

## JOURNAL OF THE HOUSE.

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Tuesday, November 17, 2015.

Met according to adjournment at eleven o'clock A.M., 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.

### *Silent Prayer.*

During the session, the Speaker took the Chair and stated that it was his hope that the Commonwealth will join with France and the World to prove that in the face of unthinkable inhumanity there is unrelenting good.

Paris,  
France,—  
terrorist  
attacks.

At his request, and in conjunction with Mayor Walsh of Boston and the Consul General of France, the members, guests and employees stood in a moment of silent tribute in honor of the memories of those who lost their lives, and sent prayers to those injured and to their families in the terrorist attacks that took place in Paris, France, on Friday, November 13.

### *Message from the Governor.*

A message from His Excellency the Governor (under the provisions of Section 8 of Article LXXXIX of the Amendments to the Constitution) recommending legislation relative to authorizing the town of Manchester-by-the-Sea to employ Albert B. Beardsley as fire chief (House, No. 3859), was filed this day in the office of the Clerk during the noon recess.

Manchester-  
by-the-Sea,—  
Albert B.  
Beardsley.

The message was read; and it was referred under Rule 30, with the accompanying draft of a bill, to the committee on Public Service. Sent to the Senate for concurrence.

### *Guests of the House.*

The noon recess having terminated, Mrs. Haddad of Somerset took the Chair, declared a brief recess and introduced Mr. Giorgio Petruzzello and his son Antonio of Dedham. Antonio is in the second grade at Saint Joseph Elementary School in Needham where he is a member of the student council. They were the guests of Mr. McMurty of Dedham.

Dedham,—  
Giorgio and  
Antonio  
Petruzzello.

### *Communication.*

A communication from the Nantucket Regional Transit Authority (see Section 8(g) of Chapter 161B of the General Laws) submitting financial statements and supplementary data for the fiscal year 2015, was placed on file.

Nantucket  
transit  
authority.

*Petition.*

Hull,—  
bonds.

Representative Bradley of Hingham and Senator Hedlund presented a joint petition (accompanied by bill, House, No. 3855) of Garrett J. Bradley and Robert L. Hedlund (by vote of the town) relative to certain bonds issued by the town of Hull; and the same was referred to the committee on Municipalities and Regional Government. Sent to the Senate for concurrence.

*Recess.*

Recess.

At ten minutes after eleven o'clock A.M., on motion of Mrs. Poirier of North Attleborough (Mr. Donato of Medford being in the Chair), the House recessed until one o'clock P.M.; and, at four minutes after one o'clock P.M. the House was called to order with Mr. Donato in the Chair.

*Papers from the Senate.*

Underground  
storage  
tanks.

The engrossed Bill relative to reimbursement of certain costs regarding underground storage tanks and systems (House, No. 3835, amended), came from the Senate with the endorsement that said branch had concurred with the House in its amendment with a further amendment striking out all after the enacting clause and inserting in place thereof the following four sections:

“SECTION 1. Section 5 of chapter 21J of the General Laws, as appearing in the 2014 Official Edition, is hereby amended by striking out subsection (a) and inserting in place thereof the following subsection:—

(a) for each tank eligible for reimbursement pursuant to this chapter, reimbursement for all costs, expenses, claims and other obligations eligible for reimbursement pursuant to this chapter shall not exceed \$2,500,000, in the aggregate and less the applicable deductible specified in subsection (b), as follows: (i) \$1,500,000 for reimbursement under subclause (1) of clause (a) of section 4; and (ii) \$1,000,000 for expenses under subclause (2) of said clause (a) of said section 4.

SECTION 2. Section 1 of chapter 119 of the acts of 2015 is hereby amended by striking out the last sentence.

SECTION 3. Said chapter 119 is hereby further amended by striking out section 29 and inserting in place thereof the following section:—

Section 29. Item 8324-0000 of said section 2 of chapter 165 of the acts of 2014, as amended by section 50 of chapter 359 of the acts of 2014, is hereby further amended by inserting after the figure ‘2015’, the second time it appears, the following words:— ; provided further, that amounts allocated to said fire department training academy shall not revert and shall be made available until June 30, 2016.

SECTION 4. This act shall take effect as of November 2, 2015.”

The amendment was referred, under Rule 35, to the committee on Bills in the Third Reading.

Affordable  
care  
act.

The engrossed Bill relative to applications for waivers of the patient protection and affordable care act (House, No. 3837, amended), came from the Senate with the endorsement that said branch had concurred with the House in its amendment with a further amendment striking out all after the enacting clause and inserting in place thereof the following:

“SECTION 1. Notwithstanding any general or special law to the contrary, the board of the commonwealth health insurance connector shall submit a report to the joint committee on health care financing and the house and senate committees on ways and means not less than 45 days prior to submitting an application and not less than 10 days after submitting an application under clause (x) of section 3 of chapter 176Q of the General Laws detailing the intent and proposed changes to the state plan and state laws.

SECTION 2. This act shall take effect as of November 2, 2015.”.

The amendment was referred, under Rule 35, to the committee on Bills in the Third Reading.

The House Bill authorizing the town of Norton to use water supply and conservation land for public way purposes (House, No. 3340), came from the Senate passed to be engrossed, in concurrence, with an amendment striking out section 2 and inserting in place thereof the following three sections:

Norton,—  
land.

