
The Commonwealth of Massachusetts

JOURNAL OF THE HOUSE.



WEDNESDAY, OCTOBER 6, 2021.

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Wednesday, October 6, 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.

Statement of Representative Gouveia of Acton.

A statement of Ms. Gouveia of Acton 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 I was unable to participate remotely in today's session due to unforeseen technological issues. Had I been present for Yea and Nay Nos. 105 and 106, I would have voted, in each instance, in the affirmative. My missing of roll calls today was due entirely to the reason stated.

Statement of Ms. Gouveia of Acton.

Petitions.

Petitions severally were presented and referred as follows:

By Mr. Haggerty of Woburn, a petition (subject to Joint Rule 12) of Richard M. Haggerty relative to court officers injured in service of the Commonwealth.

Court officers.

By Mr. Mark of Peru (by request), a petition (subject to Joint Rule 12) of Cara Veremko relative to appeals from the decisions of clerk-magistrates.

Clerk-magistrates.

By Mr. Silvia of Fall River, a petition (subject to Joint Rule 12) of Alan Silvia relative to palliative care and end-of-life care and consultation.

Palliative care.

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

Report of a Committee.

By Mr. Murphy of Weymouth, for the committee on Financial Services, asking to be discharged from further consideration of the petition (accompanied by bill, Senate, No. 722) of Marc R. Pacheco for legislation to authorize independent retirement boards to divest from fossil fuel companies,— and recommending that the same be referred to the committee on Public Service. Under Rule 42, the report was considered forthwith; and it was accepted. Sent to the Senate for concurrence.

Fossil fuel companies,— divestment.

Engrossed Bills.

Engrossed bills

Authorizing certain investments by the treasurer of the town of Milton (see Senate, No. 1364); and

Bills enacted.

Authorizing the appointment of special firefighters in the city of Somerville (see Senate, No. 1734);

(Which severally originated in the Senate);

Severally having been certified by the Clerk to be rightly and truly prepared for final passage, were passed to be enacted; and they were signed by the acting Speaker and sent to the Senate.

Orders of the Day.

The Senate amendment of the House Bill promoting student nutrition (House, No. 3999), reported by the committee on Bills in the Third Reading to be correctly drawn, was considered.

Students,—
nutrition.

Pending the question on adoption of the amendment, in concurrence, Representatives Garlick of Needham and Peisch of Wellesley moved that the House concur with the Senate in its amendment with a further amendment striking out all after the enacting clause (inserted by amendment by the Senate) and inserting in place thereof the following:

“SECTION 1. Chapter 71 of the General Laws is hereby amended by inserting after section 72 the following 2 sections:

Section 72A. (a) As used in this section, the following words shall, unless the context clearly requires otherwise, have the following meanings:

‘Federal community eligibility provision’, as described in 7 C.F.R. 245.9(f).

‘Identified student percentage’, as defined in 7 C.F.R. 245.9(f)(1)(iii).

‘Provision 2’, as described in 7 C.F.R. 245.9(b).

(b)(1) A school district or individual school with an identified student percentage that is not less than 60 per cent shall elect and implement the federal community eligibility provision or provision 2 to provide universal free school breakfast and lunch to all students. This paragraph may be waived by the department if a school district or individual school is able to justify to the department that implementation will result in financial hardship to the school district or individual school.

(2) A school district or an individual school with an identified student percentage that is not less than 50 per cent but less than 60 per cent shall elect and implement the federal community eligibility provision or provision 2 to provide universal free school breakfast and lunch to all students unless: (i) the school committee for the school district or individual school votes, not later than June 1 of the first year of eligibility, to decline to participate in either the federal community eligibility provision or provision 2; or (ii) the department determines that the school district or individual school no longer has the qualifying identified student percentage. This paragraph may be waived by the department if a school district or an individual school is able to justify to the department that implementation will result in financial hardship to the school district or individual school.

(3) A school nutrition director or their designee shall attend at least 1 training by the department to learn about the federal community eligibility provision and other federal options that may be available to a school district or an individual school before a school committee vote or determination by the department pursuant to paragraph (1) or paragraph (2).

