

Friday, December 28, 2012.

Met according to adjournment at eleven o'clock A.M., in an Informal Session, 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).

Pledge of  
allegiance.

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.

*Papers from the Senate.*

Marine  
Corps  
League  
highway.

The House Bill designating a portion of Route 9 from the city of Northampton to the city of Pittsfield as the Marine Corps League highway (House, No. 3637), came from the Senate passed to be engrossed, in concurrence, with amendments in section 2, in lines 9, 10 and 11, striking out the words "Highway and suitable markers bearing such designation shall be erected and maintained thereon by the Marine Corps League, Westfield River Valley Detachment 141" and inserting in place thereof the following words:—"Highway. The Massachusetts Department of Transportation shall erect and maintain suitable markers bearing that designation in compliance with applicable state and federal standards".

Under suspension of Rule 35, on motion of Mr. Speliotis of Danvers, the amendment (reported by the committee on Bills in the Third Reading to be correctly drawn) was considered forthwith; and it was adopted, in concurrence.

Wendy  
Foxmyn,—  
retirement.

The House Bill providing retirement benefits for a member of the Franklin Regional Retirement System (House, No. 3936), came from the Senate passed to be engrossed, in concurrence, with amendments in line 1, after the word "Law" (as published), inserting the words "or rule or regulation" and in lines 3 and 4, striking out the words "employment services provided to several communities" and inserting in place thereof the words "serving as interim town administrator in the towns of Leverett and Northfield".

Under suspension of Rule 35, on motion of Mr. Kocot of Northampton, the amendments (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted, in concurrence.

Children,—  
influenza  
immunization.

The House Bill relative to annual immunization against influenza for children (House, No. 3948), came from the Senate passed to be engrossed, in concurrence, with an amendment in section 1, in line 3, inserting after the word "all" the words "and elementary".

Under suspension of Rule 35, on motion of Mr. Aguiar of Fall River, the amendment (reported by the committee on Bills in the Third Reading to be correctly drawn) was considered forthwith; and it was adopted, in concurrence.

The House Bill providing for a definition of intellectual disability consistent with the American Association of Intellectual and Developmental Disabilities (House, No. 4252) (its title having been changed by the Senate committee on Bills in the Third Reading), came from the Senate passed to be engrossed, in concurrence, with an amendment in line 5, striking out the following: “11th edition (2010)” and inserting in place thereof the words “the most recent”.

Intellectual disability.

Under suspension of Rule 35, on motion of Ms. Reinstein of Revere, the amendment (reported by the committee on Bills in the Third Reading to be correctly drawn) was considered forthwith; and it was adopted, in concurrence.

The House Bill relative to the filing of statements of financial condition by public employee retirement systems (House, No. 4270) (its title having been changed by the Senate committee on Bills in the Third Reading), came from the Senate passed to be engrossed, in concurrence, with amendments striking out section 2 and inserting in place thereof the following section:

Retirement systems,—statements.

“SECTION 2. Said subdivision (5) of said section 20 of said chapter 32, as so appearing, is hereby further amended by adding the following paragraph:—

(m) For the purposes of paragraphs (h) and (i) of this subdivision and paragraph (a) of subdivision (1) of section 23, the state board of retirement and the teachers. retirement board may write off outstanding pension payments that remain payable or receivable to the respective systems and which the systems have been unable to recover or properly pay for more than 3 calendar years. All write-offs of receivable and payable amounts shall be approved by the state board of retirement or the teachers. retirement board, whichever is appropriate. The state employees’ retirement system and the teachers’ retirement system shall maintain a record of all amounts written off.” ; and adding the following section:

“SECTION 5. Notwithstanding any general or special law to the contrary and except as expressly provided otherwise, the calendar year 2012 financial statement of the state employees. retirement system and the calendar year 2012 financial statement of the teachers. retirement system shall be filed on or before May 1, 2013 and the fiscal year 2013 financial statement of the state employees. retirement system and the fiscal year 2013 financial statement of the teachers. retirement systems shall be filed on or before December 31, 2013.”.

Under suspension of Rule 35, on motion of Mr. Bradley of Hingham, the amendments (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted, in concurrence.

The House Bill relative to certain retirement rights (House, No. 4271, amended), came from the Senate with the endorsement that it had been passed to be engrossed, in concurrence, with amendments inserting after section 1 the following section:

Retirement rights.

“SECTION 1A. Said section 16 of said chapter 32 is hereby further amended by striking out, in lines 65 and 66, the words ‘, removed or

Retirement  
rights.

discharged from his office or position he' and inserting in place thereof the following words:— under subdivision (1) from the member's office or position, the member.”; and, in section 3 (inserted by amendment by the House) striking out the date “December 20, 2012” and inserting in place thereof the date “January 15, 2013”.

