

Friday, July 24, 2020 (at 11:00 o'clock A.M.).

At the request of the Chair (Mr. Donato), the members and employees joined with him in reciting the pledge of allegiance to the flag.

Pledge of
allegiance.

Message from the Governor.

A message from His Excellency the Governor returning with his disapproval of certain items contained in section 2A of the engrossed Bill making appropriations for the fiscal year 2020 to authorize certain COVID-19 spending in anticipation of federal reimbursement [see House, No. 4808, amended] (for message, see House, No. 4880), filed this day in the office of the Clerk.

Supplemental
appropriations.

The message was read; and it was referred, under Rule 30, to the committee on Ways and Means.

Papers from the Senate.

The House Bill establishing the George Washington memorial highway (House, No. 2974, amended), came from the Senate with the endorsement that it had been passed to be engrossed, in concurrence, with an amendment striking out all after the enacting clause (inserted by amendment by the House) and inserting in place thereof the following:

Agawam,—
Washington
highway.

“The section of state highway route 159 in the city known as the town of Agawam from its most southerly border with the state of Connecticut running northbound to its intersection with state highway route 75 and state highway route 147 shall be designated and known as the George Washington Memorial Highway. The highway division of the Massachusetts Department of Transportation shall erect and maintain suitable markers bearing that designation in compliance with the standards of the department.”

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

Bills

To prevent death and disability from stroke (Senate, No. 2835) (on Senate, bill No. 1306); and

Strokes,—
prevention.

Relative to craft brewers (Senate No. 2841) (on Senate bill No. 2829);

Craft brewers.

Severally passed to be engrossed by the Senate, were read; and they were referred, under Rule 33, to the committee on Ways and Means.

A Bill further defining the purposes of the municipal affordable housing trust fund in the city of Somerville (Senate, No. 2421) (on a petition) [Local Approval Received] [Representative DeCoste of Norwell, of the committee on Housing, dissenting], passed to be engrossed by the Senate, was read; and it was referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Somerville,—
housing trust.

Petitions were referred, in concurrence, as follows:

Petition (accompanied by bill, Senate, No. 2837) of Walter F. Timilty, Bruce J. Ayers, Mark J. Cusack and William J. Driscoll, Jr. (with approval of the mayor and

Randolph,—
liquor
licenses.

city council) for legislation to authorize the city known as the town of Randolph to grant additional liquor licenses. To the committee on Consumer Protection and Professional Licensure.

Petition (accompanied by bill, Senate, No. 2838) of Michael J. Rodrigues and Norman J. Orrall (by vote of the town) for legislation relative to the position of treasurer collector in the town of Lakeville. To the committee on Municipalities and Regional Government.

Lakeville,—
treasurer
collector.

Petition (accompanied by bill, Senate, No. 2839) of James B. Eldridge (by vote of the town) for legislation to authorize the town of Harvard to establish a cap on property taxes for means tested senior citizens. To the committee on Revenue.

Harvard,—
senior
property taxes.

Report of Committees.

By Mr. Galvin of Canton, for the committee on Rules and the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the joint petition of Danillo A. Sena, James B. Eldridge and others for legislation to authorize the Executive Office of Labor and Workforce Development to establish a works progress to employ certain unemployed residents. Under suspension of the rules, on motion of Mr. Wong of Saugus, the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Labor and Workforce Development. Sent to the Senate for concurrence.

Unemployed
residents,—
works.

Orders of the Day.

The House Bill establishing a sick leave bank for Maria Boverini, an employee of the Essex County Juvenile Court (House, No. 4837), reported by the committee on Bills in the Third Reading to be correctly drawn, was read a third time.

Maria
Boverini,—
sick leave.

Pending the question on passing the bill to be engrossed, Mr. Speliotis of Danvers moved to amend it 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 establish forthwith a sick leave bank for a certain employee of the Essex county juvenile court, 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 (House, No. 4837, amended) was passed to be engrossed. Sent to the Senate for concurrence.

Recess.

At three minutes after eleven o'clock A.M. (Friday, July 24), on motion of Mr. D'Emilia of Bridgewater (Mr. Donato of Medford being in the Chair), the House recessed subject to the call of the Chair; and at seven minutes before twelve o'clock noon the House was called to order with Mr. Donato in the Chair.