“SECTION 2. As a condition of the conveyance authorized in section 1, the town of Norton shall transfer the care, custody and control of the parcel of town-owned land located off James street, identified by the assessors as parcel 5-2-02-0, containing 0.62 acres, more or less, and acquired by the town by a final judgment in a tax foreclosure case recorded with the Bristol county registry of deeds in book 8028, page 46, from the tax custodian for tax title purposes to the conservation commission and the conservation commission shall dedicate and designate the parcel for conservation purposes pursuant to section 8C of chapter 40 of the General Laws.

SECTION 3. If the land conveyed pursuant to section 1 ceases to be used for the purposes described in said section 1, the land shall revert to the town of Norton for conservation or water supply purposes.

SECTION 4. This act shall take effect upon its passage.”.

The amendment was referred, under Rule 35, to the committee on Bills in the Third Reading. Said committee then reported that the amendment was correctly drawn; and it was adopted, in concurrence.

A petition (accompanied by bill, Senate, No. 2055) of Donald F. Humason, Jr., and John W. Scibak (by vote of the town) for legislation to authorize the city of Easthampton to grant eight additional licenses for the sale of all alcoholic beverages to be drunk on the premises, was referred, in concurrence, to the committee on Consumer Protection and Professional Licensure.

Easthampton,—  
liquor  
licenses.

#### *Reports of Committees.*

Mr. Galvin of Canton, for the committee on Rules, reported (under the provisions of House Rules 7B and 7C) an Order relative to special procedures for consideration of the Senate Bill providing for the establishment of a comprehensive adaptation management plan in response to climate change (Senate, No. 1979) (for order, see House, No. 3857), ought to be adopted. The order was considered forthwith; and it was adopted.

Solar  
energy.

Public records.

Mr. Galvin of Canton, for the committee on Rules, reported (under the provisions of House Rules 7B and 7C) an Order relative to special procedures for consideration of the House Bill to improve public records (House, No. 3665) (for order, see House, No. 3856), ought to be adopted.

Pending the question on adoption of the order, Mr. Hill of Ipswich moved to amend it in line 5 by striking out the following: "eleven A.M." and inserting in place thereof the following: "half past twelve o'clock P.M.". The amendment was adopted.

The order, (House, No. 3856, amended), then also was adopted.

Solar energy.

By Mr. Dempsey of Haverhill, for the committee on Ways and Means, that the Bill providing for the establishment of a comprehensive adaptation management plan in response to climate change (Senate, No. 1979), ought to pass with amendments by striking all after the enacting clause and inserting in place thereof the text contained in House document numbered 3854; by inserting before the enacting clause the following emergency preamble:

"Whereas, The deferred operation of this act would tend to defeat its purpose, which is to provide forthwith for the continued support of solar power generation and a transition to a stable and equitable solar market at a reasonable cost to ratepayers, therefore, it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience."; and by striking out the title and inserting in place thereof the following title: "An Act relative to solar energy". Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Mr. Nangle of Lowell, for said committee, then reported that the matter be scheduled for consideration by the House.

Under suspension of Rule 7A, on motion of Mr. Dempsey, the bill was read a second time forthwith.

The amendments recommended by the committee on Ways and Means then were adopted; and the bill (Senate, No. 1979, amended) was ordered to a third reading.

Subsequently, the noon recess having terminated, under suspension of the rules, on motion of Mr. Golden of Lowell, the bill (having been reported by the committee on Bills in the Third Reading to be correctly drawn) was read a third time.

After debate on the question on passing the bill, as amended, to be engrossed, in concurrence, Mr. Pignatelli of Lenox moved to amend it in section 9, in line 82, by striking out the figures "15" and inserting in place thereof the figures "20"; and the amendment was adopted.

After debate on passing the bill, as amended, to be engrossed, in concurrence, Mr. Straus of Mattapoisett moved to amend it by adding the following section:

"SECTION 13. Section 341 of chapter 164 of the acts of 1997 is hereby repealed."

Mr. O'Day of West Boylston thereupon raised a point of order that the amendment offered by the gentleman from Mattapoisett, was improperly before the House for the reason that it went beyond the scope of the pending bill.

Point of order.

In answer to the point of order, the Chair (Mr. Donato of Medford) stated that the bill currently before the House and its basis contained no provisions pertaining to the divestiture of electric companies that were added by Section 341 of Chapter 164 of the Acts of 1997, which this amendment purports to repeal. The Chair therefore ruled that the amendment was beyond the scope of the measure before the House; and it was laid aside accordingly.

Mr. Jones of North Reading then moved to amend the bill in section 11, in lines 122 to 126, inclusive, by striking out the subsection contained in those lines and inserting in place thereof the following two subsections:

“(c) Any solar incentive program developed by the department under this section for implementation by distribution companies shall be submitted to the department of public utilities for review. The department of public utilities shall review the program and ensure that the program operates in a cost effective manner for continued solar development within 90 days of submission.

(d) Attributes, as defined by the department, of the solar photovoltaic facilities receiving incentives under this section shall be eligible for use by retail electric suppliers pursuant to their obligations under section 11F of chapter 25A.”.

The amendment was adopted.

After remarks on the question on passing the bill, as amended, to be engrossed, in concurrence, the sense of the House was taken by yeas and nays, at the request of Mr. Golden of Lowell; and on the roll call 151 members voted in the affirmative and 2 in the negative.

Bill passed to be engrossed,—yea and nay No. 175.

**[See Yea and Nay No. 175 in Supplement.]**

[Mr. Smizik of Brookline answered “Present” in response to his name.]

