

JOURNAL OF THE HOUSE.

Thursday, February 2, 2017.

Met according to adjournment at eleven o'clock A.M., with Mr. Kafka of Stoughton in the Chair (having been appointed by the Speaker, under authority conferred by Rule 5, to perform the duties of the Chair).

Prayer.

Prayer was offered by Father Rick Walsh of the Paulist Center of Boston, Chaplain of the House, as follows:

God in Whom we trust, continue to guide our legislators, helping them in their tasks to work together in committees and in hearings. Bless all who come into this chamber today. Prayer.

We remember this week that in early February of 1690 paper money was first printed and used in America by the then-colony of Massachusetts. Before creating bills, Americans used Pine Tree Shillings and other coins as their currency. After the British shutdown a Massachusetts mint, these coins were in short supply.

When the British wanted American colonists to fight the French in Canada, there was no money available to pay the troops. Since the soldiers wouldn't fight for free, the government thought it best to issue certificates to the colonists in lieu of paying them with coins. A piece of paper would represent a coin's worth and could later be redeemed for "real money". In early February of 1690 these paper bills with the early seal of the Massachusetts Bay Colony on it were accepted as payment by the colonists sent off to war.

May God continue to bless our Commonwealth.

At the request of the Chair (Mr. Kafka), the members, guests and employees joined with him in reciting the pledge of allegiance to the flag. Pledge of allegiance.

Special Recognition.

During consideration of the Orders of the Day, the Chair (Mr. Mariano of Quincy), declared a brief recess and, on behalf of Representatives Chan of Quincy, Mom of Lowell, Orrall of Lakeville, Schmid of Westport and Wong of Saugus paid tribute to the members of the Asian community of the Commonwealth on the occasion of Lunar New Year. Asian
New Year.

The Lunar New Year was January 28, 2017. The Lunar New Year is celebrated by several Asian nationalities. This is the 4,714th year in the Chinese Lunar calendar year, which is the second longest continuous calendar in the world. This year is the year of the Rooster and is the 10th year in the 12 year Chinese Zodiac. Persons born in the year of the Rooster are resilient, loyal, charming, dedicated workers, and skilled at recognizing good opportunities.

The Lunar New Year represents a time of new beginnings and new opportunities. It is a time for families to get together to celebrate. It is a time to wish each other good health and good future for the year to come.

Resolutions.

Resolutions (filed with the Clerk by Mr. Whelan of Brewster) congratulating Captain Edward G. Guilford on his retirement, were referred, under Rule 85, to the temporary committee on Rules.

Mr. Galvin of Canton, for said committee, reported that the resolutions ought to be adopted. Under suspension of the rules, on motion of Mr. O'Day of West Boylston, the resolutions (certified by House Counsel to be correctly drawn) were considered forthwith; and they were adopted.

Report of a Committee.

Mr. Galvin of Canton, for the temporary committee on Rules, reported (under the provisions of House Rules 7B and 7C) an Order relative to special procedures relative to the adoption of permanent House Rules for the 190th General Court [see House, No. 2017] (House, No. 71); and the order was adopted.

Orders of the Day.

The House Bill establishing a sick leave bank for Valencia Hadley, an employee of the Department of Transitional Assistance (House, No. 70), certified by House Counsel to be correctly drawn, was read a third time; and it was passed to be engrossed. Sent to the Senate for concurrence.

At twenty-two minutes before twelve o'clock noon, on motion of Mr. Wong of Saugus (Mr. Kafka of Stoughton being in the Chair), the House recessed until the hour of one o'clock P.M.; and at twenty-three minutes after one o'clock the House was called to order with the Mr. Mariano of Quincy in the Chair.

The engrossed Bill further regulating the compensation of certain public officials (see House, No. 58, amended), which had been returned by His Excellency the Governor with his objections thereto in writing (for message, see House, No. 69), was considered.

After debate on the question on passing the bill, notwithstanding the said objections, the sense of the House was determined by yeas and nays, as required by Chapter I, Section I, Article II, of the Constitution; and on the roll call 116 members voted in the affirmative and 43 in the negative.

[See Yea and Nay No. 6 in Supplement.]

Therefore the bill was passed, notwithstanding the objections of His Excellency the Governor (more than two-thirds of the members having agreed to pass the same). Sent to the Senate for its action.

Report of a Committee.

Prior to the noon recess, Mr. Galvin of Canton, for the temporary committee on Rules, reported, that the Order (filed by Mr. DeLeo of Winthrop) relative to House Rules for the 190th General Court governing the 2017-2018 legislative sessions (House, No. 2017), was considered, under suspension of the rules, on motion of Mr. DeLeo of Winthrop.

