
The Commonwealth of Massachusetts

JOURNAL OF THE HOUSE.



WEDNESDAY, FEBRUARY 27, 2019.

[19]*

JOURNAL OF THE HOUSE.

Wednesday, February 27, 2019.

Met according to adjournment at eleven o'clock A.M. 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).

Prayer was offered by Father Rick Walsh of the Paulist Fathers, Chaplain of the House, as follows:

God of Power and Inspiration, we give thanks today for our membership in this branch of government. We give thanks for all who have the duty to put laws into words that may inspire our citizens.

Prayer.

We honor today the anniversary of the 1807 birth of Henry Wadsworth Longfellow, the poet whose name appears on this chamber's fresco. He was best known in Massachusetts for his poem "Paul Revere's Ride." He was born on this day in Portland Maine, which at the time was in Massachusetts. He taught at Harvard from 1836 to 1854 as a professor of modern languages.

For the rest of his life he lived in Craigie House in Cambridge that had been General George Washington's Headquarters during the struggle known as the Siege of Boston.

During the courtship with his future wife, Fanny Appleton, Longfellow walked almost daily over the Charles River from Cambridge to her family home on Beacon Hill on a bridge that now bears his name.

We pray in a special way for 25th Middlesex District Representative Marjorie Decker and her staff.

May God bless our Commonwealth.

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.

Statement Concerning Representative Barrett of North Adams.

A statement of Mr. Mariano of Quincy concerning Mr. Barrett of North Adams 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 one of our colleagues, Representative Barrett of North Adams, is unable to be present in the House Chamber for today's sitting due his attendance at a funeral in his district for the daughter of a dear friend. His missing of roll calls today is due entirely to the reason stated.

Statement concerning Mr. Barrett of North Adams.

Statement Concerning Representative Miranda of Boston.

A statement of Mr. Wagner of Chicopee concerning Ms. Miranda 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

Statement concerning

one of our colleagues, Representative Miranda of Boston, is unable to be present in the House Chamber for today's sitting due her being on official business outside of the country. Her missing of roll calls today is due entirely to the reason stated.

Ms. Miranda
of Boston.

Statement Concerning Representative Vincent of Revere.

A statement of Mrs. Haddad of Somerset concerning Ms. Vincent of Revere 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 one of our colleagues, Representative Vincent of Revere, was unable to be present in the House Chamber for today's sitting due travel outside of the country. If she could have been present for the taking of the yeas and nays on the question on passing to be engrossed the House Bill making appropriations for the fiscal year 2019 to provide for supplementing certain existing appropriations and for certain other activities and projects (House, No. 3506, published as amended), she would have voted in the affirmative. Her missing of roll calls today was due entirely to the reason stated.

Statement
concerning
Ms. Vincent of
Revere.

Communication from Speaker DeLeo of Winthrop.

A communication from Speaker Robert A. DeLeo was placed on file, there being no objection, to wit:—

February 26, 2019

The Honorable Steven T. James, *Clerk*
House of Representatives
Commonwealth of Massachusetts
State House—Room 145
Boston, Massachusetts 02133

Dear Mr. Clerk:

Due to a duplicate error on the Joint Committee on Consumer Protection and Professional Licensure, I hereby make the following correction on the joint committee, to wit:—

- Representative Jay D. Livingstone of Boston to Vice Chair on the Joint Committee on Consumer Protection and Professional Licensure
- Representative Jack Patrick Lewis of Framingham to the 9th position on the Joint Committee on Consumer Protection and Professional Licensure

Thank you for your attention to this matter.

Joint
committee on
Consumer
Protection and
Professional
Licensure,—
changes.

Very truly yours,
ROBERT A. DeLEO
Speaker of the House

Paper from the Senate.

A Bill establishing a sick leave bank for Pierre Richard Nortelus, an employee of the Department of Developmental Services (Senate, No. 23) (on a petition), passed to be engrossed by the Senate, was read; and it was referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Pierre Nortelus,—
sick leave
bank.

Report of a Committee.

