

JOURNAL OF THE HOUSE.

Wednesday, February 12, 2014.

Met according to adjournment, at eleven o'clock A.M., with Mr. Kafka of Stoughton in the Chair (having been appointed by the Speaker, under authority conferred by Rule 5, to perform the duties of the Chair).

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

Change in Committee of Conference Membership.

The Minority Leader announced that Representative Frost of Auburn had been relieved of duty (at his own request) from the committee of conference on the disagreeing votes of the two branches, with reference to the Senate amendments (striking out all after the enacting clause and inserting in place thereof the text contained in Senate document numbered 1981; and inserting before the enacting clause an emergency preamble) of the House Bill relative to election laws (House, No. 3788); and that Representative Dooley of Norfolk had been appointed to said committee to fill the vacancy. Early voting.

The membership of the committee on the part of the House is as follows: Representatives Murphy of Weymouth, Moran of Boston and Dooley of Norfolk. Committee of conference.

Notice of the change in the House membership of the committee was sent to the Senate for its information.

Guests of the House.

During the session, the Speaker took the Chair, declared a brief recess and introduced Mr. Joe D'Entremont, President of the organization "Rolling Thunder", who briefly addressed the House. Mr. D'Entremont was the guest of the Speaker. Rolling Thunder,—
Joe D'Entremont.

Prior to the noon recess, the Chair (Mr. Kafka of Stoughton) introduced a group of distinguished citizens who were seated in the Fourth Division from the Weston Council on Aging. They were the guests of Ms. Peisch of Wellesley. Weston Council on Aging.

Petitions.

Messrs. Cutler of Duxbury and Calter of Kingston presented a petition (accompanied by bill, House, No. 3902) of Josh S. Cutler and Thomas J. Calter (by vote of the town) that the town of Duxbury be authorized to convey a certain parcel of conservation land in said town for housing purposes; and the same was referred to the committee on Municipalities and Regional Government. Sent to the Senate for concurrence. Duxbury,—
conservation land.

Petitions severally were presented and referred as follows:

By Ms. Cronin of Easton, a petition (subject to Joint Rule 12) of Claire D. Cronin relative to the penalty for illegal sales of controlled Addiction centers,—
drug sales.

substances in the vicinity of premises providing services for substance addiction.

Winthrop and
Revere,—
regional
public safety.

By Mr. DeLeo of Winthrop, a petition (subject to Joint Rule 12) of Robert A. DeLeo (by vote of the town) that the town of Winthrop may enter into an agreement with the city of Revere to operate a regional public safety communications and dispatch center.

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

Papers from the Senate.

Burlington,—
liquor
licenses.

The House Bill authorizing the town of Burlington to grant additional alcoholic beverages licenses (House, No. 3688), came from the Senate passed to be engrossed, in concurrence, with amendments in section 3, in lines 21 and 22, by striking out the sentence contained in those lines; and in section 4, in line 23, by striking out the following: “sections 12 and 77 of chapter 138 of the General Laws” and inserting in place thereof the words “any general or special law to the contrary”. The amendments were referred, under Rule 35, to the committee on Bills in the Third Reading.

Northampton
State
Hospital.

A Bill authorizing the Division of Capital Asset Management and Maintenance to convey certain property at Northampton State Hospital (Senate, No. 2006) (on Senate bill No. 1532), passed to be engrossed by the Senate, was read; and it was referred, under Rule 33, to the committee on Ways and Means.

Westport,—
land.

A Bill authorizing the town of Westport to lease a certain parcel of land (Senate, No. 1961) (on a petition) [Local Approval Received], passed to be engrossed by the Senate, was read; and it was referred, under Rule 7A, to the committee on Steering, Policy and Schedule.

Wrentham,—
charter.

A petition (accompanied by bill, Senate, No. 2005) of Richard J. Ross and Shawn Dooley (by vote of the town) for legislation to establish a charter for the town of Wrentham, was referred, in concurrence, to the committee on Municipalities and Regional Government.

