

The Commonwealth of Massachusetts

JOURNAL OF THE HOUSE.



WEDNESDAY, MAY 23, 2018.

[55]*

JOURNAL OF THE HOUSE.

Wednesday, May 23, 2018.

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).

Prayer was offered by Father Rick Walsh of the Paulist Center of Boston, Chaplain of the House, as follows:

God of Strength and Steadfastness, we give thanks today for the industry and know-how spirit that is a hallmark of our Commonwealth. We ask Your blessing upon our elected officials and their staff as they move ahead in the work entrusted to them by our citizens.

Prayer.

On this day we honor the 1810 birth of Margaret Fuller in Cambridge. Fuller was a journalist and advocate for women's rights.

Among her many "firsts," she was the first full-time American female book reviewer in journalism. She was the first woman to be permitted access to Harvard's library. She became the first editor of the Transcendentalist's magazine 'The Dial' and later joined Horace Greeley's 'New York Tribune'.

Her book "Woman in the Nineteenth Century" is considered the first major feminist work in the United States.

Upon returning from Europe in 1850, Fuller died along with her husband and child in a shipwreck off the coast of New York.

We are grateful for the courage and strength of character displayed by this native daughter of Massachusetts.

May God continue to bless our Commonwealth.

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.

At the request of Representatives Kafka of Stoughton, Galvin of Canton, Cronin of Brockton, Cassidy of Brockton and DuBois of Brockton, the members, guests and employees stood in a moment of silent prayer in respect to the memory of four Stoughton High School students who were killed in a car accident on Saturday, May 19th: David Bell of Stoughton, age 17, Christopher Desir of Brockton, age 17, Nick Joyce of Stoughton, age 16, and Eric Sarblah of Stoughton, age 17.

David Bell,
Christopher Desir,
Nick Joyce, and
Eric Sarblah.

Each of these students will be sorely missed as members of a tight-knit community at Stoughton High School, and leave behind their families as well as many friends, classmates, teachers and coaches.

Guest of the House.

UNCORRECTED PROOF.

During the session, the Chair (Mr. Donato of Medford), declared a brief recess and introduced Midshipman Harrison Naughton, the son of Representative Naughton of Clinton, who was visiting the Chamber before returning to the United States Naval Academy. He was the guest of Mr. Naughton of Clinton.

Harrison
Naughton.

Resolutions.

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

Resolutions (filed by Mr. Cullinane of Boston) congratulating Dorrisile Dervis on the occasion of her one hundred and sixteenth birthday;

Dorrisile
Dervis.

Resolutions (filed by Mr. Cullinane of Boston) congratulating Ermete Jean on the occasion of her one hundred and second birthday;

Ermete
Jean.

Resolutions (filed by Mr. Cullinane of Boston) congratulating Jean Joseph on the occasion of his one hundred and seventh birthday;

Jean
Joseph.

Resolutions (filed by Mr. Cullinane of Boston) congratulating Marie I. Joseph on the occasion of her one hundred and eighth birthday;

Marie
Joseph.

Resolutions (filed by Mr. Cullinane of Boston) congratulating Eliska Saint-Louis on the occasion of her one hundredth birthday;

Eliska
Saint-Louis.

Resolutions (filed by Mr. Cullinane of Boston) congratulating Marie Lucie Saint Paul on the occasion of her one hundred and second birthday;

Marie Lucie
Saint Paul.

Resolutions (filed by Mr. Cullinane of Boston) congratulating Lifaite Printemps on the occasion of his one hundred and first birthday;

Lifaite
Printemps.

Resolutions (filed by Mr. Diehl of Whitman) congratulating the Jeffrey Coombs Memorial Foundation for excelling as a small nonprofit; and

Jeffrey Coombs
Foundation.

Resolutions (filed by Ms. Ehrlich of Marblehead and other members of the House) commending the National Brain Tumor Society on its recognition of May 2018 as Brain Tumor Awareness Month;

Brain Tumor
Awareness
Month.

Mr. Galvin of Canton, for the committee on Rules, reported, in each instance, that the resolutions ought to be adopted. Under suspension of the rules, in each instance, on motion of Mr. Murphy of Weymouth, 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 Representative Linsky of Natick and Senator Ross, a joint petition (accompanied by bill, House, No. 4533) of David Paul Linsky and Richard J. Ross (by vote of the town) relative to the removal of elected financial officials in the town of Sherborn. To the committee on Election Laws.

Sherborn,—
elected
officials.

By Representative Donahue of Worcester and Senator Moore, a joint petition (accompanied by bill, House, No. 4534) of Daniel M. Donahue and Michael O. Moore (with the approval of the city council) that the city of Worcester be authorized to lease a certain building. To the committee on Municipalities and Regional Government.

Worcester,—
lease.

By Mr. Mahoney of Worcester, a petition (accompanied by bill, House, No. 4535) of John J. Mahoney, Daniel M. Donahue and James J. O'Day (with the approval of the city council) relative to the disability retirement of Brian Patrick Carroll, a firefighter for the city of Worcester. To the committee on Public Service.

Worcester,—
Brian Patrick
Carroll.

Severally sent to the Senate for concurrence.

Papers from the Senate.

The House Bill establishing a sick leave bank for Elliot Brown, an employee of the Executive Office of Health and Human Services (House, No. 4267) (its title having been changed by the Senate committee on Bills in the Third Reading), came from the Senate passed to be engrossed, in concurrence, with amendments in lines 1 and 2, striking out the words “department of public health” and inserting in place thereof the words “executive office of health and human services”; and in lines 2, 3, 5 and 8, striking out the word “department”, in each instance, and inserting in place thereof the word “office”. The amendments were referred, under Rule 35, to the committee on Bills in the Third Reading.

Elliot
Brown,—
sick leave.

A report of the committee on Transportation, asking to be discharged from further consideration of the petition (accompanied by bill, House, No. 4499) of Patricia A. Haddad relative to gender identity on certain state identification,— and recommending the same be referred to the Senate committee on Ways and Means,— accepted by the Senate, was considered forthwith, under Rule 42; and it was accepted, in concurrence, inasmuch as relates to the discharge of the committee.

Gender
identification.

Reports of Committees.

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

The Senate Bill establishing a sick leave bank for Melvin Maldonado, an employee of the Department of Mental Health (Senate, No. 2444); and

Melvin
Maldonado.

