

**The Commonwealth of Massachusetts**

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**JOURNAL OF THE HOUSE.**



**WEDNESDAY, JANUARY 31, 2018.**

[12]

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# JOURNAL OF THE HOUSE.

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Wednesday, January 31, 2018.

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 Center of Boston, Chaplain of the House, as follows:

God of Compassion and Care, we pray today for the many persons living in our Commonwealth who make Massachusetts their home. We give thanks for the efforts of our lawmakers and their staff to help our citizens in their times of need. We give thanks for the many servants of the Commonwealth who did their best throughout the years of their service.

Prayer.

We remember that today marks the anniversary of the 1820 birth of William Washburn. Born in Winchendon, Washburn was a businessman, a furniture maker who later became a banker in Greenfield, and a developer of railroads in Massachusetts.

He served the Commonwealth as a member of this House, the state Senate, as well as Governor. He was also a member of the United States Congress in both houses. During his time as Governor, the "Great Boston Fire of 1872" occurred. As governor and as a bank president, Washburn knew the importance of getting the capital city back on its feet as soon as possible. He signed into law bills that enabled the city to offer bonds to speed up its rebuilding efforts.

Washburn also served on a commission that was responsible for the oversight of the funding of the Hoosac Tunnel in western Massachusetts. It ended up costing ten times the amount budgeted and received its nickname, The Great Bore.

We pray for 2<sup>nd</sup> Worcester District Representative Jonathan Zlotnik and his staff.

May God continue to 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 Kocot of Northampton.*

A statement of Mrs. Haddad of Somerset concerning Mr. Kocot of Northampton 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 Kocot of Northampton, was unable to be present in the House Chamber for today's sitting. If he could have been present today, he would have voted in the affirmative on roll calls 308, 309, and 310. His missing of roll calls today was due entirely to the reason stated.

Statement concerning Mr. Kocot of Northampton.

*Guests of the House.*

During the session, the Chair (Mr. Donato of Medford), declared a brief recess and introduced Professor Patrick Loch Otieno Lumumba. Professor Lumumba is a Kenyan who served as the Director of the Kenya Anti-Corruption Commission from September 2010 to August 2011 and is currently the Director of the Kenya School of Laws since 2014. He is well known for his powerful anti-corruption speeches and selfless work for African empowerment. He was the guest of the Chair.

Professor  
Patrick Loch  
Otieno  
Lumumba.

*Appointments of the Speaker and the Minority Leader.*

The Speaker announced that (under Section 14 of Chapter 23A of the General Laws, as amended by Section 42 of Chapter 46 of the Acts of 2015) he had appointed Representative Mark of Peru to be his designee on the Rural Policy Advisory Commission; and

Rural Policy  
Advisory  
Commission.

The Minority Leader of the House announced that (under House order No. 3652 of the 190<sup>th</sup> General Court, adopted by the House of Representatives on April 24, 2017 and by the Senate on November 8, 2017) he had appointed Representative Orrall of Lakeville to serve as his designee on the Martin Luther King, Jr. Memorial Committee.

Martin Luther  
King, Jr.  
Memorial  
Committee.

*Petitions.*

Petitions severally were presented and referred as follows:

By Representative Pignatelli of Lenox and Senator Hinds, a joint petition (accompanied by bill, House, No. 4162) of Smitty Pignatelli and Adam G. Hinds (by vote of the town) relative to the appointment of a treasurer-collector in the town of Stockbridge; and

Stockbridge,—  
treasurer-  
collector.

By Representative Goldstein-Rose of Amherst and Senator Rosenberg, a joint petition (accompanied by bill, House, No. 4163) of Solomon Goldstein-Rose and Stanley C. Rosenberg (by vote of the town) that the town of Amherst be authorized to establish a public art fund in said town;

Amherst,—  
art fund.

Severally to the committee on Municipalities and Regional Government.

Severally sent to the Senate for concurrence.

Petitions severally were presented and referred as follows:

By Representative Haddad of Somerset and Senator Pacheco, a joint petition (subject to Joint Rule 12) of Patricia A. Haddad and Marc R. Pacheco for legislation to authorize the county commissioners of Bristol County to borrow money for the repair, renovation and construction, equipping and furnishing of buildings at Bristol County Agricultural High School in the town of Dighton.

Dighton,—  
agricultural  
school.

By Mr. McMurtry of Dedham (by request), a petition (subject to Joint Rule 12) of Alexander MacLean relative to court-ordered termination of parental rights of rapists.

Parental  
rights.

By Mr. Michlewitz of Boston, a petition (subject to Joint Rule 12) of Aaron Michlewitz relative to the uses of the land owned by the Commercial Wharf East Condominium and its condominium unit owners in the city of Boston under the tidelands law.