Mrs. Haddad of Somerset being in the Chair,—

Petitions severally were referred, in concurrence, under suspension of Joint Rule 12, as follows:

Juveniles,—
life sentences
with parole.

Petition (accompanied by bill, Senate, No. 2008) of Bruce E. Tarr, Richard J. Ross, Donald F. Humason, Jr., James E. Timilty and other members of the General Court for legislation relative to juvenile life with parole. To the committee on the Judiciary.

Ataxia
Awareness
Day.

Petition (accompanied by bill, Senate, No. 2007) of Michael O. Moore and Paul K. Frost for legislation to establish Ataxia Awareness Day. To the committee on State Administration and Regulatory Oversight.

Reports of Committees.

Tracy
Longvall-
Rivera,—
sick leave.

By Mr. Binienda of Worcester, for the committee on Rules and the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the petition of Kimberly N. Ferguson for legislation to establish a sick leave bank for Tracy Longvall-Rivera,

an employee of the Department of Youth Services. Under suspension of the rules, on motion of Mrs. Ferguson of Holden, the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Public Service. Sent to the Senate for concurrence.

By Mr. Kafka of Stoughton, for the committee on Steering, Policy and Scheduling, that the following Senate bills be scheduled for consideration by the House:

Authorizing the board of selectmen to exempt eco-toilet installations from sewer connections and associated betterments in the town of Falmouth (Senate, No. 1938) [Local Approval Received];

Falmouth,—
eco-toilet
installations.

Regulating sewer service area betterment assessments in the town of Falmouth (Senate, No. 1939, amended) [Local Approval Received]; and

Falmouth,—
sewer service.

Further amending Chapter 654 of the Acts of 1975 (Senate, No. 1941, changed) [Local Approval Received];

Falmouth
Historic
Commission.

Under suspension of Rule 7A, in each instance, on motion of Ms. Peisch of Wellesley, the bills severally were read a second time forthwith; and they were ordered to a third reading.

By Mr. Binienda of Worcester, for the committees on Rules of the two branches, acting concurrently, that the Bill creating a task force to protect Massachusetts children against child sexual abuse (House, No. 3803), ought to pass. Referred, under Rule 33, to the committee on Ways and Means.

Child sexual
abuse,—
task force.

By Ms. Peake of Provincetown, for the committee on Municipalities and Regional Government, on a petition, a Bill establishing a parks & fields capital enhancements special revenue fund in the city of Marlborough (House, No. 3862) [Local Approval Received]. Read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Marlborough,—
special fund.

Emergency Measure.

The engrossed Bill establishing a sick leave bank for Carol L. Clark, an employee of the Department of Developmental Services Revenue (see House, No. 3830, amended), having been certified by the Clerk to be rightly and truly prepared for final passage, was considered, the question being on adopting the emergency preamble.

Carol L.
Clark,—
sick leave.

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 3 to 0. Sent to the Senate for concurrence.

Engrossed Bills.

Engrossed bills

Authorizing the conveyance or lease of a parcel of land in the city of Northampton for park, recreation or open space purposes (see House, No. 2844, amended);

Bills
enacted.

Reducing the sewer betterment interest rate on repayments in the town of Easton (see House, No. 3583); and

Bills enacted.

Authorizing the town of Needham to place a question on the ballot authorizing the town to grant certain licenses for the sale of all alcoholic beverages to be drunk on the premises (see House, No. 3829);

(Which severally originated in the House);

Severally having been certified by the Clerk to be rightly and truly prepared for final passage, were passed to be enacted; and they were signed by the acting Speaker and sent to the Senate.

Orders of the Day.

Third reading bill.

The Senate Bill further limiting the liability of persons rendering certain emergency medical care (Senate, No. 1993), reported by the committee on Bills in the Third Reading to be correctly drawn, was read a third time; and it was passed to be engrossed, in concurrence.

Id.

The House Bill relative to the terms of certain bonds to be issued by the Commonwealth (printed in House, No. 3880) (its title having been changed by the committee on Bills in the Third Reading), reported by said committee to be correctly drawn, was read a third time; and it was passed to be engrossed. Sent to the Senate for concurrence.

