

Thursday, May 5, 2011.

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).

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.

Message from the Governor.

Supplemental appropriations.

A message from His Excellency the Governor submitting recommendations for making appropriations for the fiscal year 2011 to provide for supplementing certain existing appropriations and for certain other activities and projects (House, No. 3429), was filed in the office of the Clerk on Wednesday, May 4, 2011. The message was read; and it was referred, under Rule 30, with the accompanying draft of a bill, to the committee on Ways and Means.

Resolutions.

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

Brent Barrows.

Resolutions (filed by Mr. Barrows of Mansfield) congratulating Brent Barrows on receiving the Eagle Award of the Boy Scouts of America;

Timothy Doyle.

Resolutions (filed by Mr. Fernandes of Milford) congratulating Timothy Doyle on earning the Eagle Scout Award of the Boy Scouts of America;

Erik Hytholt.

Resolutions (filed by Mr. Fernandes of Milford) congratulating Erik Hytholt on earning the Eagle Scout Award of the Boy Scouts of America;

Zachary Luke Surapine.

Resolutions (filed by Mr. Fernandes of Milford) congratulating Zachary Luke Surapine on earning the Eagle Scout Award of the Boy Scouts of America;

Ronald Knudsen.

Resolutions (filed by Representatives Khan of Newton and Balseer of Newton) honoring the contributions of Ronald Knudsen on the occasion of his eightieth birthday;

Michael Aries.

Resolutions (filed by Representatives Linsky of Natick and Peisch of Wellesley) congratulating Lieutenant Michael Aries on the occasion of his retirement from the Natick Fire Department;

Matthew Ryan Sullivan.

Resolutions (filed by Representatives Poirier of North Attleborough, Barrows of Mansfield and Howitt of Seekonk) congratulating Matthew Ryan Sullivan on receiving the Eagle Scout Award of the Boy Scouts of America; and

Kathryn H. Bradshaw Capers.

Resolutions (filed by Mr. Swan of Springfield) congratulating Kathryn H. Bradshaw Capers on the occasion of her one hundred and fourth birthday;

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

Petitions.

Petitions severally were presented and referred as follows:

By Mr. Smizik of Brookline, a petition (accompanied by bill, House, No. 3430) of Frank I. Smizik, Cynthia Stone Creem and Michael J. Moran (by vote of the town) that the town of Brookline be authorized to grant certain local voting rights for permanent legal resident aliens residing in said town. To the committee on Election Laws.

Brookline,— voting rights.

By Mr. Cabral of New Bedford, a petition (accompanied by bill, House, No. 3428) of Antonio F. D. Cabral, Stephen R. Canessa and Robert M. Koczera (with the approval of the mayor and city council) for legislation to authorize the city of New Bedford to adopt regulations for the protection and control of public housing in said city. To the committee on Housing.

New Bedford,— public housing.

By Mrs. Poirier of North Attleborough and Senator Timilty, a joint petition (accompanied by bill, House, No. 3431) of Elizabeth A. Poirier and others (by vote of the town) that the town of Norton be authorized to grant certain easements and restrictions over certain town-owned land;

Norton,— easements.

By Mr. Smizik of Brookline, a petition (accompanied by bill, House, No. 3432) of Frank I. Smizik and Cynthia Stone Creem (by vote of the town) relative to the sale of taxi licenses in the town of Brookline; and

Brookline,— taxi licenses.

By the same member, a petition (accompanied by bill, House, No. 3433) of Frank I. Smizik and Cynthia Stone Creem (by vote of the town) relative to the appointment of certain department heads and employees in the town of Brookline;

Brookline,— employees.

Severally to the committee on Municipalities and Regional Government. By Mr. Hecht of Watertown, a petition (accompanied by bill, House, No. 3434) of Jonathan Hecht (with the approval of the town council) relative to the appointment of special police officers in the city known as the town of Watertown. To the committee on Public Service.

Watertown,— police officers.

By Mr. Conroy of Wayland, a petition (accompanied by bill, House, No. 3435) of Thomas P. Conroy, James B. Eldridge and Susan C. Fargo (by vote of the town) that the town of Sudbury be authorized to establish a senior citizen property tax exemption. To the committee on Revenue.

Sudbury,— property taxes.

Severally sent to the Senate for concurrence.