Boston,—  
condominiums.

By Messrs. Rogers of Cambridge and Connolly of Cambridge, a petition

Marijuana,—

(subject to Joint Rule 12) of David M. Rogers, Mike Connolly and others relative to the use of state resources to assist investigations or prosecutions, under federal law, of individuals for activities relative to the use and distribution of marijuana and medical marijuana.

investigations.

By Messrs. Rogers of Cambridge and Vargas of Haverhill, a petition (subject to Joint Rule 12) of David M. Rogers, Andres X. Vargas and others for legislation to provide for net neutrality and consumer protection.

Net  
neutrality.

Severally, under Rule 24, to the committee on Rules.

*Paper from the Senate.*

A Bill authorizing the city of Easthampton to lease certain real estate (Senate, No. 2152, changed in section 1, in line 1, by inserting after the word “contrary,” the following: “but subject to paragraphs (a), (b), and (g) of section 16 of chapter 30B of the General Laws,” and in line 3 by striking out the figures “40” and inserting in place thereof the figures: “44”) (as changed by the Senate committee on Bills in the Third Reading) (on a petition) [Local Approval Received], passed to be engrossed by the Senate, were read; and it was referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Easthampton,—  
lease.

*Reports of Committees.*

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

Relative to regional schools (House, No. 271);

Regional schools.

Relative to hazing in schools (House, No. 305);

Hazing.

Authorizing the town of Marshfield to withdraw from the Metropolitan Area Planning District (House, No. 1098) [Local Approval Received];

Marshfield,—  
withdrawal.

Relative to vacant and abandoned property in the Commonwealth (House, No. 1109); and

Vacant  
property.

Establishing a sick leave bank for Elise Sanchez-Oshea, an employee of the Trial Court (House, No. 4150);

Elise Sanchez-  
Oshea,—  
sick leave.

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

By Mr. Honan of Boston, for the committee on Housing, on a petition, a Bill relative to the economic mobility and stability program (House, No. 3020). Read; and referred, under Joint Rule 29, to the committees on Rules of the two branches, acting concurrently.

Housing,—  
commission.

By Mr. Scibak of South Hadley, for the committee on Higher Education, on House, No. 41 and on a part of House, No. 23, a Bill relative to student debt (House, No. 41).

Student  
debt.

By the same member, for the same committee, on Senate, No. 670 and House, No. 628, a Bill to authorize state universities to offer clinical and professional doctorate programs (House, No. 628).

Doctorate  
programs.

By the same member, for the same committee, on House, No. 2998, a Resolve creating a task force on sexual misconduct climate surveys for colleges and

Colleges,—  
sexual  
misconduct.

**UNCORRECTED PROOF.**

universities in Massachusetts (House, No. 4159).

By Mr. Honan of Boston, for the committee on Housing, on a petition, a Bill to protect families experiencing homelessness from having to sleep in unsafe places (House, No. 659) [Representative DeCoste of Norwell dissenting].

By the same member, for the same committee, on a petition, a Bill relative to manufactured housing communities (House, No. 666). [Representatives Diehl of Whitman and DeCoste of Norwell dissenting].

By the same member, for the same committee, on a petition, a Bill to establish an apprenticeship program to ready vacant public housing apartments for occupancy (House, No. 670).

By the same member, for the same committee, on a petition, a Bill relative to interagency efforts to reduce and prevent homelessness (House, No. 2245).

By Mr. O'Day of West Boylston, for the committee on Municipalities and Regional Government, on a petition, a Bill relative to the creation of regional disability commissions (House, No. 3209).

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

By Mr. O'Day of West Boylston, for the committee on Municipalities and Regional Government, on a petition, a Bill regarding municipal fines (House, No. 1116).

By the same member, for the same committee, on a petition, a Bill supporting our natural landmarks (House, No. 1117).

By the same member, for the same committee, on a petition, a Bill relative to electric signatures for town warrants (House, No. 2418).

By the same member, for the same committee, on a petition, a Bill relative to handicap automobile licenses or placards (House, No. 2425).

By the same member, for the same committee, on a petition, a Bill supporting municipal fiscal stability through a special education stabilization fund (House, No. 3216).

By the same member, for the same committee, on a joint petition, a Bill relative to the town manager of the town of Upton (House, No. 4121) [Local Approval Received].

By Mr. Parisella of Beverly, for the committee on Public Service, on a petition, a Bill increasing the maximum age to be eligible for appointment as a special police officer in the city of Somerville (House, No. 4085) [Local Approval Received].

By the same member, for the same committee, on a joint petition, a Bill establishing a sick leave bank for Jason Dobson, an employee of the Department of Correction (House, No. 4139).

