick of Needham.

UMass,—
lease.

The committee on Bills in the Third Reading reported recommending that the amendment recommended by the Governor be considered in the following form:

By striking out section 1 and inserting in place thereof the following section:

“SECTION 1. Notwithstanding any general or special law to the contrary and for the sole purpose of the option to purchase the facility located at 182 Union street in the city of New Bedford set forth in the original lease agreement dated February 28, 2000, as extended by a one-year short-term tenancy agreement in fiscal year 2022, the University of Massachusetts Building Authority shall be the successor agency to the division of capital asset management and maintenance. Notwithstanding any general or special law to the contrary, on or before August 14, 2022, the University of Massachusetts Building Authority shall execute the option to purchase said facility located at 182 Union street in the city of New Bedford on behalf of the commonwealth, in accordance with section 2 of chapter 457 of the acts of 1996, and the deed conveying said property shall name as grantee the University of Massachusetts Building Authority.”; and the report was accepted.

The amendment recommended by the Governor (as reported by the committee on Bills in the Third Reading) then was adopted. Sent to the Senate for its action.

The Senate amendment of the House Bill authorizing the town of Oak Bluffs and the Martha’s Vineyard Land Bank Commission to exchange certain parcels of land (House, No. 4321), 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. Garlick of Needham; and it was adopted, in concurrence.

Oak Bluffs,—
land.

The Senate amendment of the House Bill to preserve special needs trusts for disabled seniors (House, No. 4792), 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. Garlick of Needham; and it was adopted, in concurrence.

Special
needs trusts.

Engrossed Bill.

The engrossed Bill providing for diabetes management in schools (see House, No. 5052) (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.

Engrossed Bill – Land Taking.

The engrossed Bill authorizing the conveyance of easements by the city of Fitchburg to the town of Westminster (see House, No. 4946, 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.

Fitchburg and
Westminster,—
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. 256.

[See [Yea and Nay No. 256](#) in Supplement.]

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

Emergency Measures.

The engrossed Bill authorizing the town of Pepperell to convey a certain parcel of land to the Commonwealth (see House, No. 4794, 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.

Pepperell,—
land.

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 9 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.

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. 257.

[See [Yea and Nay No. 257](#) in Supplement.]

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

Engrossed Bill – Land Taking.

The engrossed Bill authorizing the town of Oak Bluffs and the Martha's Vineyard Land Bank Commission to exchange certain parcels of land (see House, No. 4321, 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.

Oaks Bluffs,—
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. 258.

[See [Yea and Nay No. 258](#) in Supplement.]

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

The engrossed Bill authorizing the Massachusetts Water Resources Authority to release easements upon certain real property in the town of Canton (see House, No. 4250, 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.

Canton,—
land.

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 11 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.

Mr. Donato of Medford being in the Chair,—

The engrossed Bill establishing a sick leave bank for Charles H. Bletzer, an employee of the Trial Court of the Commonwealth (see House, No. 4323, 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.

Charles
Bletzer,—
sick leave.

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 21 to 0. Sent to the Senate for concurrence.

Recesses.

At eleven minutes before five o'clock P.M. (Saturday, July 30), on motion of Mr. Jones of North Reading (Ms. Hogan of Stow being in the Chair), the House recessed subject to the call of the Chair; and at eleven minutes after five o'clock the House was called to order with Mr. Garballey of Arlington in the Chair.

Recesses.

The House thereupon took a further recess, on motion of Mr. Frost of Auburn, until the following day at twelve o'clock noon; and at two minutes after twelve o'clock noon, the House was called to order with Ms. Hogan of Stow in the Chair.