Pending the question on adoption of the order, further consideration thereof was postponed, on motion of the same member, until the hour of one o'clock P.M.

Subsequently, the noon recess having terminated, the order was considered.

After remarks on the question on adoption of the order, Mr. Diehl of Whitman moved to amend it by striking out the text contained in proposed Rule 37 and inserting place thereof the following rule:

"37. When under consideration by the House, bills, resolves and other papers are to be made available to all members in their original format at all times during the session; provided, however, that bills, resolves and other papers shall be read by their titles only, unless the full reading is requested by vote of a majority of those members present and voting."

The same member then asked for a count of the House to ascertain if a quorum was present. A count showed that 95 members in attendance.

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. Diehl; and on the roll call 34 members voted in the affirmative and 124 in the negative.

[See Yea and Nay No. 7 in Supplement.]

Therefore the amendment was rejected.

Mr. Diehl of Whitman then moved to amend the order by inserting after proposed Rule 14 the following two rules:

"14A. No member shall hold, for more than 8 consecutive years, the office of Speaker of the House. For purposes of this rule, the counting of consecutive years shall commence on January 7, 2009.

14B. No member shall hold, for more than 8 consecutive years, the office of Minority Leader. For purposes of this rule, the counting of consecutive years shall commence on January 4, 2017."

Mr. Mark of Peru thereupon raised a point of order that the amendment offered by the gentleman from Whitman was improperly before the House for the reason that it went beyond the scope of the pending order.

In answer to the point of order, the Chair (Mr. Mariano of Quincy) stated that adoption of the amendment would create a vacancy in the office of Speaker of the House, which is not within the scope of an order establishing permanent House Rules. The Chair therefore ruled that the point of order was well taken; and the amendment was laid aside accordingly.

Mr. Diehl of Whitman thereupon appealed from the decision of the Chair; and the appeal was seconded by Mrs. O'Connell of Taunton.

The question was then put "Shall the decision of the Chair stand as the judgment of the House?"

After debate on the appeal from the decision of the Chair, the sense of the House was taken by yeas and nays, at the request of Mr. Diehl; and on the roll call 123 members voted in the affirmative and 33 in the negative.

[See Yea and Nay No. 8 in Supplement.]

Therefore the decision of the Chair was sustained.

Captain Edward G. Guilford.

House Rules.

Third reading bill.

Recess.

Public officials,— compensation.

Bill passed over veto,— yea and nay No. 6.

House Rules.

Quorum.

Amendment rejected,— yea and nay No. 7.

Point of order.

Decision of Chair sustained,— yea and nay No. 8.

House
Rules.

Mr. Jones of North Reading and other members of the House then moved to amend the order, in proposed Rule 17A, in line 448, by inserting after the word "meeting," the following sentence: "No matter reported to the House from an executive session or by the Rules committee in any session shall be taken up for consideration until twenty-four hours, not including Saturdays, Sundays, and legal holidays, shall have elapsed from the time of its reporting, except in the cases of emergency, in which cases the provisions of this paragraph may be suspended by a two-thirds vote of the members present and voting."

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 35 members voted in the affirmative and 124 in the negative.

[See Yea and Nay No. 9 in Supplement.]

Therefore the amendment was rejected.

Mr. Jones of North Reading and other members of the House then moved to amend the order in proposed Rule 12, in line 180, by striking out the word "formal", in lines 195 to 200, inclusive, by striking out the two sentences contained in those lines and inserting in place thereof the following three sentences: "Whenever the Clerk prepares a Calendar or advance Calendar under this rule, the Clerk shall also cause a true copy thereof, to be posted on the Legislative Web Page that is generally available to all members and their staff. Reasonably promptly thereafter, but at least one half hour prior to the start of the session, the Clerk shall cause the members and their staff to be notified of the same by way of electronic mail. Not less than 15 minutes prior to the convening of each session, the Clerk shall also make available by electronic mail transmission to all members of the House and legislative staff a list of all miscellaneous papers to be considered during the session including, but not limited to, reports of committees, engrossed bills, messages from the Governor and papers from the Senate, provided that the Clerk is in receipt of such papers."

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 124 in the negative.

[See Yea and Nay No. 10 in Supplement.]

Therefore the amendment was rejected.