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

Emergency housing assistance.

Manufactured housing communities.

Apprenticeship training program.

Low income,—services.

Disability commissions,—regional.

Municipal fines.

Landmarks,—protection.

Electric signatures.

Handicap licenses.

Special education fund.

Upton,—town manager.

Somerville,—police officers.

Jason Dobson,—sick leave.

*Engrossed Bills.*

Engrossed bills

Further regulating the use of funds in the Massachusetts Water Resources Authority Capital Infrastructure Fund in the town of Stoughton (see House, No. 3958); and

Further regulating certain activities of the Lake Quinsigamond Commission (see House, No. 4039);

Bills enacted.

(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 twenty-three 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 to five minutes before two o'clock P.M.; and at three minutes before two o'clock the House was called to order with Mr. Donato in the Chair.

Recess.

*Address of Speaker Robert A. DeLeo of Winthrop.*

The Speaker then took the Chair and made remarks to the members, guests, employees, and the citizens of the Commonwealth, as follows:

Friends, colleagues: Thank you.

It is an honor to join you today; it is an honor to serve as Speaker of this institution which we love so much.

As Representatives, we are close to the people; tied to our districts. We hear the concerns of our constituents directly and we stand up for those in need. That may not be flashy, and it's certainly not what we heard about last night in Washington, but it is at the core of what we do. We listen. We learn. We help. That role endures as we address the issues of the day, all while also being sound fiscal stewards.

As in prior years, we will pass a balanced budget that takes care of our most vulnerable residents while maintaining fiscal discipline. We will do so with a budget that comes out of House Ways and Means with no new broad-based taxes.

And today, we take up an interim spending bill that addresses some of the Commonwealth's most pressing needs.

In the wake of the devastating storms in Puerto Rico, we will provide aid to students who have relocated here. These fellow Americans — and those educating them — deserve our support.

We have all become acutely aware of the critical, pervasive and distressing issues at the heart of the "Me Too" conversation.

Earlier today, I joined other members to attend a House listening session, part of Counsel's ongoing review the House's policies relating to sexual harassment. As Counsel prepares its independent review, we must also be mindful of the existing supports the Commonwealth has for those reporting sexual harassment. We have heard directly from MCAD that requests for sexual harassment training are up dramatically, and they expect an increase in the filing of sexual harassment complaints. The funds we will allocate today will allow MCAD to hire two additional staffers for training and one new investigator.

This year, I am proud that with all of the challenges coming from Washington, we've kept our eye on the ball: advancing Massachusetts' leadership while remaining true to our values.

I can think of no policy topic that exemplifies this balance more than healthcare. We have a moral obligation to ensure that people have access to high-quality, affordable healthcare. Through our work, Massachusetts has set the national example. We have much to be proud of: near universal insurance coverage, the best

Remarks of  
the Speaker.

hospitals in the world, and a slower cost growth than the rest of the country. But we must always remain vigilant — especially as the healthcare landscape continues to change dramatically.

That is why we will be taking up healthcare reform in the coming months. This legislation will maximize the impact of our existing infrastructure and will include new strategies to bring down costs, improve quality and enhance access. These include:

Supporting our community hospitals and community health centers. These institutions are both economic engines and safety nets within our districts. Shielding patients from bearing the burden of rising healthcare costs and ensuring that they have all the information necessary to make informed decisions.

Empowering businesses by giving them an expanded toolbox.

Increasing pharmaceutical spending transparency while cultivating our reputation as an international leader in research and innovation.

In Massachusetts we are heirs to a tradition of discovery. We take pride in that legacy but we also take concrete steps to advance it.

The Legislature's \$1 billion investment in life sciences has paid off. Today, 18 of the top 20 biopharma firms and all 10 of the world's leading medical device companies have a presence in Massachusetts.

This session we will renew our commitment to innovators and industries at the forefront of scientific and technological breakthroughs.

We will take up legislation providing financial support for the life sciences sector. These funds are critical to maintaining our competitive edge, promoting advanced manufacturing and developing a productive workforce. Our work to foster a responsive talent pipeline and provide residents with educational opportunities begins before they learn about science and tech. In fact, it begins before they enter the doors of an elementary school.

We will build on the House's ongoing commitment to providing high-quality early education and care, in large part by supporting our EEC workforce. This means developing an action plan to build a sustainable workforce development system, one that is responsive to the distinct needs of the EEC field. We know that the EEC years provide a unique opportunity for us to impact learning outcomes for children.

