

Thursday, October 13, 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.

Communication.

Liability Management and Reduction Fund.

A communication from the Comptroller of the Commonwealth (under Section 2TT of Chapter 29 of the General Laws) submitting the annual financial plan for the Liability Management and Reduction Fund, was placed on file.

Resolutions.

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

Mikko Nissinen.

Resolutions (filed by Messrs. Jones of North Reading and Michlewitz of Boston) in recognition of Artistic Director Mikko Nissinen for his ten years of dedicated service to Boston Ballet;

George Tsoutsouras.

Resolutions (filed by Mr. Hill of Ipswich) congratulating George Tsoutsouras on receiving the Eagle Award of the Boy Scouts of America;

North Shore, Jewish Center.

Resolutions (filed by Ms. Ehrlich of Marblehead) recognizing the Jewish Community Center of the North Shore on the occasion of the one hundredth anniversary of its founding;

Congetta E. Tosches.

Resolutions (filed by Mr. Fernandes of Milford) congratulating Congetta E. Tosches on the occasion of her one hundredth birthday;

Ned Cooley.

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

Alex Osborne.

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

Ian Riley.

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

Matthew Peter Yaeger.

Resolutions (filed by Representatives Linsky of Natick and Peisch of Wellesley) congratulating Matthew Peter Yaeger on receiving the Eagle Award of the Boy Scouts of America;

Peter F. Roddy.

Resolutions (filed by Mr. Rosa of Leominster) congratulating Police Chief Peter F. Roddy on the occasion of his retirement;

William Robert Russell.

Resolutions (filed by Representatives Ross of Attleboro and Poirier of North Attleborough) congratulating Reverend Brother William Robert Russell for fifty years of religious profession and diaconate service with the Missionaries of Our Lady of Lasalette; and

Cambridge Economic Opportunity Committee.

Resolutions (filed by Representatives Wolf of Cambridge, Walz of Boston, Toomey of Cambridge, Brownsberger of Belmont and Hecht of Watertown) celebrating the outstanding community work of the Cambridge Economic Opportunity Committee;

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

Petitions.

Ms. Khan of Newton presented a petition (subject to Joint Rule 12) of Kay Khan for legislation to establish a sick leave bank for Jay Brinkerhoff, an employee of the Supreme Judicial Court; and the same was referred, under Rule 24, to the committee on Rules.

Jay Brinkerhoff, sick leave bank.

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

Mr. Walsh of Boston presented a petition (subject Joint Rule 12) of Sal N. DiDomenico and others for legislation to prohibit the Commonwealth from contracting with companies that do not comply with federal regulations for the certification of minerals originating in the Congo; and the same was referred, under Rule 24, to the committee on Rules.

Congo, contracts.

Papers from the Senate.

Bills Amending contract procedures in the city of Boston (Senate, No. 1054) (on a petition) [Local Approval Received]; and

Boston, procurements.

Authorizing the appointment of Antonio F. Dinis as a police officer in the town of Milford notwithstanding the maximum age requirement (Senate, No. 1942) (on a petition) [Local Approval Received];

Milford, Antonio F. Dinis.

Severally passed to be engrossed by the Senate, were read; and they were referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Reports of Committees.

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

Senate bills Authorizing the town of Millbury to grant an additional license for the sale of all alcoholic beverages not to be drunk on the premises (Senate, No. 2020) [Local Approval Received]; and

Millbury, liquor license.

Authorizing the city of Salem to issue additional licenses for the sale of alcoholic beverages (Senate, No. 2031) [Local Approval Received]; and

Salem, liquor license.

House bills Amending Chapter 51 of the Acts of 2010 to reflect the passage of Chapter 398 of the Acts of 2008 and to make certain other corrections (House, No. 3432) [Local Approval Received];

Brookline, taxi licenses.