Mr. Galvin of Canton, for the committee on Rules, reported (under the provisions of House Rules 7B and 7C) an Order relative to special procedures for consideration of the House Bill making appropriations for the fiscal year 2019 to provide for supplementing certain existing appropriations and for certain other activities and projects (House, No. 3505) [for order, see House, No. 3504]. The order was adopted.

Supplemental
appropriations,—
procedures.

Orders of the Day.

The House Bill establishing a sick leave bank for Anna Paula Ferreira, an employee of the Department of Transitional Assistance (House, No. 77) (its title having been changed by the committee on Bills in the Third Reading), reported by said committee to be correctly drawn, was read a third time; and it was passed to be engrossed. Sent to the Senate for concurrence.

Third
reading
bill.

Recess.

At half past eleven o'clock A.M., on motion of Mr. Smola of Warren (Mr. Donato of Medford being in the Chair), the House recessed until one o'clock P.M.; and at two minutes before two o'clock the House was called to order with Mr. Donato in the Chair.

Recess.

Reports of Committees.

Prior to the noon recess, Mr. Michlewitz of Boston, for the committee on Ways and Means, on House, No. 74, reported, in part, a Bill making appropriations for the fiscal year 2019 to provide for supplementing certain existing appropriations and for certain other activities and projects (House, No. 3505) [Total appropriation: \$134,901,796.00]. Read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Supplemental
appropriations.

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

Under suspension of the rules, on motion of Mr. Tucker of Salem, the bill was read a second time forthwith; and it was ordered to a third reading.

Subsequently, the noon recess having terminated, under further suspension of the rules, on motion of Mr. Michlewitz of Boston, the bill (having been reported by the committee on Bills in the Third Reading to be correctly drawn) was read a third time.

After remarks pending the question on passing the bill to be engrossed, Mr. Jones of North Reading and other members of the House moved to amend it in section 2 by inserting after item 8000-0125 the following item:

“8000-0140 For a grant program administered by the executive office of public

safety and security for regional fentanyl interdiction; provided, that administrative costs for approved grants shall not exceed 2 per cent of the funds appropriated in this item\$5,000,000”.

The amendment was rejected.

Mr. Galvin of Canton then moved to amend the bill by striking out section 3 and inserting in place thereof the following two sections:

“SECTION 3. Chapter 3 of the General Laws is hereby amended by inserting the following new section:

Section 32B. There shall be established and set up on the books of the commonwealth a separate fund known as the Legislative Member Organization Trust Fund, in this section called the fund. Notwithstanding any general or special law to the contrary, any legislative member organization duly registered with the house committee on rules may accept and solicit funds from public or private sources, including but not limited to, gifts, donations, grants or bequests or any federal funds for inclusion in the fund.

Amounts credited to the fund shall be expended only by the legislative member organization for which the amount was credited, for the public purpose of furthering its common legislative agenda. The fund shall be administered by the house of representatives. Amounts credited to the fund shall not be subject to further appropriation and monies remaining in the fund at the end of a fiscal year shall not revert to the General Fund and may be expended in the next fiscal year. The fund shall not be subject to section 9C of chapter 29 or section 13A of said chapter 29.

SECTION 3A. Section 35AA of chapter 10 of the General Laws, as appearing in the 2016 Official Edition, is hereby amended by striking out, in line 9, the words ‘(c)’ and inserting in place thereof the following words:— (b).”; and by adding the following section:

“SECTION 40. Notwithstanding any general or special law to the contrary, a legislative member organization may continue its existing funds or accounts until such time as a dedicated account for the legislative member organization is established in the Legislative Member Organization Trust Fund; provided, that all funds and accounts currently maintained by a legislative member organization shall be transitioned or incorporated into the Legislative Member Organization Trust Fund no later than July 1, 2019.”.

The amendments were adopted.

Mr. Michlewitz of Boston then moved to amend the bill by striking out sections 5 and 6 and inserting in place thereof the following three sections:

“SECTION 5. Section 2ZZZZ of chapter 29 of the General Laws, inserted by section 2 of chapter 217 of the acts of 2018, is hereby repealed.

