

Wednesday, February 15, 2012.

Met according to adjournment at twelve o'clock noon, 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.

*Statement Concerning Representative Golden of Lowell.*

A statement of Mr. Rushing of Boston concerning Mr. Golden of Lowell was spread upon the records of the House, as follows:

Statement concerning Mr. Golden of Lowell.

MR. SPEAKER: I would like to call to the attention of the House the fact that one of our colleagues, Representative Golden of Lowell, is unable to be present in the House Chamber for today's sitting due to family business. His missing of roll calls today is due entirely to the reason stated.

*Resolutions.*

The following resolutions (filed with the Clerk) were referred, under Rule 85, to the committee on Rules:

Robert J. Haynes.

Resolutions (filed by Messrs. Donato of Medford, DeLeo of Winthrop and Walsh of Boston) congratulating Robert J. Haynes on the occasion of his retirement from the Massachusetts AFL-CIO; and

Mildred Christine Hailey.

Resolutions (filed by Representatives Sánchez of Boston and Malia of Boston) congratulating Mildred Christine Hailey on the occasion of her retirement from the Bromley-Heath Tenant Management Corporation;

Mr. Binienda of Worcester, for the committee on Rules, reported, in each instance, that the resolutions ought to be adopted. Under suspension of the rules, in each instance, on motion of Mr. Galvin of Canton, the resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted.

*Petitions.*

Electronic devices,— insurance.

Mr. Michlewitz of Boston presented a petition (subject to Joint Rule 12) of Aaron Michlewitz relative to regulating insurance for portable electronic devices; and the same was referred, under Rule 24, to the committee on Rules.

Mr. Binienda of Worcester, for the committee on Rules and the committees on Rules of the two branches, acting concurrently, then reported recommending that Joint Rule 12 be suspended. Under suspension of the rules, on motion of Mr. Kafka of Stoughton, the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Financial Services. Sent to the Senate for concurrence.

Representative Haddad of Somerset and Senator Rodrigues presented a joint petition (subject to Joint Rule 12) of Patricia A. Haddad, Michael J. Rodrigues and other members of the General Court (by vote of the town) relative to the development of the Meditech project on a certain parcel of land located in the town of Freetown; and the same was referred, under Rule 24, to the committee on Rules.

Freetown,—  
land.

Mr. Binienda of Worcester, for the committee on Rules and the committees on Rules of the two branches, acting concurrently, then reported recommending that Joint Rule 12 be suspended. Under suspension of the rules, on motion of Mrs. Haddad of Somerset, the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on State Administration and Regulatory Oversight. Sent to the Senate for concurrence.

Petitions severally were presented and referred as follows:

By Mr. Garballey of Arlington, a petition (subject to Joint Rule 12) of Sean Garballey and others relative to creating a special commission on school library services in the Commonwealth.

School library  
commission.

By Mr. Madden of Nantucket, a petition (subject to Joint Rule 12) of Timothy R. Madden relative to requiring the community preservation committee to make legislative recommendations for the acquisition, creation, preservation, rehabilitation and restoration of certain properties.

Community  
preservation.

By Mr. Straus of Mattapoisett, a petition (subject to Joint Rule 12) of William M. Straus, George N. Peterson, Jr., and Paul K. Frost relative to authorizing the use of a bow and arrow on Sundays during hunting season.

Bow hunting,—  
Sundays.

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

*Papers from the Senate.*

A Bill authorizing the town of Plymouth to establish an other post-employment benefits fund (Senate, No. 2030) (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 Scheduling.

Plymouth,—  
post-  
employment  
fund.

A petition (accompanied by bill, Senate, No. 2137) of Robert L. Hedlund and James M. Cantwell (by vote of the town) for legislation to authorize the transfer of land in Marshfield, was referred, in concurrence, to the committee on Municipalities and Regional Government.

Marshfield,—  
land  
transfer.

*Reports of Committees.*

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 following petitions;

Petition (accompanied by bill) of Brian M. Ashe and others for legislation to establish a special fund to be used for the replanting of trees in certain storm damaged areas. To the committee on Environment, Natural Resources and Agriculture.