(c) A school district that participates in the national school lunch program shall take steps to maximize federal revenues and minimize debt on families under a protocol determined by the department that promotes the certification of students for free school meal status. The department shall assist school districts with improving

the direct certification process and reducing administrative burdens on school districts. The department shall consult with representatives from the School Nutrition Association of Massachusetts, Inc. and relevant stakeholders to promote best practices to maximize federal revenues.

Section 72B. (a) A school district superintendent or their designee shall notify a parent or guardian of a student's unpaid meal debt that remains unresolved. Within 30 days of notifying a family of the unpaid meal debt, the school district shall determine if the student is categorically-eligible for free or reduced-price meals. During the 30-day period, while the school district determines the student's eligibility for free or reduced-price meals, the student shall not be denied access to a school meal until the district has made a determination that the family is ineligible for free or reduced-price meals. The department shall establish the protocol that a school district superintendent or their designee shall use when notifying a parent or guardian of a student's unpaid meal debt.

(b) No employee, agent or volunteer of a school or school district shall:

(i) take any action that would publicly identify a student when payment has not been received for a school meal or for meals previously served to the student;

(ii) serve a student with unpaid meal debt an alternative meal that is not also available to all students at the cafeteria; provided, however, that the alternative meal shall comply with the pattern for a federally-reimbursable meal;

(iii) deny a student a meal as a form of behavioral discipline or punishment;

(iv) dispose of an already served meal because of the student's lack of funds to pay for the meal or because of unresolved meal debt;

(v) prohibit a student or a sibling of a student from attending or participating in non-fee based extracurricular activities, field trips or school events solely because of the student's unresolved meal debt;

(vi) prohibit a student from receiving grades, official transcripts, report cards or from graduating or attending graduation events solely because of unresolved meal debt; or

(vii) require a parent or guardian to pay fees or costs in excess of the actual amounts owed for meals previously served to the student.”.

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.

Recess.

At three minutes after eleven o'clock A.M., 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 nineteen minutes after one o'clock the House was called to order with Mr. Donato in the Chair.

Recess.

Quorum.

As required under the provision of Emergency Rule 2(4), a roll call was taken for the purpose of ascertaining the presence of a quorum; and on the roll call 158 members were recorded as being in attendance.

Quorum,—
yea and nay
No. 104.

[See [Yea and Nay No. 104](#) in Supplement.]

Therefore a quorum was present.

Orders of the Day.

The Senate Bill upgrading hen welfare and establishing uniform cage-free standards (Senate, No. 2481, amended), reported by the committee on Bills in the Third Reading to be correctly drawn, was read a third time.

Hen welfare.

After remarks on the question on passing the bill, as amended, to be engrossed, in concurrence, the sense of the House was taken by yeas and nays, at the request of Ms. Dykema of Holliston; and on the roll call 156 members voted in the affirmative and 1 in the negative.

Bill passed to be engrossed,—
yea and nay
No. 105.

[See [Yea and Nay No. 105](#) in Supplement.]

Therefore the bill (Senate, No. 2481, amended) was passed to be engrossed, in concurrence. Sent to the Senate for concurrence in the amendments adopted by the House [for text of House amendments, see House document numbered 4194].

Emergency Measures.

The engrossed Bill promoting student nutrition (see House, No. 3999, 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.

Students,—
nutrition.

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 27 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, as required under the provisions of Emergency Rule 2; and on the roll call 157 members voted in the affirmative and 0 in the negative.

Bill enacted,—
yea and nay
No. 106.

[See [Yea and Nay No. 106](#) 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 establishing a sick leave bank for Tanya Hackett, an employee of the Department of Children and Families (see House, No. 4103), 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.

Tanya Hackett,—
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 25 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, under suspension of Emergency Rule 2(5), on motion of Mr. Muratore of Plymouth; and it was signed by the acting Speaker and sent to the Senate.

Bill enacted.

Order.

On motion of Mr. Mariano of Quincy,—

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

Next sitting.

At seventeen minutes before three o'clock P.M., on motion of Ms. Ferguson of Holden (Mr. Donato of Medford being in the Chair), the House adjourned, to meet the following day at eleven o'clock A.M., in an Informal Session.