

Tuesday, November 19, 2013 (at 11:00 o'clock A.M.).

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.

Resignation of Representative Humason of Westfield.

The following communication was read; and spread upon the records of the House, as follows:

November 14, 2013.

The Honorable Steven T. James
Clerk of the House of Representatives
Massachusetts State House, Room 145
Boston, MA. 02133

Dear Mr. Clerk,

I write to notify you that I intend to resign as State Representative from the 4th Hampden District, effective upon my taking the oath of office on Wednesday, November 20, 2013, so that I may become the new State Senator from the 2nd Hampden & Hampshire District.

Resignation of
Representative
Donald F.
Humason, Jr.,
of Westfield.

It has been my honor and privilege to serve the people of the Commonwealth of Massachusetts as Westfield's State Representative for the past 11 years. I have genuinely enjoyed working with you, your staff, and all the members of the House of Representatives.

If I may ever be of service to you please feel free to call upon me. Thank you.

Sincerely yours,
DONALD F. HUMASON, JR.,
State Representative, 4th Hampden District

Resolutions.

The following resolutions (filed with the Clerk) were referred, under Rule 85, to the committee on Rules:

Resolutions (filed by Messrs. Gordon of Bedford and Miceli of Wilmington) congratulating the local heroes of Wilmington; and

Wilmington
heroes.

Resolutions (filed by Representatives Heroux of Attleboro and Poirier of North Attleborough) congratulating Jared Teixeira on receiving the Eagle Scout Award of the Boy Scouts of America;

Jared
Teixeira.

Mr. Binienda of Worcester, for the committee on Rules, reported, in each instance, that the resolutions ought to be adopted. Under suspension of the rules, in each instance, on motion of Ms. Khan of Newton, the resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered

forthwith; and they were adopted.

Communication.

A communication from the Plymouth County Registry of Deeds (pursuant to Section 2KKK of Chapter 29 of the General Laws) submitting its plan for expenditures for technological improvements from the County Registers Technological Fund [copies of said communication were forwarded to the committees on Ways and Means and Post Audit and Oversight, as required by said law], was placed on file.

Plymouth
County
Registry of
Deeds.

Petitions.

Mrs. Haddad of Somerset being the Chair,—

Mr. Peterson of Grafton presented a petition (subject to Joint Rule 12) of George N. Peterson, Jr., and Michael O. Moore that the Grafton water district be authorized to exchange certain parcels of land with the Department of Fish and Game; and the same was referred, under Rule 24, to the committee on Rules.

Grafton,—
land.

Mr. Binienda of Worcester, for the committee on Rules and the committees on Rules of the two branches, acting concurrently, then reported recommending that Joint Rule 12 be suspended. Under suspension of the rules, on motion of Mr. Peterson, the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on State Administration and Regulatory Oversight. Sent to the Senate for concurrence.

By Messrs. Cabral of New Bedford and Schmid of Westport, a petition (subject to Joint Rule 12) of Antonio F. D. Cabral, Paul A. Schmid, III and Robert M. Koczera for legislation to establish a fire prevention tax credit for historic building; and the same was referred, under Rule 24, to the committee on Rules.

Historic
buildings,—
fire prevention.

Papers from the Senate.

A Bill establishing a sick leave bank for Joshua Rocha, an employee of the Department of Correction (Senate, No.1923) (on Senate bill No. 1896), passed to be engrossed by the Senate, was read; and it was referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Joshua Rocha,—
sick leave bank.

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 Mrs. Poirier of North Attleboro, the bill was read a second time forthwith; and it was ordered to a third reading.

A Bill authorizing the town of Arlington to establish a special account for the purchase, installation and maintenance of public works of art (Senate, No. 1794) (on a petition) [Local Approval Received], passed to be engrossed by the Senate, was read; and it was referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Arlington,—
works of art.

Reports of Committees.

By Mr. Kafka of Stoughton, for the committee on Steering, Policy and

Plum Island,—

Scheduling, that the Senate Bill authorizing the board of assessors of the town of Newbury to grant an abatement of real estate taxes to certain Plum Island homeowners for fiscal year 2013 (Senate, No. 1909) [Local Approval Received], be scheduled for consideration by the House.

tax abatement.

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

By Mr. Kafka of Stoughton, for the committee on Steering, Policy and Scheduling, that the House Bill designating a certain overpass in the town of Barnstable as the U.S. Navy SEAL Kevin A. Houston Veterans Memorial (House, No. 3101), be scheduled for consideration by the House.

Kevin Houston,—
bridge.

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

By Mr. Kafka of Stoughton, for the committee on Steering, Policy and Scheduling, that the House Bill designating a certain bridge in the city of Revere as the Rita Singer bridge (House, No. 3649), be scheduled for consideration by the House.

Rita Singer,—
bridge.

Under suspension of Rule 7A, on motion of Mr. O'Day of West Boylston, the bill was read a second time forthwith; and it was ordered to a third reading.

