

JOURNAL OF THE HOUSE.

Thursday, February 6, 2014.

Met at seventeen minutes after one o'clock P.M.

At the request of the Speaker, the members, guests and employees joined with him in reciting the pledge of allegiance to the flag. Pledge of allegiance.

Statement Concerning Representative Galvin of Canton.

A statement of Mr. Rushing of Boston concerning Mr. Galvin of Canton 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 Galvin of Canton, is unable to be present in the House Chamber for today's sitting due to personal business. His missing of roll calls today is due entirely to the reason stated. Statement concerning Mr. Galvin of Canton.

Communications.

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From the Insurance Fraud Bureau (see Section 1 (k) of Chapter 338 of the Acts of 1990, as most recently amended by Section 5 of Chapter 279 of the Acts of 2002) submitting a semi-annual report relative to referrals involving automobile insurance fraud, workers' compensation fraud and other insurance fraud [copies of said report were referred, as required under said law, to the committees on Financial Services and Labor and Workforce Development]; Insurance Fraud Bureau,— semi-annual report.

From the Springfield Parking Authority (pursuant to Section 15 of Chapter 674 of the Acts of 1981) submitting audit reports for the fiscal years 2012 and 2013; and Springfield Parking Authority.

From the Massachusetts Department of Transportation (MassDOT) (see Section 6(b) of Chapter 6C of the General Laws) submitting the fourth annual Performance Management Report of said department for the fiscal year 2013; Transportation,— performance management.

Severally were placed on file.

Report.

A report from the Massachusetts Bay Transportation Authority (pursuant to Section 11 of Chapter 161A of the General Laws) on its efforts to maximize non-transportation revenue for fiscal year 2013, was placed on file. MBTA,— non-transportation revenues.

Petitions.

Mr. Straus of Mattapoissett presented a petition (accompanied by bill, House, No. 3896) of William M. Straus and others (with the approval of the mayor and city council) relative to the appointment and removal of the harbor master in the city of New Bedford; and the same was referred to the committee on Municipalities and Regional Government. Sent to the Senate for concurrence. New Bedford,— harbor master.

Petitions severally were presented and referred as follows:

Leanne O'Donoghue,—
sick leave.

By Mrs. Canavan of Brockton, a petition (subject to Joint Rule 12) of Christine E. Canavan for legislation to establish a sick leave bank for Leanne O'Donoghue, an employee of the Department of Children and Families.

Inspector General Council.

By Mr. Cantwell of Marshfield, a petition (subject to Joint Rule 12) of James M. Cantwell for legislation to authorize the appointment of certain designees to the Inspector General Council.

Great grandparents.

By Mr. DiNatale of Fitchburg, a petition (subject to Joint Rule 12) of Stephen L. DiNatale and others relative to the visitation rights of great grandparents.

Divorce,—
real estate.

By Mr. Durant of Spencer (by request), a petition (subject to Joint Rule 12) of Holly Gamache relative to the disposition of real estate that serves as principal residence for a divorced party's dependent child under 18 years of age.

Employers,—
retaliation.

By Mr. Mark of Peru, a petition (subject to Joint Rule 12) of Paul W. Mark relative to the protection of employees and former employees against retaliatory actions by employers.

Severally, under Rule 24, to the committee on Rules.

Report of a Committee.

Housing,—
bonds.

By Mr. Dempsey of Haverhill, for the committee on Ways and Means, that the Bill providing the terms of certain bonds financing the production and preservation of housing for low and moderate income residents (printed in House, No. 3880), ought to pass. Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Emergency Measure.

Debra Saverse,—
sick leave.

The engrossed Bill establishing a sick leave bank for Debra Saverse, an employee of the Department of Revenue (see Senate, No. 1984), 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 31 to 0. Sent to the Senate for concurrence.

Engrossed Bill.

Bill enacted.

The engrossed Bill authorizing the town of Orleans to grant an additional license for the sale of all alcoholic beverages not to be drunk on the premises (see House, No. 3622) (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 Speaker and sent to the Senate.

Quorum.

Quorum.

Mr. Peterson of Grafton thereupon asked for a count of the House to ascertain if a quorum was present. The Speaker, having determined that a quorum was not in attendance, then directed the Sergeant-at-Arms to secure the presence of a quorum.

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

Quorum,—
yea and nay
No. 288.

[See Yea and Nay No. 288 in Supplement.]

Therefore a quorum was present.

Orders of the Day.

The Resolution urging the expulsion of the Honorable Carlos A. Henriquez, Representative from the Fifth Suffolk District from the Massachusetts House of Representatives (contained in House, No. 3894), was considered, as follows:

Representative
Carlos A.
Henriquez.

Resolved, That the Representative from the Fifth Suffolk District from the House of Representatives be and hereby is expelled forthwith from the House of Representatives, and that his seat be declared vacant on account of his conviction by a duly constituted court of the Commonwealth of serious criminal offenses and his sentence to serve a term of six months in a House of Correction.

After debate on the question on adoption of the resolution, Mr. Holmes of Boston moved to amend it by substitution of the following resolutions:

“RESOLUTIONS CALLING FOR THE CENSURE OF THE HONORABLE CARLOS A. HENRIQUEZ, REPRESENTATIVE FROM THE FIFTH SUFFOLK DISTRICT BY THE MASSACHUSETTS HOUSE OF REPRESENTATIVES.

Whereas, On January 15, 2014, the Honorable Carlos A. Henriquez, Representative from the Fifth Suffolk Representative District, was convicted of two counts of assault and battery and sentenced to two-and-a-half years in a house of correction, with six months to be served; and

Whereas, The Honorable Carlos A. Henriquez, has, by such actions as he has been convicted of, brought disgrace to the office to which he was elected and to the House of Representatives; be it

Resolved, That the Honorable Carlos A. Henriquez, is hereby censured by the House of Representatives; and be it further

Resolved, That a committee to consist of 11 members, seven of whom shall be appointed by the Speaker and 4 of whom shall be appointed by the Minority Leader, shall be appointed to recommend to the full House the specifications of said censure; and be it further

Resolved, That the committee shall make its recommendations no later than Friday, February 28, 2014.”

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. Holmes; and on the roll call 10 members voted in the affirmative and 143 in the negative.

Amendment
rejected,—
yea and nay
No. 289.

[See Yea and Nay No. 289 in Supplement.]

Therefore the amendment was rejected.

After debate on the question on adoption of the resolution, the sense of the House was taken by yeas and nays at the request of Mr. Nangle of Lowell; and on the roll call 146 members voted in the affirmative and 5 in the negative.

Resolution
adopted,—
yea and nay
No. 290.

[See Yea and Nay No. 290 in Supplement.]

Therefore the resolution was adopted.

Order.

On motion of Mr. Mariano of Quincy,—

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

Next
sitting.

Mrs. Haddad of Somerset then moved that the House adjourn; and the motion prevailed. Accordingly, without further consideration of the remaining matters in the Orders of the Day, at three minutes after three o'clock P.M., the House adjourned, to meet the following Monday at eleven o'clock A.M., in an Informal Session.