Brookline,—
employee
appointments. Amending Chapter 270 of the Acts of 1985, as amended by Chapter 322 of the Acts of 1900 and Chapter 427 of the Acts of 1991 (House, No. 3433) [Local Approval Received];

North Andover,—
contracts. Relative to the approval of funding at town meeting (House, No. 3591) [Local Approval Received];

North Andover,—
town charter. Relative to the town charter in the town of North Andover (House, No. 3592) [Local Approval Received];

North Andover,—
town meeting. Validating the actions taken at the June 7, 2011 annual town meeting held by the town of North Andover (printed in House, No. 3665); and

Natick,—
liquor
license. Further authorizing the town of Natick to grant certain licenses for the sale of wines and malt beverages to be drunk on the premises (House, No. 3725) [Local Approval Received];

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

Debra Callejas,—
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 Debra Callejas, an employee of the Executive Office of Labor and Workforce Development, Department of Industrial Accidents (House, No. 3733). 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. Kafka, the bill was read a second time forthwith; and it was ordered to a third reading.

Correction
commission. By Mr. Naughton of Clinton, for the committee on Public Safety and Homeland Security, on a petition, a Resolve establishing the Massachusetts correction commission (House, No. 1559, changed in section 1, in line 18, by inserting after the word "appointment" the words "and the Massachusetts Corrections Officers Federated Union shall make one appointment"). Read; and referred, under Joint Rule 29, to the committees on Rules of the two branches, acting concurrently.

Boston,—
affordable
housing. By Mr. Honan of Boston, for the committee on Housing, on a petition, a Bill petition for a special law Re: the procurement and awards of contracts for certain affordable housing in the city of Boston (House, No. 3523) [Local Approval Received]. Read; and referred, under Rule 33, to the committee on Ways and Means.

Lawrence
Mainville,—
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 Lawrence Mainville, an employee of the Massachusetts Department of Transportation (House, No. 3747). Read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Emergency Measure.

Chelsea Creek,—
harbor lines. The engrossed Bill authorizing certain structures to be exempted from certain harbor lines in Chelsea Creek (see House, No. 3690), 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 6 to 0. Sent to the Senate for concurrence.

Engrossed Bills.

Engrossed bills
Establishing a sick leave bank for Louceta Hodge, an employee of the Department of Revenue (see Senate, No. 2023) (which originated in the Senate); and Bills enacted.

Establishing a sick leave bank for Terri A. Demars, an employee of the Department of State Police (see House, No. 3646) (which originated in the House);

In respect to each of which the Senate had concurred in adoption of the emergency preamble, were passed to be enacted; and they were signed by the acting Speaker and sent to the Senate.

The engrossed Bill establishing the position of Treasurer-Collector in the town of Plympton (see House, No. 3676) (which originated in the House), was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate. Bill enacted.

Orders of the Day.

The Senate Bill relative to the town charter for the town of Ashburnham (Senate, No. 2005), reported by the committee on Bills in the Third Reading to be correctly drawn, was read a third time; and was passed to be engrossed, in concurrence. Third reading bill.

House bills
Authorizing the town of South Hadley to pay certain unpaid bills (House, No. 3653); Third reading bills.

Authorizing the town of Fairhaven to grant an additional license for the sale of wines and malt beverages to be drunk on the premises (House, No. 3722) (its title having been changed by the committee on Bills in the Third Reading); and

Authorizing the town of Fairhaven to grant an additional license for the sale of wines and malt beverages to be drunk on the premises (House, No. 3724) (its title having been changed by the committee on Bills in the Third Reading);

Severally reported by said committee to be correctly drawn, were read a third time; and were passed to be engrossed. Severally sent to the Senate for concurrence.

Recesses.

At twenty-nine minutes before twelve o'clock noon, on motion of Mrs. Poirier of North Attleborough (Mr. Donato of Medford being in the Chair), the House recessed until twelve o'clock, and at two minutes before one o'clock P.M., the House was called to order with Mr. Donato being in the Chair. Recess.

The House thereupon took a further recess, on further motion of Mrs. Poirier, subject to the call of the Chair; and at four minutes before nine o'clock P.M., the House was called to order with Mr. Donato of Medford in the Chair.

Paper from the Senate.