Storm  
fund.

Municipal,—  
emergency  
appropriations.

Petition (accompanied by bill) of Brian M. Ashe and others for legislation to authorize municipal finance oversight boards to extend the time period for emergency appropriations. To the committee on Municipalities and Regional Government.

Revere,—  
bridge and  
facility  
naming.

Petition (accompanied by bill) of Kathi-Anne Reinstein for legislation to designate a certain pedestrian bridge in the city of Revere as the Christina Markey and John Markey Memorial Pedestrian Bridge and to designate a certain maintenance facility located in said city as the Captain Arthur “Icy” Reinstein Memorial Maintenance Facility. To the committee on State Administration and Regulatory Oversight.

Under suspension of the rules, on motion of Mr. Kafka of Stoughton, the reports were considered forthwith. Joint Rule 12 then was suspended, in each instance. Severally sent to the Senate for concurrence.

Undocumented  
aliens,—  
study.

By Ms. Khan of Newton, for the committee on Children, Families and Persons with Disabilities, asking to be discharged from further consideration of the petition (accompanied by resolve, House, No. 1857) of John V. Fernandes and others relative to providing for an investigation and study by a special commission (including members of the General Court) relative to the impact of undocumented aliens residing in the commonwealth,— and recommending that the same be referred to the committee on Economic Development and Emerging Technologies. Under Rule 42, the report was considered forthwith; and it was accepted. Sent to the Senate for concurrence.

Vocational  
technical  
education.

By Mr. Binienda of Worcester, for the committees on Rules of the two branches, acting concurrently, that the Bill relative to vocational technical education (House, No. 3926), ought to pass. Referred, under Rule 33, to the committee on Ways and Means.

Board of  
Agriculture.

By Ms. Gobi of Spencer, for the committee on Environment, Natural Resources and Agriculture, on a petition, a Bill to strengthen and expand the Board of Agriculture (House, No. 3221, changed in line 11 by striking out the word “six” and inserting in place thereof the word “four”). Read; and referred, under Rule 33, to the committee on Ways and Means.

Pearlene  
Odom,—  
sick leave  
bank.

By Mr. Scibak of South Hadley, for the committee on Public Service, on a petition, a Bill establishing a sick leave bank for Pearlene Odom, an employee of the Massachusetts Department of Transportation, Highway Division (House, No. 3910). Read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Mr. Kafka of Stoughton, for said committee, reported that the matter be scheduled for consideration by the House.

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

*Engrossed Bills.*

Engrossed bills

Bills  
enacted.

Authorizing the appointment of special police officers in the town of Watertown (see House, No. 3434); and

Relative to the retirement of Penelope Harvey (see House, No. 3828); (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.

*Recess.*

At eighteen minutes before one o'clock P.M., on motion of Mr. Peterson of Grafton (Mr. Donato of Medford being in the Chair), the House recessed until one o'clock; and at twenty three minutes after one o'clock the House was called to order with Mr. Mariano of Quincy in the Chair.

Recess.

*Motion to Discharge a Certain Matter in the Orders of the Day.*

The Senate Bill improving the administration of state government and finance (Senate, No. 1940, amended) (its title having been changed by the committee on Bills in the Third Reading), reported by said committee to be correctly drawn, was taken from its position in the Orders of the Day, and read a third time, under suspension of Rule 47, on motion of Mr. Kocot of Northampton.

Government,—  
administration  
and finance.

Mr. Peterson of Grafton asked for a count of the House to ascertain if a quorum was present. The Chair, 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 146 members were recorded as being in attendance.

Quorum,—  
yea and nay  
No. 195.

**[See Yea and Nay No. 195 in Supplement.]**

Therefore a quorum was present.

After remarks on the question on passing the bill, as amended, to be engrossed, in concurrence, Messrs. Lewis of Winchester, Vieira of Falmouth and Cantwell of Marshfield moved to amend it by inserting after section 168 (as published) the following section:

“SECTION 169A. A Special Commission shall be established to study and make recommendations concerning functional overlaps and other redundancies among state agencies and opportunities to promote efficiency and accountability in state government.

