

JOURNAL OF THE HOUSE.

Wednesday, April 13, 2016.

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).

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.

Silent Prayer.

Mr. Bradley of Hingham then took the Chair, and at the request of the Speaker, Mr. Bradley and all other members of the House, the members, guests and employees stood in a moment of silent tribute to the memory of former Speaker Flaherty's eldest son, Charles T. "Chip" Flaherty, who died unexpectedly this past weekend. He is survived by his parents, his siblings, his loving wife, Rebecca, his daughter Audrey and his son, Charlie III. He was 52 years old. Charles "Chip" Flaherty.

Statement Concerning Representative Garry of Dracut.

A statement of Mrs. Haddad of Somerset concerning Ms. Garry of Dracut 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 Garry of Dracut, is unable to be present in the House Chamber for today's sitting due to medical reasons. Her missing of roll calls today is due entirely to the reason stated. Statement concerning Miss Garry of Dracut.

Statement Concerning Representative Petrolati of Ludlow.

A statement of Mrs. Haddad of Somerset concerning Mr. Petrolati of Ludlow 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 Petrolati of Ludlow, is unable to be present in the House Chamber for today's sitting due to the recent death of his mother-in-law. His missing of roll calls today is due entirely to the reason stated. Statement concerning Mr. Petrolati of Ludlow.

Special Recognition of Cambodian New Year.

The Speaker then took the Chair for the purpose of recognizing the celebration of Cambodian New Year. The Speaker proclaimed, "Today marks the first day of festivities celebrating hope and prosperity which will continue for the next three days. In honor of the New Year, I would like to welcome Sambo Chhoum of the Glory Buddhist Temple of Lowell and the Venerable Sopheap Kou to the Chamber today". With drums beating and Cambodian music being performed, the Venerable Sopheap Kou, accompanied by an entourage of Buddhist monks, some of whom had traveled to Massachusetts from Cambodia and France, entered the Chamber. The monks, dressed in Cambodian New Year.

Cambodian
New Year.

traditional orange robes and footwear, along with dancers and percussionists then proceeded to the Well of the House. The Venerable Sopheap Kou, joined by the other Buddhist monks then, chanting harmoniously, led the members, guests and employees in an opening blessing.

The Speaker introduced Virginia Prak, the reigning Miss Cambodian American Northeast 2015 and Miss Global 1st Runner Up 2015.

The Speaker introduced Representative Rady Mom of Lowell, the first Cambodian-American ever elected to a state legislature in the United States. Representative Mom called today “the most special day in the Cambodian culture”. He said that the New Year holiday is “a time to rejoice with friends from all over the world”. Representative Mom then read previously adopted House Resolutions in celebration of the Cambodian New Year beginning on April 13, 2016.

Resolutions.

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

Allen
King.

Resolutions (filed by Mrs. Haddad of Somerset) congratulating Allen James King on receiving the Eagle Award of the Boy Scouts of America;

Trevor
Holowsky.

Resolutions (filed by Mrs. Poirier of North Attleborough) congratulating Trevor A. Holowsky on receiving the Eagle Scout Award of the Boy Scouts of America;

Christopher
Walnut.

Resolutions (filed by Mrs. Poirier of North Attleborough) congratulating Christopher J. Walnut on receiving the Eagle Scout Award of the Boy Scouts of America;

Alisha
Ukani.

Resolutions (filed by Ms. Peisch of Wellesley) congratulating Alisha Ukani on receiving the Gold Award of the Girl Scouts of America; and

Liam
Dietrich.

Resolutions (filed by Messrs. Roy of Franklin and Fernandes of Milford) congratulating Liam Joseph Dietrich on receiving the Eagle Award of the Boy Scouts of America;

Mr. Galvin of Canton, 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 Mr. Wong of Saugus, the resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted.

Communications.

Communications

College of
Art and
Design.

From the Massachusetts College of Art and Design (see Section 634 Chapter 26 of the Acts of 2003) submitting its performance report for the fiscal year 2015; and

Health Care
Workforce
Transformation
Fund.

From the Executive Office of Labor and Workforce Development and the Commonwealth Corporation (see Subsection (b) of Section 38 of Chapter 224 of the Acts of 2012 and Section 2FFFF of Chapter 29 of the General Laws) submitting a report on the strategy for administration and allocation of the Health Care Workforce Transformation Fund and the activities supported by the fund in fiscal years 2014 and 2015;

Severally were placed on file.

Papers from the Senate.

A Bill enhancing reform, innovation and success in education (Senate, No. 2220) (on Senate bill No. 2203), passed to be engrossed by the Senate was read; and it was referred, under Rule 33, to the committee on Ways and Means.

Charter
schools.

