

# JOURNAL OF THE HOUSE.

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Thursday, May 22, 2014.

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).

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.

## *Guest of the House.*

During the session, Representative Walsh of Framingham took the Chair, declared a brief recess, and introduced Army National Guard Captain David DiGregorio, Deputy State Surgeon/Medical Management Unit, Massachusetts Army National Guard. He was the guest of Representative Walsh. Captain David DiGregorio.

## *Resolutions.*

Resolutions (filed with the Clerk by Ms. Garlick of Needham) congratulating Barrie H. Clough on the occasion of his retirement from the town of Dover, were referred, under Rule 85, to the committee on Rules. Barrie H. Clough.

Mr. Binienda of Worcester, for said committee, reported that the resolutions ought to be adopted. Under suspension of the rules, on motion of Mr. Walsh of Framingham, the resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted.

## *Paper from the Senate.*

The House Bill making appropriations for the fiscal year 2014 to provide for supplementing certain existing appropriations and for certain other activities and projects (House, No. 4081), came from the Senate passed to be engrossed, in concurrence, with an amendment striking out sections 6A to 25, inclusive, and inserting in place thereof the following sixteen sections: Supplemental appropriations.

“SECTION 7. Item 4800-0015 of section 2 of chapter 38 of the acts of 2013 is hereby amended by striking out, in lines 140 to 144, inclusive, the words ‘between items 4800-0038, 4800-0040 and 4800-0041 for services only, as necessary, under an allocation plan, which shall detail, by object class, the distribution of the funds to be transferred and no transfers shall be made for administrative costs’ and inserting in place thereof the following words:— among items 4800-0038, 4800-0040, 4800-0041, and 4800-0015; provided further, that the commissioner may transfer funds from items 4800-0038, 4800-0040, 4800-0041 and 4800-0015 to item 4800-1100.

SECTION 8. Item 7002-0012 of said section 2 of said chapter 38 is hereby amended by striking out, in line 8, the words ‘through September 1, 2014’ and inserting in place thereof the following words:— for programs or activities during the summer months.

Supplemental  
appropriations.

SECTION 9. Item 7009-6400 of said section 2 of said chapter 38 is hereby amended by striking out, in lines 54 and 55, the words ‘through August 31, 2014 to allow for summer programming’ and inserting in place thereof the following words:— for programs or activities during the summer months.

SECTION 10. Item 7009-9600 of said section 2 of said chapter 38 is hereby amended by striking out, in lines 73 and 74, the words ‘through August 31, 2014’ and inserting in place thereof the following words:— for programs or activities during the summer months.

SECTION 11. Item 7027-1004 of said section 2 of said chapter 38 is hereby amended by striking out, in lines 20 and 21, the words ‘through August 31, 2014’ and inserting in place thereof the following words:— for programs or activities during the summer months.

SECTION 12. Item 7035-0035 of said section 2 of said chapter 38 is hereby amended by striking out, in lines 29 and 30, the words ‘through August 31, 2014 to allow for summer programming’ and inserting in place thereof the following words:— for programs or activities during the summer months.

SECTION 13. Item 7061-9404 of said section 2 of said chapter 38 is hereby amended by striking out, in lines 30 and 31, the words ‘through August 31, 2014 to allow for summer remediation programs’ and inserting in place thereof the following words:— for programs or activities during the summer months.

SECTION 14. Item 7061-9408 of said section 2 of said chapter 38 is hereby amended by striking out, in lines 58 and 59, the words ‘through August 31, 2014, to allow for intervention and school and district improvement planning in the summer months’ and inserting in place thereof the following words:— for programs or activities during the summer months.

SECTION 15. Item 7061-9412 of said section 2 of said chapter 38 is hereby amended by striking out, in lines 36 and 37, the words ‘through August 31, 2014 to allow for planning and implementation during the summer months’ and inserting in place thereof the following words:— for programs or activities during the summer months.

SECTION 16. Item 7061-9611 of said section 2 of said chapter 38 is hereby amended by striking out, in lines 40 and 41, the words ‘through August 31, 2014 to allow for implementation of said programs during the summer months’ and inserting in place thereof the following words:— for programs or activities during the summer months.

SECTION 17. Item 7061-9804 of said section 2 of said chapter 38 is hereby amended by striking out, in line 20, the words ‘through August 31, 2014’ and inserting in place thereof the following words:— for programs or activities during the summer months.

SECTION 18. Item 7066-0025 of said section 2 of said chapter 38 is hereby amended by striking out, in line 28, the words ‘through August 31, 2014’ and inserting in place thereof the following words:— for programs or activities during the summer months.

SECTION 19. Item 7066-0040 of said section 2 of said chapter 38 is hereby amended by striking out, in lines 15 and 16, the words ‘through August 31, 2014 to allow for summer programming’ and inserting in place thereof the following words:— for programs or activities during the summer months.