Under suspension of Rule 35, on motion of Mr. Bradley of Hingham, the amendments (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted, in concurrence.

Background  
checks.

The House Bill relative to background checks (House, No. 4307), came from the Senate passed to be engrossed, in concurrence, with amendments in section 8, in lines 178, 179 and 180, striking out the words “; and further amended by inserting after the words ‘youth services’, in line 127, the following words:— ‘, or was employed at a facility approved or licensed by the department of early education and care’”; inserting after section 8 the following section:

“SECTION 8A. Said subsection (l) of said section 51B of said chapter 119, as so appearing, is hereby further amended by inserting after the first paragraph the following paragraph:—

If the department substantiates a report alleging that abuse or neglect was committed by an individual who was employed at a facility approved or licensed by the department of early education and care, then the department shall notify the office of the child advocate and the department of early education and care, in writing, by transmitting a copy of the report filed under section 51A and the department's written evaluation and written determination.”; and in section 9, in line 183, striking out the following: “within 3 years” and inserting in place thereof the following: “prior to the beginning of the 2016-2017 school year.”

Under suspension of Rule 35, on motion of Ms. Peisch of Wellesley, the amendments (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted, in concurrence.

#### *Reports of Committees.*

By Mr. Kafka of Stoughton, for the committee on Steering, Policy and Scheduling, that the following bills be scheduled for consideration by the House:

##### Senate bills

Exempting the position of police chief in the city of Malden for the civil service law (Senate, No. 2476) [Local Approval Received]; and

Establishing a sick leave bank for Katrin Fox, an employee of the highway division of the Massachusetts Department of Transportation (Senate, No. 2487); and

##### House bills

Relative to the positions of collector and clerk-treasurer in the town of South Hadley (House, No. 4547) [Local Approval Received]; and

Establishing a selectboard-town administrator form of government for the town of South Hadley (House, No. 4548) [Local Approval Received];

Under suspension of Rule 7A, in each instance, on motion of the same member, the bills severally were read a second time forthwith; and they were ordered to a third reading.

Malden,—  
police chief.

Katrin  
Fox,—  
sick leave.

South  
Hadley.

Id.

Subsequently, the noon recess having terminated, under further suspension of the rules, in each instance, on motion of Mr. O'Day of West Boylston, the bills (having been reported by the committee on Bills in the Third Reading to be correctly drawn) were read a third time; and they were passed to be engrossed. Severally sent to the Senate for concurrence.

By Mr. Kafka of Stoughton, for the committee on Steering, Policy and Scheduling, that the following bills be scheduled for consideration by the House:

Senate bills

Relative to residents of continuing care retirement communities (Senate, No. 2139); and Retirement,—care.

Relative to voluntary withdrawal of land from registration (Senate, No. 2481); and Registered land.

The House Bill relative to the town of Dartmouth fire district No. 1 (House, No. 4552); Dartmouth.

Under suspension of Rule 7A, in each instance, on motion of the same member, the bills severally were read a second time forthwith; and they were ordered to a third reading.

By Mr. Dempsey of Haverhill, for the committee on Ways and Means, that the Bill further regulating the continuing education requirements for certain real estate appraisers and trainees (Senate, No. 2477), ought to pass. Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling. Mr. Kafka of Stoughton, for said committee, then reported that the matter be scheduled for consideration by the House. Real estate appraisers.

Under suspension of the Rule 7A, on motion of the same member, the bill was read a second time forthwith; and it was ordered to a third reading.

By Mr. Scibak of South Hadley, for the committee on Public Service, on a petition, a Bill establishing a sick leave bank for Matthew Stuart, an employee of the department of children and families (House, No. 4556). Read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling. Matthew Stuart,—sick leave.

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

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

By Mr. Dempsey of Haverhill, for the committee on Ways and Means, that the Bill relative to process piping (Senate, No. 2478, amended), ought to pass. Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling. Process piping.

By Mr. Dempsey of Haverhill, for the committee on Ways and Means, that the Bill establishing six-year career plans for all Massachusetts public school students (House, No. 3931), ought to pass with an amendment substituting therefor a bill with the same title (House, No. 4558). Referred, under Joint Rule 29, to the committees on Rules of the two branches, acting concurrently, with the amendment pending. Students,—career plans.

*Emergency Measures.*

Katrin  
Fox.—  
sick leave.

The engrossed Bill establishing a sick leave bank for Katrin Fox, an employee of the Highway Division of the Massachusetts Department of Transportation (see Senate, No. 2487), 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.

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 7 to 0. Sent to the Senate for concurrence.

Transportation  
improvements.

The engrossed Bill relative to commuter shuttles and public transportation improvements (see House, No. 901), 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.

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.

Retirement  
rights.

The engrossed Bill relative to certain retirement rights (see House, No. 4271, 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.

