

JOURNAL OF THE HOUSE.

Thursday, April 10, 2014.

Met according to adjournment, at eleven o'clock A.M., in an Informal Session, 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).

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. Pledge of
allegiance.

Resignation of Representative Murphy of Lowell.

The following communication was read; and spread upon the records of the House, as follows:

April 9, 2014.

The Honorable Steven T. James
Clerk of the House of Representatives
The Massachusetts State House
Room 145
Boston, MA 02133

Dear Mr. Clerk,

It has been my distinct honor and pleasure to represent the residents of the 18th Middlesex District for nearly 18 years. I shall always remember my service in the House of Representatives as the capstone of my career. Resignation of
Representative
Kevin J.
Murphy of
Lowell.

Since I will assume the position of Lowell City Manager I hereby resign as the State Representative from the 18th Middlesex District effective at Midnight on April 13, 2014.

Sincerely yours,

KEVIN J. MURPHY,
State Representative,
18TH Middlesex District.

Statement of Representative Andrews of Orange.

A statement of Ms. Andrews of Orange 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 I was unable to be present in the House Chamber for the sitting of Wednesday, April 2, due to a previously scheduled commitment. Had I been present for Yea and Nay Nos. 312, 319, 320 and 321, I would have voted, in each instance, in the affirmative. Had I been present for Yea and Nay Nos. 309, 310, 311 and 313 to 318, inclusive, I would have voted, in each instance, in the negative. My missing of roll calls that day was due entirely to the reason stated. Statement of
Ms. Andrews
of Orange.

Statement of Representative Silvia of Fall River.

A statement of Mr. Silvia of Fall River was spread upon the records of the House, as follows:

Statement of
Mr. Silvia
of Fall River.

MR. SPEAKER: I would like to call to the attention of the House the fact that I was unable to be present in the House Chamber for the remainder of Tuesday's sitting due to a previously scheduled commitment in my district. Had I been present for Yea and Nay Nos. 327 to 331, inclusive, I would have voted, in each instance, in the affirmative. Had I been present for Yea and Nay Nos. 323 to 326, inclusive, I would have voted, in each instance, in the negative. My missing of roll calls that day was due entirely to the reason stated.

Resolutions.

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

National
Coin Week.

Resolutions (filed by Representatives Canavan of Brockton, Brady of Brockton and Cronin of Easton) congratulating the American Numismatic Association on their ninety-first National Coin Week being held the week of April 20-26, 2014;

Holden
Barth.

Resolutions (filed by Ms. Garlick of Needham) congratulating Holden Barth on receiving the Eagle Award of the Boy Scouts of America;

Brendan
Chin.

Resolutions (filed by Ms. Garlick of Needham) congratulating Brendan Chin on receiving the Eagle Award of the Boy Scouts of America;

Stevie
Heaslip.

Resolutions (filed by Ms. Garlick of Needham) congratulating Stevie Heaslip on receiving the Eagle Award of the Boy Scouts of America; and

Colin
Riley.

Resolutions (filed by Ms. Garlick of Needham) congratulating Colin Riley on receiving the Eagle Award of the Boy Scouts of America;

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. Smizik of Brookline, the resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted.

Reports of Committees.

Seniors,—
influenza
immunizations.

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 Mark J. Cusack relative to immunizations against the influenza virus to all inpatients 65 years of age and older. 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 Public Health. Sent to the Senate for concurrence.

Military
installations,—
terms of
bonds.

By Mr. Kafka of Stoughton, for the committee on Steering, Policy and Scheduling, that the House Bill providing the terms of certain bonds encouraging the improvement, expansion and development of military installations in the Commonwealth (printed in House, No. 3982), be scheduled for consideration by the House.

Under suspension of Rule 7A, on motion of the same member, the bill was read a second time forthwith; and it was ordered to a third reading.

By Mr. Binienda of Worcester, for the committees on Rules of the two branches, acting concurrently, that the Bill establishing a commission to study vocational-technical schools (House, No. 4017), ought to pass. Referred, under Rule 33, to the committee on Ways and Means.

Vocational-technical schools,—study.

By Mr. Chan of Quincy, for the committee on Community Development and Small Businesses, on a petition, a Bill relative to bona fide business entities (House, No. 165) [Senators Donoghue, Lovely, O'Connor Ives, Rodrigues and Wolf dissenting].

Bona fide business entities.