Mr. Jones of North Reading and other members of the House then moved to amend the order in proposed Rule 1, in line 5, by inserting after the word "business," the following two sentences: "If the House has not begun proceedings within thirty minutes of the hour to which the House stands adjourned, the Speaker shall forthwith, and without debate, adjourn or recess the House to a time not earlier than ten o'clock A.M. on the next succeeding calendar day. For the purposes of this rule, proceedings shall mean voting and debate." The amendment was rejected.

The same members then moved to amend the order by inserting after proposed Rule 10B, the following rule:

"10C. All committee rules and practices that are contained within or referred to by the House Rules or Joint Rules, other than the internal practices of each committee, shall be within the domain of the Clerk

to enforce in accordance with the Clerk's duties as official parliamentarian of the House of Representatives."

The amendment was rejected.

Mr. Jones of North Reading and other members of the House then moved to amend the order by striking out proposed Rule 16A and inserting in place thereof the following rule:

"CODE OF ETHICS.

16A. (1) General.

(i) Purpose and Applicability. The people of the Commonwealth of Massachusetts expect and deserve legislators and legislative staff who maintain the highest ethical standards to ensure public trust, respect and confidence in state government. Members and legislative staff have a solemn responsibility to refrain from conduct that is unbecoming to the General Court or inconsistent with the ability of the House of Representatives to maintain the trust, respect and confidence of the public we serve. These rules shall be construed and enforced by the House Ethics Committee. Nothing in these rules shall excuse Members from complying with all other applicable constitutional and statutory requirements regarding criminal law, conflicts of interest, Statements of Financial Interest, campaign finance reports, and state and federal income tax returns or other ethical compliance as required by law. These rules, however, hold Members and legislative staff to a higher standard of ethical conduct than prescribed by statute and constitute an additional obligation and responsibility for Members and legislative staff. As used in these rules, "staff" shall include all legislative staff as well as House employees other than Members. These rules impose an additional condition of employment for all staff.

(ii) Inherent Obligation of Ethical Conduct. Written rules of conduct cannot anticipate or define every possible act or circumstance that may create ethical issues or breaches by Members or staff, so Members and staff have an inherent obligation of ethical and honorable dealings with the public and with their colleagues and employees and shall promote an atmosphere in which ethical conduct is readily recognized as a priority of the House and is practiced continually without exception. Nothing in these rules shall prevent the Ethics Committee or the House from taking appropriate action in the event a Member or staff engages in conduct inconsistent with their public office, violates state or federal criminal law, or causes the House to fall into public disrepute.

(iii) Professional Conduct and Civility. The House requires an atmosphere of professional conduct and civility among its Members and staff and shall not tolerate harassment, invidious discrimination, or offensive behavior based on race, color, religion, national origin, gender, age, disability, or sexual orientation. Members and staff shall refrain from sexual harassment, including unwelcome sexual advances, requests for sexual favors, or other verbal, non-verbal or physical conduct of a sexually harassing nature, when (1) submission to the harassment is made either explicitly or implicitly a term or condition of employment or other employment determination, or (2) the harassment has the purpose or effect of unreasonably interfering with an individual's work performance or creates an intimidating, hostile, or offensive working environment.

Amendment
rejected,—
yea and nay
No. 9.Amendment
rejected,—
yea and nay
No. 10.

(iv) Enforcement. These rules shall be enforced by the House upon report of the Ethics Committee, except that with a Member's or staff's consent and in appropriate circumstances the Ethics Committee may issue a private admonition to said Member or staff without any report to or further action of the House. The Ethics Committee shall have the exclusive jurisdiction to ensure compliance with these rules of conduct by investigation and report to the House.

(2) Principles of Public Service. The following principles shall guide Members and staff in their conduct in office and shall guide the Ethics Committee in construing and applying the Code of Conduct.

(i) Public Office as a Public Trust. Members and staff shall treat their office or position as a public trust, only using the powers and resources of public office to advance public interests, and not to attain personal benefits or other private interest incompatible with the public good.

(ii) Exercise of Independent Objective Judgment. Members and staff shall use independent objective judgment in performing their duties, deciding all matters on the merits free from real or reasonably perceived conflicts of interest and free from real or reasonably perceived improper influences.

(iii) Public Accountability. Members and staff shall assure that government is accountable to the people and that the business of government is conducted openly, equitably and honorably; provided however, that Members may vote to conduct business in Executive Session or to comply with rules of procedure adopted by vote in open session.