The House Bill relative to the public safety on urban college campuses (House, No. 4436);

Campus
safety.

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

By Mr. Pignatelli of Lenox, for the committee on Environment, Natural Resources and Agriculture, on House, Nos. 414, 430, 435 and 2928, an Order relative to authorizing the committee on Environment, Natural Resources and Agriculture to make an investigation and study of certain House documents relative to waste management (House, No. 4526).

Environment,
Natural
Resources and
Agriculture,—
study.

By the same member, for the same committee, on House, Nos. 3565, 3566, 3567 and 3568, an Order relative to authorizing the committee on Environment, Natural Resources and Agriculture to make an investigation and study of certain House documents relative to energy and climate change (House, No. 4527).

Id.

By the same member, for the same committee, on House, Nos. 423, 474, 475, 2907 and 3927, an Order relative to authorizing the committee on Environment, Natural Resources and Agriculture to make an investigation and study of certain House documents relative to toxic management (House, No. 4529).

Id.

By the same member, for the same committee, on House, Nos. 416, 458, 2151 and 2905, an Order relative to authorizing the committee on Environment, Natural Resources and Agriculture to make an investigation and study of certain House

Id.

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documents relative to agriculture and animals (House, No. 4530).

By the same member, for the same committee, on House, Nos. 421, 442, 456, 470 and 3563, an Order relative to authorizing the committee on Environment, Natural Resources and Agriculture to make an investigation and study of certain House documents relative to trapping (House, No. 4531).

Id.

By the same member, for the same committee, on House, Nos. 404, 425, 451, 452 and 2144, an Order relative to authorizing the committee on Environment, Natural Resources and Agriculture to make an investigation and study of certain House documents relative to funds (House, No. 4532).

Id.

By Ms. Ehrlich of Marblehead, for the committee on Export Development, on House, No. 2154, an Order relative to authorizing the committee on Export Development to make an investigation and study of certain a House documents relative to export development issues (House, No. 4521).

Export Development,— study.

Severally referred, under Joint Rule 29, to the committees on Rules of the two branches, acting concurrently.

Mr. Galvin of Canton, for said committees, reported, in each instance, asking to be discharged from further consideration of the orders; and recommending that the same severally be referred to the House committee on Rules.

Under Rule 42, the reports severally were considered forthwith; and they were accepted.

By Mr. Roy of Franklin, for the committee on Health Care Financing, on Senate, No. 1167 and House, No. 1144, that the Bill relative to safe patient handling in certain health facilities (House, No. 1144), ought to pass [Cost: Greater than \$100,000.00].

Safe patient handling.

By the same member, for the same committee, on Senate, No. 1222 and House, No. 1954, that the Bill supporting individuals with intellectual and developmental disabilities (House, No. 1954), ought to pass [Cost: Greater than \$100,000.00].

Individuals with disabilities.

By the same member, for the same committee, on Senate, No. 1179 and House, No. 2430, that the Bill relative to facilitating the utilization of psychologists on the health care team (House, No. 2430), ought to pass [Cost: Greater than \$100,000.00].

Psychologists,— utilization.

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

By Mr. Roy of Franklin, for the committee on Health Care Financing, that the Bill relative to conducting fetal and infant mortality review (House, No. 1219), ought to pass [Cost: Greater than \$100,000.00]. Read; and referred, under Rule 33, to the committee on Ways and Means.

Infant mortality.

By Mr. Roy of Franklin, for the committee on Health Care Financing, on Senate, No. 617 and House, No. 593, a Bill to support equal access to community care for elders and the disabled (House, No. 593) [Cost: Greater than \$100,000.00].

Community care.

By the same member, for the same committee, on Senate, No. 33 and House, No. 607, a Bill ensuring continuous healthcare coverage for youth who have aged-out of the Department of Children and Families (House, No. 607) [Cost: Greater than \$100,000.00].

Youth,— continuous coverage.

By the same member, for the same committee, on Senate, No. 646 and House, No. 2209, a Bill ensuring equal access to medical treatments essential for people with autism (House, No. 2209) [Cost: Greater than \$100,000.00].

Autism,— treatments.

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

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By Mr. O'Day of West Boylston, for the committee on Municipalities and Regional Government, on a joint petition, a Bill amending the charter of the city known as the town of Bridgewater (House, No. 4500) [Local Approval Received].

Bridgewater,—
charter.

By the same member, for the same committee, on a petition, a Bill authorizing the county of Dukes County to borrow funds to pay costs of wastewater treatment facility improvements at the Martha's Vineyard Airport (House, No. 4506).

Dukes County,—
wastewater.

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

Emergency Measures.

The engrossed Bill establishing a sick leave bank for Heidi Souza, an employee of the Department of Correction (see House, No. 4372), 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.

Heidi
Souza,—
sick leave.

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.

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.

Bill
enacted.

The engrossed Bill establishing a sick leave bank for Sonia Morales, employee of the Department of Youth Services (see House, No. 4404, 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.

Sonia
Morales,—
sick leave.

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.

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.

Bill
enacted.

The engrossed Bill establishing a sick leave bank for Paula Donahue, an employee of the Department of Public Health (see House, No. 4450), 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.

Paula
Donahue,—
sick leave.

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.

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.

Bill
enacted.

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

The Senate amendment of the House Bill permitting certain exempted persons to occupy a trailer or semi-trailer that is being towed, pushed, drawn or is otherwise in motion upon any way (House, No. 4105), reported by the committee on Bills in

Trailers and
semi-trailers.

UNCORRECTED PROOF.

the Third Reading to be correctly drawn, was taken from its position in the Orders of the Day, under suspension of Rule 47, on motion of Ms. Peake of Provincetown; and it was adopted, in concurrence.

Recess.

At a quarter after eleven o'clock A.M., on motion of Ms. Gifford of Wareham (Mr. Donato of Medford being in the Chair), the House recessed until one o'clock P.M.; and at twenty-four minutes after one o'clock the House was called to order with Mr. Donato in the Chair.

Recess.

Reports of Committees.