By Mr. Kafka of Stoughton, for the committee on Steering, Policy and Scheduling, that the House Bill authorizing the town of Dartmouth to accept certain roadways as public ways (House, No. 3697) [Local Approval Received], be scheduled for consideration by the House.

Dartmouth,—
roadways.

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

By Mr. Kafka of Stoughton, for the committee on Steering, Policy and Scheduling, that the House Bill relative to breast cancer early detection (House, No. 3733), be scheduled for consideration by the House.

Breast cancer.

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

Emergency Measure.

The engrossed Bill establishing a sick leave bank for Janet Soboleski, an employee of the Department of Mental Health (see House, No. 3682), 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.

Janet
Soboleski,—
sick leave
bank.

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 3 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 Senate) was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

Bill
enacted.

Engrossed Bill.

Engrossed bills

Relative to the town clerk of the town of Upton (see Senate, No. 1855) (which originated in the Senate);

Bills
enacted.

Relative to the town treasurer-collector in the town of Hingham (see House, No. 3550); and

Relative to the date of the 2014 biennial state primaries (see House, No. 3764); (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.

Recess.

At nine minutes after eleven o'clock A.M. (Tuesday, November 19), on motion of Mr. Peterson of Grafton (Mr. Donato of Medford being in the Chair), the House recessed until one o'clock P.M.; and at eighteen minutes after one o'clock P.M., the House was called to order with Mr. Donato in the Chair.

Recess.

Reports of Committees.

Mr. Dempsey of Haverhill, for the committee on Ways and Means, that the Bill financing information technology equipment and related projects (printed in House, No. 3330), ought to pass with an amendment substituting therefore a bill with the same title (House, No. 3770).

Information
technology,—
financing.

Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling, with the amendment previously recommended by the committee on Bonding, Capital Expenditures and State Assets,— that the bill be amended by substitution of a bill with the same title (House, No. 3708),— and the amendment recommended by the committee on Ways and Means, pending.

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

Under suspension of Rule 7A, on motion of the same member, the bill was read a second time forthwith.

The amendment previously recommended by the committee on Bonding, Capital Expenditures and State Assets was rejected.

The amendment recommended by the committee on Ways and Means then was adopted; and the substituted bill was ordered to a third reading.

Subsequently (Mrs. Haddad of Somerset being in the Chair), under suspension of the rules, on motion of Mr. Dempsey of Haverhill, the bill (having been 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 to be engrossed, Mr. Peterson of Grafton asked for a count of the House to ascertain if a quorum was present. The Chair (Mrs. Haddad of Somerset), having determined that a quorum was not in attendance, then directed the Sergeant-at-Arms to secure the presence of a quorum.

Quorum.

Subsequently a roll call was taken for the purpose of ascertaining the presence of a quorum; and on the roll call 151 members were recorded as being in attendance.

Quorum,—
yea and nay
No. 258.

[See Yea and Nay No. 258 in Supplement.]

Therefore a quorum was present.

Subsequently a statement of Ms. Decker of Cambridge was spread upon the

records as follows:

MR. SPEAKER: I would like to call to the attention of the House the fact that, during the previous quorum roll call, I was absent from the House Chamber on official business in another part of the State House and therefore was not recorded as being present. My missing of the quorum roll call was due entirely to the reason stated.

Statement of
Ms. Decker
of Cambridge.

After remarks on the question on passing the bill to be engrossed, Mr. Jones of North Reading moved to amend it in section 11, in line 192, by striking out the date "May 1, 2014" and inserting in place thereof the date "April 1, 2014"; and the amendment was 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. Cabral of New Bedford; and on the roll call 155 members voted in the affirmative and 0 in the negative.

Bill passed to
be engrossed,—
yea and nay
No. 259.

[See Yea and Nay No. 259 in Supplement.]

Therefore the bill, as amended, was passed to be engrossed. The bill (House, No. 3770, amended) then was sent to the Senate for concurrence.

Mr. Dempsey of Haverhill, for the committee on Ways and Means, that the Bill relative to authorizing the Division of Capital Asset Management and Maintenance to convey certain parcel of state owned land to the city of Boston (House, No. 3673), ought to pass with an amendment substituting therefore a bill with the same title (House, No. 3771). Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Boston,—
land.

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

Under suspension of Rule 7A, on motion of Mr. Dempsey of Haverhill, the bill was read a second time forthwith.

The amendment recommended by the committee on Ways and Means then was adopted; and the substituted bill was ordered to a third reading.

Motions to Discharge Certain Matters in the Orders of the Day.

The engrossed Bill relative to price adjustments for certain materials in construction projects (see House, No. 3562), being a printed copy of section 45 contained in the engrossed Bill making appropriations for the fiscal year 2014 (see House, No. 3538), which had been returned by His Excellency the Governor with recommendation of amendment (for message, see Attachment G of House, No. 3566), was taken from its position in the Orders of the Day and considered forthwith, under suspension of Rule 47, on motion of Mr. Dempsey of Haverhill.

Price
adjustments.