(iv) Ethical Standards and Private Life. Members and staff have the right to privacy and the conduct of their personal lives is outside the purview of these rules, except where a Member's or staff's personal life becomes the subject of general public notice as a result of the Member's or staff's own conduct or activity which the Member or staff reasonably should have foreseen would be made public by others. The conduct of a Member's or staff's family is outside the purview of these rules.

(3) Prohibited Conduct. Members and staff shall not engage in the following specific instances of conduct, nor shall any Member cause or direct any staff to engage in the following specific instances of conduct, without first disclosing in writing any anticipated such conduct to the Ethics Committee and receiving 2/3 approval in writing from the Ethics Committee regarding the same.

(i) Quid Pro Quo. No Member or staff may accept any economic opportunity, other than lawful compensation for public duties, where he knows or reasonably should know from the circumstances that there is a substantial possibility that the opportunity is being afforded to him with the intent to influence his conduct in the performance of his official duties.

(ii) Excessive Compensation in Private Employment. No Member or staff may charge or accept from a person known to have a legislative interest a price, fee, compensation, or other consideration for the sale or lease of any property or furnishing of services which is substantially in excess of that which is the Member or staff would charge in the ordinary course of business or which is significantly in excess of the fair market value of such property or services.

(iii) Nepotism. Neither the House nor any Member shall employ any person who is related to any Member of the General Court by blood or marriage as an immediate family member, including parents, children, spouses, siblings, grandparents, grandchildren, aunts, uncles, nieces or nephews. Provided, however, that any such person employed in the General Court as of the date this rule is adopted may continue to be employed if the Member having such relationship promptly makes written disclosure of such relationship to the Ethics Committee which shall file with the House Clerk a list of all such persons so exempt from the immediate application of this rule, including a description of the relationship and the name of the employee. And further provided, however, that no employee of the General Court whose employment predated the election of a related Member shall be subject to this rule.

(iv) Misuse of State Resources. No Member or staff may use public funds, facilities, equipment, services, mailing lists, data bases, or other governmental assets or resources for a non-legislative purpose, including but not limited to the support or opposition to partisan political activity or for the private benefit of the Member or staff, or another person. Provided, however, that the following limited uses of public resources may be used for Members' or staffs' personal benefit excluding partisan or campaign purposes:

1. Telephones and Email. Members or staff may use telephones and email for personal communication on a minimal basis, where the majority of such use relates solely to legislative duties and where the Member or staff earns or receives no financial compensation from such use;

2. Computer System. Members and staff may use computer equipment, search engines, and websites for personal communication on a minimal basis, where the majority of such use relates solely to legislative duties and where the Member or staff earns or receives no compensation from such use. The Ethics Committee may periodically request and receive a list of URL addresses and duration of visits to confirm compliance with this rule. Provided, however, that no Member or staff shall use the computer equipment or system to access online gambling or pornography;

3. Copier/Scanner/Fax. Members and staff may make use of photocopiers, scanners and fax machines for personal communication on a limited basis not to exceed ten pages per week.

4. Holiday Cards and Communication. Members and staff may use public databases or constituent databases for purposes of holiday cards as well as periodic newsletters to constituents and persons who have contacted the Member's office.

5. Public Availability. If any public resource is generally available to the public, any Member or staff may use and enjoy such resource to the same extent and on the same terms as the general public.

(v) Contribution Linkage. No Member or staff shall state or imply that the Member or staff will perform or refrain from performing a lawful constituent service based on a person's decision to provide or not to provide any political contribution, donate or not donate to a cause or candidate favored by the Member or staff, or provide or not to provide a thing of value.

(vi) Arms-Length Transactions. No Member shall knowingly engage in any business transaction with any person who has any direct financial interest in any pending special legislation.

(vii) Disclosure of Confidential Information. No Member or staff may knowingly make an unauthorized disclosure of information that is confidential by law and which was acquired in the course of official duties.

(viii) State Ethics Commission Disclosures. Any Member or staff who files any disclosure with the State Ethics Commission, excluding the Statement of Financial Interest, shall simultaneously file a copy of such disclosure with the Ethics Committee.

(ix) Payment for Official Duties. No Member or staff shall solicit or accept any compensation or political contribution other than that provided for by law for the performance of official legislative duties.

(x) Service as Legislative Agents. No Member or staff shall serve as a legislative agent as defined in Chapter 3 of the General Laws regarding any legislation before the General Court.

(xi) Improper Influence. No Member or staff shall receive any compensation or permit any compensation to accrue to his or her beneficial interest by virtue of influence improperly exerted from his or her official position in the House.

