

House Journal

UNCORRECTED PROOF

The Commonwealth of Massachusetts

JOURNAL OF THE HOUSE.



THURSDAY, MARCH 26, 2009.

[29]*

2009/03/26
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A Bill relative to an appeal process of insurance premium surcharges under managed competition (Senate, No. 2022, amended in lines 8, 9 and 10, by striking out the sentence contained therein, and by adding at the end thereof the following section:—

Insurance surcharges,—
appeal process.

“SECTION 3. The commissioner of insurance shall file a report with the joint committee on financial services no later than July 1, 2009 or within 90 days of the effective date of this act, providing a summary of the efforts made to facilitate the transition of exclusive representative producers to voluntary agents and the outcome of those efforts, including the remaining number of non-appointed agents in the market. The report shall further examine private passenger automobile insurance premium payment plans and down payments required by insurers in the voluntary and residual market. The commissioner shall meet with all exclusive representative producers and insurers writing private passenger automobile insurance in the commonwealth who request such a meeting to private agents with technical assistance and encourage voluntary contracts between agents and insurers. The meeting shall take place within 30 days of the effective date of this act.”) (on a petition) passed to be engrossed by the Senate, was read; and it was referred, under Rule 33, to the committee on Ways and Means.

Reports of the committee on Election Laws, asking to be discharged from further consideration

Of the petition (accompanied by bill, Senate, No. 342) of Benjamin B. Downing for legislation to protect consumers during a state of emergency, and recommending that the same be referred to the committee on Consumer Protection and Professional Licensure; and

Emergencies,—
consumers.

Of the petition (accompanied by bill, Senate, No. 349) of Anthony D. Galluccio and Karen E. Spilka for legislation relative to an employment marketability curriculum, and recommending that the same be referred to the committee on Education.

Employment curriculum.

Severally accepted by the Senate, were considered forthwith, under Rule 42; and they were accepted, in concurrence.

Petitions severally were referred, in concurrence, as follows:

Petition (accompanied by bill, Senate, No. 2020) of Michael O. Moore and Harriette L. Chandler (with the approval of the mayor and city council) for legislation concerning the adoption of funding schedules by the city of Worcester Retirement Board; and

Worcester Retirement Board.

Petition (accompanied by bill, Senate, No. 2021) of Michael O. Moore and Harriette L. Chandler (with the approval of the mayor and city council) for legislation to provide for the work force reduction of the Worcester through an early retirement incentive program for employees;

Worcester,—
early retirement.

Severally to the committee on Public Service.

Severally sent to the Senate for concurrence.

Reports of Committees.

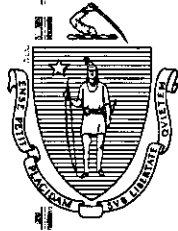
By Mrs. Wolf of Cambridge, for the committee on Elder Affairs, asking to be discharged from further consideration of the petition

Redistricting commission.

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THURSDAY, APRIL 2, 2009.

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JOURNAL OF THE HOUSE.

Thursday, April 2, 2009.

Met according to adjournment, at eleven o'clock A.M., with Mr. Petrolati of Ludlow 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 the Reverend Robert F. Quinn, C.S.P., Chaplain of the House, as follows:

God, Our Creator, as we begin today's legislative session, we pause for a moment to focus our thoughts and attention on You and on spiritual values and realities. We believe that with Your guidance we will be empowered to select the right, reasonable and fair legislative options which are available to us. In these uneasy and uncertain times, teach us to be open to the intellectual insights and reasonable experiences of colleagues and constituents. If and when, as elected leaders and concerned citizens, we disagree on sensitive issues and controversial public policies, let us reason together in our search for truth, integrity and just solutions to current legislative challenges. Grant us the wisdom, confidence and goodwill to work together in building a stable, safe and ethical society in which the rights of all are recognized and respected.

Grant Your blessings to the Speaker, the members and employees of this House and their families. Amen.

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

Statement Concerning Representative Koutoujian of Waltham.

A statement of Mr. Mariano of Quincy concerning Mr. Koutoujian of Waltham 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, Mr. Koutoujian of Waltham, is unable to be present in the House Chamber for today's sitting due to attending to his wife, Elizabeth, who gave birth to their daughter yesterday. Had he been present for the taking of the yeas and nays on passing to be engrossed, in concurrence, the Senate Bill relative to an appeal process of insurance premium surcharges under managed competition (Senate, No. 2022, amended), he would have voted in the affirmative. Any roll calls that he may miss today will be due entirely to the reason stated.

Appointment to an Advisory Council.