Second reading bills.

House bills

To promote open space residential development (House, No. 1125);
Relative to the annual observance of the Massachusetts Women’s Defense Corps Remembrance Day (House, No. 2836);

Designating the song “14 Counties of Massachusetts” as the official county song of the Commonwealth (House, No. 3459);

Designating the official seasoning of the Commonwealth (House, No. 3753);

Validating the charter amendments approved at the May 15, 2006 annual town meeting held in the town of Swampscott (printed in House, No. 3768);

Approving the conveyance of property by the county and town of Nantucket (House, No. 3801, changed);

Authorizing the late filing of a tax abatement application for the Amherst Committee for a Better Chance, Inc. (House, No. 3817); and

Relative to the parks and recreation commission in Hardwick (House, No. 3818);

Severally were read a second time; and they were ordered to a third reading.

Third reading bill amended.

The House Bill establishing a sick leave bank for Rebecca Paylor, an employee of the Department of Children and Families (House, No. 3878), reported by the committee on Bills in the Third Reading to be correctly drawn, was read a third time.

Pending the question on passing the bill to be engrossed, Mr. Binienda of Worcester moved to amend it in lines 2 and 3 by striking out the following: “, of 101 Reservoir Street, Cherry Valley, Massachusetts 01611”, and in line 8 by striking out the words “Department of Children and Families’ paid sick” and inserting in place thereof the words “extended illness”.

The amendments were adopted; and the bill (House, No. 3878, amended) was passed to be engrossed. Sent to the Senate for concurrence.

At twenty-five minutes after eleven o'clock A.M., on motion of Mrs. Poirier of North Attleborough (Mr. Kafka of Stoughton being in the Chair), the House recessed until one o'clock P.M.; and at eight minutes after one o'clock the House was called to order with Mr. Kafka in the Chair.

Recess.

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

Quorum.

Subsequently a roll call was taken for the purpose of ascertaining the presence of a quorum; and on the roll call (the Speaker being in the Chair) 150 members were recorded as being in attendance.

Quorum,—
yea and nay
No. 291.

[See Yea and Nay No. 291 in Supplement.]

Therefore a quorum was present.

Mrs. Haddad of Somerset being in the Chair,—

The House Bill relative to natural gas leaks (House, No. 3873), reported by the committee on Bills in the Third Reading to be correctly drawn, was read a third time.

Natural
gas
leaks.

After debate on the question on passing the bill to be engrossed, Mr. Chan of Quincy moved to amend it by adding the following section:

“SECTION 5. Section 1F of Chapter 164 of the General Laws is amended after subsection (9) with the following new subsection:—

After it is found that a gas leak has caused an explosion by either the gas distribution company or a local or state public safety official, the Department shall issue a written finding as to why an investigation is or is not necessary to determine the cause of the explosion.”

The amendment was adopted.

Mr. Mark of Peru then moved to amend the bill in section 2, in line 38, by inserting after the word “leaks.” the following sentence: “The gas company shall be responsible for ensuring the rotation, and if necessary, the accessibility of any gate boxes in the project area.” and by inserting after section 3 (as published) the following section:

“SECTION 2A. Notwithstanding any general or special law to the contrary, the department of public utilities shall open an investigation into gas operator compliance with the directives set forth in its Order D.T.E./D.P.U. 06-48-A. The Department shall complete its investigation and submit its findings to the joint committee on telecommunications, utilities and energy not later than June 1, 2015.”

The amendments were adopted.