Representative Basile of Boston and Senator Petruccelli presented a joint petition (subject to Joint Rule 12) of Carlo Basile that the Massachusetts Port Authority be directed to designate Piers Park in the East Boston section of the city of Boston as the Emmanuel "Gus" Serra Piers Park; and the same was referred, under Rule 24, to the committee on Rules.

Boston,— Emmanuel "Gus" Serra Piers Park.

Boston,—
Emmanuel
"Gus"
Serra Piers
Park.

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. Wong of Saugus, the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Transportation. Sent to the Senate for concurrence.

Papers from the Senate.

The following notice was received from the Clerk of the Senate, to wit:—

April 26, 2011.

Honorable Robert A. DeLeo
Speaker of the House of Representatives
Room 356, State House
Boston, MA. 02133

Dear Mr. Speaker:

Commission
appointments.

I have the honor to inform you that the following appointments by the Honorable Therese Murray, President of the Senate, announcing the appointments (pursuant to Section 16O of Chapter 6A of the General Laws) of Senator Michael J. Rodrigues and Dr. Sara Orozco to the Health Disparities Council.

Respectfully submitted,

WILLIAM F. WELCH,
Clerk of the Senate.

For-profit
schools.

A report from the committee on Consumer Protection and Professional Licensure, asking to be discharged from further consideration of the petition (accompanied by bill, Senate, No. 134) of Karen E. Spilka, Chris Walsh, Denise Provost and other members of the General Court for legislation to form a commission on for-profit schools,— and recommending that the same be referred to the committee on Higher Education, accepted by the Senate, was considered forthwith, under Rule 42; and it was accepted, in concurrence.

Reports of Committees.

Uninsured,—
fairer
pricing.

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 William M. Straus for legislation to provide fairer pricing for medical and pharmacy care to uninsured individuals. Under suspension of the rules, on motion of Mr. Wong of Saugus, the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Health Care Financing. Sent to the Senate for concurrence.

By Mr. O'Flaherty of Chelsea, for the committee on the Judiciary, on a petition, a Bill relative to the reorganization of the judicial system of the Commonwealth (House, No. 3395). Read; and referred, under Rule 33, to the committee on Ways and Means.

Judicial
system,—
reorganization.

By Mr. Speliotis of Danvers, for the committee on Consumer Protection and Professional Licensure, on a petition, a Bill authorizing the town of Montague to grant a license for the sale of all alcoholic beverages not to be drunk on the premises (House, No. 3311) [Local Approval Received].

Montague,—
liquor
license.

By the same member, for the same committee, on a petition, a Bill authorizing the licensing authority of the city of Woburn to issue eight additional licenses for the sale of all alcoholic beverages to be drunk on the premises (House, No. 3343) [Local Approval Received].

Woburn,—
liquor
licenses.

By the same member, for the same committee, on a joint petition, a Bill authorizing the city of Marlborough to grant an additional license for the sale of all alcoholic beverages not to be drunk on the premises (House, No. 3344) [Local Approval Received].

Marlborough,—
liquor
license.

By Mr. O'Flaherty of Chelsea, for the committee on the Judiciary, on a petition, a Bill establishing a sick leave bank for Robert P. Hanifin, an employee of the Trial Court (House, No. 3397).

Robert P.
Hanifin,—
sick leave.

By Mr. Scibak of South Hadley, for the committee on Public Service, on a joint petition, a Bill establishing a sick leave bank for Mitch Dembowski, an employee of the Department of Developmental Services (House, No. 3393).

Mitch
Dembowski,—
sick leave.

By the same member, for the same committee, on a petition, a Bill establishing a sick leave bank for Michael Briggs (House, No. 3398).

Michael
Briggs,—
sick leave.

Severally read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Reports of Committees on Proposals for Legislative Amendments to the Constitution.

By Mr. O'Flaherty of Chelsea, for the committee on the Judiciary, on the petition (accompanied by proposal, Senate, No. 12) of Cynthia Stone Creem, Martha M. Walz, James B. Eldridge and Linda Dorcena Forry for a legislative amendment to the Constitution relative to the subject matter of initiative petitions,— reported, in accordance with a provision of Joint Rule 23, recommending that the amendment proposed by said petition, ought to pass [Representative Winslow of Norfolk dissenting].

Initiative
petitions.