Recess.

Reports of Committees.

By Mr. Michlewitz of Boston, for the committee on Ways and Means, that the Bill enabling partnerships for growth (House, No. 4854), ought to pass with an

Economic
development.

amendment substituting therefor a bill with the same title (House, No. 4879) [General Obligation Bonds: \$372,000,000.00].

Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling, with the amendment previously recommended by the committee on Bonding, Capital Expenditures and State Assets,— to amend the bill by substitution of a bill with the same title (House, No. 4874),— and the amendment recommended by the committee on Ways and Means, pending.

Mr. Petrolati of Ludlow, for the committee Steering, Policy and Scheduling, then reported that the matter be scheduled for consideration by the House.

Under suspension of Rule 7A, on motion of Ms. Ferrante of Gloucester, the bill was read a second time forthwith.

The amendment previously recommended by the committee on Bonding, Capital Expenditures and State Assets was rejected.

The amendment recommended by the committee on Ways and Means then was adopted; and the substituted bill (House, No. 4879) was ordered to a third reading.

Recess.

At five minutes before twelve o'clock noon (Friday, July 24), on motion of Mr. D'Emilia of Bridgewater (Mr. Donato of Medford being in the Chair), the House recessed until half past twelve o'clock noon; and at twenty-two minutes after one o'clock P.M., the House was called to order with Mr. Donato in the Chair.

Recess.

Orders of the Day.

The Senate Bill to reform police standards and shift resources to build a more equitable, fair and just Commonwealth that values Black lives and communities of color (Senate, No. 2820, amended), was considered.

Police,—
reform.

Mr. Hill of Ipswich then asked for a count of the House to ascertain if a quorum was present. The Chair (Mr. Donato of Medford), having determined that a quorum was not in attendance, then directed the Sergeant-at-Arms to secure the presence of a quorum.

Quorum.

Subsequently a roll call was taken for the purpose of ascertaining the presence of a quorum; and on the roll call 159 members were recorded as being in attendance.

Quorum,—
yea and nay
No. 219.

[See Yea and Nay No. 219 in Supplement.]

Therefore a quorum was present.

Pending the question on passing the bill, as amended, to be engrossed, in concurrence, Mr. Cutler of Pembroke moved to amend it by inserting after section 1A (inserted by amendment) the following section:

“SECTION 1B. Chapter 3 of the General Laws is hereby further amended by adding the following section:—

Section 74. (a) There shall be established a permanent commission on the status of persons with disabilities. The commission shall consist of 23 members: 3 persons appointed by the president of the senate; 3 persons appointed by the speaker of the house of representatives; 1 person appointed by the minority leader of the senate; 1 person appointed by the minority leader of the house of representatives; 7 persons appointed by the governor; the attorney general or their designee; the state treasurer or their designee; the secretary of state or their designee; the executive director of the Disabled Persons Protection Commission or their designee; 1 person from the University of Massachusetts Medical School Work Without Limits program; 1 person

from the Massachusetts Disability Policy Consortium; 1 person from the Massachusetts Association of Developmental Disabilities Providers; and 1 person from the Massachusetts Developmental Disabilities Council.

(b) Members of the commission shall be drawn from diverse racial, ethnic, religious, age, disability, sexual orientation, gender identity and expression, and socio-economic backgrounds, and should have personal experience, professional background or demonstrated interest on issues relating to persons with disabilities. It shall be the goal of the commission to include representation from a broad spectrum of disabilities, as well as perspectives of family members, disability advocacy organizations, human service agencies, regional employment collaboratives and business and labor organizations throughout the commonwealth.

(c) The commission shall be an independent agency of the commonwealth and shall not be subject to the control of any other department or agency. Members of the commission shall be subject to the provisions of chapter 268A as they apply to special state employees.

(d)(1) A member of the commission shall serve a term of 3 years and until a successor is appointed, or the member is reappointed by their appointing or nominating authority.

(2) Vacancies in the membership of the commission shall be filled by the original appointing or nominating authority for the balance of the unexpired term. If the position was filled by a nominating body, the replacement member shall be selected from solicited nominations. If the nominating body or appointing authority does not fill a position, the existing members of the commission shall fill the vacancy from a pool of qualified applicants as pursuant to subsection (b).

