JOURNAL OF THE HOUSE.

Thursday, January 29, 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.

Moment of Silence.

National Holocaust Day.

During the session (Mr. Donato of Medford being in the Chair), at the request of Representatives Kafka of Stoughton, Smizik of Brookline, Kaufman of Lexington, Straus of Mattapoisett, Linsky of Natick, Michlewitz of Boston, Balser of Newton, Khan of Newton, Ehrlich of Marblehead, Gordon of Burlington and Howitt of Seekonk, the members, guests and employees stood for a moment of silent tribute in remembrance of National Holocaust Day. Seventy years ago this week, Allied Forces liberated the death camps at Auschwitz-Birkenau, where over 1.1 million people were killed in one of the most horrific tragedies in human history. As the survivors of these atrocities become fewer and fewer with each passing year, we must be even more vigilant in our efforts to remember and mark these unspeakable acts in order to ensure that they never occur again.

Statement Concerning Representative Decker of Cambridge.

A statement of Mrs. Haddad of Somerset concerning Ms. Decker of Cambridge was spread upon the records of the House, as follows:

Statement concerning Ms. Decker of Cambridge.

MR. SPEAKER: I would like to call to the attention of the House the fact that one of our colleagues, Representative Decker of Cambridge, is unable to be present in the House Chamber for today's sitting due to a medical issue. Her missing of roll calls today is due entirely to the reason stated.

Statement Concerning Representative Fiola of Fall River.

A statement of Mr. Rushing of Boston concerning Ms. Fiola of Fall River was spread upon the records of the House, as follows:

Statement concerning Ms. Fiola of Fall River.

MR. SPEAKER: I would like to call to the attention of the House the fact that one of our colleagues, Representative Fiola of Fall River, was unable to be present in the House Chamber for the latter portion of today's sitting due to an important matter in her district that required her attention. Had she been able to be present, she would have voted in the affirmative on yea and nay Nos. 9 and 16, both of which were on adoption of amendments, and also in the affirmative on yea and nay Nos. 15 and 21, on adoption of the orders for House Rules and Joint Rules, respectively; and she would have voted in the negative on yea and nay Nos. 8, 10, 11, 12, 13, 14, 17, 18, 19 and 20, all of which were on adoption of amendments. Her missing of roll calls today is due entirely to the reason stated.

Statement Concerning Representative Fox of Boston.

A statement of Mr. Mariano of Quincy concerning Ms. Fox of Boston was spread upon the records of the House, as follows:

Statement concerning Ms. Fox of Boston.

MR. SPEAKER: I would like to call to the attention of the House the fact that one of our colleagues, Representative Fox of Boston, is unable to be present in the House Chamber for today's sitting due to previously scheduled appointments. Her missing of roll calls today is due entirely to the reason stated.

Reports of a Committee.

Michelle Shuman,—sick leave.

By Mr. Mariano of Quincy, for the temporary committee on Rules, on a petition, a Bill establishing a sick leave bank for Michelle Shuman, an employee of the Trial Court (House, No. 45), which was read.

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

Subsequently, the noon recess having terminated, under suspension of the rules, on further motion of the same member, the bill (having been certified by the House Counsel to be correctly drawn) was read a third time; and it was passed to be engrossed. Sent to the Senate for concurrence.

Lisa Carlson,—sick leave.

By Mr. Mariano of Quincy, for the temporary committee on Rules, on a petition, a Bill establishing a sick leave bank for Lisa Carlson, an employee of the Department of the State Police (House, No. 46), which was read.

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

Subsequently, the noon recess having terminated, under suspension of the rules, on further motion of the same member, the bill (having been certified by the House Counsel to be correctly drawn) was read a third time.

Pending the question on passing the bill to be engrossed, Mr. Speliotis of Danvers moved to amend it by inserting before the enacting the clause the following emergency preamble:

"*Whereas*, The deferred operation of this act would tend to defeat its purpose, which is to establish forthwith a sick leave bank for a certain employee of the department of state police, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.".

The amendment was adopted; and the bill, as amended, was passed to be engrossed. The bill (House, No. 46, amended) then was sent to the Senate for concurrence.

Stephanie Shanen,—sick leave.

By Mr. Mariano of Quincy, for the temporary committee on Rules, on a petition, a Bill establishing a sick leave bank for Stephanie Shanen (House, No. 47), which was read.

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

Stephanie Shanen,— sick leave.

Subsequently, the noon recess having terminated, under suspension of the rules, on further motion of the same member, the bill (having been certified by the House Counsel to be correctly drawn) was read a third time; and it was passed to be engrossed. Sent to the Senate for concurrence.

Recess.

Recess.

At eight 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 subject to the call of the Chair; and at seventeen minutes before two o'clock P.M., the House was called to order by Mr. Donato.

Report of a Committee.

Robert Paterwic,— sick leave.

By Mr. Mariano of Quincy, for the temporary committee on Rules, on a petition, a Bill creating a sick leave bank for Robert Paterwic (House, No. 48), which was read.

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

Emergency Measure.

Mary Ellen Dean,— sick leave.

The engrossed Bill establishing a sick leave bank for Mary Ellen Dean, an employee of the Department of Developmental Services (see House, No. 44), 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 14 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.

Orders.

House Rules.

An Order (filed this day by Mr. Mariano of Quincy) relative to House Rules governing the 2015-2016 legislative sessions (House, No. 2015), was referred to the temporary committee on Rules.

Mr. Mariano, for said committee, then reported recommending that the order ought to be adopted.

Under suspension of the rules, on motion of the same member, the order was considered forthwith.