By the same member, for the same committee, on the petition (accompanied by proposal, Senate, No. 16) of Richard J. Ross, Gale D. Candaras, Robert L. Hedlund and other members of the General Court for a legislative amendment to the Constitution prohibiting eminent domain,— reported, in accordance with a provision of Joint Rule 23, recommending that the amendment proposed by said petition, ought to pass.

Eminent
domain.

Initiative petitions. By the same member, for the same committee, on the petition (accompanied by proposal, House, No. 529) of Alice K. Wolf and others for a legislative amendment to the Constitution relative to the subject matter of initiative petitions,— reported, in accordance with a provision of Joint Rule 23, recommending that the amendment proposed by said petition, ought to pass [Representative Winslow of Norfolk and Harrington of Groton dissenting].

Eminent domain. By the same member, for the same committee, on the petition (accompanied by proposal, House, No. 1387) of Martha M. Walz and others for a legislative amendment to the Constitution relative to eminent domain takings,— reported, in accordance with a provision of Joint Rule 23, recommending that the amendment proposed by said petition, ought to pass.

Id. By the same member, for the same committee, on the petition (accompanied by proposal, House, No. 1824) of Bradley H. Jones, Jr., and others for a legislative amendment to the Constitution relative to prohibiting eminent domain takings,— reported, in accordance with a provision of Joint Rule 23, recommending that the amendment proposed by said petition, ought to pass.

Judges,— retirement. By the same member, for the same committee, on the petition (accompanied by proposal, House, No. 1826) of Ellen Story and Russell Holmes for a legislative amendment to the Constitution relative to the retirement of judges,— reported, in accordance with a provision of Joint Rule 23, recommending that the amendment proposed by said petition, ought to pass [Representative Winslow of Norfolk dissenting].

The reports were severally read and placed on file, in accordance with the requirements of said rule.

Term limits. By Mr. Moran of Boston, for the committee on Election Laws, on the petition (accompanied by proposal, Senate, No. 10) of Stephen M. Brewer a proposal for a legislative amendment to the Constitution relative to term limits,— reported, in accordance with a provision of Joint Rule 23, recommending that the amendment proposed by said petition, ought NOT to pass.

Independent redistricting committee. By the same member, for the same committee, on the petition (accompanied by proposal, Senate, No. 11) of James B. Eldridge for a legislative amendment to the Constitution to establish an independent redistricting committee,— reported, in accordance with a provision of Joint Rule 23, recommending that the amendment proposed by said petition, ought NOT to pass [Senator Knapik and Representative Lombardo of Billerica dissenting].

Governor and Lieutenant-Governor,— vacancies. By the same member, for the same committee, on the petition (accompanied by proposal, House, No. 197) of Jay R. Kaufman, Cory Atkins and Martha M. Walz for a legislative amendment to the Constitution relative to vacancies in the office of Governor or Lieutenant-Governor,— reported, in accordance with a provision of Joint Rule 23, recommending that the amendment proposed by said petition, ought NOT to pass [Senator Knapik and Representatives Andrews of Orange, Atkins of Concord and Lombardo of Billerica dissenting].

By the same member, for the same committee, on the petition (accompanied by proposal, House, No. 1114) of George N. Peterson, Jr., for a legislative amendment to the Constitution relative to the terms of office of Executive Councilors and members of the General Court,— reported, in accordance with a provision of Joint Rule 23, recommending that the amendment proposed by said petition, ought NOT to pass [Representatives Andrews of Orange, Ashe of Longmeadow and Lombardo of Billerica dissenting].

By the same member, for the same committee, on the petition (accompanied by proposal, House, No. 1118) of David M. Torrisi for a legislative amendment to the Constitution relative to home rule,— reported, in accordance with a provision of Joint Rule 23, recommending that the amendment proposed by said petition, ought NOT to pass.

By the same member, for the same committee, on the petition (accompanied by proposal, House, No. 1830) of Denise Provost for a legislative amendment to the Constitution relative to initiative and referendum petitions,— reported, in accordance with a provision of Joint Rule 23, recommending that the amendment proposed by said petition, ought NOT to pass.

By Mr. O’Flaherty of Chelsea, for the committee on the Judiciary, on the petition (accompanied by proposal, Senate, No. 13) of Stanley C. Rosenberg, Thomas P. Kennedy, Denise Provost and other members of the General Court for a legislative amendment to the Constitution relative to the subject matter of initiative and referendum petitions,— reported, in accordance with a provision of Joint Rule 23, recommending that the amendment proposed by said petition, ought NOT to pass.