(3) Nominations for vacancies in the membership shall be solicited through an open application process using a uniform and accessible application, which accommodates candidates of all abilities. Appointments shall be announced no later than April 1 of each year.

(4) The commission shall elect from among its members a chair, a vice-chair, a clerk, a treasurer and any other officers it deems necessary to carry out its mission.

(5) The members of the commission shall receive no compensation for their services, but shall be reimbursed for any usual and customary expenses incurred in the performance of their duties.

(e) An executive director shall be selected by the commission, and may hire staff. The executive director shall be qualified by his or her experience working on issues relating to persons with disabilities, organizing research and reports, advocacy and communication skills, and demonstrated leadership abilities. The executive director shall not simultaneously serve as a member of the commission.

(f) The commission shall work to advance the cause of all persons with disabilities in the commonwealth. The commission shall be empowered to (i) study, review, advise and report on: (A) any disparities across service or geographical areas concerning the range of available options within state disability services; (B) the status of transportation for persons with disabilities including access to employment opportunities; (C) the effect of public assistance for persons with disabilities as it pertains to earning limits and eligibility for subsidies for food, housing, child care, and other benefits; (D) establishing school-to-work activities for transition aged youth with disabilities that establish a bridge to self-sufficiency and engage school supports, family members and employers; (E) the status of the strategic plan to make the commonwealth a model employer by seeking to increase the number of people with disabilities employed by the executive branch; (F) the enhanced enforcement of state requirements that promote diversity in state government employment; (F) and the

number of persons with disabilities who apply for state disability services and are unsuccessful in receiving services; (ii) facilitate and promote public awareness to encourage inclusion of persons with disabilities as employees and vendors within the private and public sector workforce, including under-represented business sectors of all sizes; (iii) assess programs and practices in all state agencies as they affect persons with disabilities, as the commission deems necessary and appropriate; (iv) advise executive and legislative bodies regarding the impact of proposed legislation on persons with disabilities; and, (v) promote and facilitate collaboration among local disability commissions, disability rights advocacy organizations, and disability employment service providers.

(g) The commission shall annually, on or before October 31, report the results of its findings and activities of the preceding fiscal year and its recommendations which may include draft legislation to the governor; the senate and house committees on ways and means; the clerks of the house of representatives and the senate; the joint committee on children, families and persons with disabilities; and, the joint committee on labor and workforce development.

(h) The powers of the commission shall include but not be limited to the following: (i) to use voluntary and uncompensated services of private individuals, agencies and organizations as may from time to time be offered and needed; (ii) to review policies and legislation and make recommendations to agencies and officers of the state and local subdivisions of government to effectuate the purposes of subsections (f) and (g); (iii) to select an executive director and to acquire adequate staff to perform its duties; (iv) to establish and maintain such offices as it may deem necessary; (v) to enact bylaws for its own governance; (vi) to establish subcommittees or regional chapters of the commission as it deems necessary; and (vii) to hold regular, public meetings and fact-finding hearings and other public forums as it may deem necessary.

(i) Public meetings should be held in a manner accessible to and welcoming of persons of all abilities with necessary accommodations to ensure broad participation. Notices of meetings and other information shall be posted to a publicly accessible website that also accommodates persons who are visually impaired.

(j) The commission may request from all state agencies such information and assistance as the commission may require.

(k) The commission may accept and solicit funds, including any gifts, donations, grants or bequests or any federal funds, for any of the purposes of this section. Such funds shall be deposited in a separate account with the state treasurer, be received by said treasurer on behalf of the commonwealth, and be expended by the commission in accordance with commission bylaws and state and federal law.”.

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 the same member; and on the roll call 159 members voted in the affirmative and 0 in the negative.

[See Yea and Nay No. 220 in Supplement.]

Therefore the amendment was adopted.