Section A. The Commission shall identify ways to eliminate such overlaps and redundancies and make such other recommendations as the commission deems appropriate, with the goal of reducing costs to the state and enhancing the quality and accessibility of state services to the public. The Commission shall consider merging or consolidating state agencies and programs if such action would reduce costs without adversely impacting the quality of services. The Commission shall also seek to identify opportunities to maximize revenues, such as federal grants and matching funds.

Section B. Members of the Commission shall be determined as follows: (1) Three members to be appointed by the Speaker of the House; (2) Two members to be appointed by the House Minority Leader; (3) Three members to be appointed by the Senate President; (4) Two

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members to be appointed by the Senate Minority Leader; (5) One member to be appointed by the State Auditor; (6) One member to be appointed by the State Treasurer; (7) One member to be appointed by the State Comptroller; (8) Four members to be appointed by the Governor. The Commission shall be bipartisan and may include members of the General Court, members of the executive branch, members of the judicial branch, or outside experts. The Speaker of the House and the Senate President shall determine which two members of the Commission will serve as co-chairpersons.

Section C. The Commission may hold hearings and invite testimony from experts and the public. The Commission shall review and identify best practices learned from undertaking similar efforts in other states, such as Connecticut’s Commission on Enhancing Agency Outcomes which reported its findings and recommendations in December, 2010.

Section D. The agency head and staff of each state agency under consideration by the Commission shall ensure that any data, information or materials that the Commission requests for purposes of its review and deliberations are provided to the Commission in a timely manner.

Section E. Members of the Commission shall be named and the Commission shall commence its work within 60 days of the signing of this bill into law. The Commission shall submit its report and recommendations within 18 months following commencement of its work to the Speaker of the House, Senate President, and Governor. The report will also be made available online for public review.”

After remarks on the question on adoption of the amendment, the sense of the House taken by yeas and nays, at the request of Mr. Lewis; and on the roll call 150 members voted in the affirmative and 0 in the negative.

**[See Yeas and Nays No. 196 in Supplement.]**

Therefore the amendment was adopted.

Mr. Kaufman of Lexington then moved to amend the bill by inserting after section 169A (inserted by amendment) the following section:

“SECTION 169B. Tax expenditures are a form of taxpayer spending and should be subject to the same scrutiny by government policymakers required by direct expenditures and the same disclosure and transparency required for direct expenditures. In the interest of simplicity and equity, the total number of tax expenditures and the total amount of foregone revenues should be limited to those that are highly effective at achieving clearly-identified public policy purposes.

There should be a comprehensive, rational, policy-driven and analytic approach to our tax expenditure budget. Each particular tax expenditure should:

1. Have a clearly identified public policy purpose and desired outcome for clearly identified beneficiaries;
2. Be subject to a periodic, data-based, cost-benefit analysis that measures success in achieving the public policy purpose and desired outcome for the intended beneficiaries;
3. Be subject to a periodic review by the Legislature and the Governor for the purpose of determining the effectiveness of the tax expenditure and taking any action to eliminate, modify or preserve the tax expenditure that may be warranted based on such determination; and

Amendment  
adopted,—  
yea and nay  
No. 196.

4. To the extent the tax expenditure is dependent on certain conduct of the tax beneficiary and/or is approved and awarded pursuant to the discretion of an administering agency, it should be subject to well-articulated standards of accountability with appropriate enforcement mechanisms, such as clawbacks.”.

After remarks on the question on adoption of the amendment, the sense of the House taken by yeas and nays, at the request of Mr. Kaufman; and on the roll call 153 members voted in the affirmative and 0 in the negative.

Amendment  
adopted,—  
yea and nay  
No. 197.

**[See Ye and Nay No. 197 in Supplement.]**

Therefore the amendment was adopted.

Mr. Scaccia of Boston then moved to amend the bill in section 74, after line 398, by inserting the following paragraph:

“ ‘Counties’ means the following counties, exclusive, Barnstable, Bristol, Dukes, Nantucket, Norfolk and Plymouth.”.

The amendment was adopted.