Pending the question on adoption of the order, Mr. Jones of North Reading and other members of the House moved to amend it in proposed Rule 12, in the first sentence, by striking out the word "formal", in said rule by striking out the following two sentences: "The Clerk shall dispense with preparing and making available a Calendar for designated Informal Sessions of the House. As soon as practicable whenever the Clerk prepares a Calendar or advance Calendar under this rule, he also shall cause a true copy thereof to be posted on the Legislative Web Page that is generally available to all members and their staff, and reasonably promptly thereafter he shall cause the members and their staff to be notified of the same by way of electronic mail." and inserting in place thereof the following two sentences: "Whenever the Clerk prepares a Calendar or advance Calendar under this rule, the Clerk shall also cause a true copy thereof, to be posted on the Legislative Web Page that is generally available to all members and their staff. Reasonably promptly thereafter, but at least one half hour prior to the start of the session, the Clerk shall cause the members and their staff to be notified of the same by way of electronic mail.", and by adding at the end of said rule the following sentence: "Not less than 15 minutes prior to the convening of each session, the Clerk shall also make available by electronic mail transmission to all members of the House and legislative staff a list of all miscellaneous papers to be considered during the session including, but not limited to, reports of committees, engrossed bills, messages from the Governor and papers from the Senate, provided that the Clerk is in receipt of such papers.".

Amendments rejected,— yea and nay No. 1.

After remarks on the question on adoption of the amendments, the sense of the House was taken by yeas and nays, at the request of Mr. Jones of North Reading; and on the roll call 36 members voted in the affirmative and 119 in the negative.

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

Therefore the amendments were rejected.

Mr. Jones of North Reading and other members of the House then moved to amend the order in proposed Rule 1, in line 6, by inserting after the word "business." the following two sentences: "If the House has not begun proceedings within thirty minutes of the hour to which the House stands adjourned, the Speaker shall forthwith, and without debate, adjourn or recess the House to a time not earlier than ten o'clock A.M. on the next succeeding calendar day. For the purposes of this rule, proceedings shall mean voting and debate."; and the amendment was rejected.

Mr. Jones and other members of the House then moved to amend the order in proposed Rule 17A, in line 442, after the word "meeting.", by inserting the following paragraph:

"No matter reported to the House from an executive session or by the Rules committee in any session shall be taken up for consideration until twenty-four hours, not including Saturdays, Sundays, and legal holidays, shall have elapsed from the time of its reporting, except in the cases of emergency, in which cases the provisions of this paragraph may be suspended by a two-thirds vote of the members present and voting.".

Amendment rejected,— yea and nay No. 2.

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 38 members voted in the affirmative and 115 in the negative.

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

Therefore the amendment was rejected.

Mr. Jones of North Reading and other members of the House then moved to amend the order by inserting after proposed rule 13A the following rule:

"13B. The Clerk shall prepare a report on committee activity at every two years. The annual report shall contain an accounting of the number

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of bills referred to each committee and the number of bills heard during the previous twelve month period. The annual report shall also indicate the disposition of bills referred to each committee. Such report shall be filed annually, by January 10th, for the preceding calendar year.".

The amendment was rejected.

Mr. D'Emilia of Bridgewater and other members of the House then moved to amend the order by inserting after proposed Rule 20B the following rule:

"20C. The House shall consider a resolution no later than March 15 in each year, defining the minimum financial contribution the Commonwealth will make to cities and towns for chapter 70 aid, so called, and unrestricted general government aid for the following fiscal year.".

Amendment rejected,—yea and nay No. 3.

After remarks on the question on adoption of the amendment, the sense of the House was taken by yeas and nays, at the request of Mr. D'Emilia; and on the roll call 38 members voted in the affirmative and 118 in the negative.

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

Therefore the amendment was rejected.

Mr. Jones of North Reading and other members of the House then moved to amend the order by inserting after proposed Rule 10B the following rule:

"10C. All committee rules and practices that are contained within or referred to by the House Rules or Joint Rules, other than the internal practices of each committee, shall be within the domain of the Clerk to enforce in accordance with the Clerk's duties as official parliamentarian of the House of Representatives.".

After remarks the amendment was rejected.

Mrs. O'Connell of Taunton and other members of the House then moved to amend the order by striking out proposed Rule 85A and inserting in place thereof the following rule:

"85A. The House Business Manager, with the approval of House Counsel, shall provide that outside, independent audits of House financial accounts be conducted for each fiscal year upon receipt of the fiscal year end appropriation activity with balance report from the comptroller of the Commonwealth. The audit shall be conducted in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in Government Auditing Standards, issued by the Comptroller General of the United States. The House Business Manager shall provide the independent auditor with requested documents for such audit. A copy of such audit, including a list of documents requested and received by the independent auditor, shall be filed electronically with the Clerk of the House and posted on the House website. Copies shall be made available to the members and the general public.".

Amendment rejected,—yea and nay No. 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 Mrs. O'Connell; and on the roll call 38 members voted in the affirmative and 118 in the negative.

[See Yea and Nay No. 4 in Supplement.]

Therefore the amendment was rejected.

Mr. Jones of North Reading and other members of the House then moved to amend the order by striking proposed Rule 16A and inserting in place thereof the following:

"CODE OF ETHICS.

16A. (1) General.

(i) Purpose and Applicability. The people of the Commonwealth of Massachusetts expect and deserve legislators and legislative staff who maintain the highest ethical standards to ensure public trust, respect and confidence in state government. Members and legislative staff have a solemn responsibility to refrain from conduct that is unbecoming to the General Court or inconsistent with the ability of the House of Representatives to maintain the trust, respect and confidence of the public we serve. These rules shall be construed and enforced by the House Ethics Committee. Nothing in these rules shall excuse Members from complying with all other applicable constitutional and statutory requirements regarding criminal law, conflicts of interest, Statements of Financial Interest, campaign finance reports, and state and federal income tax returns or other ethical compliance as required by law. These rules, however, hold Members and legislative staff to a higher standard of ethical conduct than prescribed by statute and constitute an additional obligation and responsibility for Members and legislative staff. As used in these rules, "staff" shall include all legislative staff as well as House employees other than Members. These rules impose an additional condition of employment for all staff.

