
The Commonwealth of Massachusetts

JOURNAL OF THE HOUSE.



THURSDAY, MARCH 18, 2021.

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JOURNAL OF THE HOUSE.

Thursday, March 18, 2021.

Met according to adjournment at eleven o'clock A.M., pursuant to emergency rules, with Mr. Donato of Medford in the Chair (having been appointed by the Speaker, under authority conferred by Rule 5, to perform the duties of the Chair).

At the request of the Chair (Mr. Donato), the members and employees joined with him in reciting the pledge of allegiance to the flag.

Pledge of
allegiance.

Silent Prayers.

During the session, Ms. Cronin of Easton took the Chair, declared a brief recess, and at the request of Representatives Cassidy of Brockton, Cronin of Easton and DuBois of Brockton, the members and employees stood in a moment of silent tribute in respect to the memory of Marvelous Marvin Hagler, the pride of Brockton, the City of Champions, who passed away on March 13th.

"Marvelous"
Marvin Hagler.

Marvelous Marvin was the undisputed middleweight boxing champion from 1980 to 1987 and holds the highest knockout percentage of all undisputed middleweight champions. On behalf of all of the Members of the House of Representatives, we honor him, the city of Brockton is proud of him. Rest in peace Marvelous Marvin.

At the request of Mr. Haggerty of Woburn, the members and employees stood for a moment of silent prayer in honor of the memory of James J. "Jim" Foley of Woburn. Jim was a highly respected and lifelong resident of Woburn. He was a graduate of Woburn schools and Boston College. Jim spent 36 years as a teacher, coach, and administrator, and the last 13 years as Principal, at Woburn Senior High School. He was dedicated to his profession, well respected by teachers, students and peers alike; and he developed lifelong friendships from all his days there. Jim was raised in the South End of Woburn, he did not venture far; he also raised his family in the South End.

James J.
"Jim" Foley.

Jim was the beloved husband of 60 years to Judith Foley. He was the eldest son of the late James W. Foley and Margaret Foley, the proud, loving father of J. Brian of Winchester, Kevin and his wife Lisa, Annmarie Concannon and her husband Michael, Kathleen Sullivan and her husband Mark, and Steven and his wife Andrea. He was the brother of Francis and Gail, Harold and Sarah, Anne and the late William Santry, the late Robert and Martha, and the late Maureen and Kevin Flaherty. He was grandfather to Michael, Tara, Lauren, Matthew, Patrick, John, Timothy, Robert, Katherine, James, Jack, Thomas, and Peter, and great-grandfather to Edward.

The Massachusetts House of Representatives along with the entire Woburn community share in this loss and offers its sincerest condolences to the Foley family.

Message from the Governor.

A message from His Excellency the Governor (under Section 8 of Article LXXXIX of the Amendments to the Constitution) recommending legislation relative to authorizing the town of Berlin to continue the employment of Paul Kenneth Clark (House, No. 92), was filed in the office of the Clerk on Monday, March 15.

Berlin,—
Paul Kenneth
Clark.

The message was read; and it was referred, under Rule 30, with the accompanying draft of a bill, to the committee on Public Service. Sent to the Senate for concurrence.

Recesses.

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

Recesses.

The House thereupon, on motion of Mr. Jones of North Reading, took a further recess, subject to the call of the Chair; and at twenty-eight minutes before three o'clock the House was called to order with Ms. Hogan in the Chair.

Quorum.

As required under the provision of Emergency Rule 2(4), a roll call was taken for the purpose of ascertaining the presence of a quorum; and on the roll call 159 members were recorded as being in attendance.

Quorum,—
yea and nay
No. 13.

[See Yea and Nay No. 13 in Supplement.]

Therefore a quorum was present.

Papers from the Senate.

The engrossed Bill creating a next-generation roadmap for Massachusetts climate policy (see Senate, No. 9), which had been returned to the Senate by His Excellency the Governor (under Article LVI of the Amendments to the Constitution) with recommendation of amendment [for message, see Senate, No. 13], came from said branch with the endorsement that it had been amended, as follows:

Climate
policy.