Mr. Cusack of Braintree then moved to amend the bill

By inserting before section 1 (as published) the following section:

“SECTION 1A. Chapter 143 of the General Laws is hereby amended by adding the following section:—

Section 101. The secretary of public safety and security shall promulgate regulations that set forth minimum safety standards for utility transformer vaults located within buildings subject to the state building code. For the purposes of this section, a utility transformer vault shall mean any totally enclosed structure or room in which electrified network transformers, network protectors and related electrical equipment

Natural
gas
leaks.

are housed. Regulations shall include, but not be limited to, uniform standards for access, structural integrity, ventilation, and lighting of a utility transformer vault and shall set forth the frequency of inspection by a state or municipal official to ensure the enforcement of minimum safety standards.”;

In said section 1 (as published), in line 1, by striking out the following: “SECTION 1” and inserting in place thereof the following: “SECTION 1B”; and

By adding the following section:

“SECTION 6. Prior to the promulgation of any regulations under section 101 of chapter 143 of the General Laws, and within 45 days of the passage of this act, the secretary of public safety and security, or a designee, shall hold a hearing on the issues relative to the establishment of minimum safety standards for utility transformer vaults located within buildings subject to the state building code and shall extend an invitation to all stakeholders to testify at the hearing. The secretary shall then submit a report to the clerks of the house of representatives and senate detailing the secretary’s plan to address the establishment of minimum safety standards for utility transformer vaults. The report shall include, but not be limited to, an outline of regulations to be promulgated by the secretary; any issues related to implementation of the regulations, including structural limitations of older buildings containing utility transformer vaults; any ancillary costs, including the cost of inspections and possible costs to businesses and municipalities to comply with any proposed new regulations; and any recommendations for legislation necessary to further implement minimum safety standards for utility transformer vaults.”.

The amendments were adopted.

Mr. Dempsey of Haverhill then moved to amend the bill

In section 2, in lines 57 to 64, inclusive, by striking out the paragraph contained therein;

In section 3 (as published), in line 67, by striking out the figures “146” and inserting in place thereof the figures “145”, in line 78, by striking out the words “an infrastructure” and inserting in place thereof the words “a targeted infrastructure”, in lines 95, 96 and 97, by striking out the following: “, unless a new plan is filed by the gas company or under the direction of the department within the 6 month review period” and inserting in place thereof the words “. The department may modify a plan prior to approval at the request of a gas company, or make other modifications to a plan as a condition for approval”, in line 101, by striking out the word “in” (the first time it appears) and inserting in place thereof the word “is” and, in line 115, by striking out the words “, subject to the cap”;

In section 4 (as published), in line 130, by striking out the words “process for determining” and inserting in place thereof the words “determination that”, in lines 134, 135 and 136, by striking out the words “, new area surcharges for zones of new off-main customers; provided, however, that natural gas distribution system expansion surcharges, except alternative rate mechanisms,” and inserting in place thereof the following: “(i) new service-territory-wide surcharges to aide in the financing of gas service expansion to new off-main customers, (ii) new area surcharges applicable only to zones of new off-

main customers to aide in the financing of gas service expansion to new off-main customers, or (iii) both; provided, however, that natural gas distribution system expansion surcharges”, in lines 141 and 142, by striking out the words “as petitioned” and inserting in place thereof the word “developed”, and, in line 149, by inserting after the word “conversion” the words “or expansion”; and by adding the following section:

“SECTION 7. The department shall investigate whether it should require the winter surveillance and patrol of cast iron gas pipelines in the commonwealth, and shall determine whether the presence of extended frost cap conditions may result in additional stress on cast iron pipe segments, requiring enhanced surveillance and patrol. The department is authorized to establish minimum uniform procedures for cast iron winter surveillance and patrols consistent with any federally mandated standards for integrity management programs for distribution pipelines. Gas companies are authorized to establish procedures that exceed any minimum standards, subject to applicable filing requirements with the department.”.

The amendments were adopted.

On the question on passing the bill, as amended, to be engrossed, the sense of the House was taken by yeas and nays at the request of Mr. Dempsey of Haverhill; and on the roll call 152 members voted in the affirmative and 0 in the negative.

Bill passed to
be engrossed—
yea and nay
No. 292.

[See Yea and Nay No. 292 in Supplement.]

Therefore the bill (House, No. 3873, amended) was passed to be engrossed. Sent to the Senate for concurrence.