A Bill designating May 6 as Moyamoya disease awareness day (Senate, No. 1674) (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.

Moyamoya
disease
awareness
day.

A petition of Kathleen O'Connor Ives and James M. Kelcourse for legislation to establish a sick leave bank for Jodi Paris Anastos, an employee of the Operational Services Division, came from the Senate referred, under suspension of Joint Rule 12, to the committee on Public Service.

Jodi Paris
Anastos,—
sick leave.

The House then concurred with the Senate in the suspension of said rule; and the petition (accompanied by bill, Senate, No. 2228) was referred, in concurrence, to the committee on Public Service.

Reports of Committees.

By Mr. Galvin of Canton, for the committees on Rules of the two branches, acting concurrently, that the Resolve providing for an investigation and study by a special commission relative to consumer protections with regard to cemeteries and crematories (House, No. 210), ought to pass. Referred, under Rule 33, to the committee on Ways and Means.

Cemeteries
and
crematories,—
study.

By Mr. Michlewitz of Boston, for the committee on Financial Services, on House, Nos. 901 and 956, a Bill relative to Lyme disease treatment coverage (House, No. 4198).

Lyme
disease,—
treatment.

By the same member, for the same committee, on House, No. 913, a Bill concerning the safety of autistic and alzheimer [sic] individuals (House, No. 4202).

Autism and
Alzheimer's.

By the same member, for the same committee, on House, No. 941, a Bill relative to the care and treatment of patients with mitochondrial disease (House, No. 4205).

Mitochondrial
disease.

By the same member, for the same committee, on House, No. 953, a Bill relative to insurance coverage for craniofacial disorders (House, No. 4206).

Craniofacial
disorders.

By Mr. Murphy of Weymouth, for the committee on Public Service, on a petition, a Bill relative to health insurance for surviving spouses (House, No. 2203).

Survivors,—
healthcare.

Severally referred, under Joint Rule 1E, to the committee on Health Care Financing.

By Mr. Michlewitz of Boston, for the committee on Financial Services, on House, Nos. 899, 924 and 939, a Resolve establishing a commission to study the feasibility of a secure choice retirement savings option (House, No. 4204). Read; and referred, under Joint Rule 29, to the committees on Rules of the two branches, acting concurrently.

Retirement
savings,—
study.

Audit schedules.— By Mr. Kocot of Northampton, for the committee on State Administration and Regulatory Oversight, on House, No. 4 and on a part of House, No. 3, a Bill reconciling inconsistent statutory audit schedules (House, No. 4, changed by striking out section 28).

Agencies,— internal control. By the same member, for the same committee, on House, No. 7 and on a part of House, No. 3, a Bill improving the internal controls within state agencies (House, No. 7).

Procurement. By the same member, for the same committee, on House, No. 10 and on a part of House, No. 8, a Bill relative to Chapter 30B (House, No. 10).

Public construction,— liability. By the same member, for the same committee, on a petition, a Bill relative to the indemnity and insurance responsibility on certain public construction projects (House, No. 2719).

State contracting. By the same member, for the same committee, on a petition, a Bill relative to state contracting (House, No. 2726).

Businesses,— filing fees. By the same member, for the same committee, on a petition, a Bill reducing filing fees for certain small business [sic] (House, No. 2727).

Financial statements,— access. By the same member, for the same committee, on a petition, a Bill relative to the electronic filing of and public access to statements of financial interests (House, No. 2732).

Public construction. By the same member, for the same committee, on a petition, a Bill relative to the definition of fraud in public construction bid laws (House, No. 2735).

Food resources and security. By the same member, for the same committee, on a petition, a Bill establishing the executive office of food resources and security (House, No. 2736).

Service based retirement. By Mr. Murphy of Weymouth, for the committee on Public Service, on a petition, a Bill relative to a service based retirement option for Group 1 and Group 2 career employees (House, No. 2204).

Retirement Group 2. By the same member, for the same committee, on a petition, a Bill to include certain employees of the Commonwealth in group two [sic] of the state retirement system (House, No. 2223).

DCF,— attorneys. By the same member, for the same committee, on a petition, a Bill relative to the attorneys at the Department of Children and Families (House, No. 2228).

Brian Costello, Jr. By the same member, for the same committee, on a petition, a Bill relative to the retirement benefits for Brian P. Costello, Jr. (House, No. 2261).

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

Tobacco ratings. By Mr. Michlewitz of Boston, for the committee on Financial Services, on a petition, a Bill relative to tobacco premium ratings (House, No. 839).

Single risk limitations. By the same member, for the same committee, on House, No. 914, a Bill relative to single risk limitations (House, No. 4203).