Mr. Honan of Boston, for the committee of conference on the disagreeing votes of the two branches, with reference to the Senate amendment (striking out all after the enacting clause and inserting in place thereof the text contained in Senate document numbered 2386) of the House Bill financing the production and preservation of housing for low and moderate income residents (House, No. 4134), reported a bill with the same title (House, No. 4536) [Bond Issue: \$1,800,000,000.00]. Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Housing
bond.

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

Under suspension of the rules, on motion of Mr. Honan of Boston, the report was considered forthwith.

After remarks on the question on acceptance of the report, the sense of the House was taken by yeas and nays, at the request of the same member; and on the roll call 151 members voted in the affirmative and 2 in the negative.

[See Yea and Nay No. 353 in Supplement.]

Therefore the report of the committee of conference was accepted. Sent to the Senate for concurrence.

Conference
committee
report
accepted,—
yea and nay
No. 351.

Emergency Measure.

The engrossed Bill permitting certain exempted persons to occupy a trailer or semi-trailer that is being towed, pushed, drawn or is otherwise in motion upon any way (see House, No. 4105, 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.

Trailers and
semi-trailers.

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 17 to 0. Sent to the Senate for concurrence.

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.

Bill
enacted.

Engrossed Bill – State Loan.

The engrossed Bill financing the production and preservation of housing for

Housing
bond.

low and moderate income residents (House, No. 4536) (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.

Pending the question on passing the bill to be enacted, Mr. Speliotis of Danvers moved that Rule 40 be suspended; and the motion prevailed.

Rule 40
suspended.

The same member then moved to amend the bill 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 authorize forthwith the financing of the production and preservation of housing for low and moderate income citizens of the commonwealth and to make related changes in certain laws, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.”

The amendment was adopted; and the bill (see House, No. 4536, amended) was sent to the Senate for concurrence in the amendment.

Subsequently, the Senate having concurred in adoption of the amendment, the bill, having been certified by the Clerk to be rightly and truly prepared for final passage then was again placed before the House, the question being on adopting the emergency preamble.

A separate vote then 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 56 to 0. Sent to the Senate for concurrence.

On the question on passing the bill to be enacted, the sense of the House was taken by yeas and nays (this being a “loan” bill as defined by Section 3 of Article LXII of the Amendments to the Constitution); and on the roll call 151 members voted in the affirmative and 2 in the negative.

Bill enacted
(state loan),—
yea and nay
No. 360.

[See Yea and Nay No. 360 in Supplement.]

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

Motions to Discharge Certain Matters in the Orders of the Day.

The House Bill relative to the municipal police training fund (House, No. 4516), reported by the committee on Bills in the Third Reading to be correctly drawn, was discharged from its position in the Orders of the Day, and read a third time, under suspension of Rule 47, on motion of Mr. Sánchez of Boston

Municipal
police,—
training.

After debate on the question on passing the bill to be engrossed, the sense of the House was taken by yeas and nays at the request of the same member; and on the roll call 149 members voted in the affirmative and 4 in the negative.

Bill passed to
be engrossed,—
yea and nay
No. 351.

[See Yea and Nay No. 351 in Supplement.]

Therefore the bill (House, No. 4516) was passed to be engrossed. Sent to the Senate for concurrence.

The House Bill relative to firearms (House, No. 4517), reported by the committee on Bills in the Third Reading to be correctly drawn, was discharged from its position in the Orders of the Day, and read a third time, under suspension of Rule 47, on motion of Mr. Naughton of Clinton.

Firearms.

After debate on the question on passing the bill to be engrossed, Mr. McKenna of Webster moved to amend it by striking out all after the enacting clause and inserting in place thereof the following:

“SECTION 1. Section 1 of chapter 209A is hereby amended by inserting in

line 2 after the words ‘household members’ the following words, ‘or of one’s self’

SECTION 2. Section 1 of chapter 209A is hereby amended by inserting in the definition of ‘Abuse’ in line 5 after the word ‘duress.’ the following new subsection:- (d) a person is an imminent risk of serious physical harm or death to himself”.

The amendment was rejected.

Mr. Boldyga of Southwick then moved to amend the bill by adding the following section:

“SECTION 14. After the court issuance of an Extreme Risk Protection Order (ERPO), The court shall within 24 hours assign a state provided mental health counselor to evaluate the individual, assess counseling needs, and establish a counseling outline and program pursuant to mental health standards and practices. An initial mental health assessment conducted by the Department of Mental Health shall take place within 48 hours. The Department of Mental Health, if deemed necessary, will establish a mental health counseling program for the individual and report this back to the court that issued the Extreme Risk Protection Order. Any mental health counseling programs that an individual participates in, whether voluntarily or mandated, will be provided by and funded by the Commonwealth of Massachusetts through the newly created ‘ERPO Mental Health Counseling Fund’”.

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. Boldyga; and on the roll call 42 members voted in the affirmative and 111 in the negative.

[See Yea and Nay No. 352 in Supplement.]

Therefore the amendment was rejected.

The same member then moved to amend the bill by adding the following section:

“SECTION 14. This section shall create an Extreme Risk Protection Order Mental Health Counseling Fund. The fund shall be established for the needs to counsel and create mental health counseling programs for individuals who are the subject of a court ordered extreme risk protection order (ERPO). The Department of Revenue shall direct and deposit up to ten (10) million dollars annually to this fund. These monies will be derived from the sales tax revenue collected from the sale of merchandise and services at sporting goods stores and sporting goods facilities.”.

The amendment was rejected.

Mr. McKenna of Webster then moved to amend the bill in section 12, in lines 71, 72 and 73, by striking out the paragraph contained in those lines and inserting in place thereof the following paragraph:

“(iii) identify the number, types, and locations of any firearms, rifles, shotguns, machine guns, weapons or ammunition the petitioner believes to be in the respondent’s current control, ownership, or possession;”.

The amendment was adopted.

Mr. Jones of North Reading and other members of the House then moved to amend the bill in section 12, in line 247, by inserting after the words “fine of” the following: “no less than \$2,500 and”; and in line 248 by inserting after the word “correction” the words: “or by both such fine and imprisonment”; and the amendments were adopted.

The same members then moved to amend the bill in section 12, in line 126, by adding the following sentence: “The chief justice of the trial court, in consultation with the executive office of public safety and security, and the department of mental health, shall annually update the informational resource guides required under this

Amendment
rejected,—
yea and nay
No. 352.

section.” The amendment was adopted.