The committee on Bills in the Third Reading reported recommending that the amendment recommended by the Governor be considered in the form approved by said committee; and the report was accepted.

The amendment recommended by the Governor then was rejected.

Mr. Dempsey then moved to amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

"SECTION 1. Chapter 30 of the General Laws is hereby amended by inserting after section 38 the following section:—

Section 38A. Contracts for road and bridge projects awarded as a result of a proposal or invitation for bids under section 39M of this chapter shall include a

price adjustment clause for each of the following materials: fuel, both diesel and gasoline; asphalt; concrete; and steel. Contracts for water and sewer projects awarded as a result of a proposal or invitation for bids under section 39M of this chapter shall include a price adjustment clause for fuel, both diesel and gasoline; liquid asphalt; and portland cement contained in cast-in-place concrete. A base price for each material shall be set by the awarding authority or agency and shall be included in the bid documents at the time the project is advertised. The awarding authority or agency shall also identify in the bid documents the price index to be used for each material. The price adjustment clause shall provide for a contract adjustment to be made on a monthly basis when the monthly cost change exceeds plus or minus 5 per cent.

SECTION 2. Section 1 shall apply only to projects which are advertised for bid after January 1, 2014.”

The amendment was adopted. Sent to the Senate for its action.

The Senate Bill authorizing the town of Belchertown to convey certain land (Senate, No. 1887), reported by the committee on Bills in the Third Reading to be correctly drawn, was taken from its position in the Orders of the Day, and read a third time, under suspension of Rule 47, on motion of Mr. Speliotis of Danvers.

Belchertown,—
land.

Pending the question on passing the bill to engrossed, Mr. Petrolati of Ludlow moved to amend it by striking out section 4 and inserting in place thereof the following section:

“SECTION 4. Notwithstanding chapter 30B of the General Laws, or any other general or special law to the contrary, and subject to the provisions of Article XCVII of the Amendments to the Constitution, the town of Belchertown may transfer the care, custody, management and control of a certain parcel of land acquired for conservation and passive recreation purposes from the board of selectman and the conservation commission, to the board of selectman for the purpose of conveyance to Roland A. Leclerc. The parcel is shown as ‘Parcel A’ on a plan of land entitled ‘Plan of Land in Belchertown, MA Prepared for Roland Leclerc,’ dated October 15, 2010 recorded with the Hampshire registry of deeds in plan book 225, page 82, containing 0.584 acres, more or less, according to the plan, the parcel being inadvertently included in the deed from Roland A. Leclerc to the town recorded in book 10587, page 250. The board of selectman may convey the parcel to Roland A. Leclerc for such consideration, including nominal consideration, as the board of selectmen may deem appropriate.”

The amendment was adopted; and the bill (Senate, No. 1887, amended) was passed to be engrossed, in concurrence. Sent to the Senate for concurrence in the amendment.

The House Bill relative to a land conveyance in the town of Littleton (House, No. 3642), reported by the committee on Bills in the Third Reading to be correctly drawn, was taken from its position in the Orders of the Day, and read a third time, under suspension of Rule 47, on motion of Mr. Arciero of Westford; and it was passed to be engrossed. Sent to the Senate for concurrence.

Littleton,—
land.

The House Bill authorizing the Commissioner of Capital Asset Management and Maintenance to convey certain land to the city of Newton (House, No. 3669), reported by the committee on Bills in the Third Reading to be correctly drawn, was taken from its position in the Orders of the Day, and read a third time, under suspension of the rules, on motion of Ms. Balsler of Newton.

Newton,—
land.

Pending the question on passing the bill to engrossed, the same member moved to amend it by inserting before the enacting clause the following emergency preamble:

“Whereas, The deferred operation of this act would tend to defeat its purpose, which is to forthwith provide for the conveyance of certain land from the commonwealth to the city of Newton, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.”.

The amendment was adopted; and the bill (House, No. 3669, amended) was passed to be engrossed. Sent to the Senate for concurrence.

Quorum.

Mr. Peterson of Grafton then asked for a count of the House to ascertain if a quorum was present. The Chair (Mrs. Haddad of Somerset), having determined that a quorum was not in attendance, then directed the Sergeant-at-Arms to secure the presence of a quorum.

Subsequently a roll call was taken for the purpose of ascertaining the presence of a quorum; and on the roll call (the Speaker being in the Chair) 152 members were recorded as being in attendance.

[See Yea and Nay No. 260 in Supplement.]

Therefore a quorum was present.

Quorum.

Quorum,—
yea and nay
No. 260.

Valedictory Address.

There being no objection, Mr. Humason of Westfield then addressed the House regarding his departure from service in the House of Representatives.

Valedictory
address.

Recess.

At sixteen minutes after three o'clock P.M. (Tuesday, November 19), on motion of Mr. Peterson of Grafton (Mrs. Haddad of Somerset being in the Chair), the House recessed until the following day at eleven o'clock A.M.; and at seven minutes after eleven o'clock the House was called to order with Mr. Donato in the Chair.

Recess.