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 6 to 0. Sent to the Senate for concurrence.

*Engrossed Bills.*

Bills  
enacted.

## Engrossed bills

Relative to the licensure of behavior analyst (see Senate, No. 2379, amended) (which originated in the Senate);

Relative to vacancies in the office of selectmen in the town of North Andover (see House, No. 3832, amended);

Relative to access to epinephrine in schools (see House, No. 3959, amended);

Relative to life settlements and stranger originated life insurance (see House, No. 4296, amended);

Authorizing the town of North Andover to grant an additional license for the sale of all alcoholic beverages not to be drunk on the premises (see House, No. 4308, amended); and

Making corrective changes to certain amendments to the town of Southbridge charter (see House, No. 4551);

(Which severally originated in the House);

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

*Orders of the Day.*

## Senate bills

Making technical corrections to the charter of the city known as the town of Greenfield (Senate, No. 2421);

Third  
reading  
bills.

Making a certain technical correction to the charter of the city known as the town of Greenfield (Senate, No. 2422);

Amending the charter of the city known as the town of Greenfield to make a certain technical correction (Senate, No. 2423);

Making certain technical corrections in the charter of the city known as the town of Greenfield relative to school committee officers (Senate, No. 2424);

Amending the charter of the city known as the town of Greenfield relative to the budget review process (Senate, No. 2426, amended);

Amending the charter of the city known as the town of Greenfield to further regulate the interdepartmental transfer of funds (Senate, No. 2429);

Making technical corrections to the charter of the city known as the town of Greenfield (Senate, No. 2473); and

Amending the charter of the city known as the town of Greenfield to establish a mayor's task force against domestic violence (Senate, No. 2480);

Severally reported by the committee on Bills in the Third Reading to be correctly drawn, were read a third time; and they were passed to be engrossed, in concurrence.

#### House bills

Relative to the powers and duties of a regional school district (House, No. 3918);

Relative to regional stabilization funds (House, No. 4016);

Promoting health through workplace safety for social workers (House, No. 4254) (its title having been changed by the committee on Bills in the Third Reading);

Relative to the Cotuit Fire District (House, No. 4485);

Relative to the West Barnstable Fire District (House, No. 4527); and

Establishing a sick bank for Margaret C. Henderson, an employee of the Executive Office of Health and Human Services (House, No. 4554) (its title having been changed by the committee on Bills in the Third Reading);

Severally reported by said committee to be correctly drawn, were read a third time; and they were passed to be engrossed. Severally sent to the Senate for concurrence.

Third reading bills.

The Senate Bill further regulating dam safety, repair and removal (Senate, No. 1985, amended), reported by the committee on Bills in the Third Reading to be correctly drawn, was read a third time.

Pending the question on passing the bill, as amended, to be engrossed, in concurrence, Mr. Dempsey of Haverhill moved to amend it by striking out all after the enacting clause (previously inserted by amendment by the House) and inserting in place thereof the text contained in House document numbered 4557.

The amendment was adopted; and the bill (Senate, No. 1985, amended) was passed to be engrossed, in concurrence. Sent to the Senate for concurrence in the amendment.

Dam safety,—repair and removal.

*Recess.*

Recess.

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

*Engrossed Bills.*Bills  
enacted.

## Engrossed bills

Making technical corrections to the charter of the city known as the town of Greenfield (see Senate, No. 2421);

Making a certain technical correction to the charter of the city known as the town of Greenfield (see Senate, No. 2422);

Amending the charter of the city known as the town of Greenfield to make a certain technical correction (see Senate, No. 2423);

Making certain technical corrections in the charter of the city known as the town of Greenfield relative to school committee officers (see Senate, No. 2424);

Amending the charter of the city known as the town of Greenfield relative to the budget review process (see Senate, No. 2426, amended);

Amending the charter of the city known as the town of Greenfield to further regulate the interdepartmental transfer of funds (see Senate, No. 2429);

Relative to bylaws in the town of Greenfield (see Senate, No. 2473);

Exempting the position of police chief in the city of Malden from the civil service law (see Senate, No. 2476);

(Which severally originated in the Senate);

Providing for a definition of intellectual disability consistent with the American Association of Intellectual and Developmental Disabilities (see House, No. 4252, amended); and

Relative to the filing of statements of financial condition by public employee retirement systems (see House, No. 4270, amended);

(Which severally originated in the House);

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

*Orders of the Day.*

## House bills

Amending the municipal ticket law (House, No. 1461) (its title having been changed by the committee on Bills in the Third Reading); and

Relative to the disclosure of information of public school athletic resources and interscholastic athletic authorized representatives (House, No. 4080);

Severally reported by the committee on Bills in the Third Reading to be correctly drawn, were read a third time; and they were passed to be engrossed. Severally sent to the Senate for concurrence.