(ii) Inherent Obligation of Ethical Conduct. Written rules of conduct cannot anticipate or define every possible act or circumstance that may create ethical issues or breaches by Members or staff, so Members and staff have an inherent obligation of ethical and honorable dealings with the public and with their colleagues and employees and shall promote an atmosphere in which ethical conduct is readily recognized as a priority of the House and is practiced continually without exception. Nothing in these rules shall prevent the Ethics Committee or the House from taking appropriate action in the event a Member or staff engages in conduct inconsistent with their public office, violates state or federal criminal law, or causes the House to fall into public disrepute.

(iii) Professional Conduct and Civility. The House requires an atmosphere of professional conduct and civility among its Members and staff and shall not tolerate harassment, invidious discrimination, or offensive behavior based on race, color, religion, national origin, gender, age, disability, or sexual orientation. Members and staff shall refrain from sexual harassment, including unwelcome sexual advances, requests for sexual favors, or other verbal, non-verbal or physical conduct of a sexually harassing nature, when (1) submission to the harassment is made either explicitly or implicitly a term or condition of employment or other employment determination, or (2) the harassment has the purpose or effect of unreasonably interfering with an individual's work performance or creates an intimidating, hostile, or offensive working environment.

(iv) Enforcement. These rules shall be enforced by the House upon report of the Ethics Committee, except that with a Member's or staff's consent and in appropriate circumstances the Ethics Committee may

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issue a private admonition to said Member or staff without any report to or further action of the House. The Ethics Committee shall have the exclusive jurisdiction to ensure compliance with these rules of conduct by investigation and report to the House.

(2) Principles of Public Service. The following principles shall guide Members and staff in their conduct in office and shall guide the Ethics Committee in construing and applying the Code of Conduct.

(i) Public Office as a Public Trust. Members and staff shall treat their office or position as a public trust, only using the powers and resources of public office to advance public interests, and not to attain personal benefits or other private interest incompatible with the public good.

(ii) Exercise of Independent Objective Judgment. Members and staff shall use independent objective judgment in performing their duties, deciding all matters on the merits free from real or reasonably perceived conflicts of interest and free from real or reasonably perceived improper influences.

(iii) Public Accountability. Members and staff shall assure that government is accountable to the people and that the business of government is conducted openly, equitably and honorably; provided however, that Members may vote to conduct business in Executive Session or to comply with rules of procedure adopted by vote in open session.

(iv) Ethical Standards and Private Life. Members and staff have the right to privacy and the conduct of their personal lives is outside the purview of these rules, except where a Member's or staff's personal life becomes the subject of general public notice as a result of the Member's or staff's own conduct or activity which the Member or staff reasonably should have foreseen would be made public by others. The conduct of a Member's or staff's family is outside the purview of these rules.

(3) Prohibited Conduct. Members and staff shall not engage in the following specific instances of conduct, nor shall any Member cause or direct any staff to engage in the following specific instances of conduct, without first disclosing in writing any anticipated such conduct to the Ethics Committee and receiving 2/3 approval in writing from the Ethics Committee regarding the same.

(i) Quid Pro Quo. No Member or staff may accept any economic opportunity, other than lawful compensation for public duties, where he knows or reasonably should know from the circumstances that there a substantial possibility that the opportunity is being afforded to him with the intent to influence his conduct in the performance of his official duties.

(ii) Excessive Compensation in Private Employment. No Member or staff may charge or accept from a person known to have a legislative interest a price, fee, compensation, or other consideration for the sale or lease of any property or furnishing of services which is substantially in excess of that which is the Member or staff would charge in the ordinary course of business or which is significantly in excess of the fair market value of such property or services.

(iii) Nepotism. Neither the House nor any Member shall employ any person who is related to any Member of the General Court by blood or marriage as an immediate family member, including parents, children, spouses, siblings, grandparents, grandchildren, aunts, uncles, nieces or nephews. Provided, however, that any such person employed in the General Court as of the date this rule is adopted may continue to be employed if the Member having such relationship promptly makes written disclosure of such relationship to the Ethics Committee which shall file with the House Clerk a list of all such persons so exempt from the immediate application of this rule, including a description of the relationship and the name of the employee. And further provided, however, that no employee of the General Court whose employment predated the election of a related Member shall be subject to this rule.

(iv) Misuse of State Resources. No Member or staff may use public funds, facilities, equipment, services, mailing lists, data bases, or other governmental assets or resources for a non-legislative purpose, including but not limited to the support or opposition to partisan political activity or for the private benefit of the Member or staff, or another person. Provided, however, that the following limited uses of public resources may be used for Members' or staffs' personal benefit excluding partisan or campaign purposes:

1. Telephones and Email. Members or staff may use telephones and email for personal communication on a minimal basis, where the majority of such use relates solely to legislative duties and where the Member or staff earns or receives no financial compensation from such use;

2. Computer System. Members and staff may use computer equipment, search engines, and websites for personal communication on a minimal basis, where the majority of such use relates solely to legislative duties and where the Member or staff earns or receives no compensation from such use. The Ethics Committee may periodically request and receive a list of URL addresses and duration of visits to confirm compliance with this rule. Provided, however, that no Member or staff shall use the computer equipment or system to access online gambling or pornography;

3. Copier/Scanner/Fax. Members and staff may make use of photocopiers, scanners and fax machines for personal communication on a limited basis not to exceed ten pages per week.

4. Holiday Cards and Communication. Members and staff may use public databases or constituent databases for purposes of holiday cards as well as periodic newsletters to constituents and persons who have contacted the Member's office.