Mr. Dooley of Norfolk then moved to amend the bill in section 12, in line 107, by inserting after the word “petition.” the following: “Upon issuance of this petition, the court shall seek emergency restraint and hospitalization of the respondent pursuant to section 12 of chapter 123.”

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. Dooley; and on the roll call 37 members voted in the affirmative and 116 in the negative.

[See Yea and Nay No. 354 in Supplement.]

Therefore the amendment was rejected.

Mr. Jones of North Reading then moved to amend the bill in section 13, in line 263; and also in section 14, in line 264, by striking out the figures: “30” and inserting in place thereof, in each instance, the figures: “45”. The amendments were adopted.

Mr. Howitt of Seekonk then moved to amend the bill in section 12, in line 163, by adding the following two sentences: “The licensing authority shall maintain the condition of any firearms or ammunition surrendered. The respondent may seek reimbursement if a third party determines the firearms or ammunition has been damaged and had their value diminished during their surrender or storage by the licensing authority.” The amendment was rejected.

Mrs. O’Connell of Taunton and other members of the House then moved to amend the bill in section 12, in line 118, by inserting after the word “petition.” the following sentence: “The court shall notify the respondent of his right to retain counsel to represent him at such hearing and his right to have counsel appointed for him if he is found to be indigent as determined by the court using the standards under chapter 211D.”

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 Mrs. O’Connell; and on the roll call 36 members voted in the affirmative and 117 in the negative.

[See Yea and Nay No. 355 in Supplement.]

Therefore the amendment was rejected.

Mr. Markey of Dartmouth and other members of the House then moved to amend the bill in section 2, in line 12, by inserting after the word “for” the words “up to”; and the amendment was adopted.

Mr. Markey then moved to amend the bill in section 12, in line 136, by inserting after the word “order” the following: “, within twenty-four hours of granting said order”; and the amendment was adopted.

Mr. Markey of Dartmouth then moved to amend the bill in section 12, in line 115, by inserting after the word “petitioner” the words “at the best known address”; and the amendment was adopted.

Mr. Whelan of Brewster and other members of the House then moved to amend the bill in section 12, in line 200, by adding the following three paragraphs:

“(l) (i) Notwithstanding any general or special law to the contrary, the lawful owner of any firearms, rifles, shotguns, machine guns, weapons or ammunition surrendered pursuant to this chapter that are temporarily stored, either voluntarily or involuntarily, with a private business, including but not limited to a licensed retailer under section 123, gunsmith, or a bonded warehouse under section 129D shall be entitled to the return of their property at the termination of an extreme risk protection order.

(ii) If the firearms, rifles, shotguns, machine guns, weapons or ammunition of a

Amendment
rejected,—
yea and nay
No. 354.

Amendment
rejected,—
yea and nay
No. 355.

respondent were transferred to and stored by a private business as noted in subsection (a) without the express written consent of the respondent, then no fees shall be charged for the return of the firearms, rifles, shotguns, machine guns, weapons or ammunition at the termination of an extreme risk protection order.

(iii) If the firearms, rifles, shotguns, machine guns, weapons or ammunition of a respondent are being transferred involuntarily or through court action, no fees can be incurred except with written permission or consent of the respondent and only after their rights have been explained to them under section 129D of chapter 140 explaining their rights of transfer and storage of said property.”

The amendment was rejected.

Mr. McKenna of Spencer and other members of the House then moved to amend the bill in section 12, in line 103, by striking out the words “by a preponderance of the evidence” and inserting in place thereof the words “with clear and convincing evidence”.

After remarks on the question on adoption of the amendment, the sense of the House was taken by yeas and nays, at the request of Mr. McKenna; and on the roll call 40 members voted in the affirmative and 113 in the negative.

[See Ye and Nay No. 356 in Supplement.]

Therefore the amendment was rejected.

Mr. McKenna and other members of the House then moved to amend the bill in section 12, in line 62, by striking out the words “may pose a risk” and inserting in place thereof the words “poses a significant and imminent risk;”; and in line 67 by inserting after the word “significant” the words “and imminent”.

After remarks on the question on adoption of the amendment, the sense of the House was taken by yeas and nays, at the request of Mr. McKenna; and on the roll call 36 members voted in the affirmative and 117 in the negative.

[See Ye and Nay No. 357 in Supplement.]

Therefore the amendments were rejected.

Mr. McKenna of Spencer and other members of the House then moved to amend the bill in section 12, in line 204 and also in line 213, by inserting after the word “significant”, in each instance, the words “and imminent.”; and the amendments were rejected.

Mr. McKenna and other members of the House then moved to amend the bill in section 12, line 203, and also in line 212, by striking out the word “reasonable” and inserting in place thereof the word “probable”. After remarks the amendments were rejected.

The same members then moved to amend the bill in section 12, in lines 106 and 107, by striking out the sentence contained in those lines; and after remarks the amendment was rejected.

Messrs. McKenna of Webster and Muradian of Grafton then moved to amend the bill in section 12 by adding the following subsection:

“Section 131V

(a) The clerk magistrate of the court shall forward a copy of an extreme risk protection order issued pursuant to section 131S or section 131T, the same day such order is issued, to the agency, board, or supervisory authority governing any and all professional or civil licenses, permits, or certifications an individual may hold of the determination that the individual has been deemed an extreme public safety risk due to mental illness and has been committed under this section. Such notice shall result in the mandatory review of all licenses and permits for suitability, with the recommendation from the Court that all be suspended until further notice is received

Amendment
rejected,—
yea and nay
No. 356.

Amendment
rejected,—
yea and nay
No. 357.

from the Courts indicating that such person is no longer deemed to be an extreme public safety risk due to mental illness.

(b) Upon the expiration or termination of an extreme risk protection order, the clerk magistrate of the court shall notify the agency, board, or supervisory authority governing any and all professional or civil licenses, permits, or certifications an individual previously held and they shall conduct an evaluation of the suitability for re-establishment of such licenses, permits, or certifications.”

After remarks on the question on adoption of the amendment, the sense of the House was taken by yeas and nays, at the request of Mr. McKenna; and on the roll call 35 members voted in the affirmative and 118 in the negative.

[See Yea and Nay No. 358 in Supplement.]

Therefore the amendment was rejected.