Municipal  
tickets.School  
athletics.Licensing  
board  
memberships.

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The engrossed Bill relative to certain licensing board memberships (see House, No. 4236), being a printed copy of sections 35 and 36 and 39 to 45, inclusive, contained in the engrossed Bill making appropri-



tions for the fiscal year 2013 (see House, No. 4200), which had been returned by His Excellency the Governor with recommendation of amendment (for message, see Attachment C of House, No. 4240), was considered.

The committee on Bills in the Third Reading reported recommending that the amendment recommended by the Governor (striking out all after the enacting clause and inserting in place thereof a new text) be considered in the form approved by said committee; and the report was accepted.

Pending the question on adoption of the amendment recommended by the Governor, Representatives Dempsey of Haverhill and Walz of Boston moved to amend it by striking out the text contained therein and inserting in place thereof the following:

“SECTION 1. Section 13 of chapter 13 of the General Laws, as appearing in the 2010 Official Edition, is hereby amended by striking out, in line 1, the figure ‘17’ and inserting in place thereof the following figure:— 19.

SECTION 2. Said section 13 of said chapter 13, as so appearing, is hereby further amended by striking out, in line 8, the words ‘112 and 2 consumers.’ and inserting in place thereof the following words:— 112; 3 consumers; and 1 vocational-technical licensed practical nursing educator or administrator who shall be selected from a group of 3 nominees, to be nominated by the Massachusetts Association of Vocational Administrators.

SECTION 3. Section 36 of said chapter 13, as so appearing, is hereby amended by striking out, in line 3, the word ‘nine’ and inserting in place thereof the following figure:— 11.

SECTION 4. Said section 36 of said chapter 13, as so appearing, is hereby further amended by striking out, in line 5, the word ‘seven’ and inserting in place thereof the following figure:— 9.

SECTION 5. Said section 36 of said chapter 13, as so appearing, is hereby further amended by inserting after the word ‘systems’, in line 16, the following words:— , 1 of whom shall be a vocational-technical plumbing educator or administrator who shall be selected from a group of 3 persons to be nominated by the Massachusetts Association of Vocational Administrators; 1 of whom shall be a licensed plumber in good standing with a union or nonunion affiliation, whichever constitutes the minority of the board.

SECTION 6. Section 42 of said chapter 13, as so appearing, is hereby amended by striking out, in line 2, the word ‘seven’ and inserting in place thereof the following figure:— 9.

SECTION 7. Said section 42 of said chapter 13, as so appearing, is hereby further amended by striking out, in line 35, the word ‘and’.

SECTION 8. Said section 42 of said chapter 13, as so appearing, is hereby further amended by inserting after the word ‘cosmetology’, in lines 36 and 37, the following words:— and (c) 1 member shall be a vocational-technical cosmetology educator or administrator who shall be selected from a group of 3 persons, to be nominated by the Massachusetts Association of Vocational Administrators.

SECTION 9. Section 101 of said chapter 13, as so appearing, is hereby amended by striking out, in line 4, the figure ‘5’ and inserting in place thereof the following figure:— 7.



Licensing  
board  
memberships.

SECTION 10. Said section 101 of said chapter 13, as so appearing, is hereby further amended by inserting, after the word 'work', in line 9, the following words:— , 1 of whom shall be a vocational-technical sheet metal educator or administrator who shall be selected from a group of 3 persons, to be nominated by the Massachusetts Association of Vocational Administrators; 1 of whom shall be a licensed sheet metal worker in good standing with a union or nonunion affiliation, whichever constitutes the minority of the board.”.

The further amendment was adopted, thus precluding a vote on the pending amendment. Sent to the Senate for its action.

Public  
construction  
contracts.

The Senate Bill to ensure transparency of workforce participation in public construction contracts (Senate, No. 2386, amended), reported by the committee on Bills in the Third Reading to be correctly drawn, was read a third time.

Pending the question on passing the bill, as amended, to be engrossed, in concurrence, Ms. Forry of Boston moved to amend it in section 7, in line 48, by striking out the following: “on or before January 30 of” and inserting in place thereof the word “quarterly”; and, in lines 54 and 55, by striking out the following: “ for the construction, reconstruction, installation demolition, maintenance or repair of any building by a public agency” and inserting in place thereof the following: “ by a state agency or state assisted contract for design, construction, reconstruction, installation, demolition, maintenance or repair”.

The amendments were adopted; and the bill (Senate, No. 2386, amended) was passed to be engrossed, in concurrence. Sent to the Senate for concurrence in the

*Order.*

On motion of Mr. DeLeo of Winthrop,—

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

Next  
sitting.

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At twenty-seven minutes before three 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 Monday at eleven o'clock A.M., in an Informal Session.