In section 1 striking out the words “in the commonwealth including, but not limited to, emissions from any transportation vehicle,” and inserting in place thereof the words “including, but not limited to, emissions from transportation or heating fuels or from any”;

In section 2 inserting after the word “emissions”, the third time it appears, the words “, including but not limited to greenhouse gas emissions from transportation fuels, heating fuels, or electricity that are used, distributed, consumed, combusted, or sold into the commonwealth,”; and in said section 2 inserting after the word “sublimits” the words “; provided, however when used in relation to the regulation of emissions, a person or entity that sells or distributes transportation fuels, heating fuels, or electricity may be considered to be the source of greenhouse gas emissions from the use, distribution, consumption, combustion, or sale of such fuels or electricity”;

In section 4 striking out the word “gases”, the first time it appears, and inserting in place thereof the words “gas emissions”, in said section striking out the word “annual”; and also in said section 4 striking out the words “secretary, the regional greenhouse gas initiative or other regional program that result in the same greenhouse gas emissions reduction, over the same time period, as direct compliance with a

greenhouse gas emissions limit or emission reduction measure adopted pursuant to this chapter” and inserting in place thereof the words “secretary and the department, the regional greenhouse gas initiative or other similar multi-jurisdictional program that results in greenhouse gas emissions reductions”;

In section 5 striking out the second paragraph and inserting in place thereof the following paragraph:

“The department shall establish programs to monitor and reduce emissions of greenhouse gases and shall promulgate regulations regarding sources or categories of sources that emit greenhouse gases in order to achieve the greenhouse gas emissions limits and sublimits and implement the roadmap plans required by this chapter.”;

In section 9, in paragraph (b), inserting after the figure “3”, the following: “provided, however, that a sublimit shall not be found to have been binding for a given prior year if the commonwealth is found to have complied with the statewide greenhouse gas limit adopted pursuant to subsection (b) of section 3 for the same year”;

In section 10, in subsection 6, striking out the following: “promulgate regulations regarding all sources or categories of sources that emit greenhouse gases in order to achieve the emissions limits and sublimits and implement the roadmap plans set forth in subsection (b) of section 3” and inserting in place thereof the words “establish programs to reduce emissions of greenhouse gases and promulgate regulations regarding sources or categories of sources that emit greenhouse gases in order to achieve the greenhouse gas emissions limits and sublimits and implement the roadmap plans required by this chapter”;

Inserting after section 11 the following two sections:

“SECTION 11A. Section 7 of said chapter 21N, as so appearing, is hereby amended by striking out subsection (b) and inserting in place thereof the following subsection:

(b) The secretary and the department may adopt regulations governing market-based compliance mechanisms to reduce greenhouse gas emissions from sources or categories of sources in order to achieve the statewide greenhouse gas emissions limits and sublimits required by this chapter.

SECTION 11B. Said section 7 of said chapter 21N, as so appearing, is hereby amended by inserting after the word ‘office’ in line 28 the following words: and the department.”;

In section 14, in subsection 13, striking out paragraph (b) and inserting in place thereof the following paragraph:

“(b) The department of public utilities shall annually direct the electric and gas distribution companies and municipal aggregators with certified energy plans to jointly transfer funds collected pursuant to section 19 of chapter 25 to the center for the purposes of implementing the clean energy equity workforce and market development program; provided, that the electric and gas distribution companies and municipal aggregators with certified energy plans shall transfer no less than \$12,000,000 no later than December 31 each year. Such transfer shall not reduce the amount expended on low-income programs pursuant to subsection (c) of said section 19 of said chapter 25.”;

In sections 16, 17, 18, 21, 22, 23, 26 and 27, inserting after the word “reductions”, in each instance, the words “, except in the cases of conversions from fossil fuel heating and cooling to fossil fuel heating and cooling”;

In section 19 inserting after the word “annually” the words: “direct the electric and gas distribution companies and municipal aggregators with certified energy plans to jointly”; and in said section striking out the words “low-income program funds

allocated” and inserting in place thereof the words “the amount expended on low-income programs”;

