

Wednesday, January 14, 2009.

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 the Reverend Robert F. Quinn, C.S.P., Chaplain of the House, as follows:

Prayer. Eternal God, we, as a nation, place our trust and confidence in You, Your ways and Commandments, which You have made known to us. These offer us peace of mind. In Your goodness, strengthen our resolve to achieve the purpose for which we have been created by You. In these busy and stressful times, inspire us to keep our goals and hopes in clear perspective as we struggle to carry out our daily responsibilities. In addressing the unusual and different current challenges in the country and the Commonwealth, let us continue to be filled with optimism, creativity and eagerness in resolving issues. Teach us to welcome the sound advice of constituents and colleagues in working through the matters before us. May we remain faithful to our commitments to encourage all members of our communities to utilize their human talents and natural gifts to advance their own well-being and the common good of all.

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

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.

John Orlando and Matteo Russo. At the request of Ms. Ferrante of Gloucester, the members, guests and employees stood in a moment of silent tribute for two adopted sons of the city of Gloucester, John Orlando and his son-in-law Matteo Russo, who died early on Saturday, January 3, while commercial fishing on a family-owned boat.

Lieutenant Kevin Kelley. At the request of Mr. Walsh of Boston, the Boston delegation, Mr. Ayers of Quincy and the Quincy delegation, the members, guests and employees stood in a moment of silent tribute in honor of Lieutenant Kevin Kelley of the Boston Fire Department.

Statement Concerning Representative Flynn of Bridgewater.

Statement concerning Representative Flynn of Bridgewater. A statement of Mr. Rogers of Norwood concerning Mr. Flynn of Bridgewater 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. Flynn of Bridgewater was unable to be present in the House Chamber for today's sitting due to illness. If he were able to be present for the taking of the yeas and nays on passing to be engrossed the House Bill expanding the Governor's authority to address deficiencies in revenue (House, No. 98,

amended), he would have voted in the affirmative. His missing of roll calls today and for the next several weeks is due entirely to the reason stated.

Statement Concerning Representative Murphy of Weymouth.

A statement of Mr. Rogers of Norwood concerning Mr. Murphy of Weymouth 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. Murphy of Weymouth, is unable to be present in the House Chamber for today's sitting due to a medical procedure. His missing of roll calls today will be due entirely to the reason stated.

Statement concerning Representative Murphy of Weymouth.

Statement Concerning Representative Perry of Sandwich.

A statement of Mr. Jones of North Reading concerning Mr. Perry of Sandwich 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. Perry of Sandwich, is unable to be present in the House Chamber for today's sitting due to a previously-scheduled family commitment. His missing of roll calls today will be due entirely to the reason stated.

Statement concerning Representative Perry of Sandwich.

Statement Concerning Representative Poirier of North Attleborough.

A statement of Mr. Jones of North Reading concerning Mrs. Poirier of North Attleborough 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, Mrs. Poirier of North Attleborough, is unable to be present in the House Chamber for today's sitting because she is recovering from a recent medical procedure. Her missing of roll calls today and for the next several weeks is due entirely to the reason stated.

Statement concerning Representative Poirier of North Attleborough.

Annual Report.

The annual report of the Public Employee Retirement Administration Commission (under sections 21, 102 and 103 of Chapter 32 of the General Laws) relative to the percentum change in the average cost-of-living as shown by the United States consumer price index for the year 2008 compared with such index for the year 2007 (House, No. 97) was referred to the committee on Public Service. Sent to the Senate for concurrence.

Retirees,—cost-of-living adjustment.

Order.

On motion of Mr. Golden of Lowell,—
Ordered. That, notwithstanding the provisions of House Rule 22, prior to the appointment of members to the committee on Bills in the Third Reading, the Counsel to the House of Representatives shall be authorized to perfect bills and resolves ordered to a third reading by the House.

House Counsel,—perfecting of bills.

Recesses.

Recesses.

At twenty minutes after eleven o'clock A.M., on motion of Mr. Kaufman of Lexington (Mr. Donato of Medford being in the Chair), the House recessed until the hour of one o'clock P.M.; and at twenty minutes after one o'clock the House was called to order with Mr. Donato in the Chair.

The House thereupon took a further recess, on motion of Mr. Smizik of Brookline, until twenty-five minutes before two o'clock; and at twenty-three minutes after two o'clock the House was called to order with the Speaker in the Chair.

Order.

On motion of Mr. Scaccia of Boston,—

Ordered, That, notwithstanding the provisions of Joint Rule 12, petitions, and all other subjects of legislation, shall be deposited with the Clerk of either branch prior to five o'clock in the afternoon on Friday, January 16, 2009.

Joint Rule 12,— extend deadline.

Report of a Committee.

By Mr. Scaccia of Boston, for the temporary committee on Rules, on House, No. 96, a Bill expanding the Governor's authority to address deficiencies in revenue (House, No. 98), which was read.

Revenue deficiencies,— Governor's authority.