5. Public Availability. If any public resource is generally available to the public, any Member or staff may use and enjoy such resource to the same extent and on the same terms as the general public.

(v) Contribution Linkage. No Member or staff shall state or imply that the Member or staff will perform or refrain from performing a lawful constituent service based on a person's decision to provide or not to provide any political contribution, donate or not donate to a cause or candidate favored by the Member or staff, or provide or not to provide a thing of value.

(vi) Arms-Length Transactions. No Member shall knowingly engage in any business transaction with any person who has any direct financial interest in any pending special legislation.

(vii) Disclosure of Confidential Information. No Member or staff may knowingly make an unauthorized disclosure of information that is confidential by law and which was acquired in the course of official duties.

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(viii) State Ethics Commission Disclosures. Any Member or staff who files any disclosure with the State Ethics Commission, excluding the Statement of Financial Interest, shall simultaneously file a copy of such disclosure with the Ethics Committee.

(ix) Payment for Official Duties. No Member or staff shall solicit or accept any compensation or political contribution other than that provided for by law for the performance of official legislative duties.

(x) Service as Legislative Agents. No Member or staff shall serve as a legislative agent as defined in Chapter 3 of the General Laws regarding any legislation before the General Court.

(xi) Improper Influence. No Member or staff shall receive any compensation or permit any compensation to accrue to his or her beneficial interest by virtue of influence improperly exerted from his or her official position in the House.

(xii) Use of Confidential Information for Private Gain. No Member or staff shall willfully and knowingly disclose or use confidential information gained in the course of his or her official position to further his or her own economic interest or that of any other person.

(xiii) Voting Procedure. Except as provided in Rule 49, no Member shall cast a vote for any other Member, nor shall any officer or employee vote for any Member, except that the Clerk or an assistant Clerk may record a vote for a Member who votes late under the provisions of Rule 52, or is prohibited from voting from his desk due to a malfunction of the electronic roll call voting system; provided the Clerk's action shall not be construed as voting for said Member.

(xiv) Uncivil Conduct. No Member shall use profane, insulting, threatening, or abusive language in the course of public debate in the House Chamber or in testimony before any committee of the General Court.

(xv) No Show or Low Show Employment. No Member shall employ anyone from public funds who does not perform tasks which contribute substantially to the work of the House and which are commensurate with the compensation received; and no full-time staff shall engage in any outside business activity during regular business hours, whether the House is in session or not. All staff are assumed to be full time unless their personnel record indicates otherwise.

(xvi) Honoraria. No Member or staff shall accept or solicit an honorarium for a speech, writing for publication, or other activity from any person, organization or enterprise having a direct interest in legislation or matters before any agency, authority, board or commission of the Commonwealth which is in excess of the usual and customary value of such services.

(xvii) Gifts. No Member or staff shall knowingly accept any gifts from any legislative or executive agent. No Member shall accept any gift from any person or entity having a direct interest in legislation before the General Court (For the purpose of this paragraph, the definitions of "gift" and "person" are defined in subsections (g) and (m) of section 1 of chapter 268B of the General Laws).

(xviii) Campaign Funds. No Member shall convert campaign funds to personal use in excess of reimbursements for legitimate and verifiable campaign expenditures. Members shall consider all proceeds from testimonial dinners and other fund raising activities as campaign funds.

(xix) Private Interest. No Member shall serve on any committee or vote on any question in which his/her private right is immediately concerned, distinct from the public interest.

(xx) Confidentiality of Ethics Committee. No Member or staff shall violate the confidentiality of any proceeding before the Ethics Committee. Provided, however, that the Ethics Committee Chair and Ranking Minority Member may disclose information to the other Members of the Ethics Committee and the Ethics Committee may engage investigators as needed

(xxi) Arrest Or Indictment. No Member or staff may engage in criminal conduct. Any Member or staff who is arrested, indicted, criminally charged, or served as a defendant in any action under chapter 209A of the General Laws, shall forthwith in writing notify the Chair and Ranking Minority Member of the Ethics Committee of the fact of such occurrence. Thereafter, such Member or staff shall forthwith provide copies to the Chair and Ranking Minority Member of the Ethics Committee of any discovery documents received by the Member or staff or the Member's or staff's legal counsel including but not limited to police reports, complaints, witness statements, and grand jury testimony caption sheets. For purposes of this rule, forthwith disclosure means written disclosure within three business days after such document or discovery has been received by the Member or staff or by the Member's or staff's legal counsel.

(xxii) Procurement. No Member or staff may contact any agency or department of the Commonwealth, county, municipality or any independent authority regarding any public procurement that is pending before award or which the Member knows or should know will be pending the foreseeable future. Procurement decisions exceed the proper constitutional role of the legislative branch. Provided, however, that nothing in this rule shall preclude any Member from offering, debating, or voting in committee or on the floor of the House any legislative proposal or amendment that does not accrue to the benefit of any identified person or company except as may be subject to public, competitive procurement after appropriation.

(xxiii) Letters of Recommendation And Job References. Except as provided in this rule, no Member or staff may verbally communicate support for a position of public employment on behalf of another person. Members and staff shall limit job recommendations and references for public employment to written correspondence signed by the Member or staff. Members and staff may be listed as references and may respond to verbal communications initiated by others in response to such references.

(4) Lobbyists. In addition to the requirements set forth in the General Laws and any regulations or guidelines promulgated by the Secretary of State, this rule governs the conduct of Members and staff with respect to legislative agents. For purposes of this rule, Members and staff may reasonably rely after inquiry on the representation of any person regarding their status as a legislative agent unless the Member or staff has actual knowledge to the contrary.

(i) House Chamber. No legislative agent shall be permitted in the House Chamber at any time the House is convened in formal or informal session, except such legislative agents may be present in the House

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gallery when the gallery is open to members of the general public. Court officers shall be responsible for enforcing compliance with this rule.

