

The Commonwealth of Massachusetts

JOURNAL OF THE HOUSE.



TUESDAY, FEBRUARY 20, 2018.

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JOURNAL OF THE HOUSE.

Tuesday, February 20, 2018.

Met at seven minutes after eleven o'clock A.M., in an Informal Session, with Mr. Moran of Boston 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. Moran of Boston), the members, guests and employees joined with him in reciting the pledge of allegiance to the flag.

Pledge of
allegiance.

Communication from Representative Solomon Goldstein-Rose of Amherst.

A communication from Representative Solomon Goldstein-Rose of Amherst that he had officially changed his party affiliation from Democrat to unenrolled, was placed on file.

Mr. Solomon
Goldstein-Rose
of Amherst,—
party change.

Resolutions.

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

Resolutions (filed by Ms. Garlick of Needham) congratulating Samuel H. Wiesman on receiving the Eagle Award of the Boy Scouts of America; and

Samuel
Wiesman.

Resolutions (filed by Mrs. O'Connell of Taunton and other members of the House) congratulating Homes for Our Troops on their two hundred fiftieth specially adapted custom homes for veterans;

Homes for
Our Troops.

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. Speliotis of Danvers, 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

From the Massachusetts Rehabilitation Commission (see Section 79(h) of Chapter 6 of the General Laws) submitting its annual report for 2017; and

Rehabilitation
Commission.

From the Office of the Plymouth District Attorney (see Section 32 of Chapter 12 of the General Laws) submitting a report of the Community Based Juvenile Justice Program Report for the calendar year 2017;

Plymouth
County,—
juveniles.

Severally were placed on file.

Annual Report.

The annual report of the Department of Early Education and Care (under

Early Education
and Care.

UNCORRECTED PROOF.

sections 3(g), 4, 5, 10 and 13(d) of Chapter 15D of the General Laws) for the year 2017, was placed on file.

Petitions.

Petitions severally were presented and referred as follows:

By Messrs. Crighton of Lynn and Cahill of Lynn, a petition (subject to Joint Rule 12) of Brendan P. Crighton for legislation to authorize the commissioner of Capital Asset Management and Maintenance to convey a certain parcel of land in the city of Lynn to the Neighborhood Development Associates, Inc.

Lynn,—
land.

By Mr. Murphy of Weymouth (by request), a petition (subject to Joint Rule 12) of Jacob Kohl relative to alcoholic beverages on vessels or shipping companies carrying passengers.

Alcoholic
beverages.

By Mr. Puppolo of Springfield, a petition (subject to Joint Rule 12) of Angelo J. Puppolo, Jr., relative to civil penalties for the disposal of trash or garbage from motor vehicles.

Littering
penalties.

By Representative Schmid of Westport and Senator Rodrigues, a joint petition (subject to Joint Rule 12) of Paul A. Schmid, III and Michael J. Rodrigues relative to the retention of animal inspection records.

Animal
inspections,—
records.

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

Reports of Committees.

By Mr. Kaufman of Lexington, for the committee on Revenue, on a message from His Excellency the Governor, a Bill relative to the issuance of tax bills in the town of Hatfield (printed in House, No. 4198). Read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Hatfield,—
tax bills.

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. Speliotis of Danvers, the bill was read a second time forthwith; and it was ordered to a third reading.

Subsequently under further suspension of the rules, on motion of Mr. Smola of Warren, the bill (having been reported by the committee on Bills in the Third Reading to be correctly drawn) was read a third time; and it was passed to be engrossed. Sent to the Senate for concurrence.

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

The Senate Bill establishing a sick leave bank for Linda Thernize-Williams, an employee of the Department of Transitional Assistance (Senate, No. 2251, amended); and

Linda Thernize-
Williams,—
sick leave.

The House Bill establishing a sick leave bank for Lauri Smith-Bopp, an employee of the Department of Revenue (House, No. 4154);

Lauri Smith-
Bopp,—
sick leave.

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

By Ms. Cronin of Easton, for the committee on the Judiciary, on Senate, No. 838 and House, Nos. 879 and 3327, a Bill encouraging the donation of food to persons in need (House, No. 3327).

Food
donations.

UNCORRECTED PROOF.

By Mr. Parisella of Beverly, for the committee on Public Service, on a petition, a Bill relative to documentary material or data received by retirement boards (House, No. 1329).

Retirement boards,— data.

By the same member, for the same committee, on a petition, a Bill relative to attorneys at the Department of Children and Families (House, No. 1340).

DCF,— attorneys.

By the same member, for the same committee, on a petition, a Bill relative to certain option B and option C retirees (House, No. 1354).

Retirees.

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

By Ms. Cronin of Easton, for the committee on the Judiciary, on a petition, a Bill relative to child-centered family law (House, No. 3090).

Family law.

By the same member, for the same committee, on House, No. 752, a Bill relative to anti-litigation provisions in condominium documents (House, No. 4235).

Condominiums,— documents..

By the same member, for the same committee, on House, No. 753, a Bill relative to construction defect claims by condominium owners (House, No. 4236).

Condominiums,— defects.