The House Bill making appropriations for the fiscal year 2014 to provide for supplementing certain existing appropriations and for certain other activities and projects (House, No. 3899), reported by the committee on Bills in the Third Reading to be correctly drawn, was read a third time.

Supplemental
appropriations.

After remarks on the question on passing the bill to engrossed, Mr. Durant of Spencer moved to amend it by adding the following section:

“SECTION 31. Providing for a study by a special commission relative to public school budgets.

Section 1. A special commission is hereby established for the purpose of conducting a study relative to local contributions to public school districts. The commission shall evaluate the need of a potential measure limiting a municipality’s contribution to a school district’s budget to 2½ per cent above the municipality’s previous fiscal year contribution, adjusted seasonably for student population and special education costs, unless the municipality votes to override the measure at a ballot election. The commission shall evaluate the potential impact the measure may have on municipalities and public school districts within the commonwealth. The commission shall make any recommendations or suggestions as it sees fit.

The commission shall consist of the house and senate chairs of the joint committee on revenue, who shall serve as co-chairs of the commission; 1 member to be appointed by the senate president; 1 member to be appointed by the speaker of the house of representatives; 1 member to be appointed by the senate minority leader; 1 member to be

Supplemental appropriations.

appointed by the house minority leader; the commissioner of the department of revenue or the commissioner's designee; the commissioner of the department of elementary and secondary education or the commissioner's designee, 2 persons to be appointed by the governor and 1 representative from each of the following associations: the Massachusetts Association of School Committees; the Massachusetts Selectmen's Association. All appointments shall be made not later than 30 days after the effective date of this resolve. The chairpersons shall meet with the commission not later than 60 days after the effective date of this resolve.

Section 2. The commission shall report to the general court the result of its study and its recommendations, if any, together with any drafts of legislation necessary to carry its recommendations into effect by filing the same with the clerk of the house of representatives not later than 180 days after the first meeting of the commission.”.

The amendment was rejected.

Ms. Atkins of Concord then moved to amend the bill in section 2, in item 7008-0900, and also in section 20, in line 178, by striking out the figures “100,000” and inserting in place thereof, in each instance, the figures “200,000”.

The amendments were adopted.

Pending the question on passing the bill, as amended, to be engrossed, Mr. Scibak of South Hadley moved to amend it by adding the following section:

“SECTION 31. Chapter 38 of the Acts of 2013 is hereby amended in subsection c, of section 164 by striking the words ‘December 31, 2013’ and inserting in place thereof the following language:— December 31, 2014.”.

The amendment was adopted.

Mr. Linsky of Natick then moved to amend the bill by adding the following section:

“SECTION 32. Section 38A of chapter 41 of the general laws is hereby amended by striking the first sentence and inserting in place thereof the following: A city or town may by ordinance, by-law or vote, notwithstanding any other provision of law, general or special, provide that the collector of taxes shall be authorized to collect, under the title of city or town collector, any accounts due the city or town, and may in like manner define his powers and duties in relation to the collection of such accounts, but no such ordinance, by-law or vote, heretofore or hereafter passed, shall limit such collector in the exercise of the remedies hereinafter conferred.”.

The amendment was adopted.

Mr. Scaccia of Boston then moved to amend the bill in section 2A, in line 84, by inserting after the heading “*Office of the Secretary*.” (as changed by the committee on Bills in the Third Reading) the following item:

“0521-0000 To reimburse the Secretary of the Commonwealth for cost incurred by his office to conduct the following (7) special elections: 5th Middlesex Senate District, 4th Hampden House District, 13th Suffolk House District, 2nd Suffolk House District, 16th Suffolk House District, 5th Suffolk House District, and 9th Norfolk House District; and pro-

vided further, that these funds shall be in addition to any amounts previously appropriated and made available for expenditure through June 30, 2015, for a total reimbursement of \$310,901.14”.

The amendment was adopted.