(xii) Use of Confidential Information for Private Gain. No Member or staff shall willfully and knowingly disclose or use confidential information gained in the course of his or her official position to further his or her own economic interest or that of any other person.

(xiii) Voting Procedure. Except as provided in Rule 49, no Member shall cast a vote for any other Member, nor shall any officer or employee vote for any Member, except that the Clerk or an assistant Clerk may record a vote for a Member who votes late under the provisions of Rule 52, or is prohibited from voting from his desk due to a malfunction of the electronic roll call voting system; provided the Clerk's action shall not be construed as voting for said Member.

(xiv) Uncivil Conduct. No Member shall use profane, insulting, threatening, or abusive language in the course of public debate in the House Chamber or in testimony before any committee of the General Court.

(xv) No Show or Low Show Employment. No Member shall employ anyone from public funds who does not perform tasks which contribute substantially to the work of the House and which are commensurate with the compensation received; and no full-time staff shall engage in any outside business activity during regular business hours, whether the House is in session or not. All staff are assumed to be full time unless their personnel record indicates otherwise.

(xvi) Honoraria. No Member or staff shall accept or solicit an honorarium for a speech, writing for publication, or other activity from any person, organization or enterprise having a direct interest in legislation or matters before any agency, authority, board or commission of the Commonwealth which is in excess of the usual and customary value of such services.

(xvii) Gifts. No Member or staff shall knowingly accept any gifts from any legislative or executive agent. No Member shall accept any gift from any person or entity having a direct interest in legislation

before the General Court (For the purpose of this paragraph, the definitions of 'gift' and 'person' are defined in subsections (g) and (m) of section 1 of chapter 268B of the General Laws).

(xviii) Campaign Funds. No Member shall convert campaign funds to personal use in excess of reimbursements for legitimate and verifiable campaign expenditures. Members shall consider all proceeds from testimonial dinners and other fund raising activities as campaign funds.

(xix) Private Interest. No Member shall serve on any committee or vote on any question in which his/her private right is immediately concerned, distinct from the public interest.

(xx) Confidentiality of Ethics Committee. No Member or staff shall violate the confidentiality of any proceeding before the Ethics Committee. Provided, however, that the Ethics Committee Chair and Ranking Minority Member may disclose information to the other Members of the Ethics Committee and the Ethics Committee may engage investigators as needed.

(xxi) Arrest Or Indictment. No Member or staff may engage in criminal conduct. Any Member or staff who is arrested, indicted, criminally charged, or served as a defendant in any action under chapter 209A of the General Laws, shall forthwith in writing notify the Chair and Ranking Minority Member of the Ethics Committee of the fact of such occurrence. Thereafter, such Member or staff shall forthwith provide copies to the Chair and Ranking Minority Member of the Ethics Committee of any discovery documents received by the Member or staff or the Member's or staff's legal counsel including but not limited to police reports, complaints, witness statements, and grand jury testimony caption sheets. For purposes of this rule, forthwith disclosure means written disclosure within three business days after such document or discovery has been received by the Member or staff or by the Member's or staff's legal counsel.

(xxii) Procurement. No Member or staff may contact any agency or department of the Commonwealth, county, municipality or any independent authority regarding any public procurement that is pending before award or which the Member knows or should know will be pending the foreseeable future. Procurement decisions exceed the proper constitutional role of the legislative branch. Provided, however, that nothing in this rule shall preclude any Member from offering, debating, or voting in committee or on the floor of the House any legislative proposal or amendment that does not accrue to the benefit of any identified person or company except as may be subject to public, competitive procurement after appropriation.

(xxiii) Letters of Recommendation And Job References. Except as provided in this rule, no Member or staff may verbally communicate support for a position of public employment on behalf of another person. Members and staff shall limit job recommendations and references for public employment to written correspondence signed by the Member or staff. Members and staff may be listed as references and may respond to verbal communications initiated by others in response to such references.

(4) Lobbyists. In addition to the requirements set forth in the General Laws and any regulations or guidelines promulgated by the Secretary of State, this rule governs the conduct of Members and staff with

House
Rules.

respect to legislative agents. For purposes of this rule, Members and staff may reasonably rely after inquiry on the representation of any person regarding their status as a legislative agent unless the Member or staff has actual knowledge to the contrary.

(i) House Chamber. No legislative agent shall be permitted in the House Chamber at any time the House is convened in formal or informal session, except such legislative agents may be present in the House gallery when the gallery is open to members of the general public. Court officers shall be responsible for enforcing compliance with this rule.