Therefore the bill (Senate, No. 1979, amended) was passed to be engrossed, in concurrence. Sent to the Senate for concurrence in the amendments adopted by the House.

By Mr. Murphy of Weymouth, for the committee on Public Service, on a petition, a Bill establishing a sick leave bank for Lucia R. Dias, an employee of the Bristol County House of Correction (House, No. 3840);

Lucia R. Dias.

By the same member, for the same committee, on a joint petition, a Bill establishing a sick leave bank for Jamie Johnson, an employee of the Department of Mental Health (House, No. 3843); and

Jamie Johnson.

By the same member, for the same committee, on a petition, a Bill establishing a sick leave bank for Joseph LoConte, an employee of the Massachusetts Department of Transportation (House, No. 3845);

Joseph LoConte.

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

Mr. Nangle of Lowell, for said committee, then reported the matters be scheduled for consideration by the House.

Under suspension of the rules, in each instance, on motion of the same member, the bills severally were read a second time forthwith; and they were ordered to a third reading.

*Emergency Measures.*

Carol Gulino,—  
sick leave.

The engrossed Bill establishing a sick leave bank for Carol Gulino, an employee of the Massachusetts Rehabilitation Commission (see House, No. 3591, amended), having been certified by the Clerk to be rightly and truly prepared for final passage, was considered, the question being on adopting the emergency preamble.

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 7 to 0. Sent to the Senate for concurrence.

Child safety.

The engrossed Bill relative to the safety and well-being of children in the custody of the Department of Children and Families (see House, No. 3836, amended), having been certified by the Clerk to be rightly and truly prepared for final passage, was considered, the question being on adopting the emergency preamble.

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 5 to 0. Sent to the Senate for concurrence.

*Matters Discharged from the Orders of the Day.*

Third Worcester Representative District,—  
time for election to fill vacancy.

The motion of Mr. Jones of North Reading, that the vote be reconsidered by which the House, on Thursday, November 12, adopted an Order relative to the issuance of a precept for a special election to fill the vacancy in the Third Worcester District that will be created by the resignation of Mr. DiNatale of Fitchburg on January 3, 2016 (House, No. 3850), was discharged from its position in the Orders of the Day, under suspension of Rule 47, on motion of Mr. Galvin of Canton; and the motion to reconsider was negatived.

Kindness,—  
month.

The House Bill declaring May as the official month of kindness (House, No. 2747), was discharged from its position in the Orders of the Day and read a second time, under suspension of the Rule 47, on motion of Mr. Kocot of Northampton; and it was ordered to a third reading.

Mobile telephones,—  
driving.

The House Bill requiring hands-free use of mobile telephones while driving (House, No. 3315), was discharged from its position in the Orders of the Day and read a second time, under suspension of the Rule 47, on motion of Mr. Straus of Mattapoissett; and it was ordered to a third reading.

*Recess.*

Recess.

At four minutes after five o'clock P.M. (Tuesday, November 17), on motion of Mr. Hill of Ipswich (Mr. Donato of Medford being in the Chair), the House recessed until the following day at eleven o'clock A.M.; and at that time, the House was called to order with Mr. Donato in the Chair.

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**Wednesday, November 18, 2015  
(at 11:04 o'clock A.M.).**

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.

*Statement of Representative Finn of West Springfield.*

A statement of Mr. Finn of West Springfield 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, November 4, due to a family illness. Had I been present for Yea and Nay Nos. 170 to 174, inclusive, I would have voted, in each instance, in the affirmative. My missing of roll calls that day was due entirely to the reason stated. Statement of Mr. Finn of West Springfield.

*Guests of the House.*

During the session, Mr. Parisella of Beverly took the Chair, declared a brief recess and introduced the family of Pete Frates, who is the inspiration and force behind "The Ice Bucket Challenge". The "challenge" to date has raised approximately \$220 million in support of research to cure Amyotrophic Lateral Sclerosis. Mr. Parisella then introduced Pete's father, John Frates, who was accompanied by his wife Nancy, son Andrew and family friend Father Bill Schmidt. John then briefly addressed the House. Mr. Parisella then read and presented them with previously adopted resolutions commending Pete Frates and his family for their tireless efforts to further the awareness of A.L.S. They were the guests of Mr. Parisella of Beverly. The family of Pete Frates.

*Resolutions.*

Resolutions (filed with the Clerk by Mr. Smizik of Brookline and other members of the House) commemorating the celebration of Chanukah 2015, were referred, under Rule 85, to the committee on Rules. Chanukah.

Mr. Galvin of Canton, for said committee, reported that the resolutions ought to be adopted. Under suspension of the rules, on motion of Mr. McMurtry of Dedham, 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. Bradley of Hingham, a petition (subject to Joint Rule 12) of Garrett J. Bradley relative to relief from liabilities on joint tax returns. Tax returns.

By Mr. Donahue of Worcester, a petition (subject to Joint Rule 12) of Daniel M. Donahue for legislation to establish a sick leave bank for Alimatu Lamptey, an employee of the Department of Mental Health. Alimatu Lamptey,—sick leave.

By Ms. Khan of Newton, a petition (subject to Joint Rule 12) of Kay Khan and others relative to persons under the age of 22 with special needs. Special needs.

Oyster  
restoration.

By Mr. Ryan of Boston, a petition (subject to Joint Rule 12) of Daniel J. Ryan and others for legislation to establish the oyster restoration for environmental purposes program.

Janaina  
Euriques,—  
sick leave.

