

Wednesday, February 11, 2009.

Met according to adjournment, at one o'clock P.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:

Eternal God, we place our trust and hope in You, Our Creator. We look to You for guidance and direction in our decision-making actions as did the founders of this nation. In these extraordinary times in our Commonwealth and country, may our hearts and minds be filled with confidence, enthusiasm and goodwill in our common search for practical solutions to our current economic and employment challenges. Teach us to be open to those reasonable changes in government which improve the delivery of services to people and the quality of life for all. We pray for the wisdom and the patience to encourage all people to recognize and to utilize their unique human talents and gifts for self-improvement and the common good. Inspire us to reason together in a positive tone in our common struggle to meet the current and future needs of the people and our communities. Teach us to seek excellence at all times and to remain faithful to our highest ideals, goals and principles.

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

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.

Statement of Representative Patrick of Falmouth.

A statement of Mr. Patrick of Falmouth, was spread upon the records as follows:

MR. SPEAKER: I would like to call to the attention of the House the fact that I was not present in the House Chamber for a portion of today's sitting due to official business in another part of the State House. My missing of roll calls today was due entirely to the reason stated.

Statement Concerning Representative Torrisi of North Andover.

A statement of Mr. Vallee of Franklin concerning Mr. Torrisi of North Andover 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. Torrisi of North Andover, is unable to be present in the House Chamber for today's sitting due to medical reasons. His missing of roll calls today is due entirely to the reason stated.

Statement Concerning Representative Wallace of Boston.

A statement of Mr. Vallee of Franklin concerning Mr. Wallace of Boston was spread upon the records of the House, as follows:

Statement concerning Representative Wallace of Boston.

MR. SPEAKER: I would like to call to the attention of the House the fact that one of our colleagues, Mr. Wallace of Boston, is unable to be present in the House Chamber for today's sitting due to a back injury. His missing of roll calls today is due entirely to the reason stated.

Quorum.

Quorum.

The Speaker being in the Chair, — Mr. Peterson of Grafton then asked for a count of the House to ascertain if a quorum was present.

Quorum,—
yea and nay
No. 4.

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 141 members were recorded as being in attendance.

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

Therefore a quorum was present.

Silent Prayers.

Army Sergeant
Kyle J.
Harrington.

At the request of Representatives D'Amico of Seekonk and Haddad of Somerset, the members, guests and employees then stood in a moment of silent tribute for Army Sergeant Kyle J. Harrington, formerly of Swansea, who died on January 24th in Basra, Iraq as a result of injuries sustained in an accident while serving with the 593rd Sustainment Brigade. He is survived by his wife Faith of Fort Lewis, WA, his children Joshua Dennis and Kaylee Elizabeth, mother Kathleen Harrington of Fall River, father Dennis Harrington and his wife, Jodi of Cranston, RI.

Lance Corporal
Kevin T.
Preach.

At the request of Representatives Fagan of Taunton and Flynn of Bridgewater, the members, guests and employees then stood in a moment of silent tribute for Lance Corporal Kevin T. Preach who lost his life in service to our country, succumbing to wounds sustained while fighting in Afghanistan.

Army Private
Jonathan
Roberge.

At the request of Mr. Rosa of Leominster, the members, guests and employees then stood in a moment of silent tribute for Army Private Jonathan Roberge of Leominster. Private Roberge died on February 9th in Mosul, Iraq as a result of wounds sustained in an attack by a suicide bomber. He is survived by his parents, John and Pauline, his sisters, Meghan and Sarah and his brother, Andrew.

Frank
Sullivan.

Guest of the House.

During the session, Mr. Rush of Boston took the Chair, declared a brief recess, and introduced Frank Sullivan of West Roxbury. Mr. Sullivan, who was the victim of three gunshot wounds thirty years ago that left him legally blind and with partial hearing loss,

recently came to the rescue of a fellow MBTA passenger, Mr. Thomas Busby, who was being robbed and punched. Mr. Sullivan, a 53 year old Boston Fire Department dispatcher, chased the mugger down and apprehended him, resulting in an arrest. Mr. Sullivan, accompanied by his wife Lisa, daughters Brianna and Shannon, father-in-law Ron Nasson and Mr. Busby, were the guests of Representative Rush, who presented Mr. Sullivan with a citation for his bravery.

