

JOURNAL OF THE HOUSE.

Wednesday, April 15, 2015.

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).

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.

Silent Prayers.

Boston
Marathon
bombings.

At the request of the Speaker and all members of the House, the members, guests and employees rose for a moment of silent tribute to mark the second anniversary of the Boston Marathon bombings.

Army
Corporal
John M.
Dawson.

At the request of Mr. Muradian of Grafton the members, guest and employees stood for a moment of silent tribute in memory of Army Corporal John M. Dawson:

On Wednesday, April 8th, 2015, the United States lost a true hero who gave his life while protecting our freedom. Army Corporal John M. Dawson was killed in action while escorting U.S. embassy personnel to a meeting with provincial leaders in Jalalabad, Afghanistan. Corporal Dawson, 22 years old, was assigned to the 1st Squadron, 33rd Cavalry Regiment, 3rd Brigade Combat Team, 101st Airborne Division as a combat medic, based in Fort Campbell, Kentucky. He grew up in the Whitinsville neighborhood of Northbridge and joined the Army after graduating from Blackstone Valley Regional Vocational High School in 2010. Corporal Dawson is the first U.S. Military fatality in a combat zone during 2015, as well as the first U.S. military fatality in Operation Resolute Support and Freedom's Sentinel. He is survived by his parents and younger sister.

Statement Concerning Representative Coppinger of Boston.

Statement
concerning
Mr. Coppinger
of Boston.

A statement of Mr. Mariano of Quincy concerning Mr. Coppinger of Boston 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 Coppinger of Boston, is unable to be present in the House Chamber for today's sitting due to medical reasons. His missing of roll calls today is due entirely to the reason stated.

Special Recognition.

Cambodian
New Year.

During the Session, the Chair (Mr. Donato of Medford), declared a brief recess and, on behalf of Speaker DeLeo of Winthrop and Representative Mom of Lowell, recognized the three day, April 14, 15 and 16, Cambodian New Year celebration.

Cambodian New Year or Chaul Chnam Thmey in the Khmer language, means literally "Enter New Year". It is the name of the Cambodian holiday that celebrates the New Year with the entire world of Khmer, Thai and Lao.

The Speaker and Representative Mom expressed their best wishes to all friends and family for blessings of good health and good fortune.

Communication.

Communications

From the Massachusetts College of Art and Design (see Section 634 of Chapter 26 of the Acts of 2003) submitting its performance report for the fiscal year 2014; and College of Art, etc.

From the Department of Elementary and Secondary Education (see Section 94(o) of Chapter 71 of the General Laws) submitting the fiscal year 2014 virtual schools report to the General Court [a copy of the report was forwarded to the joint committee on Education, as require by said law]; Virtual schools.

Severally were placed on file.

Petition.

Messrs. Howitt of Seekonk and Barrows of Mansfield presented a petition (accompanied by bill, House, No. 3340) of Steven S. Howitt and F. Jay Barrows (by vote of the town) that the town of Norton be authorized to use water supply and conservation land for public way purposes (having been returned by the State Secretary, under the provisions of Chapter 3 of the General Laws, with letter relative thereto; and having received the approval of the town of Norton), was referred, under Rule 24, to the committee on Environment, Natural Resources and Agriculture. Sent to the Senate for concurrence. Norton,—
water
supply.

Papers from the Senate.

Petitions deposited in the Office of the Clerk of the Senate prior to five o'clock in the afternoon on Friday, January 16, 2015, which had been referred by the Senate this day, to joint committees, were presented; and the House severally concurred in the references (for a list of all matters referred thereto, see the Senate Journal for the session of Wednesday, January 7, 2015). Senate
petitions
concurred in.

A petition (accompanied by bill, Senate, No. 45) of Bruce E. Tarr and Ann-Margaret Ferrante (with the approval of the mayor and city council) for legislation to amend the Gloucester city charter, was referred, in concurrence, to the committee on Election Laws. Gloucester,—
preliminary
elections.

Reports of Committees.

By Mr. Fernandes of Milford, for the committee on the Judiciary, asking to be discharged from further consideration:

Of the petition (accompanied by bill, House, No. 1432) of Kay Khan and others for legislation to establish an interagency child abuse and neglect prevention task force,— and recommending that the same be referred to the committee on Children, Families and Persons with Disabilities. Child abuse
and neglect,—
task force.

Of so much of the recommendations of the Department of the State Treasurer (House, No. 21) as relates to unclaimed property and life insurance proceeds (House, No. 24); and Property
and life
insurance,—
proceeds.

Unclaimed
property.

Of so much of the recommendations of the Department of the State Treasurer (House, No. 21) as relates to enhancing consumer protection with respect to unclaimed property (House, No. 25);

And recommending that the same severally be referred to the committee on Financial Services.

Alternative
payment
methodologies.

Of the petition (accompanied by bill, House, No. 1295) of Michael J. Finn relative to the adoption of alternative payment methodologies,—and recommending that the same be referred to the committee on Health Care Financing.

Under Rule 42, the reports severally were considered forthwith; and they were accepted. Severally sent to the Senate for concurrence.

Newton,—
primary
elections.

By Mr. Mahoney of Worcester, for the committee on Election Laws, on a petition, a Bill relative to certain elections in the city of Newton (House, No. 3324) [Local Approval Received]. Read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

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

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

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

Boston [sic].
Lisa Renaud,—
sick leave.

Concerning the transferal of innholders' licenses (House, No. 234);

Establishing a sick leave bank for Lisa Renaud, an employee of the Massachusetts Department of Correction (House, No. 2281);

Cynthia A.
Penta.