Mr. Berthiaume of Spencer and other members of the House then moved to amend the bill in section 81, in lines 1555 to 1558, inclusive, by striking out the paragraph contained in those lines and inserting in place thereof the following paragraph:

“The Division of Training and Certification shall conduct a comprehensive study, not to exceed one-hundred and eighty days in length, of reserve/intermittent police training in the Commonwealth, including ways of assisting those officers in completing the requirements to be certified as a full-time police officer while

Amendment
adopted,—
yea and nay
No. 220.

understanding that many of those officers also concurrently work another full-time job. In addition to division employees, the study committee will also include current police trainers, chiefs of police, members of police unions and current reserve/intermittent police officers. Distance learning concepts will be utilized wherever possible.”.

The amendment was rejected.

Engrossed Bill – Land Taking.

The engrossed Bill authorizing the town of Hopkinton to remove certain land from a conservation restriction (see House, No. 4319) (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.

Hopkinton,—
land.

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 159 members voted in the affirmative and 0 in the negative.

Bill enacted
(land taking),—
yea and nay
No. 221.

[See Yea and Nay No. 221 in Supplement.]

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

Engrossed Bill.

The engrossed Bill authorizing the city of Fitchburg to grant an additional license for the sale of all alcoholic beverages not to be drunk on the premises (see House, No. 4334) (which originated in the House), having been certified by the Clerk to be rightly and truly prepared for final passage, was passed to be enacted, under suspension of Emergency Rule 2(5), on motion of Mr. Hay of Fitchburg; and it was signed by the acting Speaker and sent to the Senate.

Bill
enacted.

Orders of the Day.

The Senate Bill to reform police standards and shift resources to build a more equitable, fair and just Commonwealth that values Black lives and communities of color (Senate, No. 2820, amended), was considered.

Police,—
reform.

Pending the question on passing the bill, as amended, to be engrossed, in concurrence, Mr. Chan of Quincy and other members of the House moved to amend it in section 22, in paragraph (a) (inserted by amendment) by inserting at the end thereof the following sentence: “Such program shall also include training related to: i) hate crime identification and prevention training curriculum including acquisition of practical skills to prevent, respond to and investigate hate crimes and hate incidents and their impacts on victim communities; ii) anti-bias, anti-racism, and anti-harassment strategies; iii) bullying and cyberbullying; iv) and comprehensive training to help school resource officers interact effectively with school personnel, victim communities and build public confidence with cooperation with law enforcement agencies.”, in the paragraph (b) by inserting before the word “standards” the words “curriculum and”; and by inserting after the word “law” the words “and preventing and addressing youth hate crimes”. The amendments were adopted.

Mr. Naughton of Clinton then moved to amend the bill by adding the following section:

“SECTION 96. Notwithstanding any general or special law to the contrary, the committee on police training and certification, established in section 4 of chapter 6E of the General Laws, shall investigate and study the benefits and costs of consolidating existing municipal police training committee training academies located in Boylston, Plymouth, Randolph, Reading and in Western Massachusetts and the nine Reserve/Intermittent Academies authorized by the municipal police training committee into a single, full time training institution with full time instructional staff. As part of the study, the committee on police training and certification shall identify feasible and appropriate locations for such a campus or facility within the commonwealth. The study, including any recommendations for legislation, shall be filed with the clerks of the house and senate, the house and senate committees on ways and means and the chairs of the joint committee on public safety and homeland security no later than July 31, 2021.”.

The amendment was adopted.

Mr. Whelan of Brewster then moved to amend the bill in section 29, in line 884, by inserting after the word “flow” the words “unless the totality of the circumstances reveal such force was a necessary response to a deadly force incident, and that said action was taken to prevent immediate and life-threatening harm to the officer or another”. The amendment was rejected.

Mr. Chan of Quincy and other members of the House then moved to amend the bill in section 29, in lines 263, 264 and 265, in lines 481 to 485, inclusive; and also in lines 733, 734 and 735, by striking out, in each instance, the paragraphs contained in those lines;

By striking out section 35; and

By adding the following:

“SECTION 97. The attorney general and district attorneys shall review the existing laws and procedure on the investigation and prosecution of law enforcement officer involved deaths and actions resulting in serious bodily injury of another. As part of the review, the attorney general and district attorneys shall consult interested stakeholders including but not limited to community groups, the committee for public counsel services, the American civil liberties union, the Massachusetts chiefs of police association, and the colonel of the state police. The attorney general and district attorneys shall submit a report with recommendations to the Chairs of the Joint Committee on the Judiciary and the Joint Committee on Public Safety not later than December 31, 2020.”.