The Minority Leader announced that (under Section 33 of Chapter 215 of the Acts of 2008) he had appointed Ms. Victoria L. Griffin, the Early Childhood Coordinator at the RISE Preschool in the town of Reading, to serve as a member of the State Advisory Council on Early Education and Care.

Prayer.

Pledge of allegiance.

Statement Concerning Representative Koutoujian of Waltham.

Early Education and Care advisors.

Pending the question on adoption of the order, Messrs. DeLeo of Winthrop and Jones of North Reading moved to amend it in line 7 by inserting after the word "Means" the following:— "; provided however, that such recommended new text for Senate, No. 2024, shall be available to the members of the House of Representatives no later than six o'clock P.M. on Friday, April 3, 2009".

After debate the amendment was adopted.

The order (House, No. 4046, amended) then also was adopted.

By Mr. Murphy of Burlington, for the committee on Ways and Means, that the Bill relative to an appeal process of insurance premium surcharges under managed competition (Senate, No. 2022, amended) ought to pass. Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Insurance premium surcharges.

Mr. Kafka of Stoughton, for said committee, then reported recommending that the matter be scheduled for consideration by the House.

Under suspension of Rule 7A, on motion of Mr. Pedone of Worcester, the bill was read a second time forthwith; and it was ordered to a third reading.

Subsequently, under suspension of the rules, on motion of Mr. Murphy of Weymouth, the bill (having been reported by the committee on Bills in the Third Reading to be correctly drawn) was read a third time.

After debate on the question on passing the bill to be engrossed, in concurrence, Mr. Patrick of Falmouth asked for a count of the House to ascertain if a quorum was present. The Chair (Mr. Petrolati of Ludlow) stated that a quorum was present.

Quorum.

After further debate on the question on passing the bill to be engrossed, in concurrence (Mrs. Haddad of Somerset being in the Chair), Ms. Clark of Melrose moved to amend it in lines 16, 17 and 18 by striking out the words "or merit rating plan was not in accordance with those standards and provisions, it shall order the insurer to make the appropriate premium adjustment and it shall notify the merit rating board to remove the insured's corresponding surcharge points" and inserting in place thereof the words ", merit rating plan or determination of fault was not in accordance with said standards and provisions, it shall order the insurer to make the appropriate premium adjustment and the insurer shall notify the merit rating board and any other data collection agency the insurer reported the surcharge or at fault accident to, to remove the insured's surcharge points and at fault determination".

After remarks the amendment was adopted.

Pending the question on passing the bill, as amended, to be engrossed, in concurrence, Mr. Petrolati of Ludlow asked for a count of the House to ascertain if a quorum was present. The Chair (Mrs. Haddad of Somerset), having determined that a quorum was not in attendance, then directed the Sergeant-at-Arms to secure the presence of a quorum.

Quorum.

Subsequently a roll call was taken for the purpose of ascertaining the presence of a quorum; and on the roll call (the Speaker being in the Chair) 149 members were recorded as being in attendance.

Quorum,—
yea and nay
No. 47.

[See Yea and Nay No. 47 in Supplement.]

Therefore a quorum was present.

Bill passed to
be engrossed,—
yea and nay
No. 48.

After remarks 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 Mr. Rosa of Leominster; and on the roll call (Mrs. Haddad of Somerset being in the Chair) 158 members voted in the affirmative and 0 in the negative.

[See Yea and Nay No. 48 in Supplement.]

Therefore the bill (Senate, No. 2022, amended) was passed to be engrossed, in concurrence. Sent to the Senate for concurrence in the amendment.

Order.

On motion of Mr. DeLeo of Winthrop,—

Next
sitting.

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

Representatives Walsh of Boston and St. Fleur of Boston then moved that as a mark of respect to the memory of Richard F. Finnigan, a member of the House from Boston from 1973 to 1978, inclusive, the House adjourn; and the motion prevailed.

Accordingly, without proceeding to consideration of the matters in the Orders of the Day, at twenty-three minutes after three o'clock P.M., on motion of Mr. Walsh of Boston (Mrs. Haddad of Somerset being in the Chair), the House adjourned, to meet the following Monday at eleven o'clock A.M., in an Informal Session.

Yea and Nay Supplement
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Yea and Nay No. 48

On passing to be engrossed, in concurrence, as amended, the Senate Bill relative to an appeal process of insurance premium surcharges under managed competition (Senate, No. 2022, amended).