By Mr. Scibak of South Hadley, for the committee on Consumer Protection and Professional Licensure, on House, No. 25 and on a part of House, No. 17, a Bill relative to the Massachusetts State Lottery Commission (House, No. 25).

Lottery Commission.

By the same member, for the same committee, on a petition, a Bill relative to updating reciprocity for licensing optometrists (House, No. 191, changed in line 2 by striking out the word “second” and inserting in place thereof the word “third”, and in line 4 by striking out the word “shall” and inserting in place thereof the word “may”).

Optometrists,—licensing.

Severally read; and referred, under Rule 33, to the committee on Ways and Means.

Mr. Dempsey of Haverhill, for the committee on Ways and Means, on House, No. 2, reported, in part, a Bill making appropriations for the fiscal year 2015 for the maintenance of the departments, boards, commissions, institutions and certain activities of the Commonwealth, for interest, sinking fund and serial bond requirements and for certain permanent improvements (House, No. 4000) [Total appropriation: \$36,182,451,053.00]. Read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

General Appropriation Bill.

Subsequently Mr. Kafka of Stoughton, for said committee, reported that the matter be scheduled for consideration by the House; and, under the provisions of House order No. 3999, the bill was placed in the Orders of the Day for Monday, April 28, for a second reading.

Orders of the Day.

House bills

Relative to the harbormaster in the city of New Bedford (House, No. 3896); and

Third reading bills.

Establishing a sick leave bank for Christine Green, an employee of the Worcester Recovery Center and Hospital (House, No. 3957);

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.

Senate bills

Designating June fourteenth as the birthday of the United States Army and June ninth as General Sylvanus Thayer day (Senate, No. 1963); and

Second reading bills.

Second reading bills.

Authorizing the temporary use of certain park lands in the city of Newton (Senate, No. 1991); and

House bills

Creating smoke free elderly housing units in the Commonwealth (House, No. 1157);

Extending municipal bonding terms for local infrastructure development programs (House, No. 1861);

Designating Cyrus E. Dallin as the official sculptor of the Commonwealth (House, No. 2812);

To designate Narcolepsy Awareness Day (House, No. 2814);

Designating the gingham as the official textile of Massachusetts (House, No. 2862);

Officially making the month of March multiple system atrophy awareness month (House, No. 2865);

Relative to the annual observance of Green Up Day (House, No. 2895);

Designating Rex Trailer as the official cowboy of the Commonwealth (House, No. 2905);

Providing for the term of office of the city council in the city of Springfield (House, No. 3478);

Filling vacancies in ward seats of the city council by special election in the city of Springfield (House, No. 3696);

Amending Chapter 656 of the Acts of 1989 in the city of Springfield (House, No. 3875); and

Relative to a certain parcel of land in the town of Stow (House, No. 3935);

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

Second reading bill amended.

The House Bill providing for burial benefits under the workers' compensation act (House, No. 3766), was read a second time.

The amendment previously recommended by the committee on Ways and Means,— that the bill be amended by striking out section 1 and inserting in place thereof the following section:

“SECTION 1. Section 33 of chapter 152 of the General Laws, as appearing in the 2012 Official Edition, is hereby amended by striking out, in line 2, the words ‘four thousand dollars’ and inserting in place thereof the following words:— 8 times the average weekly wage in the commonwealth as determined pursuant to subsection (a) of section 29 of chapter 151A.”— was adopted; and the bill (House, No. 3766, amended) was ordered to a third reading.

Volunteerism day.

The Senate Bill to create an annual service and volunteerism day (Senate, No. 2071), 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, in concurrence, Mr. Speliotis of Danvers moved to amend it in line 6 by striking out the word “commonwealth”.

The amendment was adopted; and the bill (Senate, No. 2071, amended) was passed to be engrossed, in concurrence. Sent to the Senate for concurrence in the amendment adopted by the House.

The House Bill relative to Quincy College (House, No. 3814), reported by the committee on Bills in the Third reading to be correctly drawn, was read a third time. Quincy College.

Pending the question on passing the bill to be engrossed, Mr. Mariano of Quincy moved to amend it by striking out section 5 and inserting in place thereof the following three sections:

“SECTION 5. The board of governors of Quincy College shall oversee and govern the college, as an enterprise department of the city of Quincy. The board of governors of Quincy College shall appoint a president to act as the chief executive officer. Said board of governors shall manage and operate Quincy College pursuant to the terms of this act, section 30 of chapter 69 of the General Laws, and chapter 71 of the General Laws.