(ii) Members' Lounge. No legislative agent shall be permitted at any time in the Members Lounge, except to attend meetings or presentations that are open the general public in the Members Lounge and then only while displaying the lobbyist badge described in paragraph (4)(i). Court officers shall be responsible for enforcing compliance with this rule.

(iii) Transactions with Lobbyists. No Member or staff may engage in any business transaction with legislative agent.

(5) Suspension of Ethics Rules. Rule 16A shall not be suspended except upon roll call vote of approval by 2/3 of the Members in formal session.".

After remarks the amendment was rejected.

After remarks on the question on adoption of the order, as amended, Mr. Frost of Auburn and other members of the House moved to amend it by inserting after Rule 33E the following rule:

"33F. No bill, resolve or order resulting in an increase in the taxation of persons in the Commonwealth shall be finally acted upon by the House of Representatives except by a call of the yeas and nays with two-thirds of the members present voting in favor of the increase; nor shall any such bill, resolve or order be considered for final passage after a date thirty days preceding the last date set by law for filing nomination papers with the local election authority for election to the General Court at the next biennial state election. This rule shall not be suspended except by a vote of two-thirds of the members present and voting thereon.".

Amendment rejected,—yea and nay No. 5.

On the question on adoption of the amendment, the sense of the House was taken by yeas and nays, at the request of Mr. Frost; and on the roll call 34 members voted in the affirmative and 121 in the negative.

[See Yea and Nay No. 5 in Supplement.]

Therefore the amendment was rejected.

Mrs. O'Connell of Taunton and other members of the House then moved to amend the order by striking out proposed Rule 20A in its entirety and inserting in place thereof the following rule:

"20A. Notwithstanding the provisions of Rule 33A, amendments to the General Appropriation Bill shall be filed with the Clerk of the House in a format to be determined by the Clerk by five o'clock P.M. within the close of five business days of said General Appropriation bill being made available in a format to be determined by the Clerk and release of said document by said Clerk if the release of said document occurs by ten o'clock A.M. Otherwise, the day following the release shall be considered the first business day. The Clerk, with the assistance of the committee on Ways and Means, shall categorize the subject-matter of the amendments and arrange such amendments for consideration sequentially by subject as appearing in the published version of the General Appropriation Bill, or the Clerk, with the assistance of the committee on Ways and Means, shall categorize the subject-matter of the amendments and arrange such subject matters for consideration as determined by the committee on Ways and Means. Debate on the General Appropriation Bill shall not commence until a date and time to be determined by the House which is subsequent to the designated time established for filing of amendments.

Before the main question on the General Appropriation Bill is placed before the House, an amendment may be postponed or withdrawn at the request of the primary sponsor of the amendment or postponed by the committee on Ways and Means; provided that further consideration of any amendment so postponed shall take place immediately subsequent to consideration of the amendments within the particular subject-matter to which the postponed amendment was assigned according to the provisions of paragraph one of said rule; provided that if more than one amendment is so postponed, subsequent consideration of said amendments shall be in the order determined by the committee on Ways and Means; provided further, an amendment so postponed shall not be subsequently considered outside of its assigned subject-matter; and provided further, that notwithstanding the provisions of Rule 33A, amendments submitted to the Clerk shall be in a format to be determined by the Speaker in consultation with said Clerk and shall include an original copy only; and provided further that perfecting or substitute amendments, including, but not limited to an amendment consolidating more than one amendment, may be submitted by the committee on Ways and Means during consideration of the subject category to which the amendment or amendments were assigned; provided, however, that an amendment may be removed from the consolidated amendment at the request of the sponsor of said amendment for the purpose of it being offered as a further amendment to the consolidated amendment.".

Amendment rejected,—yea and nay No. 6.

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 Mrs. O'Connell; and on the roll call 34 members voted in the affirmative and 122 in the negative.

[See Yea and Nay No. 6 in Supplement.]

Therefore the amendment was rejected.

Mr. Smola of Warren and other members of the House then moved to amend the order in proposed Rule 18 by striking out the first paragraph and inserting in place thereof the following paragraph;

18. The Speaker shall appoint, and may recommend the removal of, the Speaker pro Tempore, the Majority Floor Leader, Assistant Majority Floor Leader, and Second Assistant Majority Floor Leader. The Minority Leader shall appoint, and may recommend the removal of, the Assistant Minority Floor Leader, Second Assistant Minority Floor Leader, and Third Assistant Minority Floor Leader, Ranking minority member of the Ways and Means committee, Assistant Ranking minority member of the Ways and Means committee, Ranking minority member of the committee on Rules, Ranking minority member of the committee on Financial Services, Ranking minority member of the committee on Health Care Financing, Ranking minority member on the committee on the Judiciary, Ranking minority member of the committee on Bonding, Capital Expenditures, and State Assets, Ranking minority member of the committee Public Safety and Homeland Security, Ranking minority member on the committee on Transportation, and Ranking minority member of the committee on Economic Development and Emerging Technologies. The Minority Leader shall be that

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member of the minority party who is selected for that position by the members of his/her party.".

The amendment was adopted.

Pending the question on adoption of the order, as amended, Mr. Kuros of Uxbridge moved to amend it in proposed Rule 20A by adding the following sentence: "No more than one consolidated subject-category amendment may be considered in a single vote.".

Amendment rejected,—yea and nay No. 7.

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 34 members voted in the affirmative and 122 in the negative.

[See Yea and Nay No. 7 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 proposed Rule 17, in line 352, after the word "on", by inserting the words "Technology and"; and the amendment was adopted.

Mr. Jones of North Reading and other members of the House then moved to amend the order in proposed Rule 17, in line 355, by striking out the words ", insofar as practicable" and in line 356, after the word "Representatives", by inserting the following: "unless the chair of the committee submits to the Clerk a written description of the emergency, as defined by rule 17A, that necessitates such a scheduling and the Clerk makes said description available to the members.".

