

The Commonwealth of Massachusetts

JOURNAL OF THE HOUSE.



WEDNESDAY, FEBRUARY 28, 2018.

[24]*

JOURNAL OF THE HOUSE.

Wednesday, February 28, 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:

Loving God, we give You thanks for the magnificent weather we enjoy on this last day of February. We pray for our elected officials in this chamber and for the many people who work here and throughout the building.

Prayer.

Later today W.E.B. Du Bois will be honored in a ceremony here in this Chamber. This past Friday marked the 150th anniversary of the birth of William Edward Burghardt DuBois who was born in the Berkshires, in the town of Great Barrington.

He was a sociologist, the first African-American to earn a doctorate – his was from Harvard, an historian and an author and is perhaps best known for being one of the co-founders of the National Association for the Advancement of Colored People, the NAACP.

We give thanks to You God of strength for this son of Massachusetts whose courage and intellect continues to help countless individuals re-examine their attitude toward race and racism.

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.

Silent Prayer.

During the session, the Speaker took the Chair and requested that the members, guests and employees stood in a moment of silent tribute to the memory of friend and colleague Peter V. Kocot of Northampton, a member of the House from Northampton from 2002 to 2018, inclusive, who passed away on February 22nd.

Peter V. Kocot.

Statement Concerning Representative Walsh of Framingham.

A statement of Mrs. Haddad of Somerset concerning Mr. Walsh of Framingham 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 Walsh of Framingham, was unable to be present in the House Chamber for today's sitting. If he could have been in attendance, he would have voted in the affirmative on passing to be engrossed the Senate Bill to protect access to confidential healthcare (Senate, No. 2296, amended).

Statement concerning Mr. Walsh of Framingham.

Appointments to Joint Standing Committees.

The Speaker announced that he had appointed (under Rule 18A) Representative Whipps of Athol to the 9th position, in each instance, on the joint committees on Elder Affairs; Municipalities and Regional Government; and Tourism, Arts and Cultural Development, to fill existing vacancies.

Joint standing committees.

Resolutions.

Resolutions (filed with the Clerk by Mr. Pignatelli of Lenox and other members of the House) commemorating the one hundred and fiftieth anniversary of the birth of William Edward Burghardt Du Bois, were referred, under Rule 85, to the committee on Rules.

W.E.B. Du Bois.

Mr. Galvin of Canton, for said committee, reported that the resolutions ought to be adopted. Under suspension of the rules, on motion of Mr. Pignatelli of Lenox, the resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted.

Monthly Report.

A monthly report from the Department of Unemployment Assistance (under Section 14F of Chapter 151A of the General Laws) relative to the condition of the Commonwealth's Unemployment Insurance Trust Fund through January 2018, was placed on file.

Unemployment Trust Fund.

Petitions.

Petitions severally were presented and referred as follows:

By Representative Barrows of Mansfield and Senator Feeney, a joint petition (accompanied by bill, House, No. 4257) of F. Jay Barrows and Paul R. Feeney (by vote of the town) relative to the charter school reimbursement rate for the town of Foxborough. To the committee on Education.

Foxborough,—charter school reimbursement.

By Representative Dykema of Holliston and Senator Spilka, a joint petition (accompanied by bill, House, No. 4258) of Carolyn C. Dykema and Karen E. Spilka (by vote of the town) that the town of Hopkinton be authorized to establish a means-tested senior citizen property tax exemption in said town. To the committee on Revenue.

Hopkinton,—senior property tax exemption.

Severally sent to the Senate for concurrence.

Petitions severally were presented and referred as follows:

By Representative McKenna of Webster and Senator Fattman, a joint petition (subject to Joint Rule 12) of Joseph D. McKenna, Ryan C. Fattman and others relative to trafficking certain illegal drugs and firearms.

Illegal drugs and firearms.

By Mr. Scibak of South Hadley, a petition (subject to Joint Rule 12) of John W. Scibak for legislation to establish a sick leave bank for Bethany Ryan, an employee of the Hampshire County Sheriff's Department.

Bethany Ryan,—sick leave.

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

Papers from the Senate.

Petitions were referred, in concurrence, under suspension of Joint Rule 12, as follows:

Petition (accompanied by bill, Senate, No. 2318) of James B. Eldridge, Barbara A. L'Italien, David M. Rogers, Diana DiZoglio and other members of the General Court for legislation to promote health, safety and well-being in the legislature; and

Legislature,—
health and
safety.