SECTION 5A. The first paragraph of section 2 of chapter 53 of the acts of 1994, as amended by section 2 of chapter 332 of the acts of 2006, is hereby further amended by striking out the first subparagraph and inserting in place thereof the following subparagraph:

At least 1 governor shall be an alumna or alumnus of the college. No more than 6 governors shall reside outside of Quincy, excluding any residential requirement for an alumna or alumnus; provided, however, that at least 2 governors shall reside in Plymouth county. Each governor shall serve a 6 year term and be eligible for reappointment provided that no governor shall serve more than 12 years.

SECTION 5B. Said first paragraph of said section 2 of said chapter 53, as so amended, is hereby further amended by striking out the fifth subparagraph.”; by striking out section 11 and inserting in place thereof the following section:

“SECTION 11. Notwithstanding any general or special law, rule or regulation to the contrary, Quincy College may enter into leases for real property not to exceed 99 years, upon approval of its board of governors. The president of Quincy College or his designee shall execute all agreements in this regard and bind the College to same.

In the event that Quincy College may own real property in its own name, the city, acting through the mayor shall convey to Quincy College all ownership and title to Saville Hall located on Saville Avenue, in said city of Quincy, and shall neither demand nor request nor be entitled to any further or subsequent consideration for the transfer.

If Quincy College, upon the recommendation of the college president and a two-thirds vote of the board of governors of the college, determines that it no longer has a use for Saville Hall and declares the property to be surplus and available for disposition, the property shall first be offered for transfer to the city of Quincy and the city, acting through the mayor and upon a two-thirds vote of the city council may acquire the general charge and exclusive custody and control of Saville Hall from the college for fair market consideration. If within 60 days of the vote of the board of governors to declare the property to be surplus and available for disposition, the city and the college cannot agree on fair market consideration, then either party may refer the matter to binding arbitration, without objection from the other party, before ADR, Inc. or any other comparable mediation entity.”; and by striking out section 14 and inserting in place thereof the following section:

“SECTION 14. Chapter 313 of the acts of 1981, chapter 256 of the acts of 1988, sections 1 and 3 to 23, inclusive, of chapter 53 of the acts

Quincy
College.

of 1994, chapter 306 of the acts of 1994, section 375 of chapter 194 of the acts of 1998, chapter 153 of the acts of 2002, and sections 1, 3 and 4 of 332 of the acts of 2006 are hereby repealed.”

The amendments were adopted; and the bill (House, No. 3814, amended) was passed to be engrossed. Sent to the Senate for concurrence.

Bullying.

The Senate amendment of the House Bill relative to bullying in schools (House, No. 3909, amended), reported by the committee on Bills in the Third Reading to be correctly drawn, was considered.

Mr. Speliotis of Danvers then moved that the House concur with the Senate in its amendment (striking out all after the enacting clause and inserting in place thereof the text contained in Senate document numbered 2055, amended in section 4 by adding the following paragraph:

“(n) The department may investigate certain alleged incidents of bullying. If, upon completion of investigation by the department, a school district, charter school, approved private day or residential school or collaborative school is found to not have properly implemented its prevention plan as outlined in subsection (d), the department may require that school district, charter school, approved private day or residential school or collaborative school to properly implement the plan or take other actions to address the findings of the investigation.”) with a further amendment by striking out the following: “amended in section 4 by adding the following paragraph:—

(n) The department may investigate certain alleged incidents of bullying. If, upon completion of investigation by the department, a school district, charter school, approved private day or residential school or collaborative school is found to not have properly implemented its prevention plan as outlined in subsection (d), the department may require that school district, charter school, approved private day or residential school or collaborative school to properly implement the plan or take other actions to address the findings of the investigation.”. The further amendment was adopted.

The House then concurred with the Senate in its amendment, as amended. Sent to the Senate for concurrence in the further amendment.

Order.

On motion of Mr. DeLeo of Winthrop,—

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

Next
sitting.

Representative Stanley of Waltham then moved that when the House adjourns today, it do so in respect to the memory of William F. Stanley, a member of the House from Waltham in 1977 and 1978, former member of the City Council in the city of Waltham and former Mayor of the city of Waltham; and the motion prevailed.

Accordingly, at twenty-seven minutes after eleven o’clock A.M., on motion of Mr. Beaton of Shrewsbury (Mr. Donato of Medford being in the Chair), the House adjourned, to meet the following Monday at eleven o’clock A.M., in an Informal Session.