Amendments rejected,—yea and nay No. 8.

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 Mrs. Gifford of Wareham; and on the roll call 34 members voted in the affirmative and 121 in the negative.

[See Yea and Nay No. 8 in Supplement.]

Therefore the amendments were rejected.

Mr. DeLeo of Winthrop and other members of the House then moved to amend the order by striking out proposed Rule 17B and inserting in place thereof the following rule:

"17B. Whenever any member of a House committee present at the committee meeting so requests, the vote to give any legislation a favorable or adverse report shall be a recorded vote of the full committee. Such votes shall be recorded on appropriate forms that show all votes for and against the particular committee action; provided that votes may also be recorded in LAWS. The record of all such roll calls shall be kept in the offices of the committee and shall be posted on the website of the General Court within 48 hours of the vote for public inspection.

No report of a House committee on any legislation shall be final until those members of the committee present and voting with the majority have been given the opportunity to sign such appropriate forms before the report is made to the House. No signature shall be valid unless the forms to which the signatures are affixed include the substantially complete text of the legislation being reported.".

Amendment adopted,—yea and nay No. 9.

After remarks on the question on adoption of the amendment, the sense of the House was taken by yeas and nays, at the request of Miss Garry of Dracut; and on the roll call 155 members voted in the affirmative and 0 in the negative.

[See Yea and Nay No. 9 in Supplement.]

Therefore the amendment was adopted.

Mr. Kuros of Uxbridge then moved to amend the order in proposed Rule 33E, in line 890, by striking out the following: "30 minutes" and inserting in place thereof the words "two hours".

Amendment rejected,—yea and nay No. 10.

After remarks 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 34 members voted in the affirmative and 121 in the negative.

[See Yea and Nay No. 10 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 proposed Rule 16, in lines 203, 204 and 205, by striking out the following sentence: "The committee shall consist of eleven members, seven of whom shall be appointed by the Speaker, four of whom shall be appointed by the Minority Leader." and inserting in place thereof the following sentence: "The committee shall consist of eight members, four of whom shall be appointed by the Speaker, four of whom shall be appointed by the Minority Leader.".

Amendment rejected,—yea and nay No. 11.

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 Mrs. Poirier of North Attleborough; and on the roll call 35 members voted in the affirmative and 120 in the negative.

[See Yea and Nay No. 11 in Supplement.]

Therefore the amendment was rejected.

Mr. Kuros of Uxbridge then moved to amend the order by inserting after proposed Rule 72 the following rule:

"72A. Any studies created by an amendment in the first or second degree shall be considered the will of the House and shall be completed, independent of conference committee report recommendations.".

The amendment was rejected.

Representatives Diehl of Whitman and O'Connell of Taunton then moved to amend the order by inserting after proposed Rule 14 the following rule:

"14A. No member shall hold, for more than eight consecutive years, the office of Speaker of the House. For purposes of this rule, the counting of consecutive years shall commence on January 7, 2009.".

Amendment rejected,—yea and nay No. 12.

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. Lyons of Andover; and on the roll call 45 members voted in the affirmative and 110 in the negative.

[See Yea and Nay No. 12 in Supplement.]

Therefore the amendment was rejected.

Mr. Jones of North Reading and other members of the House then moved to amend the order by inserting after proposed Rule 20B the following rule:

"20C. An 'earmark' shall mean an appropriation for a specific program or project not originating with a written agency budget request or not included in the General Appropriation Bill or supplemental appropriation bill from the prior fiscal year.

Each request for an earmark included in an appropriations bill must be memorialized in writing on a form designed by the Clerk. The form must be posted in a readily-accessible location on the House website, listed on a page specifically dedicated to listing earmarks.

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The form must include the member's name who requested the earmark, and an explanation of the earmark requested.

Each request for an earmark included in the House Committee on Ways and Means version of an appropriations bill must be listed on a separate document prepared by the committee and placed on the members' desk before beginning debate of the appropriations bill on second reading. The document must include the members' name requesting the earmark, a brief description of the earmark, and such other information as the form may require.

An earmark request made while an appropriation bill is in the Senate and is included in the report of committee of conference. The chair of the House Committee on Ways and Means is charged with providing this form to the House membership.".

The amendment was rejected.

Mr. Jones and other members of the House then moved to amend the order by inserting, after proposed Rule 33E the following rule:

"33F. 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 yea and nay vote.".

Amendment rejected,—yea and nay No. 13.

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. Jones of North Reading; and on the roll call 34 members voted in the affirmative and 120 in the negative.

[See Yea and Nay No. 13 in Supplement.]

Therefore the amendment was rejected.

Representatives Diehl of Whitman and O'Connell of Taunton then moved to amend the order in proposed Rule 2, in lines 24 and 25, by striking out the sentence contained therein and inserting in place thereof the following sentence: "The use of audio-visual aids including, without limitation, videos, computers, posters, displays or charts shall be permitted only upon prior notification to the office of the Speaker.". The amendment was rejected.

Mr. Kuros of Uxbridge then moved to amend the order by inserting after proposed Rule 28A the following rule:

"28B. Any home rule petition bill that has been locally approved by municipal government shall be brought to the House floor for a vote within 120 days after appearing on the Calendar; provided it is in proper form and all legal and constitutional issues have been addressed. The Clerk shall note the 120 day deadline on each applicable bill when publishing the Calendar.".

Amendment rejected,—yea and nay No. 14.

After debate on the question on adoption of the amendment (Mrs. Haddad of Somerset being in the Chair), the sense of the House was taken by yeas and nays, at the request of Mr. Kuros of Uxbridge; and on the roll call 37 members voted in the affirmative and 117 in the negative.

[See Yea and Nay No. 14 in Supplement.]