Representatives Sánchez of Boston and Malia of Boston then moved to amend the bill by adding the following section:

“SECTION 33. Notwithstanding any general or special law to the contrary, the Department of Capital Asset Management and Maintenance shall enter into a 10-year lease for one dollar per year for the use of land at the Lemeul Shattuck Hospital in the city of Boston for the siting of a modular child care center, outdoor play area, and parking; provided, that the Department of Public Health, with support from the Executive Office of Health and Human Services and the Department of Capital Asset Management and Maintenance, shall allow the Shattuck Child Care Center, Inc. to remain in its present location under the terms of the existing agreement between the Lemuel Shattuck Hospital and the Shattuck Child Care Center until the Center moves to the modular facilities; provided further, that the Shattuck Child Care Center, Inc. will reserve a portion of its slots for employees of the MBTA’s Forest Hills Facility.”

The amendment was adopted.

Ms. Garlick of Needham and other members of the House then moved to amend the bill by inserting after section 4 the following section:

“SECTION 4A. The second paragraph of section 65 of chapter 143 of the General Laws, as most recently amended by section 6 of chapter 3 of the acts of 2013, is hereby further amended by inserting after the third sentence the following sentence:— The Commissioner may consider, on a case by case basis, to waive all or a portion of the \$100 per day fine if the owner or operator of the elevator demonstrates in writing to the Commissioner that payment of such fine creates a hardship on such owner or operator. When all or a portion of the fine is waived, the Commissioner shall establish a schedule of no more than 30 days for the owner or operator of the elevator to become compliant with this section.”; and by adding the following section:

“SECTION 34. Section 4A shall apply to all fines assessed or any appeal of such fine filed on or after January 1, 2013.”.

The amendments were adopted.

Mr. Barrows of Mansfield and other members of the House then moved to amend the bill by inserting after section 27 (as published) the following section:

“SECTION 29A. Notwithstanding any general or special law to the contrary, the Board of the Commonwealth Health Insurance Connector shall provide a monthly report on the status of the Connector to the Clerks of the House of Representatives and Senate, and the Joint Committee on Health Care Financing. The first report shall be submitted within two weeks of the effective date of this act.”.

The amendment was adopted.

Mr. Timilty of Milton and other members of the House then moved to amend the bill by adding the following section:

“SECTION 35. Notwithstanding any general or special law, rule or regulation to the contrary, no development shall be permitted within 1000 feet of the so-called Fowl Meadow in the Town of Canton and

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the Town of Milton or any land abutting Fowl Meadow in the Town of Canton or the Town of Milton which development shall negatively impact this unique area encompassing upland open meadows, pristine wetlands and mature woods. Negative impact shall be determined to be a change of grade, re-routing or changing water flow, draining wetlands or altering the topography such that rare and/or endangered species shall not have the ability to inhabit two or more of the portions of the unique areas named herein.”.

The amendment was rejected.

Mr. Rushing of Boston and other members of the House then moved to amend the bill by adding the following section:

“SECTION 35. Notwithstanding any general or special law to the contrary, the secretary of Energy & Environmental Affairs shall convene an advisory committee on flood risks created by climate change. The advisory committee shall be chaired by the secretary, or his designee, and be comprised of representatives with expertise in the following areas: coastal zone and river flooding, hydrological and hydraulic modeling, natural hazard preparedness and mitigation, sea level and storm surge projections, risk measurement and reduction, emergency management planning and scenario planning.

The advisory committee shall complete a report, not later than July 1, 2015 which shall include:

(1) a set of combined sea-level rise and storm-surge scenarios for Massachusetts;

(2) estimates of risk levels of each scenario occurring by 2030, 2050 and 2100;

(3) estimates of flood water levels in coastal areas under each scenario which shall reflect appropriate local information such as local uplift and subsidence, and coastal erosion rates;

(4) estimates based on hydrological and hydraulic modeling of flood water levels in each scenario in historically coastal areas now currently protected by dams, including the Charles River Basin and the Mystic River Basin;

(5) maps of areas subject to inundation in each scenario; and

(6) recommendations for additional study to assess the vulnerability of state agency and public utility assets based on the scenarios developed.