SECTION 20. The salary adjustments and other economic benefits authorized by the collective bargaining agreement between the Middlesex sheriff and Teamsters Local 122 shall be effective for the purpose of section 7 of chapter 150E of the General Laws.

SECTION 21. (a) Upon certification by the executive office for administration and finance, an amount of not more than \$65,000,000 equal to federal financial participation funds received shall be deposited in the Commonwealth Care Trust Fund established in section 2000 of chapter 29 of the General Laws. To accommodate the timing of federal revenue receipts after June 30, 2014 amounts that would be collected during the fiscal year 2014 accounts receivable period shall be deposited in the fund on a projected basis on June 15, 2014.

(b) The Commonwealth Care Trust Fund need not be required to be in balance at the close of fiscal year 2014 but shall be in balance at the close of fiscal year 2015.

SECTION 22. (a) Notwithstanding chapter 334 of the acts of 1996 or any other general or special law to the contrary, control and custody of the Dr. William A. Hinton State Laboratory at the State Laboratory Institute located in the Jamaica Plain section of the city of Boston shall be transferred from the University of Massachusetts to the division of capital asset management and maintenance on July 1, 2014. Upon such transfer, the division may assign the use of space within the property to state agencies and may make expenditures and perform maintenance for the property that it considers reasonable and appropriate.

(b) Upon the transfer required in subsection (a), employees of the University of Massachusetts Medical School engaged in the maintenance and security of the Dr. William A. Hinton State Laboratory at the State Laboratory Institute shall be transferred to the division of capital asset management and maintenance. The personnel administrator in the human resources division, in consultation with the division of capital asset management and maintenance, shall complete a study of job titles of the former University of Massachusetts Medical School employees at the laboratory. The personnel administrator, in consultation with the division, shall determine the appropriate commonwealth job titles for former employees of the University of Massachusetts Medical School who are transferred to the division under this section. Employees transferred to the division pursuant to this section shall be placed in job titles as determined by the personnel administrator and shall be paid wages and receive benefits consistent with the collective bargaining agreement governing those job titles. No transfer under this section shall impair the civil service status of a transferred employee who immediately before the effective date of that transfer either held a permanent appointment in a position classified under chapter 31 of the General Laws or had tenure in a position by reason of section 9A of chapter 30 of the General Laws.”

The amendment (having been reported by the committee on Bills in the Third Reading to be correctly drawn) was considered forthwith; and it was adopted, in concurrence.

*Reports of Committees.*

By Mr. Binienda of Worcester, for the committee on Rules and the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the following petitions:

Norfolk  
County,—  
simulcasting.

Petition (accompanied by bill) of Shawn Dooley and Richard J. Ross relative to simulcast wagering in Norfolk County. To the committee on Consumer Protection and Professional Licensure.

Richard  
Brophey,—  
sick leave.

Petition (accompanied by bill) of Sheila C. Harrington for legislation to establish a sick leave bank for Richard Brophey, an employee of the Department of Unemployment Assistance. To the committee on Public Service.

Under suspension of the rules, on motion of Mr. Michlewitz of Boston, the reports were considered forthwith. Joint Rule 12 then was suspended, in each instance. Severally sent to the Senate for concurrence.

By Mr. Markey of Dartmouth, for the committee on the Judiciary, asking to be discharged from further consideration:

Middlesex  
County,—  
women's jail.

Of the petition (accompanied by bill, House, No. 1434) of Kay Khan, Denise Andrews and Jason M. Lewis for legislation to establish a women's correctional facility in Middlesex County; and

Suffolk  
County,—  
lockup.

Of the petition (accompanied by bill, House, No. 1538) of Eugene L. O'Flaherty and others for legislation to establish a regional lockup facility in Suffolk County.

And recommending that the same severally be referred to the committee on Ways and Means.

Under Rule 42, the reports severally were considered forthwith; and they were accepted. Severally sent to the Senate for concurrence, inso-much as relates to the discharge of the committee.

Human  
service  
workers,—  
appeals.

By Mr. Markey of Dartmouth, for the committee on the Judiciary, asking to be discharged from further consideration of the petition (accompanied by bill, House, No. 1499) of Paul W. Mark relative to establishing an appeals process for private sector human service workers,— and recommending that the same be referred to the committee on Labor and Workforce Development.

Move over  
law,—  
civilians.

By Mr. Straus of Mattapoisett, for the committee on Transportation, asking to be discharged from further consideration of the petition (accompanied by bill, House, No. 3112) of Harold P. Naughton, Jr., for legislation to expand the move over law, so-called, to include vehicles operated by civilians,— and recommending that the same be referred to the committee on Public Safety and Homeland Security.

Under Rule 42, the reports severally were considered forthwith; and they were accepted. 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:

Chesterfield,—  
Gary  
Wickland.

The Senate Bill authorizing the town of Chesterfield to continue the employment of police chief Gary Wickland (Senate No. 2051) [Local Approval Received]; and

Marcy L.  
Bray,—  
sick leave.