Therefore the amendment was rejected.

Mrs. O'Connell of Taunton and other members of the House then moved to amend the order by striking out proposed Rule 85A and inserting in place thereof the following rule:

"85A. The House Business Manager, with the approval of House Counsel, shall provide that outside, independent audits of House financial accounts be conducted for each fiscal year upon receipt of the fiscal year end appropriation activity with balance report from the comptroller of the Commonwealth. The audit shall be conducted in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in Government Auditing Standards, issued by the Comptroller General of the United States. The House Business Manager shall provide the independent auditor with requested documents for such audit. A copy of such audit, including a list of documents requested and received by the independent auditor, shall be filed electronically with the Clerk of the House and posted on the House website; provided that all such documents submitted by the independent auditor shall be Americans with Disabilities Act compliant. Copies shall be made available to the members and the general public.".

Point of order.

Mr. Bradley of Hingham thereupon raised a point of order that the amendment offered by the lady from Taunton, et als, was improperly before the House for the reason that the subject-matter had been disposed of in a previous amendment (see yea and nay number 4).

In answer to the point of order, the Chair (Mrs. Haddad of Somerset) stated that, upon comparison of the previously rejected amendment with this amendment offered by the lady from Taunton, much of the wording in the amendment had already been deliberated, voted upon and rejected. Therefore the Chair ruled that the point of order was well taken; and the amendment was laid aside accordingly.

Order adopted,—yea and nay No. 15.

On the question on adoption of the order, as amended, the sense of the House was taken by yeas and nays, at the request of Mr. Hill of Ipswich; and on the roll call 114 members voted in the affirmative and 40 in the negative.

[See Yea and Nay No. 15 in Supplement.]

Therefore the order (House, No. 2016, published as amended) was adopted.

Joint Rules.

An Order (filed this day by Mr. Mariano of Quincy) relative to the Joint Rules of the Senate and House of Representatives for the years 2015 and 2016 (House, No. 2017), was referred to the temporary committee on Rules.

Mr. Mariano, for said committee, then reported recommending that the order ought to be adopted.

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Under suspension of the rules, on motion of the same member, the order was considered forthwith.

Pending the question on adoption of the order, Mr. DeLeo of Winthrop and other members of the House moved to amend it in proposed Rule 4 by striking out the second paragraph and inserting in place thereof the following paragraph:

"A vote of a joint standing committee to give legislation a favorable or adverse report shall be conducted by a roll call upon request of 2 committee members present at the committee meeting. Such votes shall be recorded on appropriate forms that show all votes for and against the particular committee action; provided that votes may also be recorded in LAWS. The record of all such roll calls shall be kept in the offices of the committee and shall be posted on the website of the General Court within 48 hours of the vote for public inspection. The records of all such roll calls shall be kept in the offices of the committee for the duration of the General Court during which said vote was recorded, and shall be available for public inspection upon reasonable notice and during regular office hours.".

Amendment adopted,— yea and nay No. 16.

After remarks on the question on adoption of the amendment, the sense of the House was taken by yeas and nays, at the request of Ms. Hogan of Stow; and on the roll call 154 members voted in the affirmative and 0 in the negative.

[See Yea and Nay No. 16 in Supplement.]

Therefore the amendment was adopted.

Mr. Jones of North Reading and other members of the House then moved to amend the order in proposed Rule 1, in line 35, after the word "conduct.", by inserting the following sentence: "Such rules shall be adopted by a majority vote of the committee members."; and the amendment was rejected.

Mr. Jones and other members of the House then moved to amend the order in proposed Rule 1D, in line 139, by inserting the following sentence: "A list of matters and copies of all bills that are to be voted on at an executive session shall be made available to the members of each committee electronically no less 6 hours prior to their consideration.".

Amendment rejected,— yea and nay No. 17.

On the question on adoption of the amendment, the sense of the House was taken by yeas and nays, at the request of Mr. Jones of North Reading; and on the roll call 34 members voted in the affirmative and 120 in the negative.

[See Yea and Nay No. 17 in Supplement.]

Therefore the amendment was rejected.

Mr. Jones and other members of the House then moved to amend the order in proposed Rule 1D, in line 144, after the word "practicable.", by inserting the following two sentences: "Included in such notice shall be a designated period of time, not to exceed one-half hour, during which time testimony from legislators shall be heard on matters listed on the hearing agenda. Legislators wishing to be heard, either prior to, or subsequent to the designated period shall follow the guidelines set forth under the rules designated by each committee for the receipt of testimony by members of the public.".

Amendment rejected,— yea and nay No. 18.

On the question on adoption of the amendment, the sense of the House was taken by yeas and nays, at the request of Mr. Jones of North Reading; and on the roll call 34 members voted in the affirmative and 120 in the negative.

[See Yea and Nay No. 18 in Supplement.]

Therefore the amendment was rejected.

Mr. Jones and other members of the House then moved to amend the order in proposed Rule 11A, in line 463, after the word "conference.", by inserting the following paragraph:

"The committee of conference shall be required to resolve similar or almost identical language pertaining to the same subject matter, upon passage by both branches, within the scope of the proposed bill. No such matter shall be admitted for consideration without a vote of the members of the committee.".

Amendment rejected,— yea and nay No. 19.

On the question on adoption of the amendment, the sense of the House was taken by yeas and nays, at the request of Mr. Jones; and on the roll call 34 members voted in the affirmative and 120 in the negative.

[See Yea and Nay No. 19 in Supplement.]

Therefore the amendment was rejected.

Representatives Diehl of Whitman and O'Connell of Taunton then moved to amend the order by adding the following rule:

"LEGISLATIVE BUDGET OFFICE.