Representatives Jones of North Reading and other members of the House then moved to amend the bill in section 101, after line 3159, by inserting the following section:

“ ‘Allowable growth’, the product of the percentage change in the personal income of Massachusetts residents as most recently reported by the federal Bureau of Economic Analysis, from the index so reported 12 months before, and a factor of -5.”; and by inserting after section 169B (inserted by amendment) the following section:

“SECTION 169C. Chapter 29 of the General Laws, as appearing in the 2010 Official Edition, is hereby amended by striking section 5G and inserting in place thereof the following:

Section 5G. After each quarter, the department of revenue shall certify to the state comptroller the amount of tax revenues estimated to have been collected during the preceding quarter from capital gains income. If the department of revenue certifies that the amount of tax revenues estimated to have been collected from capital gains income exceeds the product of \$1,000,000,000 and allowable growth in a fiscal year, the comptroller shall transfer quarterly any such amount to the Commonwealth Stabilization Fund established by section 2H.

This transfer shall be made before the certification of the consolidated net surplus for the previous fiscal year under section 5C. The department of revenue shall report by November 30 to the state comptroller, the executive office for administration and finance and the house and senate committees on ways and means tax revenues estimated to have been collected during the preceding fiscal year from capital gains income.

Five per cent of any amount transferred to the Commonwealth Stabilization Fund under this section shall then be transferred from the Commonwealth Stabilization Fund to the State Retiree Benefits Trust Fund established in section 24 of chapter 32A and 5 per cent of any amount transferred to the Commonwealth Stabilization Fund under this section shall then be transferred from the Commonwealth Stabilization Fund to the Commonwealth’s Pension Liability Fund established in section 22 of chapter 32.”.

Amendments  
adopted,—  
yea and nay  
No. 198.

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 152 members voted in the affirmative and 0 in the negative.

**[See Yea and Nay No. 198 in Supplement.]**

Therefore the amendments were adopted.

Representatives Jones of North Reading and other members of the House then moved to amend the bill by striking out section 159 and inserting in place thereof the following section:

“SECTION 159. The General Laws, as appearing in the 2010 Official Edition, are hereby amended by inserting after chapter 29D the following new chapter:

**CHAPTER 29E.**

**Limitation on the Growth of State Expenditures.**

Section 1. It is the intent of this chapter that there be established for each fiscal year a state expenditure growth limit calculated on the basis of the level of growth of inflation and population in the Commonwealth.

Section 2. For the purposes of this chapter the following definitions apply:

‘Inflation’ means the percentage change in the United States Bureau of Labor Statistics Consumer Price Index for Boston-Brockton-Nashua, all items, all urban consumers, not seasonally adjusted, or its successor index.

‘State Expenditures’ means funds made available by appropriation by the general court for the ordinary maintenance of the several departments, offices, commissions and institutions of the commonwealth, as set forth for the fiscal year in the general appropriations act and supplemental appropriations acts as provided for in chapter 29; provided, such funds are financed by state tax revenues.

‘State Population Change’ means the percentage change in state population as determined by annual federal census estimates and such number shall be adjusted every decade to match the federal census.

‘State Tax Revenues’ means the revenues of the Commonwealth from every tax, surtax, receipt, penalty and other monetary exaction, and interest in connection therewith, including but not limited to, taxes and surtaxes on personal income, excises and taxes on retail sales and use, meals, motor vehicle fuels, businesses and corporations, public utilities, alcoholic beverages, tobacco, inheritances, estates, deeds, room occupancy and pari-mutuel wagering; but excluding federal reimbursements, proceeds from bond issues, earnings on investments, tuitions, fees, service charges and other departmental revenues, and revenues directly attributable to the additional taxes levied pursuant to section eighty-eight of chapter six hundred and eighty-four of the Acts of nineteen hundred and seventy-five.

Section 3. Beginning on or after January 1, 2013 the growth rate in state expenditures for every ensuing fiscal year shall equal inflation plus the state population change as so reported 12 months before.

Section 4. Following the execution of the provisions of section 3, should state tax revenues exceed state expenditures, the amount in excess shall be transferred to the temporary holding fund established

by the comptroller. Any balance in the temporary holding fund greater than zero at the end of the fiscal year shall be refunded to the taxpayers of the Commonwealth, as prescribed by rules and regulations determined by the commissioner of revenue; provided, the provisions of section 5C of chapter 29 shall not occur until after the provisions of this section are executed.