Mr. Jones of North Reading then moved to amend the bill in section 12, in line 97, by adding the following three sentences: “Upon receipt of the petition, the court shall issue a summons with the date, time and location of the hearing. The court shall direct a law enforcement officer to personally serve a copy of the petition and the summons on the respondent, or if personal service by a law enforcement officer is not possible, the court may, after a hearing, order that service be made by some other identified means reasonably calculated to reach the respondent. Service shall be made not less than 7 days prior to the hearing.” The amendment was adopted.

The same member then moved to amend the bill by striking out section 3; striking out section 11 and inserting in place thereof the following section:

“SECTION 11. Chapter 140 of the General Laws is hereby amended by striking out section 131J, as appearing in the 2016 Official Edition, and inserting in place thereof the following section:-

Section 131J. (a) An ‘electronic control weapon,’ also sometimes known as a ‘conducted electrical weapon,’ shall be any portable device or weapon from which an electrical current, impulse, wave, or beam may be directed, which current, impulse, wave, or beam is designed to override voluntary motor responses, cause pain, temporarily incapacitate, injure, or kill.

(b) Sales of electronic control weapons are permitted only by firearms dealers licensed pursuant to section 122 of chapter 140. No such sale shall be made to any individual not properly licensed pursuant to sections 129B or 131 of chapter 140.

(c) No person who is not properly licensed pursuant to sections 129B or 131 of chapter 140 shall possess an electronic control weapon.

(d) Whoever violates paragraphs (b), (c) or (g) of this section shall be punished by a fine of not less than \$500 nor more than \$1,000 or by imprisonment in the house of correction for not more than 2 ½ years, or by both such fine and imprisonment. A law enforcement officer may arrest without a warrant any person whom he has probable cause to believe has violated this section.

(e) If an electronic control weapon is capable of deploying wires attached to prongs, a seller shall, within seven days, report all such transfers to the commissioner of the department of criminal justice information services according to the provisions set forth in section 128A, and in the case of loss, theft or recovery of any electronic control weapon, a similar report shall be made forthwith to both the commissioner of the department of criminal justice information services and the licensing authority in the city or town where the owner resides. Whoever fails to report the loss or theft of an electronic control weapon or the recovery of an electronic control weapon previously reported lost or stolen to the commissioner of the department of criminal justice information services and the licensing authority in

Amendment
rejected,—
yea and nay
No. 358.

the city or town where the owner resides shall be punished by a fine of not less than \$500 nor more than \$1,000 for a first offense, by a fine of not less than \$2,500 nor more than \$7,500 for a second offense and by a fine of not less than \$7,500 nor more than \$10,000 or imprisonment for not less than 1 year nor more than 5 years, or by both such fine and imprisonment, for a third or subsequent offense. Failure to so report shall be a cause for suspension or permanent revocation of a person's firearm identification card or license to carry firearms, or both. Notwithstanding this paragraph or any general or special law to the contrary, no person, who in good faith, reports a loss or theft under this paragraph for the first time shall be subject to suspension, revocation or be considered unsuitable under section 131 for the renewal of a lawfully held firearm identification card or license to carry firearms; provided, however, that persons reporting loss or theft under this paragraph or under section 129B on a second or subsequent occasion may be subject to suspension, revocation or be considered unsuitable under said section 131 for the renewal of a lawfully held firearm identification card or license to carry firearms.

The provisions of this section shall not apply to the following exempted persons and uses:

(i) Federally licensed firearms manufacturers or wholesale dealers, or persons employed by them or by licensed dealers, or on their behalf, when possession of electronic control weapons is necessary for manufacture, display, storage, transport, installation, inspection or testing;

(ii) To a person voluntarily surrendering an electronic control weapon therefor to a licensing authority, the colonel of the state police or his designee if prior written notice has been given by said person to the licensing authority or the colonel of the state police, stating the place and approximate time of said surrender;

(iii) The regular and ordinary transport of electronic control weapons as merchandise by any common carrier;

(iv) Possession of electronic control weapons therefor by nonresidents traveling in or through the commonwealth, providing that any electronic control weapons are enclosed in a locked case;

(v) Any resident of the commonwealth returning after having been absent from the commonwealth for not less than 180 consecutive days or any new resident moving into the commonwealth, with respect to any electronic control weapon therefor then in his possession, for 60 days after such return or entry into the commonwealth;

(vi) The possession or utilization of any electronic control weapon during the course of any television, movie, stage or other similar theatrical production, or by a professional photographer or writer for examination purposes in the pursuit of his profession, providing such possession or utilization is under the immediate supervision of a holder of a firearm identification card or a license to carry firearms;

(vii) The temporary holding, handling, or firing of an electronic control weapon for examination, trial, or instruction in the presence of a holder of a license to carry firearms, or the temporary holding, handling, or firing of an electronic control weapon for examination, trial, or instruction in the presence of a holder of a firearm identification card, or where such holding, handling, or firing is for a lawful purpose;

(viii) The transfer of an electronic control weapon upon the death of an owner to his heir or legatee shall be subject to the provisions of this section, provided that said heir or legatee shall within 180 days of such transfer, obtain a firearm identification card or a license to carry firearms if not otherwise an exempt person who is qualified to receive such or apply to the licensing authority for such further

limited period as may be necessary for the disposition of such electronic control weapon;

(ix) Persons in the military or other service of any state or of the United States, and police officers and other peace officers of any jurisdiction, in the performance of their official duty;

(f) Any person who, while not being within the limits of his own property or residence, or such person whose property or residence is under lawful search, and who is not exempt under this section, shall on demand of a police officer or other law enforcement officer, exhibit his license to carry firearms, or his firearm identification card or receipt for fee paid for such card. Upon failure to do so such person may be required to surrender to such officer said electronic control weapon which shall be taken into custody as under the provisions of section 129D, except that such electronic control weapon shall be returned forthwith upon presentation within 30 days of said license to carry firearms, firearm identification card or receipt for fee paid for such card as hereinbefore described. Any person subject to the conditions of this paragraph may, even though no electronic control weapon was surrendered, be required to produce within thirty days said license to carry firearms, firearm identification card or receipt for fee paid for such card, failing which the conditions of section 129D will apply. Nothing in this section shall prevent any person from being prosecuted for any violation of this chapter.