Orders.

An Order (filed by Speaker DeLeo of Winthrop on Tuesday, February 10) relative to the adoption of permanent rules of the House of Representatives for the years 2009 and 2010 (House, No. 2009) was considered forthwith, under suspension of the rules, on motion of Mr. Scaccia of Boston.

House
Rules.

After debate on the question on adoption of the order (Mr. Donato of Medford being in the Chair), Mr. Jones of North Reading and other members of the House moved to amend it in proposed Rule 16 by adding the following sentence: "At the end of each biennial legislative session, the committee shall file a report with the Clerk disclosing the number of complaints received, the number of complaints determined to have merit, the number of complaints determined to be without merit, and the dates of all committee meetings held during the session; provided, that the committee's report shall not contain any information sufficient to identify the source of or person named in any complaint received by the committee or any other confidential or personal identifying information."

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. Frost of Auburn; and on the roll call 21 members voted in the affirmative and 135 in the negative.

Amendment
rejected,—
yea and nay
No. 5.

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

Therefore the amendment was rejected.

Mr. Jones of North Reading and other members then moved to amend the order in proposed Rule 16, in line 242, by inserting after the word "merit." the following sentence: "If the committee determines, by a majority vote, that a complaint has been made public through the manner in which it was filed or through an unauthorized leak of information, the committee shall file a report of the outcome with the Clerk of the House to be made public."

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. Peterson of Grafton; and on the roll call 23 members voted in the affirmative and 133 in the negative.

Amendment
rejected,—
yea and nay
No. 6.

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

Therefore the amendment was rejected.

Mr. Jones of North Reading and other members then moved to amend the order in proposed Rule 16, in lines 221, 222 and 223, 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. 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 Mr. Frost of Auburn; and on the roll call 22 members voted in the affirmative and 133 in the negative.

[See Yea and Nay No. 7 in Supplement.]

Therefore the amendment was rejected.

Subsequently a statement of Mr. Naughton of Clinton was spread upon the records, as follows:

Statement of
Representative
Naughton of
Clinton.

MR. SPEAKER: I would like to call to the attention of the House the fact that on the previous roll call it was my intention to vote in the negative. However, I now find that, for some inexplicable reason, I was recorded in the affirmative.

Mr. Jones of North Reading and other members then moved to amend the order in proposed Rule 1A, in line 11, by striking out the words "a majority" and inserting in place thereof the words "not less than two-thirds"; and the amendment was rejected.

Mr. Jones of North Reading and other members then moved to amend the order in proposed Rule 7A, in line 82, by inserting after the word "Scheduling" the words "; provided, that petitions filed or approved by the voters of a city or town, or the mayor and city council, or other legislative body of a city, or the town meeting of a town, with respect to a law relating to that city or town shall not be so referred".

Amendment
rejected,—
yea and nay
No. 8.

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 Ms. Polito of Shrewsbury; and on the roll call 23 members voted in the affirmative and 133 in the negative.

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

Therefore the amendment was rejected.

Mr. Jones of North Reading and other members then moved to amend the order in proposed Rule 7B, in line 99, by inserting after the word "minutes." the following sentence: "The Speaker shall allow 15 minutes for members advocating for the amendment and 15 minutes for those members who are opposed."; and the amendment was rejected.

Mr. Jones and other members then moved to amend the order in proposed Rule 9, in line 128, by striking out the words "a monitor" and inserting in place thereof the words "each member".

Amendment
rejected,—
yea and nay
No. 9.

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. Peterson of Grafton; and on the roll call 17 members voted in the affirmative and 137 in the negative.

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

Therefore the amendment was rejected.