Section 5. Following the execution of the provisions of section 3, should state expenditures exceed state tax revenues, the amount in excess shall be reduced to match state tax revenues.

Section 6. The Supreme Judicial Court or Superior Court may, upon the petition of not less than twenty-four taxable inhabitants of the Commonwealth, enforce the provisions of this chapter. If successful, said taxable inhabitants shall be entitled to recover reasonable attorneys' fees and other costs from the Commonwealth incurred in maintaining such suit.

Section 7. The provisions of this law are severable, and if any clause, sentence, paragraph, or section of this chapter or an application thereof shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof but shall be confined in its operation to the clause, sentence, paragraph, or section adjudged invalid." and by striking out section 160 (as published) and inserting in place thereof the following section:

"SECTION 161. Chapter 62F of the General Laws, as appearing in the 2010 Official Edition, is hereby repealed."

After debate on the question on adoption of the amendments, the sense of the House taken by yeas and nays, at the request of Mr. Peterson of Grafton; and on the roll call 34 members voted in the affirmative and 116 in the negative.

Amendments  
rejected,—  
yea and nay  
No. 199.

### **[See Yea and Nay No. 199 in Supplement.]**

Therefore the amendments were rejected.

Representatives Jones of North Reading and other members of the House then moved to amend the bill by striking out section 159 and 160 (as published) and inserting in place thereof the following section:

"SECTION 159. The General Laws are hereby amended by striking out chapter 62F and inserting in place thereof the following chapter:—

## **CHAPTER 62F.**

### **Limitation on the Growth of State Tax Revenues.**

Section 1. As used in this section, the following words shall, unless the context requires otherwise, have the following meanings:—

'State tax revenues', the revenues of the commonwealth from every tax, surtax, receipt, penalty and other monetary exaction and interest in connection therewith including, but not limited to, taxes and surtaxes on personal income, excises and taxes on retail sales and use, meals, motor vehicle fuels, businesses and corporations, financial institutions, insurance companies, public utilities, alcoholic beverages, tobacco, inheritances, estates, deeds, room occupancy and pari-mutuel wagering, but excluding revenues collected by the state from local option taxes for further direct distribution to cities and towns.

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and finance.

Section 2. If state tax revenues in any fiscal year exceed the product of state tax revenues for the previous fiscal year and 1.045, the amount of such excess, as determined annually by the department of revenue on or before September 30, shall result in a credit equal to the total amount of such excess. The credit shall be applied to the then current personal income tax liability of all taxpayers on a proportional basis to the personal income tax liability incurred by all taxpayers in the immediately preceding taxable year. Any amount of the credit that exceeds the tax due for a taxable year may be carried forward by the taxpayer to any of the 5 subsequent taxable years.

The department of revenue shall take such action and shall have the authority to issue such rules and regulations as are necessary to effectuate the requirements of this section.”

Amendment  
rejected,—  
yea and nay  
No. 200.

After remarks on the question on adoption of the amendment, the sense of the House taken by yeas and nays, at the request of Mr. Jones; and on the roll call 34 members voted in the affirmative and 117 in the negative.

**[See Yea and Nay No. 200 in Supplement.]**

Therefore the amendment was rejected.

Representatives Jones of North Reading and other members of the House then moved to amend the bill in section 115, in line 3438, by inserting after the word “consideration” the words “within ten days of the agreement to the consensus tax estimate; provided, such consideration shall be taken by the yeas and nays of each house of the general court present and voting thereon”; and, in line 3440, by inserting after the word “year.”, the following sentence: “If the general court fails to comply with the provisions of this paragraph, the consensus tax estimate for the ensuing fiscal year shall be equal to the consensus tax estimate of the previous fiscal year.”. After remarks the amendments were adopted.