Striking out section 25 and inserting in place thereof the following section:

“SECTION 25. Said section 21 of said chapter 25, as so appearing, is hereby further amended by inserting after the words ‘peak load,’ in line 73, the following words:- reducing greenhouse gas emissions.”;

Inserting after section 26 the following section:

“SECTION 26A. Said section 21 of said chapter 25, as so appearing, is hereby further amended by striking out, in lines 109 to 111, inclusive, the words ‘identified and shall capture all energy efficiency and demand reduction resources that are cost effective or less expensive than supply’ and inserting in place thereof the following words:- complied with the requirements of this section.”;

In section 28, in paragraph (4), striking out the word “The”, and inserting in place thereof the following: “Notwithstanding the requirements of paragraph (1) of subsection (b), the”;

In section 31, striking out the paragraph (14) and inserting in place thereof the following paragraph:

“(14) develop and promulgate, in consultation with the state board of building regulations and standards, a municipal opt-in specialized stretch energy code that includes, but is not limited to, net-zero building performance standards and a definition of net-zero building, designed to achieve compliance with the commonwealth’s statewide greenhouse gas emission limits and sublimits established pursuant to chapter 21N.”;

In section 34 striking out the figures: “32” and inserting in place thereof the figures: “33”;

In section 56 inserting after the words “limited to” the words “, climate change”;

In section 58 striking out, each time they appear, the words “that is not insignificant”;

In section 60 striking out the words “is significant and”; and in said section striking out the words “non-significant projects” and inserting in place thereof the following: “projects that do not require the filing of an environmental notification form pursuant to section 62A”;

In section 72 inserting after the words “and any” the words “more stringent”;

In section 73 striking out the word “adopted” and inserting in place thereof the word “promulgated”;

Inserting after section 74 the following section:

“SECTION 74A. Section 100 of said chapter 143 is hereby amended by striking out, in line 9, the word ‘ninety-six’ and inserting in place thereof the following words:- 96, other than the specialized stretch energy code developed and promulgated by the department of energy resources.”;

In section 78 striking out the following: “Paragraph (8) of section 1F of said chapter 164, as so appearing, is hereby amended by adding the following subparagraph:- (g)” and inserting in place thereof the following: “Section 1F of said chapter 164, as so appearing, is hereby amended by adding the following paragraph:- (10).”;

In section 85 striking out the word “non-station” and inserting in place thereof the word “station”;

In section 86 striking out paragraphs (g) and (h) and inserting in place thereof the following two paragraphs:

“(g) The department shall establish requirements for the maintenance, timely updating, accuracy, and security of gas company maps and records. The department

shall incorporate these requirements as a metric in the department's service quality indicators for gas companies.

(h) The department shall incorporate into its service quality indicators for gas companies a metric or metrics related to disruptions in the provision of electronic data, including but not limited to, maps and records relevant to inspections, maintenance, repairs, and construction to its in-house workforce and contractors.”;

Striking out section 92;

In section 96 striking out the following: “11F of chapter 25A of the General Laws” and inserting in place thereof the following words: “11 of chapter 75 of the acts of 2016”;

Inserting after section 98 the following section:

“SECTION 98A. Notwithstanding the promulgation of the municipal opt-in specialized stretch energy code under section 6 of chapter 25A of the General Laws or any other provisions of this act, any stretch energy code adopted by the state board of building regulations and standards and in effect on March 1, 2021, shall remain in full force and effect; provided, however, that the department of energy resources, in consultation with the state board of building regulations and standards, may update such stretch energy code from time to time. A community designated as a green community under subsection (c) of section 10 of said chapter 25A that elects not to adopt the municipal opt-in specialized stretch energy code under section 6 of chapter 25A shall not lose its designation as a green community as a result of that election.”;