The committee shall conduct a public hearing before procuring any contract for consulting services and a second hearing before finalizing its report. The report shall be filed with the Clerks of the House and Senate, who will forward the report to the Chairs of the Joint Committee on Environment and Natural Resources.

The amendment was adopted.

Representatives Jones of North Reading and O’Connell of Taunton then moved to amend the bill by adding the following section:

“SECTION 36. The Attorney General shall provide a written advisory opinion concerning whether denying the right to counsel for indigent petitioners in sex offender registry board proceedings pursuant to sections 178L and 178M of chapter 6 of the General Laws raises constitutional issues. The opinion shall be filed on or before April 15, 2014, with the clerks of the house of representatives and senate who shall forward the same to the joint committee on the judiciary and the house and senate committees on ways and means.”.

The amendment was adopted.

The same members then moved to amend the bill by inserting after section 29A (inserted by amendment) the following section:

“SECTION 29B. Notwithstanding any general or special law to the contrary, that until such time as a report has been issued by the Child Welfare League of America, the department of children and families shall not license any foster parents and shall not approve any new foster placements where a household member has been convicted of a willful and malicious act aimed at a specific person committed with the intent to cause fear, intimidation, abuse or damage to that person; or (ii) an act that, by force, threat or duress causes another to involuntarily engage in sexual relations, or constitutes a violation of section 13B, 13F, 13H, 22, 22A, 23, 24, 24B, 26C, 43 or 43A of chapter 265 or section 3 of chapter 272. Current foster placements where a household member has been convicted of such a crime shall be reviewed for appropriateness. The department shall also provide a report to the clerks of the house of representatives and senate detailing the procedures for conducting background checks on applicants for foster placement. The report shall be submitted on or before March 31, 2014.”.

The amendment was adopted.

Mr. Dempsey of Haverhill moved to amend the bill in section 2 By inserting after item 0321-1520 the following item:

“Worcester District Attorney.

0340-0400 \$46,722”;

In item 1599-4444 by striking out the figures “14,124,958” and inserting in place thereof the figures “16,384,884”;

By inserting after item 1599-7104 the following two items:

“EXECUTIVE OFFICE OF ENERGY AND ENVIRONMENTAL AFFAIRS.

Department of Fish and Game.

2330-0100 \$100,000

2330-0120 \$100,000”;

By inserting after item 7008-0900 the following two items:

“University of Massachusetts.

7100-0200 \$50,000

EXECUTIVE OFFICE OF LABOR AND WORKFORCE DEVELOPMENT.

Department of Career Services.

7002-0012 \$1,000,000”;

and by inserting after item 8910-8300 the following item:

“Dukes Sheriff’s Department.

8910-8400 \$265,000”;

In section 2A by inserting before item 1599-6901 the following two items:

“1599-1206 For the salary adjustments and other economic benefits authorized by the collective bargaining agreement between the commonwealth and the

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	Service Employees International Union, local 509, for family based child-care providers, effective for the purposes of section 7 of chapter 150E of the General Laws	\$3,232,824;
1599-4000	For a reserve to support community colleges that serve a critical role in creating opportunity for local communities of the highest need; provided, that not less than \$3,000,000 shall be provided to Roxbury Community College	\$5,000,000”;

and in item 7007-0210 by striking out the figures “10,000,000” and inserting in place thereof the figures “15,000,000”;

By striking out sections 13 and 14 (as published) and inserting in place thereof the following two sections:

“SECTION 14. Section 23 of chapter 176O of the General Laws, as appearing in the 2012 Official Edition, is hereby amended by striking out, in line 3, the words — within 2 working days.