Petition (accompanied by bill, Senate, No. 2319) of Bruce E. Tarr and Leonard Mirra for legislation to authorize the Department of Fish and Game to acquire a conservation restriction on land of the town of Groveland;

Groveland,—
land.

Severally to the committee on the committee on State Administration and Regulatory Oversight.

Reports of Committees.

By Mr. Galvin of Canton, for the committee on Rules and the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the petition of Bud Williams relative to the inspection of certain piping during home inspections and home energy audits. Under suspension of the rules, on motion of Mr. Williams of Springfield, the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Consumer Protection and Professional Licensure. Sent to the Senate for concurrence.

Home energy
audits,—
piping.

By Mr. Mahoney of Worcester, for the committee on Election Laws, on House, Nos. 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 383, 384, 385, 386, 387, 388, 389, 390, 2079, 2081, 2082, 2083, 2084, 2085, 2086, 2088, 2089, 2090, 2092, 2093, 2094, 2095, 2096, 2097, 2100, 2101, 2102, 2103, 2104, 2106, 2107, 2896, 2897, 2899, 2900, 2901, 2902, 2903, 2904, 3140, 3484, 3485, 3486, 3559, 3560, 3672, 3700, 3716, 3745, 3838, 3861 and 3872, an Order relative to authorizing the committee on Election Laws to make an investigation and study of certain House documents concerning election laws (House, No. 4252) [Representatives Boldyga of Southwick and Lombardo of Billerica dissenting]. Referred, under Joint Rule 29, to the committees on Rules of the two branches, acting concurrently.

Election
laws,—
study.

Subsequently, Mr. Galvin of Canton, for said committees, reported asking to be discharged from further consideration of the order; and recommending that the same be referred to the House committee on Rules.

Under Rule 42, the report was considered forthwith; and it was accepted.

Mr. Galvin of Canton, for said committee on Rules, on the foregoing Order, then reported, in part, asking to be discharged from further consideration of the joint petition (accompanied by bill, House, No. 390) of William M. Straus and Michael F. Rush relative to elections to fill vacancies in certain county positions,— and recommending that the same be recommitted to the committee on Election Laws.

County
positions,—
elections.

Under Rule 42, the report was considered forthwith; and it was accepted.

By Mr. Parisella of Beverly, for the committee on Public Service, on a petition, a Bill relative to credible service for VISTA volunteers (House, No. 1427).

VISTA
volunteers.

UNCORRECTED PROOF.

By the same member, for the same committee, on a petition, a Bill providing for equitable armed forces paid leave benefits for public employees (House, No. 1430).

Armed forces,—
paid leave.

By the same member, for the same committee, on Senate, No. 1393 and House, No. 1435, a Bill relative to the veteran allowance for public retirees (House, No. 1435).

Public retirees,—
veteran
allowance.

By the same member, for the same committee, on Senate, No. 1461 and House, No. 1445, a Bill relative to surviving family of emergency medical technicians (House, No. 1445).

EMTs,—
benefits.

By the same member, for the same committee, on a petition, a Bill establishing a municipal bulk purchasing program for industrial washing machines for fire departments (House, No. 3520).

Fire departments,—
washing machines.

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

By Mr. Parisella of Beverly, for the committee on Public Service, on a petition, a Bill to increase residency preference for appointment at Boston Police Department and Boston Fire Department to three years (House, No. 3537) [Local Approval Received].

Boston,—
residency
preference.

By the same member, for the same committee, on a petition, a Bill relative to accidental disability retirement for Jan Witkowski (House, No. 3790).

Jan Witkowski,—
benefits.

By the same member, for the same committee, on a petition, a Bill to establish an early retirement incentive program for Barnstable County (House, No. 4107).

Barnstable
County.

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

Engrossed Bill.

The engrossed Bill relative to a Wareham Redevelopment Authority (see Senate, No. 2145, amended) (which originated in the Senate), 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.

Bill
enacted.

Recess.

At seven 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 until two o'clock P.M.; and at three minutes after two o'clock the House was called to order with the Speaker in the Chair.

Recess.

Distinguished Guests of the House.

