

JOURNAL OF THE HOUSE.

Wednesday, June 14, 2017.

Met at according to adjournment 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).

Pledge of allegiance.

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.

Statement of Representative Walsh of Framingham.

A statement of Mr. Walsh of Framingham was spread upon the records of the House, as follows:

Statement of Mr. Walsh of Framingham.

MR. SPEAKER: I would like to call to the attention of the House the fact that I was unable to be present in the House Chamber for the sitting of Wednesday, June 7, because I was undergoing chemotherapy treatment at Dana Farber Hospital. Had I been present, I would have voted in the affirmative on passing to be engrossed House Bill 3740, An Act relative to language opportunities for kids. My missing of roll calls that day was due entirely to the reason stated.

Change of Name of a Member of the House.

Representative Smitty Pignatelli of Lenox.

A communication was received from Representative Pignatelli of Lenox requesting that in all legislative documents and records, he be referred to as Smitty Pignatelli rather than William Smitty Pignatelli; and the communication was placed on file.

Resolutions.

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

Horace Seldon.

Resolutions (filed by Mr. Rushing of Boston) recognizing the life work of Horace Seldon and Community Change, Inc.;

Cameron Killian.

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

Matthew Frey.

Resolutions (filed by Ms. Hogan of Stow) congratulating Matthew R. Frey on achieving the rank of Eagle Scout with the Boy Scouts of America;

Aidan Gross.

Resolutions (filed by Ms. Hogan of Stow) congratulating Aidan B. Gross on achieving the rank of Eagle Scout with the Boy Scouts of America;

Declan Kelly.

Resolutions (filed by Mr. McMurtry of Dedham) congratulating Declan Thomas Kelly on receiving the Eagle Award for the Boy Scouts of America;

Linda Saripalli.

Resolutions (filed by Mr. Rogers of Norwood) congratulating Linda D. Saripalli on the occasion of her retirement from the Elm Street Elementary School; and

Resolutions (filed by Mr. Walsh of Peabody) congratulating Thomas Ambrose on receiving the Eagle Award of the Boy Scouts of America;

Thomas Ambrose.

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. Tucker of Salem, the resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted.

Petitions.

Petitions severally were presented and referred as follows:

By Mr. Golden of Lowell, a petition (accompanied by bill, House, No. 3750) of Thomas A. Golden, Jr., and others (by vote of the town) that the town of Chelmsford be authorized to issue ten additional licenses for the sale of all alcoholic beverages to be drunk on the premises. To the committee on Consumer Protection and Professional Licensure.

Chelmsford,—liquor licenses.

By Mr. Nangle of Lowell, a petition (accompanied by bill, House, No. 3747) of David M. Nangle and others (with the approval of the city manager and city council) relative to the reimbursement of charter school tuitions for the city of Lowell. To the committee on Education.

Lowell,—charter school tuition.

By Mr. Michlewitz of Boston, a petition (accompanied by bill, House, No. 3749) of Aaron Michlewitz and Joseph A. Boncore (with the approval of the mayor and city council) relative to shadows cast by certain structures in the city of Boston; and

Boston,—structure shadows.

By Representative Rogers of Norwood and Senator Rush, a joint petition (accompanied by bill, House, No. 3748) of John H. Rogers and Michael F. Rush (by vote of the town) relative to the appointment of the positions of town clerk and town accountant in the town of Norwood;

Norwood,—town clerk and accountant.

Severally to the committee on Municipalities and Regional Government. Severally sent to the Senate for concurrence.

Mr. McMurtry of Dedham presented a petition (subject to Joint Rule 12) of Paul McMurtry for a legislative amendment to the Constitution relative to the terms of office for Representatives and Senators; and the same was referred, under Rule 24, to the committee on Rules.

General Court,—terms.

Papers from the Senate.