We also know that it is an equally vital time for addressing mental health. I am currently working with the Chairs of Education and Mental Health, as well as the Child Advocate, to coordinate efforts as we again prioritize children's long-term social, emotional and academic success by investing in early childhood mental health services. And once children reach school age, we similarly recognize the need to provide effective student supports that go beyond academia. But we also realize that our schools cannot do it alone.

Therefore, we will build on our Safe and Supportive Schools initiative, created in the 2014 Gun Law, to help schools integrate student supports, leverage preexisting investments, and coordinate school and community based resources. As we foster the intellectual and emotional growth of our students, we also want them to gain the requisite skills to participate in our democracy. Now, more than ever, we need to ensure children understand the importance of civic engagement, understand the role of state and federal government, and understand the rewards and duties of being an American in a well-functioning democracy.

In our House and in Massachusetts, we are fortunate to enjoy a spirit of civil debate. For example, Leader Jones and I may have our disagreements. But when we disagree, we do so with a sense of the history and solemnity of the House of



Representatives. One cannot look at the roiling national political climate of the last 24 months and not realize that too many are unaware of our basic political tenets and traditions. In the void, pernicious beliefs and basic untruths can take hold.

Several members of the House have been hard at work with the Chair of Education on a bill stressing the importance of civics education. And I have to recognize our Senate President, the gentle lady from Worcester, for her leadership on this issue.

The House will move forward on a civics education bill and increase our existing support for the JFK Library as it engages students, a cause we championed in the FY18 budget as we marked the 100th anniversary of President Kennedy’s birth.

Massachusetts helped make America. We can again help her live up to her ideals by reminding our young people of them.

Today, we approach our work with renewed energy, based on a shared responsibility: Standing up for those we represent.

Thank you.

Mr. Mariano of Quincy then moved that the remarks of the Speaker be spread upon the records of the House; and the motion prevailed.

*Reports of Committees.*

Prior to the noon recess, Mr. Sánchez of Boston, for the committee on Ways and Means, on House, No. 4158, reported a Bill making appropriations for the fiscal year 2018 to provide for supplementing certain existing appropriations and for certain other activities and projects (House, No. 4160) [Total appropriation: \$16,500,000.00] [Representative Boldyga of Southwick dissenting]. Read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Supplemental appropriations.

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

Under suspension of the rules, on motion of Mr. Kafka of Stoughton, 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. Sánchez 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 debate on 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 2A by inserting, after item 7061-0011, the following item:

“0521-0007 For reimbursements to municipalities for costs associated with the implementation of the mandated provisions of early voting for the November 8, 2016 State Election as required by section 25B of chapter 54 of the General Laws, as was determined through the collection and certification of accurate accounting by the state auditor and division of local mandates. Any unexpended funds in this item shall be made available until June 30, 2018.....\$1,063,978.14”.

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 153 members voted in the affirmative and 0 in the negative.

Amendment adopted,—  
yea and nay  
No. 308.

**[See Yea and Nay No. 308 in Supplement.]**

Therefore the amendment was adopted.

On the question on passing the bill, as amended, to be engrossed, the sense of

Bill passed to  
be engrossed,—



the House was taken by yeas and nays, at the request of Mr. Sánchez of Boston; and on the roll call 153 members voted in the affirmative and 0 in the negative.

yea and nay  
No. 309.

**[See Yea and Nay No. 309 in Supplement.]**

Therefore the bill (House, No. 4160, amended) was passed to be engrossed. Sent to the Senate for concurrence.

*Matter Discharged from the Orders of the Day.*

The House Bill relative to Alzheimer's and related dementias in the Commonwealth (House, No. 4116), reported by the committee on Bills in the Third Reading to be correctly drawn, was discharged from its position in the Orders of the Day and read a third time forthwith, under suspension of Rule 47, on motion of Ms. Gregoire of Marlborough.

Alzheimer's  
and related  
dementias,—  
commission.

After debate on 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 1, in line 26, by inserting after the word "designee" (the second time it appears) the words "; the ranking Senate Republican of the Joint Committee on Elder Affairs or a designee; the ranking House Republican of the Joint Committee on Elder Affairs or a designee". 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 Ms. Gregoire of Marlborough; and on the roll call 153 members voted in the affirmative and 0 in the negative.

Bill passed to  
be engrossed,—  
yea and nay  
No. 310.

**[See Yea and Nay No. 310 in Supplement.]**

Therefore the bill (House, No. 4116, amended) was passed to be engrossed. Sent to the Senate for concurrence.

*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.

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Mr. Jones of North Reading then moved that the House adjourn; and the motion prevailed. Accordingly, without proceeding to consideration of the matters in the Orders of the Day, at twenty-three minutes after four o'clock P.M. (Mr. Donato of Medford being in the Chair), the House adjourned, to meet the following day at eleven o'clock A.M., in an Informal Session.