In section 101 striking the out the following: (ii) consider the development of a tiered implementation plan for the adoption of the stretch energy code including, but not limited to, phasing in requirements based on building type or uses. The specialized stretch energy code required by said section 6 of said chapter 25A shall be developed, adopted and incorporated as an appendix to the state building code not later than 1 year after the passage of this act” and inserting in place thereof the following: “households; and (ii) develop and promulgate the municipal opt-in specialized stretch energy code required by section 6 of chapter 25A of the General Laws not later than 18 months after the effective date of this act. In so doing, the department may phase in requirements based on building types, uses, or load profiles. Notwithstanding any special or general law, rule or regulation to the contrary, any municipality may adopt the municipal opt-in specialized stretch energy code following its promulgation”;

Inserting after section 102 the following three sections:

“SECTION 102A. The secretary of energy and environmental affairs shall promulgate regulations to implement sections 57 and 58 not later than 180 days after the effective date of this act.

SECTION 102B. The requirements imposed by sections 57 and 58 shall apply to new projects filed under section 62A of chapter 30 of the General Laws on or after the effective date of regulations promulgated under section 102A.

SECTION 102C. The department of environmental protection shall evaluate and seek public comment on the incorporation of cumulative impact analyses in the assessment and identification of certain categories of permits and approvals. Not later than 18 months after the effective date of this act, the department of environmental protection shall propose regulations to include cumulative impact analyses for defined categories of air quality permits identified through the evaluation and public comment process.”;

In section 103 striking out the words “and regulations”;

In section 106 striking out the word “April” and inserting in place thereof the word “July”; and

In section 107 striking out the following: “2030 emissions reduction roadmap plan required by said section 3 of said chapter 21N shall be adopted and published not later than January 1, 2022” and inserting in place thereof the following: “2025 and 2030 emissions reduction roadmap plans required by said section 3 of said chapter 21N shall be adopted and published not later than July 1, 2022.”

The amendments were referred, under Rule 35, to the committee on Bills in the Third Reading. Said committee then reported that the amendments were correctly drawn.

After debate on the question on concurring with the Senate in its amendments, the sense of the House was taken by yeas and nays at the request of Mr. Golden of Lowell; and on the roll call 146 members voted in the affirmative and 13 in the negative.

[See Yea and Nay No. 14 in Supplement.]

Therefore the amendments were adopted, in concurrence.

A petition (accompanied by bill, Senate, No. 32) of Joan B. Lovely, Kay Khan, Susan L. Moran, Vanna Howard and others for legislation relative to accountability for vulnerable children and families (having been filed in the office of the Clerk of the Senate prior to five o’clock P.M. on Friday, February 19, 2021), was referred, in concurrence, to the committee on Children, Families and Persons with Disabilities.

A petition of Anne M. Gobi, Donald R. Berthiaume, Jr., and Sal N. DiDomenico for legislation to establish a sick leave bank for Rachel Pride, an employee of the Department of Youth Services, came from the Senate referred, under suspension of Joint Rule 12, to the committee on Senate Rules.

The House then concurred with the Senate in the suspension of said rule; and the petition (accompanied by bill, Senate, No. 37) was returned to the Senate endorsed accordingly.

Engrossed Bill.

The Speaker having taken the Chair,—

The engrossed Bill creating a next-generation roadmap for Massachusetts climate policy (see Senate, No. 9, amended) (which originated in the Senate) (which had been returned by His Excellency the Governor with recommendation of amendments), having been certified by the Clerk to be rightly and truly prepared for final passage, was put upon its final passage.

After remarks on the question on passing the bill to be re-enacted, the sense of the House was taken by yeas and nays, as required under Emergency Rule 2; and on the roll call 145 members voted in the affirmative and 14 in the negative.

[See Yea and Nay No. 15 in Supplement.]

Therefore the bill was passed to be re-enacted, in its amended form; and it was signed by the Speaker and sent to the Senate.

Order.

Ms. Hogan of Stow being in the Chair,—

On motion of Mr. Mariano of Quincy,—

Ordered, That when the House adjourns today, it adjourn to meet on Monday next at eleven o’clock A.M.

House
concurred in
amendments,—
yea and nay
No. 14.

Children,—
reporting.

Rachel
Pride,—
sick leave.

Climate
policy.

Bill
re-enacted,—
yea and nay
No. 15.

Next
sitting.

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