By the same member, for the same committee, on the petition (accompanied by proposal, Senate, No. 14) of Bruce E. Tarr, Robert L. Hedlund, Michael R. Knapik and Richard J. Ross for a legislative amendment to the Constitution relative to the reform of the Executive Council,— reported, in accordance with a provision of Joint Rule 23, recommending that the amendment proposed by said petition, ought NOT to pass.

By the same member, for the same committee, on the petition (accompanied by proposal, Senate, No. 15) of Brian A. Joyce, Robert L. Hedlund, Patricia D. Jehlen and other members of the General Court for a legislative amendment to the Constitution relative to the reform of the Executive Council,— reported, in accordance with a provision of Joint Rule 23, recommending that the amendment proposed by said petition, ought NOT to pass.

By the same member, for the same committee, on the petition (accompanied by proposal, Senate, No. 17) of Robert L. Hedlund for a legislative amendment to the Constitution regarding the Governor’s Council,— reported, in accordance with a provision of Joint Rule 23, recommending that the amendment proposed by said petition, ought NOT to pass.

By the same member, for the same committee, on the petition (accompanied by proposal, House, No. 511) Theodore C. Speliotis for a legislative amendment to the Constitution relative to abolishing

General Court and Executive Councilors,— terms of office.

Home rule.

Initiative and referendum petitions.

Id.

Executive Council,— reform.

Governor’s Council,— abolish.

Id.

Id.

the Governor's Council,— reported, in accordance with a provision of Joint Rule 23, recommending that the amendment proposed by said petition, ought NOT to pass.

Oaths of office.

By the same member, for the same committee, on the petition (accompanied by proposal, House, No. 1319) of Russell Holmes and others for a legislative amendment to the Constitution relative to the oaths and affirmations of public office,— reported, in accordance with a provision of Joint Rule 23, recommending that the amendment proposed by said petition, ought NOT to pass.

Initiative petitions,— fish and game.

By the same member, for the same committee, on the petition (accompanied by proposal, House, No. 1822) Anne M. Gobi for a legislative amendment to the Constitution to exclude matters relating to fisheries and wildlife from the subject matter of initiative petitions,— reported, in accordance with a provision of Joint Rule 23, recommending that the amendment proposed by said petition, ought NOT to pass.

Judges,— term limits.

By the same member, for the same committee, on the petition (accompanied by proposal, House, No. 1823) of Thomas A. Golden, Jr., relative to term limits for judges,— reported, in accordance with a provision of Joint Rule 23, recommending that the amendment proposed by said petition, ought NOT to pass.

General Court,— part-time.

By the same member, for the same committee, on the petition (accompanied by proposal, House, No. 1825) of Steven L. Levy for a legislative amendment to the Constitution establishing a part time General Court,— reported, in accordance with a provision of Joint Rule 23, recommending that the amendment proposed by said petition, ought NOT to pass.

The reports were severally read and placed on file, in accordance with the requirements of said rule.

Under the provisions of Joint Rule 23, the following proposals were placed on file, the time within which the said committees were required to report having expired:—

Home rule.

Of the committee on the Municipalities and Regional Government, ought NOT to pass (under Joint Rule 23), on the petition (accompanied by proposal, House, No. 3161) of Marcos A. Devers for a legislative amendment to the Constitution relative to home rule;

Legislative compensation.

Of the committee on the Public Service, ought NOT to pass (under Joint Rule 23), on the petition (accompanied by proposal, House, No. 1827) of Bradley H. Jones, Jr., and others for a legislative amendment to the Constitution repealing automatic increases in compensation for members of the General Court;

Of the committee on the Revenue, ought NOT to pass (under Joint Rule 23):

Graduated income tax.

On the petition (accompanied by proposal, Senate, No. 18) of Stanley C. Rosenberg, Peter V. Kocot, Patricia D. Jehlen, Elizabeth A. Malia and other members of the General Court for a legislative amendment to the Constitution to allow for a graduated income tax; and

Progressive income tax.