Rehoboth,— land. By Mr. O'Day of West Boylston, for the committee on Municipalities and Regional Government, on a joint petition, a Bill authorizing the town of Rehoboth to transfer a conservation easement on a certain parcel of land (House, No. 4158) [Local Approval Received].

Springfield,— land. By the same member, for the same committee, on a petition, a Bill authorizing the city of Springfield to convert certain park land to

construct a senior center, and to convert certain land to the Springfield Park Commission as replacement park property (House, No. 4159) [Local Approval Received].

By Mr. Murphy of Weymouth, for the committee on Public Service, on a petition, a Bill relative to the Massachusetts Water Resources Authority (House, No. 2249) [Representative Whelan of Brewster dissenting].

By the same member, for the same committee, on a petition, a Bill relative to the Muscular Dystrophy Association (House, No. 2277).

By Mr. Kocot of Northampton, for the committee on State Administration and Regulatory Oversight, on a petition, a Bill relative to government publications (House, No. 2730).

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

Engrossed Bills.

The engrossed Bill authorizing the town of Bedford to grant 8 additional licenses for the sale of all alcoholic beverages to be drunk on the premises (see House, No. 3802, amended) (which originated in the House), having been certified by the Clerk to be rightly and truly prepared for final passage, was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

The engrossed Bill providing for the annual observance of the month of May as the official month of kindness (see House, No. 2747) (which originated in the House), having been certified by the Clerk to be rightly and truly prepared for final passage, was considered.

Pending the question on passing the bill to be enacted, Mr. Gordon of Bedford moved that Rule 40 be suspended; and the motion prevailed.

The same member then moved to amend the bill 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 designate forthwith the month of May as the official month of kindness, 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 (see House, No. 2747, amended) was sent to the Senate for concurrence in the amendment.

Recess.

At ten minutes after eleven o'clock A.M., on motion of Mr. Wong of Saugus (Mr. Donato of Medford being in the Chair), the House recessed subject to the call of the Chair; and at twenty-six minutes before four o'clock P.M., the House was called to order with Mr. Donato in the Chair.

Emergency Measures.

The engrossed Bill providing for the annual observance of the month of May as the official Month of Kindness (see House, No. 2747, amended), having been certified by the Clerk to be rightly and truly

MWRA,— benefits.

Firefighters,— fundraising.
Government publications.

Bill enacted.

Kindness month.

Rule 40 suspended.

Recess.

Kindness month.

Kindness month. 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 21 to 0. Sent to the Senate for concurrence.

Bill enacted. Subsequently, the Senate having concurred in adoption of the emergency preamble, the bill (which originated in the House) was passed to be enacted; and it was signed by the Speaker and sent to the Senate.

Nicole Medina,—sick leave. The engrossed Bill establishing a sick leave bank for Nicole Medina, an employee of the Department of Public Health (see House, No. 3874), 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 25 to 0. Sent to the Senate for concurrence.

Bill enacted. Subsequently, the Senate having concurred in adoption of the emergency preamble, the bill (which originated in the House) was passed to be enacted; and it was signed by the Speaker and sent to the Senate.

Brian Sheehan,—sick leave. The engrossed Bill establishing a sick leave bank for Brian Sheehan, an employee of the Middlesex Sheriff's Office (see House, No. 3921), 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 35 to 0. Sent to the Senate for concurrence.

Bill enacted. Subsequently, the Senate having concurred in adoption of the emergency preamble, the bill (which originated in the House) was passed to be enacted; and it was signed by the Speaker and sent to the Senate.

First Responder Day. The engrossed Bill designating the Sunday preceding the third Monday in April as First Responder Day (see House, No. 4161), 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 25 to 0. Sent to the Senate for concurrence.

Bill enacted. Subsequently, the Senate having concurred in adoption of the emergency preamble, the bill (which originated in the House) was passed to be enacted; and it was signed by the Speaker and sent to the Senate.

Municipal roads. The engrossed Bill financing improvements to certain municipal roads (see House, No. 4133), 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 2 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 House) was put upon its final passage.

On the question on passing the bill to be enacted, the sense of the House was taken by yeas and nays (this being a "loan" bill as defined by Section 3 of Article LXII of the Amendments to the Constitution); and on the roll call 151 members voted in the affirmative and 0 in the negative.

[See Yea and Nay No. 212 in Supplement.]

Therefore the bill was passed to be enacted; and it was signed by the Speaker and sent to the Senate.

Bill enacted (state loan),—yea and nay No. 212.

Reports of Committees.

Mrs. Haddad of Somerset being in the Chair,—

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 2017 for the maintenance of departments, boards, commissions, institutions and certain activities of the Commonwealth, for interest, sinking fund and serial bond requirements and for certain permanent improvements [House, No. 4200] (for order, see House, No. 4199).