Petitions were referred, in concurrence, as follows:

Petition (accompanied by bill, Senate, No. 2085) of Viriato M. deMacedo and Mathew Muratore (by vote of the town) for legislation to authorize the town of Plymouth to exchange a parcel of land held for conservation purposes for a parcel of land in the town of Plymouth. To the committee on Municipalities and Regional Government.

Plymouth,—land.

Petition (accompanied by bill, Senate, No. 2086) of Patrick M. O'Connor (by vote of the town) for legislation to exempt the position of police captain in the town of Hull from the provisions of the civil service law. To the committee on Public Service.

Hull,—police captain.

Reports of Committees.

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

Warren,—
Dennis
Desrosiers.

The Senate Bill authorizing the town of Warren to continue to the employment of Dennis Desrosiers (Senate, No. 1420) [Local Approval Received]; and

Woburn,—
traffic.

The House Bill relative to the traffic commission in the city of Woburn (House, No. 2779) [Local Approval Received];

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

Marijuana,—
access.

By Mr. Cusack of Braintree, for the committee on Marijuana Policy, on House, No. 3188, a Bill to ensure the public health and safety of patient and consumer access to medical and adult use of marijuana in the Commonwealth (House, No. 3751) [Senator Eldridge dissenting]. Referred, under Joint Rule 1E, to the committee on Health Care Financing.

Rockport,—
elections.

By Mr. Mahoney of Worcester, for the committee on Election Laws, on a message from His Excellency the Governor, a Bill relative to the 2017 annual town election in the town of Rockport (printed in House, No. 3656). Read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Emergency Measure.

Pamela
Dube,—
sick leave.

The engrossed Bill establishing a sick leave bank for Pamela Dube, an employee of the Department of Developmental Services (see House, No. 3651, amended), having been certified by the Clerk to be rightly and truly prepared for final passage, was considered, the question being on adopting the emergency preamble.

A separate vote then was taken, as required by the provisions of Article XLVIII (as amended by Article LXVII) of the Amendments to the Constitution; and the preamble was adopted, by a vote of 4 to 0. Sent to the Senate for concurrence.

Engrossed Bills.

Bills
enacted.

Engrossed bills

Relative to naming a state-owned bridge in the town of Amherst after Ellen Story (see House, No. 1837); and

Authorizing the city of Chicopee to lease a certain building (see House, No. 2781, amended);

(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 seven minutes after eleven o'clock A.M., on motion of Ms. Gifford of Wareham (Mr. Donato of Medford being in the Chair), the House recessed until five minutes before one o'clock P.M.; and at two minutes before one o'clock P.M., the House was called to order with the Speaker in the Chair.

Wednesday, June 14, 2017.

Joint Session of the Two Houses to Consider Specific Amendments to the Constitution.

At four minutes past one o'clock P.M, the two branches met in Joint Session.

JOINT SESSION

and were called to order by the Honorable Stanley C. Rosenberg, who made the following observations:

The Senator from Essex and Middlesex, Mr. Tarr, then led the President, the Speaker, members, guests and staff in the recitation of the pledge of allegiance to the flag.

Moment of Silence.

After remarks, at the request of Mr. Tarr, the members, guests and staff joined in a moment of silent reflection for those who were injured in the senseless shooting in Alexandria, Virginia earlier today.

Proposal for an Initiative amendment to the Constitution to provide resources for education and transportation through an additional tax on incomes in excess of one million dollars (see Senate, No. 10 of 2017) [see House, No. 3933 of 2016],— was read, the question being on again agreeing to the amendment.

ARTICLE OF AMENDMENT

Amendment Article XLIV of the Massachusetts Constitution is hereby amended by adding the following paragraph at the end thereof: Millionaire tax.