(ii) Members' Lounge. No legislative agent shall be permitted at any time in the Members Lounge, except to attend meetings or presentations that are open the general public in the Members Lounge and then only while displaying the lobbyist badge described in paragraph (4)(i). Court officers shall be responsible for enforcing compliance with this rule.

(iii) Transactions with Lobbyists. No Member or staff may engage in any business transaction with legislative agent.

(5) Suspension of Ethics Rules. Rule 16A shall not be suspended except upon roll call vote of approval by 2/3 of the Members in formal session."

The amendment was rejected.

Mr. Jones of North Reading and other members of the House then moved to amend the order in proposed Rule 17, in line 379, by striking out the words ", insofar as practicable"; and in line 380, by inserting after the word "Representatives" the following: "unless the chair of the committee submits to the Clerk a written description of the emergency, as defined by rule 17A, that necessitates such a scheduling and the Clerk makes said description available to the members."

After remarks on the question on adoption of the amendments, the sense of the House was taken by yeas and nays at the request of Mr. Jones; and on the roll call 38 members voted in the affirmative and 121 in the negative.

[See Yeas and Nays No. 11 in Supplement.]

Therefore the amendments were rejected.

Mr. Jones of North Reading and other members of the House then moved to amend the order in proposed Rule 16, in lines 228, 229 and 230, by striking out the sentence contained in those lines and inserting in place thereof the following sentence: "The committee shall consist of eight members, four of whom shall be appointed by the Speaker, four of whom shall be appointed by the Minority Leader."

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 Mrs. Poirier of North Attleborough; and on the roll call 35 members voted in the affirmative and 124 in the negative.

[See Yeas and Nays No. 12 in Supplement.]

Therefore the amendment was rejected.

Mr. Jones of North Reading and other members of the House then moved to amend the order, in proposed Rule 16, in line 249, by inserting after the word "merit" the following sentence: "If the committee determines, by a majority vote, that a complaint has been made public through the manner in which it was filed or through an unauthorized leak

Amendments
rejected,—
yea and nay
No. 11.Amendment
rejected,—
yea and nay
No. 12.

of information, the committee shall file a report of the outcome with the Clerk of the House to be made public." The amendment was rejected.

The same members then moved to amend the order in proposed Rule 16 by adding the following sentence: "At the end of each biennial legislative session, the committee shall file a report with the Clerk disclosing the number of complaints received, the number of complaints determined to have merit, the number of complaints determined to be without merit, and the dates of all committee meetings held during the session; provided, that the committee's report shall not contain any information sufficient to identify the source of or person named in any complaint received by the committee or any other confidential or personal identifying information." The amendment was rejected.

Mr. Jones of North Reading and other members of the House then moved to amend the order by inserting after the proposed Rule 20B the following rule:

"20C. An 'earmark' shall mean an appropriation for a specific program or project not originating with a written agency budget request or not included in the General Appropriation Bill or supplemental appropriation bill from the prior fiscal year.

Each request for an earmark included in an appropriations bill must be memorialized in writing on a form designed by the Clerk. The form must be posted in a readily-accessible location on the House website, listed on a page specifically dedicated to listing earmarks.

The form must include the member's name who requested the earmark, and an explanation of the earmark requested.

Each request for an earmark included in the House Committee on Ways and Means version of an appropriations bill must be listed on a separate document prepared by the committee and placed on the members' desk before beginning debate of the appropriations bill on second reading. The document must include the members' name requesting the earmark, a brief description of the earmark, and such other information as the form may require.

An earmark request made while an appropriation bill is in the Senate and is included in the report of committee of conference. The chair of the House Committee on Ways and Means is charged with providing this form to the House membership."

The amendment was rejected.

The same members then moved to amend the order by inserting after proposed Rule 33E the following rule:

"33F. 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 yeas and nays vote."

Amendment
rejected,—
yea and nay
No. 13.

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. Hill of Ipswich; and on the roll call 37 members voted in the affirmative and 122 in the negative.

[See Yea and Nay No. 13 in Supplement.]

Therefore the amendment was rejected.

Mr. Jones of North Reading and other members of the House then moved to amend the order by inserting after proposed Rule 20B the following rule:

"20C. The House shall consider a Resolution no later than March 31 in each year, defining the minimum financial contribution the Commonwealth will make to cities and towns for chapter 70 aid, so called, and unrestricted general government aid for the following fiscal year."

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. Hill of Ipswich; and on the roll call 38 members voted in the affirmative and 121 in the negative.

[See Yea and Nay No. 14 in Supplement.]

Therefore the amendment was rejected.