The House Bill establishing a sick leave bank for Marcy L. Bray, an employee of the Massachusetts Department of Developmental Services (House, No. 4041);

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. Binienda of Worcester, for the committee on Rules, that the Bill relative to preserving Polish heritage in the Pioneer Valley (House, No. 1071), ought to pass. Referred, under Rule 33, to the committee on Ways and Means.

Pioneer Valley,—  
Polish heritage.

By Mr. Straus of Mattapoisett, for the committee on Transportation, on a petition, a Bill to provide counseling services and medical leave for crew members of a railroad company involved in an accident resulting in loss of life or serious bodily injury (House, No. 3024). Referred, under Joint Rule 1E, to the committee on Health Care Financing.

Railroad crews,—  
accident counseling.

By Ms. Khan of Newton, for the committee on Children, Families and Persons with Disabilities, on House, No. 124, a Bill relative to fair hearings in the Department of Children and Families (House, No. 4106).

Child welfare,—  
hearings.

By Mr. Kocot of Northampton, for the committee on State Administration and Regulatory Oversight, on House, No. 4050, a Bill authorizing the Commissioner of Capital Asset Management and Maintenance to convey certain parcels of land in the town of Medfield (House, No. 4107) [Local Approval Received].

Medfield,—  
land.

By Mr. Straus of Mattapoisett, for the committee on Transportation, on a petition, a Bill establishing an emergency responder yellow dot program (House, No. 3044).

Emergency responder program.

By the same member, for the same committee, on a petition, a Bill relative to motorcycle permit requirements (House, No. 3584).

Motorcycle permits.

By the same member, for the same committee, on House, No. 3068, a Bill to regulate the use of automatic license plate reader systems (House, No. 4098) [Senator Hedlund dissenting].

License plate reader systems.

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

By Mr. Scibak of South Hadley, for the committee on Consumer Protection and Professional Licensure, on a petition, a Bill relative to special alcohol licenses for nonprofit organizations (House, No. 271).

Nonprofit organizations,—  
liquor licenses.

By Ms. Gobi of Spencer, for the committee on Environment, Natural Resources and Agriculture, on a petition, a Bill relative to the use of shotguns (House, No. 711).

Shotguns,—  
bear hunting.

By the same member, for the same committee, on House, Nos. 713 and 728, a Bill relative to the use of crossbows in hunting (House, No. 713).

Crossbows,—  
hunting.

By Mr. Markey of Dartmouth, for the committee on the Judiciary, on a petition, a Bill relative to taking or transmitting images of crime victims by first responders (House, No. 4040).

Crime victims,—  
images.

By Mr. Conroy of Wayland, for the committee on Labor and Workforce Development, on a petition, a Bill regarding independent contractors (House, No. 1711).

Independent contractors.

By Mr. Michlewitz of Boston, for the committee on Public Service, on a petition, a Bill relative to the town of Sterling (House, No. 3432) [Local Approval Received].

Sterling,—  
incentive program.

Dedham,—  
deputy police  
chief.

By the same member, for the same committee, on a joint petition, a Bill exempting the position of deputy police chief in the town of Dedham from the civil service law (House, No. 3517) [Local Approval Received].

Natick,—  
deputy police  
chief.

By the same member, for the same committee, on a joint petition, a Bill exempting the position of deputy chief of police in the town of Natick from the civil service law (House, No. 3552) [Local Approval Received].

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

*Orders of the Day.*

House bills

Third  
reading  
bills.

Authorizing the reinstatement of Richard L. Cross as a reserve police officer in the town of Southwick (House, No. 3852);

Authorizing the town of Holliston to establish a department of public works (House, No. 3961); and

Relative to the preparation of certain bilingual ballots in the city of Boston (House, No. 4089);

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.

Senate bills

Second  
reading  
bills and  
resolve.

Relative to the board of health in the city of Worcester (Senate, No. 2065); and

Relative to the disability retirement benefits of Woburn police officer Robert DeNapoli (Senate, No. 2134); and

House bills

To expand the move over law for utility vehicles (House, No. 3036);

Relative to motorcycle inspections (House, No. 3055);

Relative to mandatory sentences for those committing an assault on a law enforcement officer (House, No. 3239); and

Relative to the definition of autism in the childrens [sic] autism Medicaid waiver (House, No. 4075); and

The House Resolve providing for an investigation and study by a special commission relative to Aphasia (House, No. 3455);

Severally were read a second time; and they were ordered to a third reading.

*Order.*

On motion of Mr. DeLeo of Winthrop,—

Next  
sitting.

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

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At twenty-nine minutes before twelve o'clock noon, on motion of Mrs. Poirier of North Attleborough (Mr. Donato of Medford being in the Chair), the House adjourned, to meet the following Tuesday at eleven o'clock A.M., in an Informal Session.