The amendments were adopted.

Mr. Livingstone of Boston and other members of the House then moved to amend the bill in section 32 [A]by adding the following sentence: “Nothing in this section should grant immunity regarding any other cause of action or preclude any other remedy that may be available.”.

Pending the question on adoption of the amendment, Mr. Rogers of Cambridge moved to amend it by striking out the text of the amendment [after “A”] and inserting in place thereof the following: “in subsection (b) by striking out the second sentence and inserting in place thereof the following sentence: ‘Qualified immunity shall not apply to claims for monetary damages against law enforcement officers unless the law at the time of the conduct clearly established that the conduct was lawful.’; and

By adding the following section:—

SECTION 98. Section 11I of said chapter 12 of the General Laws is hereby amended by inserting at the end thereof the following:— In an action under this

section, qualified immunity shall not apply to claims for monetary damages against law enforcement officers unless the law at the time of the conduct clearly established that the conduct was lawful.”.

After debate on the question on adoption of the further amendment, the sense of the House was taken by yeas and nays, at the request of the same member; and on the roll call 24 members voted in the affirmative and 135 in the negative.

[See Yea and Nay No. 222 in Supplement.]

Therefore the further amendment was rejected.

The amendment then also was rejected.

Representatives Malia of Boston and Rogers of Norwood then moved to amend the bill in section 29, in line 294, by inserting after the word “professionals” the following: “, as defined in subsection (a) of section 51½ of chapter 111,”; and the amendment was adopted.

After remarks on the question on passing the bill, as amended, to be engrossed, in concurrence, Mr. Michlewitz of Boston and other members of the House moved to amend it by adding the following section:

“SECTION 98. (a) There shall be established, pursuant to section 2A of chapter 4 of the General Laws, a special legislative commission to investigate and study the impact to the administration of justice of the qualified immunity doctrine in the commonwealth. Said investigation and study shall include, without limitation, an analysis of the origins of qualified immunity and its present interpretation by the courts of the commonwealth, and the legal and policy rationale for, and the legal and policy impact of, the qualified immunity doctrine in the commonwealth.

(b) The special legislative commission shall consist of 15 members: 2 of whom shall be the chairs of the joint committee on the judiciary, who shall serve as co-chairs; 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; 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; 3 of whom shall be appointed by the governor, 1 of whom shall be a member of a police officers’ union, 1 of whom shall be a member of a firefighters’ union, 1 of whom shall be a retired justice of the appeals court; 1 of whom shall be the executive director of the American Civil Liberties Union of Massachusetts, Inc. or a designee; 1 of whom shall be the president of the Massachusetts Bar Association or a designee; 1 of whom shall be the executive director of the Massachusetts Municipal Association, Inc. or a designee; and 1 of whom shall be the president of the Boston branch of the National Association for the Advancement of Colored People New England Area Conference or a designee.

(c) The special legislative commission shall submit a report of its study and recommendations, together with legislation, if any, to the clerks of the house of representatives and the senate on or before March 31, 2021.”.

Pending the question on adoption of the amendment, Mr. Hill of Ipswich moved to amend it by inserting after the year “2021” the following: “; provided however, sections 32, 33, and 34 shall not take effect until such time the special legislative commission established by this section has issued a final report.”.

After debate on the question on adoption the further amendment, the sense of the House was taken by yeas and nays, at the request of the same member; and on the roll call 72 members voted in the affirmative and 87 in the negative.

[See Yea and Nay No. 223 in Supplement.]

Therefore the further amendment was rejected.

Further
amendment
rejected,—
yea and nay
No. 222.

Further
amendment
rejected,—
yea and nay
No. 223.

After debate on the question on adoption the amendment, the sense of the House was taken by yeas and nays, as required under the provisions of House Rule 33F; and on the roll call 115 members voted in the affirmative and 44 in the negative.

[See Yea and Nay No. 224 in Supplement.]

Therefore the consolidated amendment was adopted.

Representatives Chan of Quincy and Harrington of Groton then moved to amend the bill in section 29, in lines 417 to 421, inclusive, by striking out the paragraph contained in those lines; and the amendment was rejected.