(g) Any person who is required to surrender such person's firearms identification card, license to carry, firearms, rifles or shotguns, either by order of a court or by operation of law, shall simultaneously surrender any electronic control weapon in the same manner as such other weapons are surrendered."; and

In section 6, in lines 39 and 40, by striking out the sentence contained in those lines.

The amendments were rejected.

Mr. McKenna of Webster and other members of the House then moved to amend the bill by striking out section 3; and the amendment was rejected.

Ms. Decker of Cambridge then moved to amend the bill in section 12 by adding following paragraph:

"(l) The supreme judicial court and the appeals court shall have concurrent jurisdiction to review any proceedings had, determinations made, and orders or judgments entered in the court pursuant to this section or section 131T. The supreme judicial court or the appeals court, subject to the provisions of section 13 of chapter 211A may by rule vary the procedure authorized or required for such review upon a finding that the review by the court will thereby be made more simple, speedy and effective."

The amendment was adopted.

Mr. Dooley of Norfolk then moved to amend the bill in section 12, in line 253, by adding the following four paragraphs:

"Section 131W1/2. (a) The respondent may submit 1 written request for a hearing to terminate an extreme risk protection order issued pursuant to section 131U during each 1-year period that the order is in effect, starting from the date of the order and continuing through any renewals of the order.

(b) Upon receipt of the request for a hearing to terminate an extreme risk protection order, the court shall set a date for a hearing. Written notice of the request shall be served on the petitioner, and written notice of the hearing shall be served on the petitioner and the respondent, by certified mail. The hearing shall occur no sooner than 14 days and no later than 30 days from the date of service of the request upon the petitioner.

(c) The respondent shall have the burden of proving by a preponderance of the evidence that the respondent does not pose a significant danger of causing personal injury to self or others by having in his or her custody or control, purchasing, possessing, or receiving a firearm. The court may consider any relevant evidence, including evidence of the considerations listed in subsection (d) of section 131U.

(d) If the court finds after the hearing that the respondent has met his or her burden, the court shall terminate the order.”.

The amendment was rejected.

Mrs. O’Connell of Taunton and other members of the House then moved to amend the bill in section 12, in line 200, by adding the following paragraph:

“(l) Each extreme risk protection order issued by the court shall contain the following statement: You have the right to request 2 hearings to terminate this order during every 1-year period that this order is in effect, starting from the date of this order and continuing through any renewals of the order.”.

The amendment was rejected.

Representatives Jones of North Reading and Decker of Cambridge then moved to amend the bill in section 12 by adding the following subsection:

“Section 131Z. The court shall annually, on or before December thirty-first, issue a report on the use of extreme risk protective orders. The report shall be submitted to the Executive Office of Public Safety and Security; the Joint Committee on Public Safety and Homeland Security; The Joint Committee on the Judiciary; the Joint Committee on Mental Health Substance Use and Recovery; and the House and Senate Clerks. The report shall include but shall not be limited to the following information:

- (1)The number of extreme risk protective order petitions filed;
- (2)The number of extreme risk protective order petitions that lead to a respondent’s forfeiture subject to Section 131X;
- (3)The number of emergency extreme risk protective order petitions filed;
- (4)The number of emergency extreme risk protective order petitions that lead to a respondent’s forfeiture subject to Section 131X;
- (5)The number of extreme risk protective order or emergency extreme risk protective order petitions filed that are deemed to be fraudulent;
- (6) The race and ethnicity of the petitioner and respondent;
- (7) The gender and gender identity of the petitioner [sic] and respondent;
- (8) The data on the duration of extreme risk protection orders.”; and

In line 257 by striking out the following: “131X” and inserting in place thereof the following: “131Y”.

The amendments were adopted.

Mr. Sánchez of Boston then moved to amend the bill by striking out section 1 and inserting in place thereof the following two sections:

“SECTION 1. Section 121 of chapter 140 of the General Laws is hereby amended by striking out, in line 1 the words ‘to 131Q’ and inserting in place thereof the following words:- to 131X.

SECTION 1A. Said section 121 of said chapter 140 is hereby further amended, by inserting after the definition of ‘Conviction’, as appearing in the 2016 Official Edition, the following definition:-

‘Court’, the division of the district court department or the Boston municipal court department of the trial court having jurisdiction in the city or town in which the respondent resides.”;

In section 12, in lines 67, 204, and 213, by striking out the word “significant”, each time it appears,

UNCORRECTED PROOF.

In lines 136 through 138, inclusive, by striking out the following: “. Nothing herein shall authorize the transfer of any weapons required to be surrendered, or surrendered, by the respondent to anyone other than a licensed dealer.” and inserting in place thereof the following: “; provided, however, that nothing in this section or in said section 129D shall allow the respondent to: (i) transfer any firearms, rifles, shotguns, machine guns, weapons or ammunition required to be surrendered, or surrendered, by the respondent to anyone other than a licensed dealer; or (ii) maintain control, ownership or possession of any firearms, rifles, shotguns, machine guns, weapons or ammunition during the pendency of any appeal of an extreme risk protection order; and provided further that, notwithstanding section 129D, if the licensing authority cannot reasonably ascertain a lawful owner of firearms, rifles, shotguns, machine guns, weapons or ammunition surrendered pursuant to extreme risk protection order within 180 days of the expiration or termination of the extreme risk protection order the licensing authority may, in its discretion, trade or dispose of surplus, donated, abandoned or junk firearms, rifles, shotguns, machine guns, weapons or ammunition to properly licensed distributors or firearms dealers and the proceeds of such sale or transfer shall be remitted or credited to the municipality in which the licensing authority presides to be used for violence reduction or suicide prevention.”,

In line 113 by adding the following two sentences: “The court may modify its order at any subsequent time upon motion by either party. When the petitioner’s address is inaccessible to the respondent as provided in subsection (d) of section 131R and the respondent has filed a motion to modify the court’s order, the court shall be responsible for notifying the respondent. In no event shall the court disclose any such inaccessible address.”,

In line 211 by inserting after the word “an” the word “emergency”,

In lines 239 to 242, inclusive, by striking out the following: “to the licensing authority; the department of criminal justice information services who shall transmit the report, pursuant to paragraph (h) of section 167A of chapter 6, to the attorney general of the United States to be included in the National Instant Criminal Background Check System; and”, and inserting in place thereof the following: “to: (i) the licensing authority; (ii) the commissioner of probation; (iii) the department of criminal justice information services who shall transmit the report, pursuant to paragraph (h) of section 167A of chapter 6, to the attorney general of the United States to be included in the National Instant Criminal Background Check System; and (iv)”,