Y	Mr. Speaker	Y	Driscoll	Y	Linsky	Y	Spiliotis
Y	Vallee	Y	Dwyer	Y	L'Italian	Y	Spellane
Y	Mariano	Y	Dykema	Y	Madden	Y	Speranzo
Y	Haddad	Y	Ehrlich	Y	Malia	Y	Spiliotis
Y	Petrolati	Y	Fagan	Y	McCarthy	Y	Stanley, H.L.
Y	Aguiar	Y	Fallon	Y	McMurtry	Y	Stanley, T.M.
Y	Alicia	Y	Falzone	Y	Miceli	Y	St. Fleur
Y	Allen	Y	Fennell	Y	Moran	Y	Story
Y	Arciero	Y	Fernandes	Y	Murphy, C.A.	Y	Straus
Y	Ashe	Y	Ferrante	Y	Murphy, J.	Y	Sullivan
Y	Atkins	Y	Finegold	Y	Murphy, K.J.	Y	Swan
Y	Atsalis	Y	Flynn	Y	Nangle	Y	Timilty
Y	Ayers	Y	Forry	Y	Naughton	Y	Tobin
Y	Balser	Y	Fox	Y	Nyman	Y	Toomey
Y	Basile	Y	Frasolo	Y	O'Day	Y	Torrisi
Y	Benson	Y	Galvin	Y	O'Flaherty	Y	Turner
Y	Binienda	Y	Garballey	Y	Patrick	Y	Wagner
Y	Bosley	Y	Garry	Y	Peake	Y	Wallace
Y	Bowles	Y	Gobi	Y	Pedone	Y	Walsh, M.J.
Y	Bradley	Y	Golden	Y	Peisch	Y	Walsh, S.
Y	Brady	Y	Grant	Y	Pignatelli	Y	Wals
Y	Brownberger	Y	Greene	Y	Provost	Y	Welch
Y	Cabral	Y	Gregoire	Y	Puppolo	Y	Wolf
Y	Callahan	Y	Guyer	Y	Quinn	Y	Jones
Y	Caltar	Y	*Harkins	Y	Reinstein	Y	Peterson
Y	Campbell	Y	Hecht	Y	Rice	Y	Hill
Y	Canavan	Y	Hogan	Y	Richardson	Y	Poirier
Y	Canessa	Y	Honan	Y	Rodrigues	Y	Barrows
Y	Cantwell	Y	Kafka	Y	Rogers	Y	deBacado
Y	Clark	Y	Kane	Y	Rosa	Y	Evangelidis
Y	Coakley-Rivera	Y	Kaufman	Y	Rush	Y	Frost
Y	Conroy	Y	Keenan	Y	Rushing	Y	Gifford
Y	Costello	Y	Khan	Y	Sanchez	Y	Hargraves
Y	Creedon	Y	Kocot	Y	Sandlin	Y	Hmason
Y	Curran	Y	Koczera	Y	Sannicandro	Y	Perry
Y	D'Amico	X	Koutoujian	Y	Scaccia	Y	Polito
Y	Dempsey	Y	Kujawski	Y	Scibak	Y	Ross
Y	DiNatale	Y	Kulik	Y	Sciortino	Y	Smola
Y	Donato	Y	Lantigua	Y	Smith	Y	Webster
Y	Donelan	Y	Lewis	Y	Suizik		

YEAS: 158

NAYS: 0

N-V: 1

P=PRESENT

X=NOT VOTING

*=AFTER VOTE

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The Commonwealth of Massachusetts

JOURNAL OF THE HOUSE.



THURSDAY, APRIL 9, 2009.

[34]

JOURNAL OF THE HOUSE,

the Special Commission established (pursuant to Chapter 9 of the Resolves of 2008) relative to designating 1,000 great places in the Commonwealth.

Respectfully submitted,

WILLIAM F. WELCH,
Clerk of the Senate.

Reports of Committees.

Transportation
reform bill,—
procedures.

Mr. Binienda of Worcester, 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 Senate Bill preserve and protect the integrity of the state pension system (Senate, No. 2026) (for order, see House, No. 4053); and the order was adopted.

Emergency Measure.

Motor vehicle
insurance
charges.

The engrossed Bill relative to an appeal process of insurance premium surcharges under managed competition (see Senate, No. 2022, 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 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.

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.

Engrossed Bill.

Bill
enacted.

The engrossed bill relative to the Charter in the town of Auburn (see House No. 4049) (which originated in the House), 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.

Orders of the Day.

Third
reading
bill.

The House Bill establishing a sick leave bank for Christine Burns Clark, an employee of the Department of Public Health (House, No. 2524), 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.

Order.

Next
sitting.

On motion of Mr. DeLeo of Winthrop,—
Ordered, That when the House adjourns today, it adjourn to meet Monday next at eleven o'clock A.M.