After remarks on the question on passing the bill, as amended, to be engrossed, in concurrence, Mr. Fernandes of Falmouth moved to amend it by adding the following section:

“SECTION 99. Section 8 of chapter 111B of the General Laws is hereby amended by inserting after the word ‘station’, in each instance, the following words:— or the Dukes County Sheriff’s office.”.

The amendment was adopted.

Mr. Lewis of Framingham and other members of the House then moved to amend the bill by adding the following three sections:

“SECTION 100. Section 1 of said chapter 29, as so appearing, is hereby further amended by inserting after the definition of ‘Line-item’ the following 2 definitions:—

‘Local legislative body’, the town meeting for the purposes of a town system, the city council subject to the provisions of its charter in a city system, the district meeting in a district system, the county commissioners in a county system, and the governing body of the authority in an authority system.

‘Military grade controlled property’, equipment, articles, services and related technical data as enumerated in the United State munitions list under 22 C.F.R. 121.1 or the department of commerce control list under 15 C.F.R. 774.

SECTION 101. Section 6B of chapter 29, as so appearing, is further amended by adding the following subsection:—

(k) The department of state police, the office of law enforcement within the executive office of environmental affairs or the Massachusetts Bay transportation authority police force shall not apply for military grade controlled property or related funds or for acquisition by transfer of military grade controlled property from a federal agency unless the department of state police, the office of law enforcement within the executive office of environmental affairs or the Massachusetts bay transportation authority police force obtains approval from the secretary of public safety and security, secretary of energy and environmental affairs or the secretary of transportation, respectively; provided, however, that such approval shall not be granted until the approving agency holds a public hearing and solicits written public comment on the application. The department of state police, the office of law enforcement within the executive office of energy and environmental affairs and the Massachusetts Bay transportation authority police force shall file a report on any approval of an application for military grade controlled property or related funds or acquisition by transfer of military grade controlled property from a federal agency, describing the type of military grade controlled property acquired and the amount of funds expended on the acquisition, with the clerks of the senate and house of representatives, the joint committee on ways and means and the joint committee on public safety and homeland security.

SECTION 102. Chapter 29 is hereby amended by inserting after section 6B the following section:—

Section 6B½. (a) A local law enforcement agency shall not apply for military grade controlled property or related funds or for acquisition by transfer of military

Consolidated
amendment
adopted,—
yea and nay
No. 224.

grade controlled property from a federal agency unless: (i) the local law enforcement agency provides notice to the local legislative body of any intended application, including a detailed list of supplies and equipment sought to be acquired; (ii) the local legislative body advertises and holds a public hearing regarding the prospective application, during which the public shall be allowed the opportunity to testify and comment; (iii) the local law enforcement agency has responded in writing to any questions and matters raised by the local legislative body or residents at such public hearing; and (iv) the local legislative body votes to approve the intended application, including the particular supplies and equipment sought to be acquired. The local law enforcement agency shall include documentation of the local legislative body's approval in its application.

(b) A regional law enforcement council or other multi-jurisdictional law enforcement agency, including those constituted by entities or representatives from multiple agencies, shall not apply for military grade controlled property or related funds or for acquisition by transfer of military grade controlled property from a federal agency unless it has: (i) provided notice to each of the local legislative bodies for the cities and towns participating in the regional or multi-jurisdiction law enforcement agency regarding any prospective application; and (ii) obtained approval from the secretary of public safety and security, provided, however, that such approval shall not be granted until the approving agency holds a public hearing and solicits written public comment on the application, including any information, comments and recommendations from the local legislative bodies for the cities and towns participating in the regional or multi-jurisdiction law enforcement agency. The regional law enforcement council or multi-jurisdiction agency shall include documentation of the approval of the secretary of public safety and security in its application. The regional law enforcement council or other multi-jurisdictional law enforcement agency shall file a report on any approval of an application for military grade controlled property or related funds or the acquisition by transfer of military grade controlled property from a federal agency, describing the type of military grade controlled property acquired and the amount of funds expended on the acquisition, with the clerks of the senate and house of representatives, the joint committee on ways and means and the joint committee on public safety and homeland security.