Mr. Jones of North Reading and other members of the House then moved to amend the order, in proposed Rule 1A, in line 9, by striking out the words "a majority" and inserting in place thereof the words "not less than two-thirds". The amendment was rejected.

Mr. Lyons of Andover then moved to amend the order in proposed Rule 44, in lines 992, 993 and 944, by striking out the sentence contained in those lines and inserting in place thereof the following two sentences: "Only bills of a non-controversial nature shall be considered during informal session. Non-controversial shall be defined as bills relating to the establishment of sick leave banks, granting of municipal liquor licenses, legislation relating to a particular town or person that has received local approval, resolutions, or bills that have already been unanimously passed by the senate and house in full formal session."

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 124 in the negative.

[See Yea and Nay No. 15 in Supplement.]

Therefore the amendment was rejected.

Mr. Wagner of Chicopee being in the Chair,—

Ms. DiZoglio of Methuen then moved to amend the order by striking out proposed Rule 13A and inserting in place thereof the following rule:

"13A. The Clerk shall make available to all members electronically and, to the public via the Internet, the text of all bills introduced and admitted for consideration in the House, and the text of all amendments to any legislative matter in the House filed by a member."

The amendment was rejected.

Representatives O'Connell of Taunton and Lyons of Andover then moved to amend the order by striking out proposed Rule 85A and inserting in place thereof the following:

"The House Business Manager, with the approval of House Counsel, shall provide that outside, independent audits of House financial accounts

Amendment
rejected,—
yea and nay
No. 14.

Amendment
rejected,—
yea and nay
No. 15.

be conducted for each fiscal year upon receipt of the fiscal year end appropriation activity with balance report from the comptroller of the Commonwealth. The audit shall be conducted in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in Government Auditing Standards, issued by the Comptroller General of the United States. The House Business Manager shall provide the independent auditor with requested documents for such audit. A copy of such audit, including a list of documents requested and received by the independent auditor, shall be filed electronically with the Clerk of the House and posted on the website of the General Court; provided that all documents electronically posted shall comply with the Americans with Disabilities Act. Said copies shall also be made available to the members and the general public upon request."

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 Mrs. O'Connell; and on the roll call 34 members voted in the affirmative and 125 in the negative.

[See Yea and Nay No. 16 in Supplement.]

Therefore the amendment was rejected.

Representatives O'Connell of Taunton, Diehl of Whitman and Lyons of Andover then moved to amend the order in proposed Rule 17B, in lines 474, 475 and 476 by striking out the sentence contained in those lines and inserting in place thereof the following sentence: "Whenever a House committee votes to give any legislation a favorable or adverse report, there shall be a recorded vote of the full committee."

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 Mrs. O'Connell; and on the roll call 41 members voted in the affirmative and 118 in the negative.

[See Yea and Nay No. 17 in Supplement.]

Therefore the amendment was rejected.

Mr. Mariano of Quincy being in the Chair,—

Mr. Rushing of Boston then moved to amend the order in proposed Rule 48, in line 1031, by inserting after the word "member;" the following sentence: "The Clerk shall, prior to the first roll call of the sitting, announce the name of any member who has informed him/her to not call his/her name or lock his/her voting station. The Clerk shall also announce prior to any subsequent roll call of the sitting the name of any member who had informed him/her to not call his/her name or lock his/her voting station since the taking of the immediately preceding roll call."

The amendment was adopted.

Ms. Provost of Somerville then moved to amend the order in proposed Rule 81(f), in line 1376, and also in line 1377, by inserting after the word "Speaker;" in each instance, the words, "with the approval of the House.;" and the amendments were adopted.

Mr. Galvin of Canton then moved to amend the order by inserting after proposed Rule 33E the following rule:

"33F. No consolidated amendment shall be adopted except by a roll call vote.;" and the amendment was adopted.

The order (House, No. 2018, published as amended) then also was adopted.

Amendment
rejected,—
yea and nay
No. 16.

Amendment
rejected,—
yea and nay
No. 17.

Orders.

An Order (filed this day by Mr. DeLeo of Winthrop) relative to the adoption of permanent Joint Rules for the 190th General Court governing the 2017-2018 legislative sessions (House, No. 2019), was referred to the temporary committee on Rules.

Mr. Galvin of Canton, for said committee, then reported recommending that the order ought to be adopted.

Under suspension of the rules, on motion of Mr. DeLeo of Winthrop, the order was considered forthwith.