General Appropriation Bill,—procedures.

After remarks on the question on adoption of the order Mr. Jones of North Reading and other members of the House moved to amend it in line 3 by inserting after the word "Speaker;" the following: "provided said amendments shall be filed no later than five o'clock P.M. Tuesday, April 19, 2016;".

After remarks on the question on adoption of the amendment, the sense of the House was taken by yeas and nays at the request of Mr. Jones; and on the roll call 35 members voted in the affirmative and 115 in the negative.

Amendment rejected,—yea and nay No. 213.

[See Yea and Nay No. 213 in Supplement.]

Therefore the amendment was rejected. Mr. Jones of North Reading and other members of the House then moved to amend the order line 26 by inserting the following paragraph:

"Ordered, That, any amendment in the second degree containing language which would create a study of any part of the subject matter contained in the original amendment, may only be adopted if such further amendment has the express approval of the sponsor of the original amendment. Express approval shall be limited to the original sponsor speaking in favor of the further amendment on the floor of the House during the formal session in which the amendment is offered, provided that such speech is recorded in the Journal of the House, or the filing of the further amendment by the original sponsor. If the original sponsor does not provide express approval of such further amendment, the

further amendment may only be adopted by an affirmative vote of not less than two-thirds of the members on a recorded ye and nay vote.”.

Amendment rejected,—yea and nay No. 214.

After debate on the question on adoption of the amendment, the sense of the House was taken by yeas and nays at the request of Mr. Jones; and on the roll call 34 members voted in the affirmative and 115 in the negative.

[See Yea and Nay No. 214 in Supplement.]

Therefore the amendment was rejected.

Mr. Kuros of Uxbridge then moved to amend the order in line 31 by inserting after the word “further” the following:

“*Ordered*, That, members shall have a minimum of two hours to review consolidated amendments prior to voting on the amendment; and be it further”.

Amendment rejected,—yea and nay No. 215.

After debate on the question on adoption of the amendment, the sense of the House was taken by yeas and nays at the request of the same member; and on the roll call 34 members voted in the affirmative and 116 in the negative.

[See Yea and Nay No. 215 in Supplement.]

Therefore the amendment was rejected.

Mr. Kuros of Uxbridge then moved to amend the order in line 31 by inserting after the word “further” the following paragraph:

“*Ordered*, That, No more than one consolidated amendment may be considered in a single vote; and be it further”.

Amendment rejected,—yea and nay No. 216.

After remarks on the question on adoption of the amendment, the sense of the House was taken by yeas and nays at the request of the same member; and on the roll call 34 members voted in the affirmative and 116 in the negative.

[See Yea and Nay No. 216 in Supplement.]

Therefore the amendment was rejected.

On the question on adoption of the order, the sense of the House was taken by yeas and nays at the request of Mr. Jones of North Reading; and on the roll call 116 members voted in the affirmative and 34 in the negative.

Order adopted,—yea and nay No. 217.

[See Yea and Nay No. 217 in Supplement.]

Therefore the order (House, No. 4199) was adopted.

Used vehicles.

By Mr. Nangle of Lowell, for the committee on Steering, Policy and Scheduling, that the House Bill relative to the used vehicle record book (House, No. 3074), be scheduled for consideration by the House.

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

Hudson,—town meeting.

By Mr. Nangle of Lowell, for the committee on Steering, Policy and Scheduling, that the House Bill validating the actions taken at an annual town meeting held in the town of Hudson (printed in House, No. 3984), be scheduled for consideration by the House.

Under suspension of Rule 7A, on motion of Mr. Straus of Mat-tapoisett, the bill was read a second time forthwith; and it was ordered to a third reading.

Mr. Dempsey of Haverhill, for the committee on Ways and Means, on House, No. 2, reported, in part, a Bill making appropriations for the fiscal year 2017 for the maintenance of the departments, boards, commissions, institutions and certain activities of the Commonwealth, for interest, sinking fund and serial bond requirements and for certain permanent improvements (House, No. 4200) [Total appropriation: \$39,483,305,892.00]. Read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

General Appropriation Bill.

Subsequently Mr. Koczera of New Bedford, for said committee, reported that the matter be scheduled for consideration by the House; and, under the provisions of House Order No. 4199, the bill was placed in the Orders of the Day for Monday, April 25, for a second reading.

Order.

On motion of Mr. DeLeo of Winthrop,—

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

Next sitting.

Accordingly, without proceeding to the matters in the Orders of the Day, at sixteen minutes past five o'clock P.M., on motion of Mr. Smola of Warren (Mrs. Haddad of Somerset being in the Chair), the House adjourned, to meet the following day at eleven o'clock A.M., in an Informal Session.