On the petition (accompanied by proposal, Senate, No. 19) of James B. Eldridge, Carl M. Sciortino, Jr., Sonia Chang-Diaz, Jonathan

Hecht and other members of the General Court for a legislative amendment to the Constitution relative to creating a progressive income tax;

Of the committees on Rules of the two branches, acting concurrently, ought NOT to pass (under Joint Rule 23), on the petition (accompanied by proposal, Senate, No. 20) of Bruce E. Tarr, Michael R. Knapik, Robert L. Hedlund, Richard J. Ross and others for a legislative amendment to the Constitution requiring a supermajority vote for the utilization of rainy day funds; and

Rainy day funds.

Of the joint committee on Ways and Means, ought NOT to pass (under Joint Rule 23):

On the petition, (accompanied by proposal, House, No. 1828) of Bradley H. Jones, Jr., and others for a legislative amendment to the Constitution relative to a biennial state budget; and

Biennial state budget.

On the petition (accompanied by proposal, House, No. 1829) of Bradley H. Jones, Jr., and others for a legislative amendment to the Constitution limiting budget expenditure growth based on cost-of-living and population.

Budget expenditure.

Orders.

The following order (filed by Mr. Torrisi of North Andover) was adopted:

Ordered, That the House of Representatives hereby calls for a joint session of the two Houses, conformably to the provisions of Article XLVIII (as amended by Article LXXXI) of the Amendments to the Constitution, for the purpose of considering a proposal for a legislative amendment to the Constitution relative to home rule (House, No. 1118),— with reference to which the committee on Election Laws has reported, in accordance with Joint Rule 23, that the amendment ought NOT to pass.

Home rule.

The following order (filed by Mr. Holmes of Boston) was adopted:

Ordered, That the House of Representatives hereby calls for a joint session of the two Houses, conformably to the provisions of Article XLVIII (as amended by Article LXXXI) of the Amendments to the Constitution relative to the oaths and affirmations of public office (House, No. 1319),— with reference to which the committee on the Judiciary has reported, in accordance with Joint Rule 23, that the amendment ought NOT to pass.

Oaths of office.

Paper from the Senate.

The following order was adopted, in concurrence:

Ordered, That, conformably to the provisions of Article XLVIII, as amended by Article LXXXI, of the Amendments to the Constitution, a joint session of the two Houses be held on Wednesday, May 11, 2011, at one o'clock P.M., for the purpose of considering amendments to the Constitution.

Constitutional convention.

Insofar as applicable, the special rules of procedure, in effect in the preceding General Court, shall govern said joint session, and any further sessions called for the purpose of considering amendments to the Constitution.

Emergency Measures.

Brenda
Randazzo,—
sick leave.

The engrossed Bill establishing a sick leave bank for Brenda Randazzo, an employee of the Executive Office of Health and Human Services (see House, No. 3222), having been certified by the Clerk to be rightly and truly prepared for final passage, was considered, the question being on adopting the emergency preamble.

A separate vote was taken, as required by the provisions of Article XLVIII (as amended by Article LXVII) of the Amendments to the Constitution; and the preamble was adopted, by a vote of 8 to 0. Sent to the Senate for concurrence.

Bill
enacted.

Subsequently, the Senate having concurred in adoption of the emergency preamble, the bill (which originated in the House) was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

David C.
Napolitano,—
sick leave.

The engrossed Bill establishing a sick leave bank for David C. Napolitano, an employee of the Trial Court (see House, No. 3326), having been certified by the Clerk to be rightly and truly prepared for final passage, was considered, the question being on adopting the emergency preamble.

A separate vote was taken, as required by the provisions of Article XLVIII (as amended by Article LXVII) of the Amendments to the Constitution; and the preamble was adopted, by a vote of 8 to 0. Sent to the Senate for concurrence.

Bill
enacted.

Subsequently, the Senate having concurred in adoption of the emergency preamble, the bill (which originated in the House) was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

Orders of the Day.

Third
reading
bill.

The House Bill relative to the Falmouth Affordable Housing Fund (House, No. 3255), 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. Sent to the Senate for concurrence.

Order.

Next
sitting.

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.

Mr. DiNatale of Fitchburg then moved that as a mark of respect to the memory of George J. Bourque, a member of the House from Fitchburg from 1969 to 1990, inclusive, the House adjourn; and the motion prevailed. Accordingly, at twenty-eight minutes after eleven o'clock A.M., on motion of Mr. deMacedo of Plymouth (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.