To provide the resources for quality public education and affordable public colleges and universities, and for the repair and maintenance of roads, bridges and public transportation, all revenues received in accordance with this paragraph shall be expended, subject to appropriation, only for these purposes. In addition to the taxes on income otherwise authorized under this Article, there shall be an additional tax of 4 percent on that portion of annual taxable income in excess of \$1,000,000 (one million dollars) reported on any return related to those taxes. To ensure that this additional tax continues to apply only to the commonwealth's highest income residents, this \$1,000,000 (one million dollar) income level shall be adjusted annually to reflect any increases in the cost of living by the same method used for federal income tax brackets. This paragraph shall apply to all tax years beginning on or after January 1, 2019.

Millionaire
tax.

After debate, on the question on again agreeing to the amendment, the sense of the Joint Session was taken by a call of the yeas and nays, as required by the Constitution, at seventeen minutes before three o'clock P.M., as follows to wit (yeas 134 — nays 55) [Senate Yeas and Nays No. 47] [House Yeas and Nays No. 67]:

YEAS.
Senators.

Barrett, Michael J.
Boncore, Joseph A.
Brady, Michael D.
Brownsberger, William N.
Chandler, Harriette L.
Chang-Diaz, Sonia
Creem, Cynthia Stone
Cyr, Julian
DiDomenico, Sal N.
Donoghue, Eileen M.
Eldridge, James B.
Forry, Linda Dorcena
Hinds, Adam G.
Jehlen, Patricia D.
Keenan, John F.

Lesser, Eric P.
Lewis, Jason M.
Lovely, Joan B.
McGee, Thomas M.
Montigny, Mark C.
Moore, Michael O.
O'Connor, Patrick M.
Pacheco, Marc R.
Rodrigues, Michael J.
Rosenberg, Stanley C.
Rush, Michael F.
Spilka, Karen E.
Timilty, Walter F.
Welch, James T. — 29.

YEAS.
Representatives.

Atkins, Cory
Ayers, Bruce J.
Balsler, Ruth B.
Barber, Christine P.
Benson, Jennifer E.
Brodeur, Paul
Cabral, Antonio F. D.
Cahill, Daniel
Calter, Thomas J.
Campbell, Linda Dean
Cantwell, James M.
Carvalho, Evandro C.
Cassidy, Gerard
Chan, Tackey
Collins, Nick
Connolly, Mike
Coppinger, Edward F.
Crighton, Brendan P.
Cronin, Claire D.
Cullinane, Daniel
Cutler, Josh S.
Day, Michael S.
Decker, Marjorie C.
DeLeo, Robert A.
Dempsey, Brian S.
DiZoglio, Diana
Donahue, Daniel M.
Donato, Paul J.
Driscoll, William J.
DuBois, Michelle M.
Dykema, Carolyn C.

Ehrlich, Lori A.
Fernandes, Dylan
Fiola, Carole A.
Garballey, Sean
Garlick, Denise C.
Gentile, Carmine L.
Goldstein-Rose, Solomon
Gonzalez, Carlos
Gordon, Kenneth I.
Haddad, Patricia A.
Hay, Stephan
Hecht, Jonathan
Heroux, Paul R.
Higgins, Natalie
Hogan, Kate
Holmes, Russell E.
Honan, Kevin G.
Hunt, Daniel J.
Kafka, Louis L.
Kaufman, Jay R.
Keefe, Mary S.
Khan, Kay
Kocot, Peter V.
Koczera, Robert M.
Kulik, Stephen
Lawn, John J., Jr.
Lewis, Jack
Linsky, David Paul
Livingstone, Jay D.
Madaro, Adrian C.
Mahoney, John J.

Malia, Elizabeth A.
Mark, Paul W.
Matias, Juana B.
McGonagle, Joseph W., Jr.
McMurtry, Paul
Meschino, Joan
Miceli, James R.
Micklewitz, Aaron
Mom, Rady
Moran, Frank A.
Moran, Michael J.
Murphy, James M.
Murray, Brian P.
Naughton, Harold P., Jr.
O'Day, James J.
Parisella, Jerald A.
Peake, Sarah K.
Peisch, Alice Hanlon
Pignatelli, Smitty
Provost, Denise
Rogers, David M.
Rogers, John H.