SECTION 6. Section 2ZZZZ of said chapter 29 of the General Laws, inserted by section 3 of chapter 218 of the acts of 2018, is hereby repealed.

SECTION 6A. Said chapter 29 of the General Laws is hereby amended by inserting after section 2CCCC, inserted by section 1 of chapter 296 of the acts of 2018, the following 2 sections:

Section 2DDDDD. There shall be a Technical Rescue Services Fund. The fund shall be administered by the technical rescue coordinating council established under section 6 of chapter 22D. The fund shall consist of: (i) compensation received under a contract including, but not limited to, a contract with a company that designates a member fire department as a stand-by rescue team in order to meet the requirements established by the federal United States Occupational Safety and Health Administration under 29 C.F.R. 1910; (ii) funds collected pursuant to a cost recovery mechanism established in subsection (d) of said section 6 of said chapter

22D; (iii) federal, state or private gifts, grants, donations or appropriations; (iv) funds from any other public or private sources; and (v) interest earned on such funds.

Amounts credited to the fund shall not be subject to further appropriation and shall be expended for: (i) the maintenance and operation of technical rescue regions established under section 6 of chapter 22D; (ii) the provision of technical rescue services; (iii) the acquisition and maintenance of technical rescue equipment; and (iv) the provision of initial and in-service training to regional technical rescue personnel including, but not limited to, payment of backfill and overtime for personnel participating in such training. Amounts credited to the fund that are unexpended at the end of a fiscal year shall not revert to the General Fund and shall be available for expenditure in the following fiscal year. An expenditure shall not be made from the fund if it would cause the fund to become deficient at the end of any fiscal year.

The technical rescue coordinating council, established pursuant to section 6 of chapter 22D, shall, annually, report to the secretary of public safety and security not later than June 30. The report shall include, but not be limited to, an accounting of all funds received and distributed as authorized by this section.

Section 2EEEE. (a) There shall be a Massachusetts Veterans and Warriors to Agriculture Program Fund. The fund shall be administered by the department of agricultural resources. Notwithstanding any general or special law to the contrary, there shall be credited to the fund any revenue from appropriations or other money authorized by the general court and specifically designated to be credited to the fund and any gifts, grants, private contributions or investment income earned on the fund's assets and all other sources. Money deposited in the fund that is unexpended at the end of the fiscal year shall not revert to the General Fund and shall be available for expenditure in the subsequent year and shall not be subject to section 5C.

(b) The department of agricultural resources, in consultation with the department of veteran services, shall establish, develop and implement the Massachusetts Veterans and Warriors to Agriculture Program to enhance the education, training, employment, income, productivity and retention of veterans currently working or aspiring to work in the field of agriculture in the commonwealth. Amounts credited to the fund shall be used, without further appropriation, for the costs associated with administering and implementing the program and may also be used to provide grants or loans on a competitive basis to public, private and charitable entities to finance projects in furtherance of purpose of the program. Expenditures from the fund for such purpose shall complement and not replace existing local, state, private or federal funding for related training and educational programs.”.

The amendments were adopted.

On the question on passing the bill, as amended, to be engrossed, the sense of the House was taken by yeas and nays, at the request of Mr. Michlewitz of Boston; and on the roll call 154 members voted in the affirmative and 0 in the negative.

[See Yea and Nay No. 27 in Supplement.]

Therefore the bill (House, No. 3506, published as amended) was passed to be engrossed. Sent to the Senate for concurrence.

Order.

Bill passed to
be engrossed,—
yea and nay
No. 27.

On motion of Mr. DeLeo of Winthrop,—
Ordered, That when the House adjourns today, it adjourn to meet tomorrow at one o'clock P.M.

Next
sitting.

At sixteen minutes before four o'clock P.M., on motion of Mr. Hill of Ipswich (Mr. Donato of Medford being in the Chair), the House adjourned, to meet the following day at one o'clock P.M., in an Informal Session.