SECTION 15. Said section 23 of said chapter 176O is hereby further amended by striking out the words ‘within 2 working days’, inserted by section 13, and inserting in place thereof the following words:— in real time.”;

By inserting after section 15 (as published) the following section:

“SECTION 17A. Item 0340-0400 of section 2 of chapter 38 of the acts of 2013 is hereby amended by inserting after the words ‘paid from this item’ the following words:— ; provided further, that no less than \$46,722 be expended on upgrades to extend the life of the computer systems at the Worcester County District Attorney’s Office.”;

By inserting after section 16 (as published) the following three sections:

“SECTION 18A. Item 2300-0100 of section 2 of chapter 38 of the acts of 2013 is hereby amended by striking out the words ‘not later than 180 days after the effective date of this item’ and inserting in place thereof the following:— not later than May 1, 2014.

SECTION 18B. Item 2330-0100 of section 2 of chapter 38 of the acts of 2013 is hereby amended by inserting after the words ‘hinder the existing functions of the plant;’ the following words:— provided further, that no less than \$100,000 shall be expended to address new concerns associated with bacterial contamination of marine wastewaters and shellfish.

SECTION 18C. Item 2330-0120 of section 2 of chapter 38 of the acts of 2013 is hereby amended by inserting after the words ‘updating of data’ the following words:— ; provided that \$100,000 shall be expended to conduct a stock assessment of black sea bass in coastal waters in collaboration with the Atlantic States Marine Fisheries Commission and the Mid-Atlantic Fishery Management Council, and employing the services of contracted fishing vessels.”;

By striking out section 18 (as published) and inserting in place thereof the following section:

“SECTION 20. Item 4800-0038 of said section 2 of said chapter 38 is hereby amended by striking out the following: ‘March 1’ and inserting in place thereof the following:— November 30.”;

By inserting after section 19 (as published) the following section:

“SECTION 21A. Item 7004-9316 of section 2 of chapter 38 of the acts of 2013 is hereby amended by striking out ‘provided further, that not less than 90 per cent of the funds shall be provided to households

with an income not greater than 30 per cent of area median income, subject to the department’s discretion based on data reflecting program demand and usage; provided further, that in distributing 90 per cent of the funds, the department shall prioritize those families most likely to otherwise require shelter services under item 7004-0101’ and inserting in place thereof the following words:— provided further, that not less than 50 per cent of the funds shall be provided to households with an income not greater than 30 per cent of area median income, subject to the department’s discretion based on data reflecting program demand and usage; provided further, that in distributing 50 per cent of the funds, the department shall prioritize those families most likely to otherwise require shelter services under item 7004-0101.”; and

By striking out sections 29 and 30 (as published) and inserting in place thereof the following four sections:

“SECTION 37. Section 13 shall take effect as of October 1, 2013.

SECTION 38. Section 26 shall take effect as of January 1, 2014.

SECTION 39. Section 14 shall take effect October 1, 2014.

SECTION 40. Section 4 shall take effect January 1, 2015.”.

The amendments were adopted.

On the question on passing the bill, as amended, to be engrossed, the sense of the House was taken by yeas and nays at the request of Mr. Dempsey of Haverhill; and on the roll call (Mr. Bradley of Hingham being in the Chair) 146 members voted in the affirmative and 2 in the negative.

Bill passed to be engrossed—yea and nay No. 293.

[See Yea and Nay No. 293 in Supplement.]

Therefore the bill was passed to be engrossed. The bill (House, No. 3903, published as amended) then was sent to the Senate for concurrence.

Subsequently a statement of Ms. Malia of Boston 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, during the previous roll call, I was absent from the House Chamber on official business in another part of the State House and therefore I was not recorded.

Statement of Ms. Malia of Boston.

Order.

On motion of Mr. DeLeo of Winthrop,—

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

Next sitting.

Representatives Haddad of Somerset and Howitt of Seekonk then moved that when the House adjourns today, it do so in respect to the memory of Antone S. Aguiar, Jr., a member of the House from Swansea from 1965 to 1982, inclusive; and the motion prevailed.

Accordingly, without further consideration of the remaining matters in the Orders of the Day, at nine minutes after six o’clock P.M., on motion of Mrs. Poirier of North Attleborough (Mr. Bradley of Hingham being in the Chair), the House adjourned, to meet on the following day at eleven o’clock A.M., in an Informal Session.