37. (a) There is hereby established the Joint Legislative Budget Office, hereinafter referred to as the 'office'. The state chairman of each of the two leading political parties, the Chairs of the Joint Committee on Ways and Means, the minority leaders of both the House and Senate, and a dean of a business school located in the commonwealth, to be appointed by the governor as provided hereinafter, shall serve as a commission for the purposes of selecting the director of the office. The term of the dean of a business school shall be six years but shall expire if he should cease to act as dean; a successor shall be appointed within thirty days after the occurrence of a vacancy in said office. The dean of the business school shall act as chairman of said commission. Meetings of the commission may be called by the dean or by any two other members.

Selection of the director, who shall be a resident of the commonwealth, shall be by unanimous vote of the members of the commission. The commission shall select a successor director no later than thirty days prior to the expiration date of the term of the director and no later than sixty days after the occurrence of a vacancy in said office.

The director shall serve for a term of six years and, unless removed, until his successor has been selected and has assumed the office. He may not be removed from office except upon an affirmative vote of all of the members of the commission then serving. Removal of the director shall be at the discretion of the commission, and shall not be reviewable.

The director shall devote full time to his duties during normal business hours. Subject to appropriation, he shall receive a salary to be

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determined from time to time by a majority of the members present and voting at a duly-called meeting of the commission, a quorum being present. He shall not, during the term he serves as director, engage in any political activities of any nature, nor shall he hold any other public office; provided, however, that he shall be free to advise and consult with legislative committees, the members of the general court and other persons affected by the laws under his jurisdiction, and to advocate and sponsor legislation.

The director shall appoint such employees as the work of the office may require. The director shall establish the salaries, duties, and personnel regulations of all employees as he deems necessary to perform the duties of the office, provided however, the salaries of such employees shall not exceed the sum annually appropriated by the general court. The provisions of sections nine A and forty-five of chapter 30 and of chapter 31 shall not apply to the employees of the office.

(b)(1) The term of office of the Director shall be 6 years. Any individual appointed as Director to fill a vacancy prior to the expiration of a term shall serve only the unexpired portion of that term.

(2) The Deputy Director shall be appointed by the Director. Any Deputy Director shall serve until the expiration of the term of office of the Director who appointed him, unless sooner removed by the Director.

(c) The Director shall, subject to appropriation, appoint and may remove such employees, as he deems necessary to carry out the duties and functions of the office, and may determine their salaries and duties; provided, however, that the total amount of all such salaries shall not exceed the sum appropriated therefore by the general court. The personnel of the office shall include at least one certified public accountant and at least one attorney. All personnel of the office shall be appointed without regard to political affiliation and shall be appointed solely on the basis of their fitness to perform their duties. For purposes of pay, employment benefits, rights, privileges, and disciplinary matters, all personnel of the office shall be considered employees of the general court.

(d) The office shall be nonpartisan and may perform duties including, but not limited to, the following:

(1) advise and assist any committee of the senate or house of representatives, upon request, in the analysis, appraisal, and evaluation of legislative proposals within that committee's jurisdiction or recommendations submitted to the general court by the governor or any agency, department or division within the executive branch, and by providing such other research and analytical services as the committee considers appropriate, or otherwise to assist in furnishing a basis for the proper evaluation and determination of legislative proposals and recommendations generally;

(2) advise and assist any member of the senate or house of representatives, upon request, on the fiscal impact of a bill or budget item, or review proposed legislation, provided, however, that the office shall have no legislative powers to originate or file legislation;

(3) prepare and provide information, research, and reference materials and services to committees and members of the senate and house of representatives to assist them in their legislative and representative functions;

(5) conduct studies, develop options, and make recommendations on fiscal matters that relate to the state budget, including:

(i) taxes and revenues, including the state tax expenditure budget;

(ii) finances;

(iii) grants to individual and private entities;

(7) review the proposed state budget at each stage of its consideration, and;

(8) conduct revenue forecasts.

(e) The office shall have the authority and ability to access documents maintained by agencies or authorities of the commonwealth relating to their expenditures, revenues, operations and organizational structures.

(f) The office shall provide an annual report detailing the work and performance of the office to the state library, the speaker of the house, the senate president, the chair of the house committee on ways and means, the chair of the senate committee on ways and means, the chairs of the house and senate post audit and oversight committees, and the minority leaders of both the house and senate. A copy of the same shall be filed with the clerk of the House of Representatives and the clerk of the senate on or before the 2nd Wednesday of November in each year.

(g) The office shall be considered a part of the general court for the purposes of public records under section 18 of chapter 66.".

Amendment rejected,— yea and nay No. 20.

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. Diehl; and on the roll call 34 members voted in the affirmative and 120 in the negative.

[See Yea and Nay No. 20 in Supplement.]

Therefore the amendment was rejected.

Mr. Vieira of Falmouth then moved to amend the order by striking out proposed Rule 7C and inserting in place thereof the following rule:

"7C. The approval vote required to file a petition the operation of which is restricted to a particular city or town pursuant to the provisions of Section 8 of Article LXXXIX of the Amendments to the Constitution of the Commonwealth shall not expire, and no additional vote shall be required to file a petition unless a vote to rescind such approval is passed by the voters of a city or town, or the mayor and city council or other legislative body of a city, or the board of selectman and the town meeting or other legislative body of a town.".

The amendment was adopted.

Order adopted,— yea and nay No. 21.

On the question on adoption of the order, as amended, the sense of the House was taken by yeas and nays, at the request of Mr. Bradley of Hingham; and on the roll call 154 members voted in the affirmative and 0 in the negative.

[See Yea and Nay No. 21 in Supplement.]

Therefore the order, as amended, was adopted. The order House, No. 2017, amended) then was sent to the Senate for concurrence.

Order.

On motion of Mr. DeLeo of Winthrop,—

Next sitting.

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

At the hour of seven o'clock P.M, on motion of Mr. Hill of Ipswich (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.