In lines 254, 255 and 256 by striking out the paragraph contained in those lines and inserting in place thereof the following:

“Section 131X. (a) Sections 131R to 131X, inclusive, shall not affect the ability of a law enforcement officer to remove firearms, rifles, shotguns, machine guns, weapons or ammunition from any person or conduct any search and seizure for firearms, rifles, shotguns, machine guns, weapons or ammunition pursuant to other lawful authority.”;

By striking out section 14 and inserting in place thereof the following section:

“SECTION 14. Sections 1, 1A, 2, 4, 5, 7, 8, 9, 10 and 12 shall take effect 45 days after passage.”; and

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 regulate forthwith the possession of firearms in the commonwealth, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.”.

The amendments were adopted.

On the question on passing the bill, as amended, to be engrossed, the sense of the House was taken by yeas and nays at the request of Mr. Naughton of Clinton; and on the roll call 139 members voted in the affirmative and 14 in the negative.

[See Yea and Nay No. 359 in Supplement.]

Therefore the bill (House, No. 4539, published as amended) was passed to be engrossed. Sent to the Senate for concurrence.

Bill passed to
be engrossed,—
yea and nay
No. 359

Reports of Committees.

Prior to the noon recess, Mr. Sánchez of Boston, for the committee on Ways and Means, reported that the Senate Bill relative to veterans' benefits, rights, appreciation, validation and enforcement (Senate, No. 2509), ought to pass with an amendment by striking out all after the enacting clause and inserting in place thereof the text contained in House document numbered 4525. Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Veterans'
benefits.

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

Under suspension of Rule 7A, on motion of Mr. Straus of Mattapoisett, the bill was read a second time forthwith. The amendment recommended by the committee on Ways and Means then was adopted; and the bill (Senate, No. 2509, amended) was ordered to a third reading.

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

Pending the question on passing the bill, as amended, to be engrossed, in concurrence, Mr. Murphy of Weymouth moved to amend it by adding the following section:

“SECTION 15: Section 5 of Chapter 59 of the General Laws, as so appearing, is hereby amended by inserting after clause Twenty-second G the following clause:

Twenty-second H: Real estate to the full amount of the taxable valuation of real property of the surviving parents or guardians of soldiers and sailors, members of the National Guard and veterans who: (i) during active duty service, suffered an injury or illness documented by the United States Department of Veterans Affairs or a branch of the armed forces which was a proximate cause of their death; or (ii) are missing in action with a presumptive finding of death as a result of active duty service as members of the armed forces of the United States; provided, however, that the real estate shall be occupied by the surviving parents or guardians as the surviving parents' or guardians' domicile; and provided further, that the surviving parents or guardians shall have been domiciled in the commonwealth for the 5 consecutive years immediately before the date of filing for an exemption pursuant to this clause or the soldier or sailor, member of the National Guard or veteran was domiciled in the commonwealth for at least 6 months before entering service.

Surviving parents or guardians eligible for an exemption pursuant to this clause shall be eligible regardless of when the soldier, sailor, member of the National Guard or veteran died or became missing in action with a presumptive finding of death; provided, however, that the exemption shall only apply to tax years beginning on or after January 1, 2019. Such exemption shall be available until such time as the surviving parents or guardians die.

No real estate shall be so exempt which has been conveyed to the surviving parents or guardians to evade taxation. This clause shall take effect upon its acceptance by any city or town.”.

The amendment was adopted.

Mr. Kaufman of Lexington then moved to amend the bill by inserting after section 8 the following section:

“SECTION 8A. Section 5N of said chapter 59, as so appearing, is hereby amended by striking out, in lines 16 and 43, the figure ‘\$1,000’ and inserting in place thereof, in each instance, the following figure:- \$1,500.”.

The amendment was adopted.

The same member then moved to amend the bill by inserting after section 8A (inserted by amendment) the following section:

“SECTION 8B. Clause Twenty-second A of said section 5 of said chapter 59, as so appearing, is hereby amended by inserting, in line 688, after the words ‘air force cross’ the following words:- , or who is or was a prisoner of war defined as any regularly appointed, enrolled, enlisted, or inducted member of the military forces of the United States who was captured, separated and incarcerated by an enemy of the United States during an armed conflict.”.

The amendment was adopted.

Mr. Kaufman then moved to amend the bill by inserting after section 8B (inserted by amendment) the following two sections:

“SECTION 8C. Said section 5 of said chapter 59, as so appearing, is hereby amended by inserting after clause Seventeenth E the following clause:- Seventeenth F, Notwithstanding any provision of general or special law to the contrary, an abatement granted pursuant to clause Seventeenth, Seventeenth C, Seventeenth C 1/2 or Seventeenth D may be increased annually in the discretion of a city or town by an amount not to exceed the increase in the cost of living as determined by the Consumer Price Index for such year. This clause shall take effect in a city or town upon its acceptance by such city or town.

SECTION 8D. Clause Fifty-fifth of said section 5 of said chapter 59, as so appearing, is hereby amended by striking out the second paragraph.”.

The amendment was adopted.

Mr. Koczera of New Bedford then moved to amend the bill by adding the following section:

“SECTION 16. Section 52 of chapter 130 of the General Laws, as so appearing, is hereby amended by inserting after the word ‘therefor’, in line 61, the following words:-

; provided, however, that such city or town shall not charge a veteran, as defined in clause Forty-third of section 7 of chapter 4, a fee greater than the fee charged to a resident of such city or town.”.

The amendment was adopted.

Mr. Wong of Saugus then moved to amend the bill by inserting after section 9 the following four sections:

“SECTION 9A. Section 2 of chapter 90 of the General Laws, as so appearing, is hereby amended by inserting after the word ‘vehicle’, in line 507, the following words:- or to the registrant of a motor vehicle that is owned by a partnership, trust or corporation if the motor vehicle otherwise meets the criteria of a private passenger vehicle and there is no distinctive promotional or advertisement marking visible on the motor vehicle.