Mr. Scibak of South Hadley then moved to amend the bill by inserting after section 169C (inserted by amendment) the following section:

“SECTION 169D. Section 30 of Chapter 7 of the General Laws, as appearing in the 2006 Official Edition, is hereby amended in line 7, by inserting after the first paragraph the following paragraph:—

Every agency and institution of the Commonwealth shall transmit to the human resources division all employment opportunities, notices, and postings, excluding positions subject to section 46D of chapter 30, chapter 31 and chapter 150E, including but not limited to notices of job opportunities, new positions and vacancies. The division shall immediately place all such information in the statewide employment computerized referral system. No position shall be filled without full compliance with this section.”

The amendment was adopted.

Representatives Jones of North Reading and other members of the House then moved to amend the bill by inserting after section 169 D (inserted by amendment) the following section:

“SECTION 169E. Subsection (a) of section 7 of chapter 150E of the General Laws, as appearing in the 2010 Official Edition, is hereby amended by striking out the last sentence and inserting in place thereof the following:—

The agreement shall be reduced to writing, executed by the parties, and a copy of such agreement shall be filed with the commission, the house and senate committees on ways and means, and the clerks of the house and senate forthwith by the employer. All agreements shall be conspicuous and accessible online in searchable format through the general court's website and there shall be an archive of all agreements available online in searchable format."

The amendment was adopted.

Messrs. Stanley of Waltham and Lawn of Watertown then moved to amend the bill in section 74, in line 1526, by inserting after the word "surplus" the words "; provided however that the Commissioner shall not convene a new advisory committee to advise on reuses if a re-use committee is currently active." The amendment was adopted.

Representatives Jones of North Reading and other members of the House then moved to amend the bill by inserting after section 169E (inserted by amendment) the following section:

"SECTION 169F. Notwithstanding any general or special law to the contrary, there shall be a special commission to study and report on the feasibility of a two-year budget process for the Commonwealth. The commission shall consist of the treasurer, or his designee; the secretary for administration and finance, or his designee; the comptroller, or his designee; 3 members of the house of representatives, 2 of whom shall be appointed by the speaker of the house, and 1 of whom shall be appointed by the minority leader of the house; and 3 members of the senate, 2 of whom shall be appointed by the senate president, and 1 of whom shall be appointed by the senate minority leader. The commission shall prepare a report of the findings and recommendations together with recommendations for legislation to implement those recommendations by filing the same with the clerks of the senate and house not later than 60 days after the passage of this bill. The commission shall not receive compensation."

The amendment was adopted.

Representatives Jones of North Reading and other members of the House then moved to amend the bill by inserting after section 169F (inserted by amendment) the following section:

"SECTION 169G. (a) There shall be a special commission of the General Court to conduct a study and investigation of the feasibility, cost and benefit of establishing an independent, nonpartisan fiscal and policy research office within the General Court. The commission shall consist of the following members: 2 members to be appointed by the president of the senate, 1 of whom shall serve as co-chair; 1 member appointed by the minority leader of the senate; 2 members to be appointed by the speaker of the house, 1 of whom shall serve as co-chair; and 1 member appointed by the minority leader of the house of representatives. The study shall include, but not be limited to, the following topics: the organization and cost of independent research offices in operation in other legislative bodies; the technical and operational resources needed to complete the functions of such research office; an assessment of how existing human resources could integrate with a new research office; and the new services, if any, that could be provided to the membership and the public.

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(b) The commission may utilize staff as it deems necessary, including a staff person or persons designated by each the house committee of personnel and administration, the office of the senate president, the office of the senate minority leader, the office of the speaker of the house of representatives, and the office of the house minority leader.

(c) The commission shall report the results of its investigation and study, together with any drafts of legislation necessary to carry its recommendations into effect, by filing the same with the clerks of the senate and house of representatives who shall forward the same to the house committee on personnel and administration, and the house and senate committees on ways and means on or before December 31, 2012.”

The amendment was adopted.