By Mr. Parisella of Beverly, for the committee on Public Service, on a petition, a Bill relative to the retirement classification of Boston school police officers (House, No. 1363) [Local Approval Received].

Boston,— school police.

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

Orders of the Day.

The Senate further amendment to the House amendment of the Senate Bill relative to standards of employee safety (printed as House, No. 3952, amended), reported by the committee on Bills in the Third Reading to be correctly drawn, was adopted, in concurrence.

Employee safety.

Bills

Relative to the ownership and occupancy deadline for residential property exemptions in the city of Boston (House, No. 4073);

Third reading bills.

Relative to the town manager of the town of Upton (House, No. 4121); and

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

Severally reported by the committee on Bills in the Third Reading to be correctly drawn, were read a third time; and they were passed to be engrossed. Severally sent to the Senate for concurrence.

The House Bill providing for the annual observance of the month of March as Massachusetts maple month and designating pure Massachusetts maple syrup as the official sweetener of the Commonwealth (House, No. 3735), reported by the committee on Bills in the Third Reading to be correctly drawn, was read a third time.

Maple syrup,— month.

Pending the question on passing the bill to be engrossed, Mr. Speliotis of Danvers moved to amend it by substitution of a Bill designating the month of March as Massachusetts maple month (House, No. 4246), which was read.

The amendment was adopted; and the substituted bill was passed to be

engrossed. Sent to the Senate for concurrence.

Recess.

At twenty minutes after eleven o'clock A.M., on motion of Mr. Smola of Warren (Mr. Moran of Boston being in the Chair), the House recessed until ten minutes before twelve o'clock noon; and at five minutes after noon the House was called to order with Mr. Moran of Boston in the Chair.

Recess.

Engrossed Bill.

The engrossed Bill relative to standards of employee safety (see Senate bill printed as House, No. 3952, amended) (which originated in the Senate), having been certified by the Clerk to be rightly and truly prepared for final passage, was put upon its final passage.

Employee safety.

Pending the question on passing the bill to be enacted, Mr. Brodeur of Melrose moved that Rule 40 be suspended; and the motion prevailed. The same member then moved to amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

Rule 40 suspended.

“SECTION 1. Section 6 of chapter 149 of the General Laws, as appearing in the 2016 Official Edition, is hereby amended by striking out , in line 24, the words ‘authority hereof’ and inserting in place thereof the following words:— this section or section 6 ½.

SECTION 2. Said chapter 149 is hereby further amended by striking out section 6 ½, as so appearing, and inserting in place thereof the following section:—

Section 6 ½. (a) For the purposes of this section, the following words shall have the following meanings unless the context clearly requires otherwise:

‘Public employees’, individuals employed by a public employer.

‘Public employers’, places of employment subject to section 28 of chapter 7, any agency, executive office, department, board, commission, bureau, division or authority of the commonwealth or of any political subdivision of the commonwealth, any quasi-public independent entity and any authority or body politic and corporate established by the general court to serve a public purpose.

(b) Public employers shall provide public employees at least the level of protection provided under the federal Occupational Safety and Health Act of 1970, 29 U.S.C. 651 et. seq., including standards and provisions of the general duty clause contained in 29 U.S.C. 654.

(c) The governor shall appoint an occupational health and safety hazard advisory board which shall consist of the following 19 members: the secretary of labor and workforce development or a designee, who shall serve as the co-chairperson; the personnel administrator or a designee, who shall serve as co-chairperson; the director of the division of labor standards or a designee; the secretary of administration and finance or a designee; the director of the office of employee relations or a designee; the commissioner of public health or a designee; the director of industrial accidents or a designee; 4 representatives from labor unions representing public employees; 1 representative from a community-based health and safety advocacy organization; the president of the Massachusetts Municipal Association, Inc. or a designee; the president of the Massachusetts Highway Association or a designee; the president of the Massachusetts Association of School Committees, Inc. or a designee; the president of the Massachusetts

Association of School Superintendents, Inc. or a designee; the president of the Massachusetts Water Works Association Inc. or a designee; the president of the Massachusetts Municipal Management Association or a designee; and 1 member of the faculty of the department of work environment at the University of Massachusetts at Lowell.

The advisory board shall evaluate injury and illness data, recommend training and implementation of safety and health measures, monitor the effectiveness of safety and health programs and determine where additional resources are needed to protect the safety and health of public employees.

(d) The department shall promulgate regulations to enforce this section. The department shall consult with the advisory board established in subsection (c) prior to: (i) adopting or amending the regulations; or (ii) the submission of a state plan for occupational safety and health standards and their enforcement to the United States Secretary of Labor pursuant to 29 U.S.C. 667. The department may, after consulting with the advisory board, adopt specific regulations for individual quasi-public independent entities and authorities.

(e) The attorney general may bring a civil action for declaratory or injunctive relief to enforce this section.

SECTION 3. This act shall take effect on February 1, 2019.”.

The amendment was adopted. 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 on Thursday next at eleven o'clock A.M.

Next
sitting.

At nine minutes after twelve o'clock noon, on motion of Mr. Smola of Warren (Mr. Moran of Boston being in the Chair), the House adjourned, to meet the following Thursday at eleven o'clock A.M., in an Informal Session.