By Representatives Vincent of Revere and Ryan of Boston, a petition (subject to Joint Rule 12) of RoseLee Vincent, Daniel J. Ryan and Anthony W. Petruccelli for legislation to establish a sick leave bank for Janaina Euriques, an employee of the Department of Children and Families.

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

*Papers from the Senate.*

Underground  
storage  
tanks.

The engrossed Bill relative to reimbursement of certain costs regarding underground storage tanks and systems (House, No. 3835, amended), came from the Senate with the endorsement that said branch had concurred with the House in its amendment (striking out all after the enacting clause and inserting in place thereof the text contained in House document numbered 3889), with a further amendment striking out all after the enacting clause (inserted by amendment by the House) and inserting in place thereof the following four sections:

“SECTION 1. Section 5 of chapter 21J of the General Laws, as appearing in the 2014 Official Edition, is hereby amended by striking out subsection (a) and inserting in place thereof the following subsection:—

(a) for each tank eligible for reimbursement pursuant to this chapter, reimbursement for all costs, expenses, claims and other obligations eligible for reimbursement pursuant to this chapter shall not exceed \$2,500,000, in the aggregate and less the applicable deductible specified in subsection (b), as follows: (i) \$1,500,000 for reimbursement under subclause (1) of clause (a) of section 4; and (ii) \$1,000,000 for expenses under subclause (2) of said clause (a) of said section 4.

SECTION 2. Section 1 of chapter 119 of the acts of 2015 is hereby amended by striking out the last sentence.

SECTION 3. Said chapter 119 is hereby further amended by striking out section 29 and inserting in place thereof the following section:—

Section 29. Item 8324-0000 of said section 2 of chapter 165 of the acts of 2014, as amended by section 50 of chapter 359 of the acts of 2014, is hereby further amended by inserting after the figure ‘2015’, the second time it appears, the following words:— ; provided further, that amounts allocated to said fire department training academy shall not revert and shall be made available until June 30, 2016.

SECTION 4. This act shall take effect as of November 2, 2015.”

The amendment was referred, under Rule 35, to the committee on Bills in the Third Reading. Subsequently said committee reported that the further amendment was correctly drawn; and it was adopted, in concurrence.

Foreclosed  
properties,—  
titles.

The Senate Bill further regulating the clearing of title to certain foreclosed properties (Senate, No. 2015, amended), came from the Senate with the endorsement that said branch had concurred with the House in its amendments (striking out all after the enacting clause and inserting in place thereof the text contained in House document numbered 3809; and striking out the title and inserting in place thereof

the following title: “An Act clearing titles to foreclosed properties”) with a further amendment striking out all after the enacting clause (inserted by amendment by the House) and inserting in place thereof the text contained in Senate document numbered 2057. The amendment was referred, under Rule 35, to the committee on Bills in the Third Reading. Subsequently said committee reported that the further amendment was correctly drawn; and it was adopted, in concurrence.

The House Bill relative to the trafficking of fentanyl (House, No. 3798, amended), came from the Senate passed to be engrossed, in concurrence, with an amendment striking out all after the enacting clause and inserting in place thereof the following:

Fentanyl  
trafficking.

“Section 32E of chapter 94C of the General Laws, as appearing in the 2014 Official Edition, is hereby amended by adding the following subsection:—

(e) Any person who trafficks in fentanyl, by knowingly or intentionally manufacturing, distributing, dispensing or possessing with intent to manufacture, distribute or dispense or by bringing into the commonwealth a net weight of more than 10 grams of fentanyl shall be punished by a term of imprisonment in state prison for not more than 20 years.

For purposes of this subsection, ‘fentanyl’ shall include any derivative of fentanyl and any mixture containing more than 10 grams of fentanyl or a derivative of fentanyl.”

The amendment was referred, under Rule 35, to the committee on Bills in the Third Reading. Subsequently said committee reported that the amendment was correctly drawn; and it was adopted, in concurrence.

The House Bill authorizing the Division of Capital Asset Management and Maintenance to lease a certain parcel of land in the town of Southborough (House, No. 3762), came from the Senate passed to be engrossed, in concurrence, with amendments in section 1, in line 4, striking out the word “shall” and inserting in place thereof the word “may”; and, in lines 17 and 18, striking out the sentence contained in those lines and inserting in place thereof the following two sentences: “The annual consideration shall be retained by the department of conservation and recreation in account number 2882-1441 and used by the department to offset payments under said section 5G of said chapter 59. The commissioner of capital asset management and maintenance shall place a notification in the central register of the lease and the amount of the transaction.”. The amendments were referred, under Rule 35, to the committee on Bills in the Third Reading.

Southborough,—  
land.

The House Bill authorizing the town of North Reading to convey certain park land (House, No. 3819), came from the Senate passed to be engrossed, in concurrence, with amendments in section 1, in line 2, inserting after the word “contrary” the following: “, but subject to paragraphs (a), (b) and (g) of said section 16 of said chapter 30B”; and striking out section 2 and inserting in place thereof the following three sections:

North Reading,—  
land.

“SECTION 2. As a condition of the conveyance authorized in section 1, the town of North Reading shall transfer a parcel of land under the care, custody, management and control of the board of selectmen

North Reading,— and dedicated for general municipal purposes to the conservation commission or parks department and such parcel shall be dedicated for conservation or park purposes. If no suitable parcel is available to be transferred, the town shall acquire a parcel of land or a conservation restriction upon private or public land as defined in section 31 of chapter 184 of the General Laws. Such land shall be dedicated or restricted to conservation or park purposes under the jurisdiction of the conservation commission or parks department. The parcel dedicated pursuant to this section, shall be of equal or greater size and value for conservation or park purposes when compared to the parcel described in section 1.