Pending the question on adoption of the order, Ms. Malia of Boston moved to amend it in proposed Joint Rule 1, in line 22, by striking out the word "Abuse" and inserting in place thereof the word "Use"; and the amendment was adopted.

Mr. Jones of North Reading and other members of the House then moved to amend the order by inserting after proposed Joint Rule 36 the following rule:

"37. No appropriation shall be made from the Commonwealth Stabilization Fund, as set forth in section 2H of chapter 29 of the General Laws unless approved by two-thirds of the members in both branches voting thereon. This rule shall not be suspended except by unanimous consent."

The amendment was rejected.

The same members then moved to amend the order in proposed Joint Rule 1D, in line 147, by inserting after the word "practicable," the following two sentences: "Included in such notice shall be a designated period of time, not to exceed one-half hour, during which time testimony from legislators shall be heard on matters listed on the hearing agenda. Legislator's wishing to be heard, either prior to, or subsequent to the designated period shall follow the guidelines set forth under the rules designated by each committee for the receipt of testimony by members of the public." The amendment was rejected.

Mr. Jones of North Reading and other members of the House then moved to amend the order by inserting after proposed Joint Rule 36 the following rule:

"Rule 37. Not later than March 31st of each year the house and senate shall approve a joint resolution declaring the minimum amount of aid to be distributed to the cities and towns of the commonwealth in the upcoming fiscal year. Said resolution shall declare the minimum amount of chapter 70 aid, so called, and unrestricted general government aid to be received by each city, town or school district."

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 37 members voted in the affirmative and 122 in the negative.

[See Ye and Nay No. 18 in Supplement.]

Therefore the amendment was rejected.

Mr. Jones of North Reading and other members of the House then moved to amend the order in proposed Joint Rule 1, in line 34, by inserting after the word "Technologies," the following words: "Public Safety and Homeland Security, Mental Health, Substance Use and Recovery,"; and the amendment was adopted.

Joint
Rules.

Amendment
rejected,—
yea and nay
No. 18.

The same members then moved to amend the order in proposed Joint Rule 10, in line 415, by inserting after the word "Court," the following sentence: "Notwithstanding the previous sentence, all joint committees shall make final report on all petitions filed or approved by the voters of a city or town, or the mayor and city council, or other legislative body of a city, or the town meeting of a town, with respect to a law relating to that city or town, within 45 days of receiving them." The amendment was rejected.

Mr. Jones of North Reading and other members of the House then moved to amend the order in proposed Joint Rule 4, in line 282, by adding the following sentence: "Such roll calls shall be posted on the Legislative Web Page by the Clerks of the two branches."

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 38 members voted in the affirmative and 121 in the negative.

[See Ye and Nay No. 19 in Supplement.]

Therefore the amendment was rejected.

Mr. Jones of North Reading and other members of the House then moved to amend the order in proposed Joint Rule 11B, in line 476, by striking out the figure "8" and inserting in place thereof the figure "5".

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 37 members voted in the affirmative and 122 in the negative.

[See Ye and Nay No. 20 in Supplement.]

Therefore the amendment was rejected.

Representatives O'Connell of Taunton and Lyons of Andover then moved to amend the order in proposed Joint Rule 4, in lines 277 to 282, inclusive, by striking out the sentences contained in those lines and inserting in place thereof the following two sentences: "A vote of a joint to give legislation a favorable or adverse report shall be a recorded vote of the full committee. Such votes shall be recorded on appropriate forms that show all votes for and against the particular committee action; provided that votes may also be recorded in LAWS. The record of all such roll calls shall be kept in the offices of the committee and shall be posted on the website of the General Court within 48 hours of the vote for public inspection."

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 Mrs. O'Connell; and on the roll call 38 members voted in the affirmative and 121 in the negative.

[See Ye and Nay No. 21 in Supplement.]

Therefore the amendment was rejected.

The order (House, No. 2019, amended) then was adopted. Sent to the Senate for concurrence.

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.

Amendment
rejected,—
yea and nay
No. 19.

Amendment
rejected,—
yea and nay
No. 20.

Amendment
rejected,—
yea and nay
No. 21.

Next
sitting.

Ms. Cariddi of North Adams then moved that as a mark of respect to the memory of Anthony P. McBride, a member of the House from Adams from 1969 to 1978, inclusive, the House adjourn; and the motion prevailed. Accordingly, at sixteen minutes after five o'clock P.M., on motion of Ms. Cariddi (Mr. Mariano of Quincy being in the Chair), the House adjourned, to meet the following Monday at eleven o'clock A.M., in an Informal Session.