Prior to the start of a *Black History Month Celebration recognizing the 150th Anniversary of the Birth of W.E.B. Du Bois*, the Speaker introduced Senate President Harriett L. Chandler and Senators Boncore, Chang-Diaz and Rush.

Distinguished
Guests of the
House.

A Black History Month Celebration.

The Speaker declared a recess subject to the call of the Chair; and there being

150th anniversary
of the birth of

no objections offered brief remarks on a Black History Month Celebration on the occasion of the 150th anniversary of the birth of W.E.B. Du Bois.

W.E.B. Du Bois,—
ceremony.

Messrs. Moran of Lawrence, Chair of the Black and Latino Legislative Caucus, and Pignatelli of Lenox, each of whom took the Chair, offered introductory remarks on the occasion.

The Speaker then recognized Dr. David Levering Lewis, a Pulitzer Prize winning biographer and New York University history professor emeritus. Dr. Lewis addressed the House to reflect on the life, accomplishments, writings and societal impact of W.E.B. Du Bois.

Mr. Rushing of Boston took the Chair and offered closing remarks.

Adam Littlejohn Jr. of Saint Mark's Congregational Church then led the members, guests and employees in the singing of *Lift Every Voice and Sing*.

Lift Every
Voice and Sing.

Reports of Committees.

Mr. Donato of Medford being in the Chair,—

Prior to the noon recess, Mr. Sánchez of Boston, for the committee on Ways and Means, reported that the Senate Bill to protect access to confidential healthcare (Senate, No. 2296, amended), ought to pass with an amendment by striking out all after the enacting clause and inserting in place thereof the text contained in House document numbered 4256. Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Confidential
healthcare,—
access.

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

Under suspension of Rule 7A, on motion of Mr. Sánchez of Boston, the bill was read a second time forthwith. The amendment recommended by the committee on Ways and Means then was adopted; and the bill (Senate, No. 2296, amended) was ordered to a third reading.

Subsequently, the noon recess having terminated, under suspension of the rules, on motion of Ms. Hogan of Stow, the bill (having been reported by the committee on Bills in the Third Reading to be correctly drawn) was read a third time.

After remarks on the question on passing the bill, as amended, to be engrossed, in concurrence, Mrs. Orrall of Lakeville moved to amend it by adding the following section:

“SECTION 4. Nothing in this act shall supersede any general or special law related to the informed consent of minors.”.

The amendment was adopted.

Mr. Lombardo of Billerica then moves to amend the bill by adding the following section:

“SECTION 5. the inserting text of Chapter 176O, section 27 paragraph (e) lines 39 through 45 of SECTION 1 by striking paragraph (e) and inserting in place thereof the following:—

(e) Carriers shall not specify or describe sensitive health care services in a common summary of payments form. The division shall define sensitive health care services for the purposes of this section. In determining that definition, the division shall consider the recommendations of the National Committee on Vital and Health Statistics and similar regulations in other states and shall consult with experts. The definition of sensitive health care shall exclude infectious disease, reproductive and sexual health, a minor receiving care for domestic violence or sexual assault, and

UNCORRECTED PROOF.

mental health or substance use disorders.”.

The amendment was rejected.

On the question on passing the bill, as amended, to be engrossed, in concurrence, the sense of the House was taken by yeas and nays, at the request of Ms. Hogan of Stow; and on the roll call 139 members voted in the affirmative and 14 in the negative.

Bill passed to
be engrossed,—
yea and nay
No. 313.

[See Yea and Nay No. 313 in Supplement.]

Therefore the bill (Senate, No. 2296, amended) was passed to be engrossed, in concurrence. Sent to the Senate for concurrence in the amendment adopted by the House [for text of amendment, see House document numbered 4256, amended].

Order.

The Speaker being in the Chair,—

On motion of Mr. Mariano of Quincy,—

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

Next
sitting.

The Speaker moved that when the House adjourns today, it do so in respect to the memory of Peter V. Kocot, a member of the House from Northampton from 2002 to 2018, inclusive; and the motion prevailed.

Accordingly, without proceeding to consideration of the matters in the Orders of the Day, at twenty-one minutes before four o'clock P.M., on motion of Mr. Hill of Ipswich, the House adjourned, to meet the following day at eleven o'clock A.M., in an Informal Session.