Mr. Jones of North Reading and other members then moved to amend the order in proposed Rule 17, in line 370, by striking out the words "; insofar as practicable", and in line 371, by inserting after the word "Representatives" 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".

After debate the amendments were rejected.

Mr. Jones and other members then moved to amend the order in proposed Rule 17, in line 370, by striking out the words "; insofar as practicable", and in line 371, by inserting after the word "Representatives" the following sentence:

"No bill shall be taken up for consideration by the committee unless it is included in such notice."; and the amendment was rejected.

Mr. Jones and other members then moved to amend the order in proposed Rule 17A, in line 463, by inserting after the word "meeting." 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."

The amendment was rejected.

Mr. Jones of North Reading and other members then moved to amend the order in proposed Rule 19, in line 622, by inserting after the word "caucus." the following sentence:

"The Speaker shall honor the request of the Minority Leader to call a minority caucus at any time while the House is in session; provided, that not more than 1 such caucus shall be held on any legislative day, no business of the House shall be transacted while such a caucus is meeting, and prior the caucus the Speaker shall inform the members from the rostrum of a time certain for reconvention of the House, said time to be not less than 30 minutes after the time the caucus is called."

The amendment was rejected.

Mr. Jones and other members 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 the lottery distribution, chapter 70 aid, so called, and additional assistance for the following fiscal year."

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 Ms. Polito of Shrewsbury; and on the roll call 22 members voted in the affirmative and 132 in the negative.

Amendment
rejected,—
yea and nay
No. 10.

[See Yea and Nay No. 10 in Supplement.]

Therefore the amendment was rejected.

Mr. Jones of North Reading and other members then moved to amend the order by in proposed Rule 52, in line 1073, by striking out the word "two" and inserting in place thereof the word "four", and in said rule, in line 1075, by inserting after the word "voted" the following: "; provided, that if at any time during said voting period

any standing, joint or conference committee is meeting in public or executive sessions, the Speaker shall leave the electronic voting machine open for not less than 10 minutes”.

Amendment
rejected,—
yea and nay
No. 11.

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. Peterson of Grafton; and on the roll call 20 members voted in the affirmative and 129 in the negative.

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

Therefore the amendments were rejected.

Mr. Jones of North Reading and other members then moved to amend the order in proposed Rule 52, in lines 1089 to 1094, inclusive, by striking out the words “any member who shall vote or attempt to vote for another member or any person not a member who votes or attempts to vote for a member, or any member or other person who willfully tampers with or attempts to impair or destroy in any manner whatsoever the voting equipment used by the House, or change the records thereon shall be punished in such manner as the House determines; and provided further, that such a violation shall be reported to the Ethics Committee” and inserting in place thereof the following: “no member shall cast a vote for another member. In addition to such penalties as may be prescribed by law, any member who intentionally votes or attempts to vote for another member in violation of this rule shall forfeit all votes on the matter in question and shall be publicly censured. The Clerk shall correct the Journal to reflect the changed votes and include a notation of the violation. Except as heretofore provided, a person not a member shall not cast a vote for a member. If a person not a member votes or attempts to vote for any member in violation of this rule, the person in violation shall be barred from the floor of the House for the remainder of the session and may be further punished in such manner as the House may deem proper, in addition to such punishment as may be prescribed by law. If a member fails to notify the Clerk of an absence, as required by rule 48, and said failure results in improper votes, the member shall be considered in violation of this rule and punished by public censure. The Clerk shall correct the Journal to reflect the changed votes and include a notation of the violation. Any member or other person who willfully tampers with or attempts to impair or destroy in any manner whatsoever the voting equipment used by the House, or change the records thereon shall be punished in such manner as the House deems appropriate, in addition to such punishment as may be prescribed by law.”

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. Perry of Sandwich; and on the roll call 18 members voted in the affirmative and 137 in the negative.

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

Therefore the amendment was rejected.