Supplemental appropriations.

The House Bill making appropriations for the fiscal years 2011 and 2012 to provide for supplementing certain existing appropriations and for certain other activities and projects (House, No. 3737), came from the Senate passed to be engrossed, in concurrence, with the following amendments:

In section 2, in lines 72 and 73, striking out the text contained in those lines, and, in lines 76 and 77, striking out the text contained in those lines;

In section 2A, in line 142, striking out the figure "414" and inserting in place the figure "419", and, in line 161, striking out the figure "229" and inserting in place the figure "5000"; and

In section 2.C.1, in lines 202 and 203, striking out the last sentence, and,

Inserting after line 216 the following item:

"1599-4227 \$319,328";

and, in section 3, inserting after line 293 the following item:

"1599-0026 \$50,000";

and, inserting after line 299 the following item:

"EXECUTIVE OFFICE OF HOUSING AND ECONOMIC DEVELOPMENT.

Massachusetts Marketing Partnership.

7008-0900 \$52,000";

In section 20, in line 488, inserting after the word "programs" the following: "and who were first licensed by the division of insurance on November 9, 1987 to operate as a health maintenance organization under chapter 176G";

In section 21, in line 493, inserting after the word "programs" the following: "and who were first licensed by the division of insurance on November 9, 1987 to operate as a health maintenance organization under chapter 176G.";

In section 61, in lines 669 to 680, inclusive, striking out, the words "no courthouse shall be closed, no session within a courthouse shall be closed, and no proposed courthouse or session closure by the chief justice for administration and management of the trial court shall take effect until such closure is approved by the court administrator; provided, however, that prior to any such closure the court administrator appointed pursuant to chapter 211B of the General Laws shall file with the joint committee on the judiciary, the house and senate committees on ways and means, and the clerks of the senate and house of representatives 90 days prior to the temporary closure or temporary relocation of courthouses or sessions a plan to close certain courthouses or certain sessions which shall include the specific reasons for any such closure,

the cost savings, a plan to provide services to citizens affected by such closure; the transfer of personnel, the reallocation of resources, the impact on other courthouses resulting from the temporary closure of any such court or session and other factors that may affect implementation of any such closure"(as changed by the Senate committee on Bills in the Third Reading) and inserting in place thereof the following: "no courthouse shall be closed or relocated nor any session within a courthouse, and no proposed courthouse or session closure by the chief justice for administration and management of the trial court shall take effect until such closure or relocation is approved by the court administrator; provided, however, that prior to any such closure or relocation the court administrator appointed pursuant to chapter 211B of the General Laws shall file with the joint committee on the judiciary, the house and senate committees on ways and means and the clerks of the house and senate 90 days prior to the closure or relocation of courthouses or sessions a plan to close certain courthouses or certain sessions which shall include the specific reason for such closure or relocation; the costs savings, a plan to provide services to citizens affected by such closure; the transfer of personnel, the reallocation of resources, the impact on other courthouses resulting from the temporary closure of said court or session and other factors that may affect implementation of any; and provided further, that nothing in this item shall be construed to prevent the closure of any court in order to relocate that court to the J. Michael Ruane Judicial Center in the city of Salem";

Inserting after section 66 the following section:

"SECTION 66A. Item 1599-0026 of section 2 of chapter 68 of the acts of 2011 is hereby amended by striking out the words '\$4,000,000 shall be transferred to the division of local services and shall be expended for a multi-year competitive grants program to provide financial support for one-time or transition costs related to regionalization and other efficiency initiatives, with allowable applicants to include municipalities, regional schools, school districts considering forming a regional school district or regionalizing services, regional planning agencies and councils of governments; provided further, that regional planning agencies may also serve as the administrative or fiscal agent on behalf of municipalities' and inserting in place thereof the following words:— '\$4,050,000 shall be transferred to the division of local services and shall be expended for a multi-year competitive grants program to provide financial support for 1-time or transition costs related to regionalization and other efficiency initiatives, with allowable applicants to include municipalities, regional schools, school districts considering forming a regional school district or regionalizing services, regional planning agencies and councils of governments; provided further, that regional planning agencies may also serve as the administrative or fiscal agent on behalf of municipalities; provided further, that funds may be expended to reimburse municipalities for tuition and transportation costs under section 7C of chapter 74 of the General Laws; provided further, that any reimbursements for tuition under the preceding proviso shall be in addition to allowable federal grants used to cover reimbursement costs and approved by the department of elementary and secondary education for expenditure in fiscal year 2012.'";

Supplemental
appropriations.