Mr. Dempsey of Haverhill then moved to amend the bill in section 74, in lines 1350 to 1354, inclusive, by striking out the two sentences in those lines; and in lines 1581 to 1588, inclusive, by striking out the two sentences in those lines and inserting in place thereof the following sentence: “For petitions which authorize the sale, transfer or other disposition of any state-owned real property filed by persons other than the governor, the legislative committee to which that petition may be referred shall solicit a report from the commissioner stating the recommendation of the commissioner for either the approval or the disapproval of the bill and the reasons of the commissioner therefor.”;

In section 154, in lines 4020 and 4021, by striking out the paragraph in those lines;

By striking out section 168 (as published) and inserting in place thereof the following section:

“SECTION 169. The state treasurer shall issue a request for the competitive procurement of any fund established under section 38A of chapter 29 of the General Laws on or before May 1, 2012.”.

The amendments were adopted.

Mr. Dempsey of Haverhill then moved to amend the bill in section 74, in lines 1431 to 1446, inclusive, by striking out the sentence contained therein and inserting in place thereof the following sentence: “The commissioner shall exercise the powers stated in this chapter, notwithstanding the delegations under certain terms and purposes which the general court has made pertaining to the acquisition, control, and disposition of real property.”. The amendment was adopted.

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

**[See Yeas and Nays No. 201 in Supplement.]**

Therefore the bill (Senate, No. 1940, amended) was passed to be engrossed, in concurrence. Sent to the Senate for concurrence in the amendment adopted by the House (see House document numbered 3949).

*Orders of the Day.*

The Senate Bill establishing a sick leave bank for Sharyn LeCesse, an employee of the Registry of Motor Vehicles (Senate, No. 2129), 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.

Bill passed to  
be engrossed,—  
yea and nay  
No. 201.

Third  
reading  
bill.

House bills

Authorizing the Nantucket Islands Land Bank to sell, convey or otherwise dispose of certain land situated in the town of Nantucket (House, No. 3836) (its title having been changed by the committee on Bills in the Third Reading); and

Third reading bills.

Establishing a sick leave bank for James Crosby, an employee of the Department of Veterans. Services (House, No. 3862);

Severally reported by the committee on Bills in the Third Reading to be correctly drawn, were read a third time; and they were passed to be engrossed. Severally sent to the Senate for concurrence.

The Senate Bill relative to the town clerk in the town of Tewksbury (Senate, No. 2104); and

Second reading bills.

House bills

Relative to non-discrimination training in the work place (House, No.1413);

Relative to record keeping for condominiums (House, No. 1547);

Relative to regional school district leases (House, No. 1912, changed);

Relative to outstanding excise tax and the towing of motor vehicles and trailers in the city of Springfield (House, No. 3490);

Authorizing the town of Westwood to grant special licenses for the sale of all alcoholic beverages and wines and malt beverages (House, No. 3675);

Relative to authorizing the town of Aquinnah to refund tax payments and accrued interest from improperly assessed taxation in prior fiscal years 2005 and 2006 (House, No. 3708);

Authorizing the town of Harvard to issue one-day liquor licenses (House, No. 3715);

Authorizing the city of Fitchburg to grant an additional license for the sales of wines and male beverages not to be drunk on premises (House, No. 3738);

Providing for a charter for the town of Westwood (House, No. 3763);

Amending the charter of the town of Westborough (House, No. 3800);

Validating the actions taken at a certain town meeting in the town of Abington (printed in House, No. 3843); and

To convey a certain parcel of land in Holyoke to Holyoke Community College (House, No. 3849);

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

The House Bill relative to creating a community based flexible supports oversight commission (House, No. 1429, changed), was read a second time.

Second reading bill amended.

The amendment previously recommended by the committee on Health Care Financing,— that the bill be amended by substitution of a bill with the same title (House, No. 3929),— was adopted; and the substituted bill was ordered to a third reading.

The House Bill authorizing the Division of Capital Asset Management and Maintenance to grant an easement in certain land in the town of Hopkinton (House, No. 3668), was read a second time.

Id.

The amendment previously recommended by the committee on Ways and Means,— that the bill be amended by substitution of a bill with the

same title (House, No. 3909),— was adopted; and the substituted bill was ordered to a third reading.

*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.

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At two minutes after four o'clock P.M., on motion of Mr. Kafka of Stoughton (Mr. Mariano of Quincy being in the Chair), the House adjourned, to meet the following day at eleven o'clock A.M., in an Informal Session.