Roy, Jeffrey N.
Rushing, Byron
Ryan, Daniel J.
Sánchez, Jeffrey
Scaccia, Angelo M.
Schmid, Paul A., III
Scibak, John W.
Silvia, Alan
Smizik, Frank I.
Speliotis, Theodore C.
Stanley, Thomas M.
Straus, William M.
Tucker, Paul F.
Tyler, Chyna
Ultrino, Steven
Vega, Aaron
Vincent, RoseLee
Wagner, Joseph F.
Walsh, Chris D.
Walsh, Thomas P.
Williams, Bud L. — 105.

NAYS.
Senators.

deMacedo, Viriato M.
Fattman, Ryan C.
Flanagan, Jennifer L.
Gobi, Anne M.
Humason, Donald F., Jr.

Ross, Richard J.
Tarr, Bruce E. — 7.

NAYS.
Representatives.

Barrows, F. Jay
Berthiaume, Donald R., Jr.
Boldyga, Nicholas A.
Campanale, Kate D.
Crocker, William J., Jr.
D'Emilia, Angelo L.
DeCoste, David F.
Diehl, Geoff
Dooley, Shawn
Durant, Peter J.
Dwyer, James J.
Ferguson, Kimberly N.
Ferrante, Ann-Margaret
Finn, Michael J.
Frost, Paul K.
Galvin, William C.
Garry, Colleen M.
Gifford, Susan Williams
Golden, Thomas A., Jr.
Gregoire, Danielle W.
Harrington, Shelia C.
Hill, Bradford R.
Howitt, Steven S.
Hunt, Randy

Jones, Bradley H., Jr.
Hannah, Kane
Kelcourse, James M.
Kuros, Kevin J.
Lyons, James J., Jr.
Mariano, Ronald
Markey, Christopher M.
McKenna, Joseph D.
Mirra, Leonard
Muradian, David K., Jr.
Muratore, Mathew
Nangle, David M.
O'Connell, Shauna L.
Orrall, Keiko M.
Petrolati, Thomas M.
Poirier, Elizabeth A.
Puppulo, Angelo J., Jr.
Smola, Todd M.
Velis, John C.
Vieira, David T.
Whelan, Timothy R.
Whipps, Susannah M.
Wong, Donald H.
Zlotnik, Jonathan D. — 48.

Millionaire tax.

ABSENT OR NOT VOTING.
Senators.

L'Italien, Barbara A. O'Connor Ives, Kathleen - 2.

ABSENT OR NOT VOTING.
Representatives.

Arciero, James Farley-Bouvier, Tricia
Ashe, Brian M. Lombardo, Marc T.
Cariddi, Gailanne M. Tosado, Jose F. — 7.
Cusack, Mark J.

The yeas and nays having been completed at eight minutes before three o'clock P.M., the Initiative amendment was again agreed to, more than a quarter of all members elected having voted in the affirmative.

In accordance with the requirements of the Constitution, the Initiative amendment was transmitted to the Secretary of the Commonwealth.

Subsequently a statement of Ms. O'Connor Ives was spread upon the records of the Joint Session, as follows:
MR. PRESIDENT: I would like to call to the attention of the Joint Session the fact that on the previous roll call I was absent from the Chamber. Had I been present, I would have voted in the affirmative on the following roll call:— Senate Bill, No. 10, Roll Call 47.

Statement of Senator Kathleen O'Connor Ives.

Subsequently a statement of Ms. L'Italien was spread upon the records of the Joint Session, as follows:

MR. PRESIDENT: I would like to call to the attention of the Joint Session the fact that on the previous roll call I was absent from the Chamber due to a legislative conference. Had I been present, I would have voted in the affirmative on the S.10.

Statement of Senator Barbara A. L'Italien.