In section 70, in line 764, inserting after the word "system", the following: "and provided further, that MassHealth shall make no changes to reimbursement for nursing home leave of absence days from the standards in effect on July 1, 2011";

Striking out section 76;

Inserting after section 92 the following section:

"SECTION 92A. Notwithstanding any general or special law to the contrary, there shall be a special commission to study and report on the use of electronic benefit transfer, or EBT. The commission shall consist of the commissioner of transitional assistance, or a designee; the inspector general, or a designee; 2 members of the house of representatives, 1 of whom shall be appointed by the minority leader; 2 members of the senate, 1 of whom shall be appointed by the minority leader; and 2 persons to be appointed by the governor who shall be advocates for low-income individuals receiving benefits through the department of transitional assistance. The scope of the commission shall include, but not be limited to, researching and evaluating the following: the use of EBT cards for the purchase of products other than those products for which they were intended to be used, such as firearms, tobacco, lottery tickets and alcohol; the types of stores where cards are used; the proportion of 1 month's EBT cash assistance that is withdrawn from ATM machines rather than used in stores to directly purchase products; and the costs associated with requiring the department to include, on the front of each newly-issued, reissued and existing EBT cards, a photograph of the cardholder. The commission shall research, assess and develop recommendations regarding the best method of preventing the inappropriate use of EBT cards, including implementing a monthly limit to the amount of EBT cash assistance that a recipient of cash assistance may withdraw from ATMs, and the feasibility of prohibiting the purchase of certain items by restricting the ability of EBT cards to be used in purchasing those items. The commission shall also study and research the implementation of a system to require stores to apply to accept EBT cards. The commission shall submit a final report of its findings and its recommendations, if any, together with drafts of legislation necessary to implement those recommendations by filing the same with the clerks of the senate and house not later than April 1, 2012.";

In section 94, in line 966, inserting after the word "Human", the word "Service";

Inserting after section 95 the following section:

"SECTION 95A. Notwithstanding any general or special law to the contrary, for the purposes of providing advanced funding to eligible entities that administer the federal Low Income Home Energy Assistance Program described in item 7004-2033 of section 2D of chapter 68 of the acts of the 2011, the department of housing and community development may allow eligible organizations and entities to begin start up operations of the federal Low Income Home Energy Assistance Program described in said item 7004-2033 of said section 2D of said chapter 68 not later than 30 days after the effective date of this act.

The department and eligible entities may expend a portion of these funds for approved administrative costs consistent with the current or prior year's state plan submitted by the department in accordance with

the federal program and, after November 1, may expend a portion of these funds to assist certified low-income elders, working families and other households with the purchase of home heating oil, propane and natural gas and electricity and other primary or secondary heating sources; provided, however, that funds expended for this purpose shall only be transferred from the State Low Income Housing Tax Credit Fund established in section 87; and provided further, that such advanced funding shall be subject to federal reimbursement of funds described in said item 7004-2033 of said section 2D of said chapter 68."; and

Striking out sections 98 and 99.

Under suspension of the rules, on motion of Mr. Dempsey of Haverhill, the amendments were considered forthwith.

Pending the question on concurring with the Senate in its amendments, Mr. Lyons of Andover asked for a count of the House to ascertain if a quorum was present. The Chair (Mr. Donato of Medford), having determined that a quorum was not in attendance, at three minutes before nine o'clock P.M., under House Rule 82, declared an adjournment of the House, until the next day at ten o'clock A.M., in an Informal Session.

Quorum.