SECTION 3. If the land conveyed pursuant to section 1 ceases to be used for the purposes described in said section 1, the land shall revert to the town of North Reading for conservation, water supply or public park purposes.

SECTION 4. This act shall take effect upon its passage.”

The amendments were referred, under Rule 35, to the committee on Bills in the Third Reading.

#### *Reports of Committees.*

Public records.

By Mr. Dempsey of Haverhill, for the committee on Ways and Means, that the Bill to improve public records (House, No. 3665), ought to pass with an amendment substituting therefor a bill with the same title (House, No. 3858). Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Mr. Nangle of Lowell, for said committee, then reported that the matter be scheduled for consideration by the House.

Under suspension of Rule 7A, on motion of Mr. McMurtry of Dedham, the bill was read a second time forthwith.

The amendment recommended by the committee on Ways and Means then was adopted; and the substituted bill was ordered to a third reading.

Subsequently, the noon recess having terminated, under suspension of the rules, on motion of Mr. Kocot of Northampton, the bill (having been reported by the committee on Bills in the Third Reading to be correctly drawn) was read a third time.

After remarks on the question on passing the bill to engrossed, Mr. Jones of North Reading moved to amend it in section 5, in line 57, by inserting the after the word “serves.” the following subsection:

“(g) The records access officer shall reserve the right to deny public records requests to a requester for failures to compensate the agency, or city or town, for previous public records requests. The records access officer shall provide a written notification to the requester detailing the reasons behind the denial, and itemizing any and all balances attributed to the previous records request.”

The amendment was adopted.

After remarks on the question on passing the bill, as amended, to engrossed Messrs. Hill of Ipswich, Jones of North Reading and Kelcourse of Amesbury moved to amend the bill by adding the following section:

“SECTION 11. There shall be established pursuant to section 2A of chapter 4 of the General Laws a special legislative commission to

examine the accessibility of information concerning the legislative process of the general court. Said special legislative commission shall consist of 14 members 1 of whom shall be the House chair of the joint committee on state administration and regulatory oversight, who shall serve as co-chair; 1 of whom shall be the Senate chair of the joint committee on state administration and oversight, who shall serve as co-chair; 1 of whom shall be the chair of the house committee on rules; 1 of whom shall be the chair of the senate committee on rules; 2 of whom shall be members of the House of Representatives appointed by the Speaker of the House; 1 of whom shall be a member of the House of Representatives appointed by the minority leader of the House; 2 of whom shall be members of the Senate appointed by the President of the Senate; 1 of whom shall be a member of the Senate appointed by the minority leader of the Senate; and 2 of whom shall be members of the house of representatives or senate appointed jointly by the speaker of the house and the president of the senate,

The special legislative commission shall examine the procedures and practices of the house of representatives and Senate and its committees with regard to legislative process including, but not limited to: scheduling and notice of public hearings and legislative sessions; management of legislative calendars ; scope and substance of committee hearings, including the number of bills heard at each hearing; publication and availability of records concerning committee proceedings, including public hearing agendas, public testimony, and committee votes; rules and scheduling requirements for committee reports; content of committee reports, such as summary, explanatory, and analytical materials; contemporaneous and permanent online access to open sessions of the house of representatives and senate; publication of records concerning house and senate sessions, including but not limited to roll call votes; and publication of proposed amendments to legislation and votes thereon.

The special legislative commission shall also examine the constitutionality and practicality of subjecting the general court, the executive office of the governor and the judicial branch to the public records law. In conducting its examination the special legislative commission shall examine, without limitation, the applicability and impact of Article XXI of the Declaration of Rights, Article XXX of the Declaration of Rights, Article 7 of Section 2 of Chapter 1 of Part the Second of the Constitution of the Commonwealth and Article 10 of Section 3 of Chapter 1 of Part the Second of the Constitution of the Commonwealth. In undertaking its examination, the special legislative commission shall examine the procedures used by legislatures in other states and those used by the United States Congress for making information concerning the legislative process available to the public.

Counsel to the House and Senate appointed pursuant to section 51 of chapter 3 of the General Laws shall serve as counsel to the special legislative commission.

The special legislative commission may consult with: (i) nongovernmental organizations and academic institutions that have expertise that can benefit the commission, including, but not limited to Common Cause, the American Civil Liberties Union, the Massachusetts Newspaper Publishers Association and the Massachusetts Taxpayers Foun-

Public records.

ation; and (ii) solicit input from journalistic associations, public policy research institutions, other government institutions with expertise in public access to public proceedings, and other entities with an interest in the legislative process.

The special legislative commission shall issue a report on or before December 1, 2016, which shall include recommendations for legislation or changes to legislative rules to: enhance the accessibility of information to the public concerning the legislative operations of the general court; improve the use of information technology for public access to information about the general court; promote substantive reporting by legislative committees; ensure a permanent, accessible, and substantive record of public legislative proceedings, including house and senate sessions and public committee hearings; and apply to the general court either by statute or by rule any provisions of the public records and open meetings laws the commission deems practicable. Said report shall include the constitutional basis for the special legislative commission’s recommendations. Said report shall be filed with the joint committee on rules, the joint committee on state administration and regulatory oversight, the joint committee on ways and means, and the offices of the house and senate clerks, and shall be posted online.”.