Under suspension of the rules, on motion of Mr. DeLeo of Winthrop, the bill was read a second time forthwith.

After debate on the question on ordering the bill to a third reading, Mr. Jones of North Reading and other members moved to amend it in line 20 by inserting after the word "year" the words "after the effective date of this act".

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 (Mr. Petrolati of Ludlow being in the Chair), 20 members voted in the affirmative and 135 in the negative.

Amendment rejected,— yeas and nays No. 1.

[See Yea and Nay No. 1 in Supplement.]

Therefore the amendment was rejected.

Mr. Jones and other members then moved to amend the bill in line 19 by striking the figures "1/3" and inserting in place thereof the figures "1/4".

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, 18 members voted in the affirmative and 137 in the negative.

Amendment rejected,— yeas and nays No. 2.

[See Yea and Nay No. 2 in Supplement.]

Therefore the amendment was rejected.

Messrs. Brownsberger of Belmont, Jones of North Reading, Dwyer of Woburn, Lewis of Winchester, Hecht of Watertown and Cantwell of Marshfield then moved to amend the bill in line 32 by striking out the following: "(2) the existence of any local reserve funds"; and the amendment was adopted.

Ms. Grant of Beverly and other members then moved to amend the bill in lines 33 by striking out the following: "(4)" and inserting in place thereof the following: "(4) whether a community is collecting real estate taxes at their levy limit; and (5)"; and the amendment was rejected.

Mr. Jones of North Reading and other members then moved to amend the bill in line 20 by inserting after the word "year" the following: "; provided, that prior to any reduction in payments to a municipality or regional school district to items 0611-5500, 7061-0008 or lottery distributions in section 2 and 3, including the General Fund supplement to hold harmless lottery aid, of chapter 182 of the acts of 2008, from the amounts appropriated in said chapter 182, the comptroller shall transfer any unexpended balances for accounts 0411-1002 and 0411-1003 to the General Fund".

Pending the question on adoption of the amendment, Ms. St. Fleur of Boston raised a point of order that the amendment (offered by Mr. Jones of North Reading, et als) was improperly before the House for the reason that it went beyond the scope of the pending bill.

Point of order.

The Chair (Mr. Petrolati of Ludlow) stated that the point of order was well taken; and the amendment was laid aside accordingly.

Mr. Stanley of Waltham then moved to amend the bill in lines 31 to 34, inclusive, by striking out the following: "consider the following: (1) the impact on the annual budget of each municipality or regional school district; (2) the existence of any local reserve funds; (3) the percentage of the municipality's or regional school district's budget that comes from the state; and (4) any other factor that he considers important" and inserting in place thereof the following: "follow existing local aid and Chapter 70 formulas".

The amendment was rejected; and the bill (House, No. 98, amended) was ordered to a third reading.

Mr. Donato of Medford being in the Chair,—

Under suspension of the rules, on motion of Mr. DeLeo of Winthrop, the bill (having been perfected by the House Counsel, in accordance with an order previously adopted by the House) was read a third time.

After debate on the question on passing the bill, as amended, to be engrossed, the sense of the House was taken by yeas and nays, at the request of Mr. Peterson of Grafton; and on the roll call, 132 members voted in the affirmative and 22 in the negative.

Bill passed to be engrossed,— yeas and nays No. 3.

[See Yea and Nay No. 3 in Supplement.]

Therefore the bill (House, No. 98, amended) was passed to be engrossed. Sent to the Senate for concurrence.

Recess.

At five minutes before six o'clock P.M., on motion of Mr. Wallace of Boston (Mr. Donato of Medford being in the Chair), the House recessed subject to the call of the Chair; and at half past six o'clock the House was called to order with the Speaker in the Chair.

Recess.

Paper from the Senate.

The following order, which came from the Senate with the endorsement that it had been adopted by said branch, was adopted, in concurrence, as follows:

Convention
of the two
branches.

Ordered, That, a convention of the two branches be held at a quarter before seven o'clock P.M., on Thursday, January 15, 2009, for the purpose of receiving such communication as the Governor, Deval L. Patrick, may be pleased to make to them relating to the concerns of the Commonwealth.

Recess.

Recess.

At twenty-eight minutes before seven o'clock P.M., the Speaker declared a recess subject to the call of the Chair; and at eighteen minutes after seven o'clock the House was called to order with Mr. Donato of Medford in the Chair.

Emergency Measure.

Revenue
deficiencies,—
Governor's
authority.

The engrossed Bill expanding the Governor's authority to address deficiencies in revenue (House, No. 98, 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 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 House) was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

Order.

Next
sitting.

On motion of Mr. DiMasi of Boston,—
Ordered, That when the House adjourns today, it adjourn to meet tomorrow at a quarter after six o'clock P.M.

At twenty-eight minutes after seven o'clock P.M., on motion of Mr. Jones of North Reading (Mr. Donato of Medford being in the Chair), the House adjourned, to meet the following day at a quarter after six o'clock P.M., in an Informal Session.