Mr. Jones of North Reading and other members then moved to amend the order in proposed Rule 85A, in line 1416, by inserting after the word “year,” the following two sentences: “For the purpose of such audits, the independent auditing entity shall have access to the financial records of the House and each of its committees. Such audit shall be conducted in accordance with the standards for audits

of governmental organizations, programs, activities and functions published by the Comptroller General of the United States.”.

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. Peterson of Grafton; and on the roll call 16 members voted in the affirmative and 138 in the negative.

Amendment
rejected,—
yea and nay
No. 13.

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

Therefore the amendment was rejected.

Mr. Jones of North Reading and other members then moved to amend the order after line 923, after omitted Rule 33D, by inserting the following rule:

“33E. 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.”.

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. Frost of Auburn; and on the roll call 16 members voted in the affirmative and 137 in the negative.

Amendment
rejected,—
yea and nay
No. 14.

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

Therefore the amendment was rejected.

Mr. Jones of North Reading and other members then moved to amend the order in proposed Rule 28, in lines 841 through 849, inclusive, by striking out paragraph (7) contained therein and inserting in place thereof the following:

“(7) For the purpose of this rule, matters not appearing on the Calendar which are not before any committee shall be deemed to be before the Rules committee. Notwithstanding the previous sentence, a bill which has been engrossed by the House and Senate, shall be placed before the House for enactment.

Any member may request that a matter, engrossed in the House and Senate, be placed before the House for enactment.

The Speaker shall, in response to such a request of a member, put the matter before the House at the conclusion of the matter then pending.”.

The amendment was rejected.

Ms. Callahan of Sutton then moved to amend the order in proposed Rule 16B, in line 340, by inserting after the word “employees” the words “; and provided further, that said training for members shall attempt to incorporate both values-based and rules-based approaches relative to ethics education”.

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 17 members voted in the affirmative and 137 in the negative.

Amendment
rejected,—
yea and nay
No. 15.

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

Therefore the amendment was rejected.

Ms. Callahan then moved to amend the order in proposed Rule 16, in line 223, by inserting after the word "Leader." the following sentence: "The Chair, in consultation with the Speaker and Minority Leader, shall consider providing any additional in-depth education and training relative to current ethics laws, interviewing processes and skills and investigatory procedures for committee members as deemed appropriate."; and the amendment was rejected. The same member then moved to amend the order in proposed Rule 16, in line 242, by striking out the words "frivolous or" and, in said line, by inserting after the word "merit." the following sentence: "Any matter that has been referred to the committee which is deemed to be outside the scope of rule 16A that governs the committee's areas for consideration and responsibility, shall be duly discharged by the committee with the notation of 'Beyond Committee Purview'.".

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 Ms. Callahan; and on the roll call 23 members voted in the affirmative and 131 in the negative.

[See Yeas and Nays No. 16 in Supplement.]

Therefore the amendments were rejected.

Ms. Callahan of Sutton then moved to amend the order in proposed Rule 16A, in line 320, by inserting after the word "gifts" and also in said rule, in line 321, by inserting after the word "gift", in each instance, the words ", including event trips"; and the amendments were rejected.

Mr. Jones of North Reading and other members then moved to amend the order in by inserting after Rule 1A the following rule:

"1B. Insofar as practicable, the Speaker shall provide a schedule of formal sessions at least fifteen days in advance."

After remarks the amendment was rejected.

Mr. Jones and other members then moved to amend the order by in proposed Rule 1, in line 5, 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."

After remarks the amendment was rejected.

Messrs. DeLeo of Winthrop and Jones of North Reading then moved to amend the order in proposed Rule 7B, in line 99, by striking out the words "thirty minutes" and inserting in place thereof the words "one hour"; and the amendment was adopted.

Ms. Callahan of Sutton then moved to amend the order in proposed Rule 20, in line 583, by striking out the word "may" and inserting in place thereof the word "shall" and in said proposed rule, in line 585, by inserting after the word "jurisdiction" the words "or has been fined the maximum penalty by the State Ethics Commission or has had the Office of Campaign and Political Finance refer their case of violation to the Office of the Attorney General."

Amendment
rejected,—
yeas and nays
No. 16.