Subsequently, a statement of Mrs. Haddad of Somerset concerning Mr. Ashe of Longmeadow was spread upon the records of the Joint Session, as follows:

MR. PRESIDENT: I would like to call to the attention of the Joint Session the fact that one of our colleagues, Representative Ashe of Longmeadow, is unable to be present in the Chamber for today's Constitutional Convention due to a medical concern. If he could be present today for the vote on the question on again agreeing to the amendment on the Proposal for an Initiative an Amendment to the Constitution to provide resources for education and transportation through an additional tax on incomes in excess of one million dollars (see Senate, No. 10), he would vote in the negative. His missing of roll calls today is due entirely to the reason stated.

Mr. Ashe of Longmeadow,—absence.

Subsequently, a statement of Mr. Rushing of Boston concerning Mr. Arciero of Westford was spread upon the records of the Joint Session, as follows:

MR. PRESIDENT: I would like to call to the attention of the Joint Session the fact that one of our colleagues, Representative Arciero of Westford, is unable to be present in the Chamber for today's Constitutional Convention due to the serious illness of his mother. His missing of roll calls today is due entirely to the reason stated.

Mr. Arciero of Westford,—absence.

Without further action on the matters duly and constitutionally assigned for consideration, on motion of Ms. Chandler, at seven minutes before three o'clock P.M., the joint session was recessed until one o'clock P.M., on Wednesday, November 8, 2017; and the Senate withdrew from the House Chamber under the escort of the Sergeant-at-Arms.

At five minutes before three o'clock P.M., the House was called to order with the Speaker in the Chair.

Called to order.

The Speaker thereupon declared a recess subject to the call of the Chair; and at twelve minutes before six o'clock P.M., the House was called to order with Mr. Donato of Medford in the Chair.

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 Rules 12 and 9 be suspended on the petition of Gailanne M. Cariddi and Adam G. Hinds for legislation to authorize the commissioner of the Division of Capital Asset Management and Maintenance to grant certain easements in the town of Lanesborough for the purposes of reconstructing a bridge on Narragansett Avenue over Lake Pontoosuc. Under suspension of the rules, on motion of Mr. Galvin of Canton, the report was considered forthwith. Joint Rules 12 and 9 were suspended; and the petition (accompanied by bill) was referred to the committee on State Administration and Regulatory Oversight. Sent to the Senate for concurrence.

Lanesborough,—bridge.

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 following petitions:

Petition (accompanied by bill) of Diana DiZoglio and others for legislation to establish an online system to process background checks by the Department of Early Education and Care. To the committee on Education.

Online background checks.

Petition (accompanied by bill) of Jennifer E. Benson and others for legislation to prohibit certain telecommunications or internet service providers from collecting personal information from customers without express written approval. To the committee on Telecommunications, Energy and Utilities.

Personal information.

Under suspension of the rules, on motion of Mr. Galvin of Canton, the reports were considered forthwith. Joint Rule 12 then was suspended, in each instance. Severally sent to the Senate for concurrence.

By Mr. Kocot of Northampton, for the committee on State Administration and Regulatory Oversight, on a joint petition, a Bill establishing the first week in August as ice bucket challenge week (House, No. 1697). Read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Ice bucket challenge,—week.

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

Under suspension of the rules, on motion of Mr. Nangle of Lowell, the bill was read a second time forthwith; and it was ordered to a third reading.

Orders of the Day.

The House Bill establishing a sick leave bank for Justin Michael Rizzo, an employee of the Department of Labor Standards (House, No. 3720) (its title having been changed by the committee on Bills in the Third Reading), reported by said committee to be correctly drawn, was read a third time; and it was passed to be engrossed. Sent to the Senate for concurrence.

Third reading bill.

Second
reading
bill.

The Senate Bill exempting certain positions in the police department of the town of Millis from the civil service law (Senate, No. 1452) was read a second time; and it was ordered to a third reading.

Order.

Next
sitting.

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.

At seven minutes before six o'clock P.M., on motion of Mr. Frost of Auburn (Mr. Donato of Medford being in the Chair), the House adjourned, to meet the following day at eleven o'clock A.M.