Authorizing the city of Revere to pay a certain sum of money to Cynthia A. Penta (Adreani) (House, No. 3206) [Local Approval Received];

Ignacio
Farias.

Establishing a sick leave bank for Ignacio "Iggy" Farias an employee of the Massachusetts Department of Transportation (House, No. 3338); and

Kim
Quitadamo.

Establishing a sick leave bank for Kim Quitadamo, an employee of the Worcester County Superior Court (House, No. 3339);

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

Emergency Measure.

James
O'Brien,—
sick leave.

The engrossed Bill establishing a sick leave bank for James O'Brien, an employee of the Department of Developmental Services (see Senate, No. 18), 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 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 3 to 0. Sent to the Senate for concurrence.

Bill
enacted.

Subsequently, the Senate having concurred in adoption of the emergency preamble, the bill (which originated in the Senate) was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

Orders of the Day.

The House Bill establishing a sick leave bank for Edward Conley, an employee of the Middlesex Sheriff's Office (House, No. 3334) (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.

Edward
Conley,—
sick leave.

Pending the question on passing the bill to be engrossed, Mr. Lawn of Watertown moved to amend it by substitution of a bill with the same title (House, No. 3341), 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. Hill of Ipswich (Mr. Donato of Medford being in the Chair), the House recessed subject to the call of the Chair; and at eleven minutes after two o'clock P.M., the House was called to order with Mr. Donato in the Chair.

Recess.

Reports of Committees.

Mr. Mark of Peru, for the committee on Rules, reported (under the provisions of House Rules 7B and 7C) an Order relative to special procedures for consideration of the House Bill making appropriations for the fiscal year 2016 for the maintenance of departments, boards, commissions, institutions and certain activities of the Commonwealth, for interest, sinking fund and serial bond requirements and for certain permanent improvements [House, No. 3400] (for order, see House, No. 3399).

General
Appropriation
Bill,—
procedures.

After remarks on the question on adoption of the order Mr. Jones of North Reading and other members of the House moved to amend it in line 26 by inserting after the word "further" the following paragraph:

"*Ordered*, That, 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 ye and nay vote."

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 35 members voted in the affirmative and 120 in the negative.

Amendment
rejected,—
yea and nay
No. 29.

[See Ye and Nay No. 29 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 line 3 by inserting after the word "Speaker" the following: "; provided said amendments shall be filed no later than one o'clock P.M. Wednesday, April 22,".

Amendment
rejected,—
yea and nay
No. 30.

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 35 members voted in the affirmative and 120 in the negative.

[See Yea and Nay No. 30 in Supplement.]

Therefore the amendment was rejected.

Mr. Kuros of Uxbridge then moved to amend the order in line 31 by inserting after the word “further” the following paragraph:

“*Ordered*, That, No more than one consolidated amendment may be considered in a single vote; and be it further”.

Amendment
rejected,—
yea and nay
No. 31.

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 35 members voted in the affirmative and 120 in the negative.

[See Yea and Nay No. 31 in Supplement.]

Therefore the amendment was rejected.

Representatives O’Connell of Taunton and Diehl of Whitman then moved to amend the order in line 16 by striking out the words “consolidated amendments or”, and in lines 20 to 31, inclusive, by striking out the paragraphs contained in those lines and inserting in place thereof the following sentence: “Each amendment shall be considered individually; provided further that amendments may not be consolidated.”.

Amendments
rejected,—
yea and nay
No. 32.

After debate on the question on adoption of the amendments, the sense of the House was taken by yeas and nays at the request of Mr. Diehl of Whitman; and on the roll call 35 members voted in the affirmative and 120 in the negative.

[See Yea and Nay No. 32 in Supplement.]

Therefore the amendments were rejected.

Mr. Kuros of Uxbridge then moved to amend the order in line 31 by inserting after the word “further” the following:

“*Ordered*, That, members shall have a minimum of two hours to review consolidated amendments prior to voting on the amendment; and be it further”.

Amendment
rejected,—
yea and nay
No. 33.

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 35 members voted in the affirmative and 120 in the negative.

[See Yea and Nay No. 33 in Supplement.]

Therefore the amendment was rejected.

On the question on adoption of the order, the sense of the House was taken by yeas and nays at the request of Mr. Hill of Ipswich; and on the roll call 120 members voted in the affirmative and 35 in the negative.

[See Yea and Nay No. 34 in Supplement.]

Therefore the order (House, No. 3399) was adopted.

General
Appropriation
Bill.

Mr. Dempsey of Haverhill, for the committee on Ways and Means, on House, No. 1, reported, in part, a Bill making appropriations for the fiscal year 2016 for the maintenance of the departments, boards, commissions, institutions and certain activities of the Commonwealth, for interest, sinking fund and serial bond requirements and for certain permanent improvements (House, No. 3400) [Total appropriation: \$38,267,087,592.00].

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

Subsequently Mr. Nangle of Lowell, for said committee, reported that the matter be scheduled for consideration by the House; and, under the provisions of House Order No. 3399, the bill was placed in the Orders of the Day for Monday, April 27, for a second reading.

Order.

On motion of Mr. DeLeo of Winthrop,—

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

Mr. Timilty of Milton then moved that when the House adjourns today, it do so in respect to the memory of M. Joseph Manning, a member of the House from Milton from 1967 to 1996, inclusive; and the motion prevailed.

Accordingly, at five minutes before four o'clock P.M., on motion of Hill of Ipswich (Mr. Donato of Medford being in the Chair), the House adjourned, to meet the following day at eleven o'clock A.M., in an Informal Session.