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 the same member; and on the roll call 17 members voted in the affirmative and 137 in the negative.

[See Yeas and Nays No. 17 in Supplement.]

Therefore the amendments were rejected.

Ms. Callahan then moved to amend the order in proposed Rule 18, in line 585, by inserting after the word "jurisdiction." The following sentence: "Any member who has been fined the maximum penalty by the State Ethics Commission or has had the Office of Campaign and Political Finance refer their case of violation to the Office of the Attorney General shall not be eligible for appointment by the Speaker or Minority Leader to a leadership position or standing committee chair chairmanship during the next consecutive legislative session"; and the amendment was rejected.

Ms. Provost of Somerville then moved to amend the order in proposed Rule 16, in lines 218 to 221, inclusive, by striking out the following: "but, except when considering legislation referred or recommitted to the committee, shall not be subject to the provisions of Rule 17A when the committee is meeting pursuant to an alleged violation of House Rule 16A"; and by striking out proposed Rule 17A, in lines 374 to 472, inclusive, and inserting in place thereof the following rule:

"17A. (a) For the purposes of this rule, the following terms shall, unless the context clearly requires otherwise, have the following meanings: 'Deliberation', a verbal exchange between a quorum of members of a committee attempting to arrive at a decision on any public business within its jurisdiction.

'Emergency', a sudden generally unexpected occurrence or set of circumstances demanding immediate action.

'Executive conference', any meeting or part of a meeting of a committee which is closed to certain persons for deliberation on certain matters.

'Executive session', any meeting or part of a meeting of a committee wherein the committee is voting on legislation and where public participation is limited to observance.

'Meeting', any corporal convening and deliberation of a committee for which a quorum is required in order to make a decision at which any public policy matter over which the committee has supervision, control, jurisdiction or advisory power is discussed or considered; provided, however, that 'meeting' shall not include an onsite visitation or inspection of any project or program.

'Quorum', a simple majority of a committee unless otherwise defined by constitution, rule or law applicable to such committee; provided further, that a quorum shall be presumed to be present unless otherwise doubted. (b) All meetings, except executive conferences, of House standing and special committees, shall be open to the public and any person shall be permitted to attend any meeting except as otherwise provided pursuant to this rule or Rule 7A. No quorum of a committee shall meet in private for the purpose of deliberation except as provided pursuant to this rule. No executive session shall be held until: (i) the committee has first convened in an

Amendment
rejected,—
yeas and nays
No. 17.

open session for which notice has been given; (ii) the presiding officer has stated the authorized purpose of the executive session; (iii) a majority of the members of the committee present have voted to go into executive session and the vote of each member has been recorded on a roll call vote and entered into the minutes; and (iv) the presiding officer has stated before the executive session if the committee will reconvene after the executive session.

(c) Executive conferences shall be held only for the following purposes: (i) to discuss the reputation, character, physical condition or mental health rather than the professional competence of a member, officer or employee; (ii) to consider the discipline or dismissal of, or to hear complaints or charges brought against, a member, officer or employee; (iii) to discuss strategy with respect to litigation if an executive session or other open meeting may have a detrimental effect on the legal position of the committee; or (iv) to consider the purchase, exchange, lease or value of real property, if such discussions may have a detrimental effect on the negotiating position of the Commonwealth or a person, firm or corporation.

A member, officer or employee subject to an executive conference pursuant to clause (i) or clause (ii) shall be notified in writing no less than 48 hours prior to the proposed executive conference; provided, however, that upon agreement of the parties involved, the notification requirements of clause (i) and clause (ii) may be waived. Upon request of the member, officer or employee subject to an executive conference pursuant to clause (i) or clause (ii) the executive conference shall be open to the public.

A member, officer or employee subject to an executive conference pursuant to clause (i) or clause (ii) shall have the right to: (a) be present at such executive conference during discussions or considerations which involve that member, officer or employee; (b) have counsel or a representative of his/her own choosing present and attending for the purpose of advising said member, officer or employee; provided, however, that said counsel or representative shall not actively participate in the executive conference; and (c) to speak on his/her own behalf to the committee open to the public.