Amendment adopted,—yea and nay No. 176.

After debate on the question on adoption of the amendment, the sense of the House was taken by yeas and nays at the request of Mr. Hill of Ipswich; and on the roll call 157 members voted in the affirmative and 0 in the negative.

**[See Yea and Nay No. 176 in Supplement.]**

Therefore the amendment was adopted.

There being no objection, Mr. Lyons of Andover then moved to amend the bill by adding the following section:

“SECTION 12. Notwithstanding any general or special law to the contrary, chapter 66 is hereby further amended by striking out section 18 and inserting in place thereof the following section:—

Section 18. This chapter shall not apply to declarations, affidavits and other papers filed by claimants in the office of the commissioner of veterans’ services, or records kept by him for reference by the officials of his office, be public records.”.

Point of order.

Mr. Bradley of Hingham thereupon raised a point of order that the amendment offered by the gentleman from Andover was improperly before the House for the reason that the House had, at this reading, adopted an amendment to study the subject-matter that would be removed from law by his amendment.

In answer to the point of order, the Chair (Mr. Donato of Medford) stated that the House had, in fact, at this reading adopted an amendment to study the subject-matter [removing the General Court from the provisions of section 18 of chapter 66 of the General Laws] implied in the proposed amendment; and that adoption of the amendment filed by the gentleman from Andover would contradict a provision added by the previously adopted amendment.

Therefore the Chair ruled that the point of order was well taken; and the amendment was laid aside accordingly.

Appeal from decision of Chair.

Mr. Lyons thereupon appealed from the decision of the Chair; and the appeal was seconded by Mr. Diehl of Whitman.

The question then was put “Shall the decision of the Chair stand as the judgment of the House?”.

The sense of the House then was taken by yeas and nays, at the request of Mr. Lyons; and on the roll call 122 members voted in the affirmative and 34 in the negative.

Decision of Chair sustained,—yea and nay No. 177.

**[See Yea and Nay No. 177 in Supplement.]**

[Mr. Heroux of Attleboro answered “Present” in response to his name.]

Therefore the decision of the Chair was sustained.

After remarks on the question on passing the bill, as amended, to be engrossed, the sense of the House taken by yea and nays, at the request of Mr. Kocot of Northampton; and on the roll call 157 members voted in the affirmative and 0 in the negative.

Bill passed to be engrossed,—yea and nay No. 178.

**[See Yea and Nay No. 178 in Supplement.]**

Therefore the bill (House, No. 3858, amended) was passed to be engrossed. Sent to the Senate for concurrence.

By Mr. Nangle of Lowell, for the committee on Steering, Policy and Scheduling, that the House Bill authorizing the town of Lakeville to convey certain property to the city of Taunton (House, No. 3789), be scheduled for consideration by the House.

Lakeville and Taunton,—land.

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

By Mr. Fernandes of Milford, for the committee on the Judiciary, on House, No. 1290, a Bill improving the accuracy of eyewitness identification procedures (House, No. 3861).

Eyewitnesses,—identification.

By the same member, for the same committee, on House, No. 1493, a Bill relative to modernizing the Registries of Deeds (House, No. 3862).

Registries of deeds,—recordkeeping.

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

By Mr. Fernandes of Milford, for the committee on the Judiciary, on House, No. 1258, a Bill authorizing the city of Lawrence to establish a program for enforcement against illegal dumping (House, No. 3860) [Local Approval Received]. Read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Lawrence,—illegal dumping.

*Recess.*

At ten minutes after eleven o’clock A.M. (Wednesday, November 18), on motion of Mr. Wong of Saugus (Mr. Donato of Medford being in the Chair), the House recessed until one o’clock P.M.; and, at twenty-seven minutes after one o’clock P.M. the House was called to order with Mr. Donato in the Chair.

Recess.

*Matters Discharged from the Orders of the Day.*

The Senate amendments of the House Bill establishing a state workforce development board (House, No. 3772), reported by the committee on Bills in the Third Reading to be correctly drawn, were taken

State workforce development board.

State workforce  
development  
board.

from their position in the Orders of the Day, and considered, under suspension of Rule 47, on motion of Mr. Kocot of Northampton.

Pending the question on adoption of the amendments, in concurrence, Mrs. Haddad of Somerset moved that the House concur with the Senate in its amendments with a further amendment by striking out all after the enacting clause and inserting in place thereof the following:

“SECTION 1. Section 45 of chapter 23G of the General Laws, as appearing in the 2014 Official Edition, is hereby amended by striking out, in line 60, the word ‘investment’ and inserting in place thereof the following word:— development.

SECTION 2. Section 1 of chapter 23H of the General Laws, as so appearing, is hereby amended by striking out, in line 12, the word ‘investment’ and inserting in place thereof the following word:— development.

SECTION 3. Chapter 23H of the General Laws is hereby amended by striking out section 7, as appearing in the 2014 Official Edition, and inserting in place thereof the following section:—

Section 7. (a) There shall be in the department, but not subject to the jurisdiction thereof, a state workforce development board, hereinafter called the board.