SECTION 9B. Said section 2 of said chapter 90, as so appearing, is hereby further amended by inserting after the word ‘person’, in line 512, the following

words:- or for 1 motor vehicle that is owned by a partnership, trust or corporation if the motor vehicle otherwise meets the criteria of a private passenger vehicle, there is no distinctive promotional or advertisement marking visible on the motor vehicle and the motor vehicle is principally used by that person.

SECTION 9C. Said section 2 of said chapter 90, as so appearing, is hereby further amended by inserting after the word 'person', in line 517, the following words:- or for 1 motor vehicle that is owned by a partnership, trust or corporation if the motor vehicle otherwise meets the criteria of a private passenger vehicle, there is no distinctive promotional or advertisement marking visible on the motor vehicle and the motor vehicle is principally used by that person.

SECTION 9D. Said section 2 of said chapter 90, as so appearing, is hereby further amended by inserting after the word 'vehicle', in line 521, the following words:- or a motor vehicle that is owned by a partnership, trust or corporation if the motor vehicle otherwise meets the criteria of a private passenger vehicle and there is no distinctive promotional or advertisement marking visible on the motor vehicle.”.

The amendment was adopted.

Mr. Jones of North Reading and other members of the House then moved to amend the bill by adding the following section:

“SECTION 17. Chapter 149 is hereby amended by striking out section 52A½, as so appearing, and inserting in place thereof the following section:-

Section 52A½. An employee who is a veteran or a member of a department of war veterans listed in section 17 of chapter 8 and who desires to participate in a Memorial Day exercise, parade or service in the employee's community of residence shall be allowed and granted a leave of absence of sufficient time to participate in such an exercise, parade or service in the employee's community of residence. The leave of absence shall be with or without pay, at the discretion of the employee's employer.

An employee who is a veteran or is a member of a department of war veterans listed in said section 17 of said chapter 8 shall be granted time off to observe Veterans Day. The time off shall be with or without pay, at the discretion of their employer.

This section shall not apply to employees whose services are essential and critical to the public health or safety and determined to be essential to the safety and security of such an employee's employer or the property of the employer.”.

The amendment was adopted.

The same members then moved to amend the bill by adding the following section:

“SECTION 18. Section 2 of chapter 115 of the General Laws, as appearing in the 2016 Official Edition, is hereby amended by adding at the end thereof the following:-

The commissioner shall create and maintain a list of firms and organizations willing to provide pro bono legal representation to veterans in the Commonwealth. Such information shall be updated yearly, and will be distributed to veteran's agents and available online.”.

The amendment was adopted.

Mr. Arciero of Westford then moved to amend the bill by adding the following section:

“SECTION 19. Notwithstanding any special or general law, rule or regulation to the contrary, any Massachusetts veteran, as defined in clause 43 of section 7 of chapter 4 of the general laws, or any active duty member of the armed forces of the United States, who has received a Bronze Star award for their valiant service, shall

be eligible for a Bronze Star plate as verified by either a DD-214 or 638 form, from the registry of motor vehicles.”.

The amendment was adopted.

The same member then moved to amend the bill by inserting after section 11 the following section:

“SECTION 11A. There is hereby established a special commission to study the cost and feasibility of exempting veterans of the commonwealth from tuition, fees and associated costs of attending public colleges and universities in the commonwealth, due to recent changes in federal veteran services and benefits related to higher education.

The commission shall consist of 13 members: the secretary of the department of veterans’ services, or a designee, and the commissioner of the department of higher education, or a designee, who shall serve as co-chairs; 1 of whom shall be a member of the student veterans of America appointed by the governor; 1 of whom shall be a member appointed by the speaker of the house; 1 of whom shall be a member appointed by the senate president; 1 of whom shall be a member appointed by the minority leader of the house; 1 of whom shall be a member appointed by the minority leader of the senate; the house and senate chairs of the joint committee on higher education, or their designees; the house and senate chairs of the joint committee on veterans and federal affairs, or their designees; the chair of the house committee on ways and means, or a designee; and the senate chair of the committee on ways and means, or a designee.

The study shall include, but not be limited to: an evaluation of the cost and feasibility of exempting veterans from paying tuition, fees and associated costs at public colleges and universities in the commonwealth; the societal impact of such an exemption for veterans and their families; and the effect of such a policy on the finances of the commonwealth.

The commission shall report its findings and any recommendations to the joint committee on veterans and federal affairs, the joint committee on higher education, and the clerks of the house and senate not later than December 21, 2018.”.

The amendment was adopted.

There being no objection, Mr. Walsh of Peabody then moved to amend the bill by inserting after section 9D (inserted by amendment) the following section:

“SECTION 9E. Section 240 of chapter 112 of the General Laws, as so appearing, is hereby amended by adding the following sentence:-

The board shall promulgate regulations to determine the allowable education and work hour credits for veterans and military personnel.”; and

By inserting after section 10 the following two sections:

“SECTION 10A. Section 2A of chapter 141 of the General Laws, as so appearing, is hereby amended by adding the following sentence:-

The examiners shall promulgate regulations to determine the allowable education and work hour credits for veterans and military personnel.

SECTION 10B. Section 4 of chapter 142 of the General Laws, as so appearing, is hereby amended by inserting, at the end of the second paragraph, the following sentence:-

The examiners shall promulgate regulations to determine the allowable education and work hour credits for veterans and military personnel.”.

The amendments were 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. Lawn of Watertown; and on the roll call 150 members voted in the affirmative

Bill passed to
be engrossed,—
yea and nay

and 0 in the negative.

No. 361.

[See Yea and Nay No. 361 in Supplement.]

Therefore the bill (Senate, No. 2509, amended) was passed to be engrossed, in concurrence. Sent to the Senate for concurrence in the amendment adopted by the House (by striking out all after the enacting clause and inserting in place thereof the text contained in House document numbered 4540, published as amended).

Subsequently a statement of Mr. Nangle of Lowell 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, during the previous roll call, I was absent from the House Chamber on official business in another part of the State House and therefore I was not recorded. Had I been present, I would have voted in the affirmative.

Statement of
Mr. Nangle
of Lowell.

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.

Mr. Hill of Ipswich then moved that the House adjourn; and the motion prevailed. Accordingly, without proceeding to consideration of the matters in the Orders of the Day, at three minutes after nine o'clock P.M. (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.