(d) This rule shall not apply to any chance meeting or social meeting at which matters relating to official business are discussed so long as no final agreement is reached. No chance meeting or social meeting shall be used in circumvention of the spirit or requirements of this section to discuss or act upon a matter over which the committee has supervision, control, jurisdiction, or advisory power.

(e) Except pursuant to an emergency, a notice and agenda of every meeting of a committee subject to this rule shall be filed with the Clerk of the House, publicly posted by the Clerk on the bulletin board outside the Clerk's Office and in such other places as are designated in advance for such purpose by said Clerk, made available to all members electronically and made available to the public via the Internet at least forty-eight hours, including Saturdays, but not Sundays and legal holidays, prior to the time of such meeting and a list of the bills, petitions, and resolutions to be considered for a vote or other action by the committee. The notice shall include the date,

time and place of such meeting. Such filing and posting shall be the responsibility of the committee scheduling such meeting. The notice and posting requirements shall not apply to executive conferences held pursuant to clause (i) or clause (ii) of part (c) of this rule unless the member, officer or employee subject to the executive conference requests that the executive conference be open to the public.

(f) A committee shall maintain accurate records of its meetings and hearings setting forth the date, time and place thereof, and recording any action taken at each meeting, hearing, executive conference or executive session. All votes requested to be taken in executive sessions shall be recorded roll call votes and shall become a part of the record of said executive sessions. The record of each meeting shall become a public record and be available to the public; provided, however, that the records of any executive conference shall remain secret as long as publication may defeat the lawful purposes of the executive conference.

(g) Upon prior notification and approval of the chair, a meeting of a committee may be recorded by a person in attendance by means of a recorder or any other means of audio/visual reproduction; provided, however, that said recording shall not interfere with the conduct of the meeting. Executive conferences conducted pursuant to clause (i) or clause (ii) of part (c) of this rule shall not be recorded unless upon the request of the member, officer or employee who is subject to said executive conference. Executive conferences conducted pursuant to clause (iii) or (iv) of part (c) of this rule may be recorded at the discretion of the chair.

(h) Copies of all redrafted bills that are to be voted on at an executive session by the House Ways and Means Committee shall be available to all members of the committee electronically in the form they will be considered no less than twenty-four hours prior to their consideration; provided, however, that said committee may vote on a bill that has not been available for said period of time by vote of a majority of the committee members present."

After remarks the amendments were adopted.

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. Peterson of Grafton; and on the roll call 138 members voted in the affirmative and 16 in the negative.

[See Yeas and Nays No. 18 in Supplement.]

Therefore the order (House, No. 2010, printed as amended) was adopted.

An Order (filed by Speaker DeLeo of Winthrop on Tuesday, February 10) relative to the adoption of permanent Joint Rules for 2009-2010 General Court (House, No. 2011) was considered forthwith, under suspension of the rules, on motion of Mr. Scaccia of Boston.

Pending the question on the question on adoption of the order, Mr. Jones of North Reading and other members moved to amend it in proposed Rule 1, in line 44, by inserting after the word "procedure" (the second time it appears) the words ", together with any amendments which might be made thereto from time to time;," and in said rule, in lines 46 and 47, by striking out the words "and when-

Order adopted, — yeas and nays No. 18.

Joint Rules.

ever feasible shall be conspicuously published on the Internet” and inserting in place thereof the words “, and shall, to the extent practicable, be posted on the Legislative Web Page”; and the amendments were adopted.

Mr. Jones and other members then moved to amend the order in proposed Rule 1D, in line 166, by inserting after the word “practicable.” 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. Legislator’s 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.”

After debate the amendment was rejected.

Mr. Jones of North Reading and other members then moved to amend the order in proposed Rule 4, in line 302, by inserting after the word “hours.” the following sentence: “Such roll calls shall be posted on the Legislative Web Page by the Clerks of the two branches.”