(b) The board shall consist of the governor or a designee; 1 member of the senate to be appointed by the senate president; 1 member of the house of representatives to be appointed by the speaker of the house; the secretary of the executive office of labor and workforce development or a designee; the secretary of the executive office of housing and economic development or a designee; the secretary of the executive office of health and human services or a designee; the secretary of the executive office of education or a designee; and 17 persons to be appointed by the governor who shall represent business and industry, who: (i) are owners of businesses, chief executives or operating officers of businesses, or other business executives or employers with optimum policymaking or hiring authority; (ii) represent businesses, including small businesses, or organizations representing businesses that provide employment opportunities that, at a minimum, include high-quality, work-relevant training and development for in-demand industry sectors or occupations in the commonwealth; and (iii) have been nominated for appointment by commonwealth business organizations and business trade associations; 7 of whom shall be representatives of the workforce within the commonwealth, which shall include 2 representatives of labor organizations, 1 of whom shall have been nominated by commonwealth labor federations and 1 of whom shall be a representative of the National Association of Government Employees; 1 representative who shall be a member of a labor organization or a training director, from a joint labor-management apprenticeship program; and 4 representatives of community-based organizations that have demonstrated experience and expertise in addressing the employment, training, or education needs of individuals facing barriers to employment, or experience and expertise in addressing the employment, training, or education needs of youth, including representatives of organizations that serve out-of-school youth; and 2 chief elected officials from designated local workforce development areas as defined

by the federal Workforce Innovation and Opportunity Act of 2014, Public Law 113-128.

(c) No person shall serve as a member for more than 1 category of the board.

(d) The members of the board shall represent diverse geographic areas of the commonwealth, including urban, rural and suburban areas.

(e) The members shall each serve 2-year terms at the pleasure of the governor and shall serve without compensation.

(f) The governor shall select an individual to chair the board from among the members representing business and industry. The chair shall serve at the pleasure of the governor.

(g) The board shall adopt by-laws to govern its proceedings and shall carry out the responsibilities required of it under the federal Workforce Innovation and Opportunity Act of 2014. The board shall provide assessments and recommendations to the governor, the workforce skills cabinet, local workforce boards, and other entities as needed regarding the effectiveness of the public workforce development system in the commonwealth, shall assist in measuring the effectiveness of this system and in pursuing its continuous improvement, and shall generally assist in meeting the regional workforce needs of the commonwealth. The board shall seek to promote innovative and performance driven models for workforce development and shall seek to maximize the effectiveness of the local workforce boards.

(h) The administrative staff of the board shall be supervised by and shall report to the director of the department of career services. The board may contract with said department for personnel services and other operating needs. The department of career services may promulgate and carry out operational policies for the benefit of board without requiring express board approval. Notwithstanding any law or special act to the contrary, other departments, agencies, divisions, commissions, boards and bureaus of the commonwealth are authorized to provide such information and support as the board may from time to time require in the course of carrying out its responsibilities.

SECTION 4. Section 10 of said chapter 23H, as so appearing, is hereby amended by striking out, in lines 1, 5, 6, 24, 25 and 30, the word 'investment' and inserting in place thereof, in each instance, the following word:— development.

SECTION 5. Section 11 of said chapter 23H, as so appearing, is hereby amended by striking out, in line 100, the word "investment" and inserting in place thereof the following word:— development.

SECTION 6. Section 2SSS of chapter 29 of the General Laws, as so appearing, is hereby amended by striking out, in line 9, the word 'investment' and inserting in place thereof the following word:— development.

SECTION 7. Section 9 of chapter 419 of the acts of 2008 is hereby amended by striking out subsection (a) and inserting in place thereof the following subsection:—

(a) There shall be an education and training collaborative to develop, in conjunction with the Taunton Development Corporation, the regional education, training and skills alliance center. The education collaborative shall be managed by a board of directors which shall consist of: the presidents of Bridgewater State University, the Massachusetts Maritime

State workforce  
development  
board.

Academy, Massasoit Community College, Cape Cod Community College, Bristol Community College, Wheaton College, the Massachusetts Federation of Teachers, the Massachusetts Teachers Association, the Massachusetts AFL-CIO, the Taunton Area Chamber of Commerce, Inc. or their designees; the chancellor of the University of Massachusetts at Dartmouth; the commissioner of developmental services or a designee; and the executive director of the Southeastern Regional Planning & Economic Development District or a designee. The board may, by majority vote, increase its membership to include the presidents of other institutions of higher education, the superintendents of comprehensive high schools and regional vocational technical schools housing their main campuses in southeastern Massachusetts or their designees; and the board may, by majority vote, increase its membership to include private sector industry partners; provided, however, that the number of private sector industry board members shall not represent more than 49 per cent of the board. The board, by majority vote, may form an advisory committee. Members of the board may vote according to the terms of the education collaborative agreement but the land and property management of the center shall be the responsibility of the Taunton Development Corporation.

SECTION 8. Said section 9 of said chapter 419 is hereby further amended by striking out subsection (i) and inserting in place the following subsection:—

(i) The education collaborative shall be considered a public entity and may sue and be sued to the same extent as a city, town or regional school district. The education collaborative, acting through its board of directors, may enter into contracts for the purchase of supplies, materials and services including, but not limited to, services of a nonprofit to assist with the powers and duties of the board as prescribed in the written agreement under subsection (b) and for the purchase or leasing of land, buildings and equipment as considered necessary by the board. For the purposes of this act, members of the nonprofit, whether created or contracted with as prescribed in the written agreement under subsection (b), shall not be considered state employees.”.

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.

Joseph  
LoConte,—  
sick leave.

The House Bill establishing a sick leave bank for Joseph LoConte, an employee of the Massachusetts Department of Transportation (House, No. 3845), reported by the committee on Bills in the Third Reading to be correctly drawn, was read a third time, under suspension of the rules, on motion of Mr. Madaro of Boston; and it was passed to be engrossed. Sent to the Senate for concurrence.