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. Peterson of Grafton; and on the roll call 25 members voted in the affirmative and 129 in the negative.

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

Therefore the amendment was rejected.

Mr. Jones and other members then moved to amend the order in proposed Rule 4, in line 300, by striking out the words “kept in the offices of the committee” and inserting in place thereof the words “filed forthwith with the Clerks of the House and Senate and kept in said offices”; and the amendment was rejected.

Mr. Jones of North Reading and other members then moved to amend the order in proposed Rule 10, in line 434, by inserting after the word “Court.” the following sentence: “Notwithstanding the previous sentence, all joint committees shall make final report on all petitions filed or approved by the voters of a city or town, or the mayor and city council, or other legislative body of a city, or the town meeting of a town, with respect to a law relating to that city or town, within 45 days of receiving them.”

On the question on adoption of the amendment, the sense of the House was taken by yeas and nays, at the request of Mr. Peterson of Grafton; and on the roll call 21 members voted in the affirmative and 133 in the negative.

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

Therefore the amendment was rejected.

Mr. Jones and other members then moved to amend the order by inserting after proposed Rule 35 the following rule:

“36. Not later than March 15th of each year the house and senate shall approve a joint resolution declaring the minimum amount of aid to be distributed to the cities and towns of the commonwealth in the upcoming fiscal year. Said resolution shall declare the minimum

amount of chapter 70 aid, additional assistance, and expected lottery disbursements to be received by each city, town or school district.”

The amendment was rejected.

Mr. Jones of North Reading and other members then moved to amend the order in proposed Rule 1G, in line 206, by inserting after the word “Representatives” the words “, Minority Leader of the Senate, Minority Leader of the House of Representatives”; and the amendment was adopted.

Mr. Jones and other members then moved to amend the order by inserting after proposed Rule 35 the following rule:

“36. No appropriation shall be made from the Commonwealth Stabilization Fund, as set forth in section 2H of chapter 29 of the General Laws, as appearing in the 2006 Official Edition, unless approved by two-thirds of the members in both branches voting thereon. This rule shall not be suspended except by unanimous consent.”

On the question on adoption of the amendment, the sense of the House was taken by yeas and nays, at the request of Mr. Peterson of Grafton; and on the roll call 20 members voted in the affirmative and 133 in the negative.

Amendment rejected,—yea and nay No. 21.

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

Therefore the amendment was rejected.

Ms. Callahan of Sutton then moved to amend the order in proposed Rule 1A, in line 132, by striking out the words “, unless a majority votes otherwise”; and in proposed Rule 1D, in line 146, by inserting after the word “session,” the words “for any of the purposes as defined in House Rule 17A”.

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 the same member; and on the roll call 17 members voted in the affirmative and 137 in the negative.

Amendment rejected,—yea and nay No. 22.

[See Ye and Nay No. 22 in Supplement.]

Therefore the amendments were rejected.

Mr. Jones of North Reading and other members then moved to amend the order in proposed Rule 12, in line 521, by striking out the words “second Wednesday” and inserting in place thereof the words “third Friday”; and the amendment was adopted.

Mr. Jones and other members then moved to amend the order in proposed Rule 1D, in line 180, by inserting after the word “meeting.” The following sentence:

“If the Chairs of a committee determine that such recording would constitute an interference, the Chairs shall provide written explanation of the interference to the person seeking to record a meeting of a committee within 7 days.”

The amendment was adopted; and the order, as amended, also was adopted. The order (House, No. 2012, printed as amended) then was sent to the Senate for concurrence.

On motion of Mr. DeLeo of Winthrop,—

Ordered, That when the House adjourns today, it adjourns tomorrow at eleven o’clock A.M.

Next sitting.

Amendment rejected,—yea and nay No. 19.

Amendment rejected,—yea and nay No. 20.

At sixteen minutes before seven o'clock P.M., on motion of Mrs. Haddad of Somerset (Mr. Donato of Medford being in the Chair), the House adjourned, to meet the following day at eleven o'clock A.M.