#### *Engrossed Bill — Land Taking.*

Norton,—  
land.

The engrossed Bill authorizing the town of Norton to use water supply and conservation land for public way purposes (see House, No. 3340, amended) (which originated in the House), having been certified by the Clerk to be rightly and truly prepared for final passage, was put upon its final passage.

On the question on passing the bill to be enacted, the sense of the House was taken by yeas and nays (this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution); and on the roll call 157 members voted in the affirmative and 0 in the negative.

Bill enacted  
(land taking),—  
yea and nay  
No. 179.

**[See Yea and Nay No. 179 in Supplement.]**

Therefore the bill was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

*Paper from the Senate.*

The Senate Bill relative to solar energy (Senate, No. 1979, amended), came from the Senate with the endorsement that said branch had concurred with the House in its amendments (striking out all after the enacting clause and inserting in place thereof the text contained in House document numbered 3854, amended in section 9, in line 82, by striking out the figures "15" and inserting in place thereof the figures "20"; in section 11, in lines 122 to 126, inclusive, by striking out the paragraph contained in those lines and inserting in place thereof the following two paragraphs:

Solar  
energy.

"(c) Any solar incentive program developed by the department under this section for implementation by distribution companies shall be submitted to the department of public utilities for review. The department of public utilities shall review the program and ensure that the program operates in a cost effective manner for continued solar development within 90 days of submission.

(d) Attributes, as defined by the department, of the solar photovoltaic facilities receiving incentives under this section shall be eligible for use by retail electric suppliers pursuant to their obligations under section 11F of chapter 25A."; inserting before the enacting clause the following emergency preamble:

"Whereas, The deferred operation of this act would tend to defeat its purpose, which is to provide forthwith for the continued support of solar power generation and a transition to a stable and equitable solar market at a reasonable cost to ratepayers, therefore, it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience."; and striking out the title and inserting in place thereof the following title: "An Act relative to solar energy.") with a further amendment striking out all after the enacting clause and inserting in place thereof the text contained in Senate document numbered 2058.

Under suspension of the rules, on motion of Mr. Golden of Lowell, the amendment was considered forthwith.

The House then non-concurred with the Senate in its further amendment; and, on motion of Mr. Dempsey of Haverhill, asked for a committee of conference on the disagreeing votes of the two branches. Representatives Dempsey, Golden and Jones of North Reading were appointed the committee on the part of the House. Sent to the Senate to be joined.

Committee of  
conference.

Subsequently notice was received from the Senate that said branch had insisted on its further amendment, concurred with the House in the appointment of a committee of conference; and that Senators Downing, Pacheco and Tarr had been joined as the committee on the part of the Senate.

Id.

*Recess.*

Recess.

At twenty minutes before four o'clock P.M. (Wednesday, November 18), on motion of Mrs. Poirier of North Attleborough (Mr. Donato of Medford being in the Chair), the House recessed until five o'clock P.M.; and, at that time the House was called to order with Mr. Donato in the Chair.

*Engrossed Bills.*

Bill enacted.

The engrossed Bill establishing a sick leave bank for Carol Gulino, an employee of the Massachusetts Rehabilitation Commission (see House, No. 3591, amended) (which originated in the House), in respect to which the Senate had concurred in adoption of the emergency preamble, was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

Bill re-enacted.

The engrossed Bill relative to the safety and well-being of children in the custody of the Department of Children and Families (see House, No. 3836, amended) (which originated in the House), in respect to which the Senate had concurred in adoption of the emergency preamble, was passed to be re-enacted, in its amended form; and it was signed by the acting Speaker and sent to the Senate.

*Engrossed bills*

Bills enacted.

Relative to grave markers to commemorate the grave of a veteran, police officer or firefighter (see House, No. 1306, amended);

Providing further penalties for intentional loss or damage to a gravestone or other grave marker (see House, No. 1600, amended);

Relative to the false representation of military status (see House, No. 1641, amended);

Relative to the Lance Corporal Andrew J. Zabierek Memorial Bridge in the town of Chelmsford (see House, No. 2937);

Designating a certain bridge in the city of Boston as the PFC Alvin Richard Gale Memorial Bridge (see House, No. 3083);

Relative to the removal of commemorative flag holders from the graves of veterans and certain police and fire personnel (see House, No. 3173, amended);

Providing free access to certain parks and recreation areas to Purple Heart recipients (see House, No. 3243);

Relative to the taking of property by eminent domain by the Medway Redevelopment Authority (see House, No. 3361); and

Relative to the trafficking of fentanyl (see House, No. 3798, amended); (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.*

Recess.

At five minutes after five o'clock P.M. (Wednesday, November 18), on motion of Mr. Wong of Saugus (Mr. Donato of Medford being in the Chair), the House recessed until six o'clock and at that time the House was called to order with Mr. Donato in the Chair.

*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.

Messrs. Donato of Medford and Michlewitz of Boston moved that when the House adjourns today, it do so in respect to the memory of Charles W. Capraro, a member of the House from Boston from 1953 to 1960, inclusive; and the motion prevailed.

Accordingly, without proceeding to consideration of the matters in the Orders of the Day, at twenty-two minutes before seven o'clock P.M. (Wednesday, November 18, 2015), on motion of Mr. Wong of Saugus (Mr. Donato of Medford being in the Chair), the House adjourned, to meet the following day at eleven o'clock A.M., in an Informal Session.