(c) A sheriff's department shall not apply for military grade controlled property or related funds or for acquisition by transfer of military grade controlled property from a federal agency unless it has obtained approval from the secretary of public safety and security; provided, however, that such approval shall not be granted until the secretary holds a public hearing and solicits written public comment on the application. The sheriff's department shall include documentation of the approval of the secretary of public safety and security in its application. The sheriff's department shall file a report on any approval of an application for military grade controlled property or related funds or the acquisition by transfer of military grade controlled property from a federal agency, describing the type of military grade controlled property acquired and the amount of funds expended on the acquisition, with the clerks of the senate and house of representatives, the joint committee on ways and means and the joint committee on public safety and homeland security.”.

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 the same member; and on the roll call 47 members voted in the affirmative and 112 in the negative.

[See Yea and Nay No. 225 in Supplement.]

Therefore the amendment was rejected.

Amendment
rejected,—
yea and nay
No. 225.

Mr. Lawn of Watertown and other members of the House then moved to amend the bill in section 29, in lines 916 and 917, by striking out the sentence contained in those lines and inserting in place thereof the following sentence: "The committee on police training and certification shall promulgate rules and regulations, subject to the approval of the commission, for the administration and enforcement of sections 14 and 15.". The amendment was adopted.

Mr. Holmes of Boston then moved to amend the bill in section 29, in line 616, by adding the following paragraph:

"(j) The commission shall promulgate regulations for the committee to maintain a publicly available and searchable database containing records for law enforcement officers. In promulgating the regulations, the commission shall consider the health and safety of the officers."

The amendment was adopted.

After debate on the question on passing the bill, as amended, to be engrossed, in concurrence, (the Speaker being in the Chair) Mr. Michlewitz of Boston and other members of the House moved to amend it in section 22 (inserted by amendment), by inserting after the words "mental illness" the words "behavioral addictions such as gaming and gambling disorder";

In section 29 (inserted by amendment), in subsection 10, by striking out the following sentence: "The commission shall not institute a revocation or suspension hearing pursuant to section 10 in any case where the officer's appointing agency has disciplined or terminated the officer until the discipline or termination is final." and inserting in place thereof the following sentence: "The commission shall not institute a revocation or suspension hearing pursuant to section 10 in any case where the officer's appointing agency has disciplined or terminated the officer until any appeal of said discipline or termination is completed.", and by inserting at the end of section 10 of chapter 6E the following paragraph:

(g) The committee shall publish any revocation order and findings. The committee shall provide all revocation information to the national decertification index. No officer may apply for certification after that officer's certification has been revoked pursuant to this section.

In section 65, in line 1254, by inserting after the figures: "119" the following: ", the sharing of information upon the specific, informed written consent of the eligible student, parent or guardian, to comply with a court order or lawfully issued subpoena, in connection with a health or safety emergency pursuant to the provisions of 603 C.M.R. 23.07(4)";

In section 68, in line 1431, by inserting after the word "alcohol" the words "and gambling"; and

By adding the following section:

"SECTION 100. (a) Notwithstanding any general or special law to the contrary, the police standards and training commission, established in section 2 of chapter 6E of the General Laws, shall authorize the transfer of each employee of the municipal police training committee employed prior to the effective date of this act to become an employee of the police standards and training commission, subject to the provisions of chapter 6E of the General Laws.

(b) All employees of the municipal police training committee transferred to the service of the commission shall be transferred without impairment of seniority, retirement or other statutory rights of employees, without loss of accrued rights to holidays, sick leave, vacation and other benefits, and without change in union representation or certified collective bargaining unit as certified by the state labor relations commission or in local union representation or affiliation, except as

otherwise provided in this act. Terms of service of employees of the program shall not be deemed to be interrupted by virtue of transfer to the commission.

(c) Nothing in this section shall be construed to confer upon any employee of the municipal police training program any right not held immediately before the date of said transfer to the commission or to prohibit any reduction of salary grade, transfer, reassignment, suspension, discharge, layoff or abolition of position not prohibited before such date.

(d) The terms and conditions of any collective bargaining agreement that is in effect upon such transfers authorized by this section shall continue in effect until the stated expiration date of such agreement, at which point the agreement shall expire; provided, however, that all such employees shall continue to retain their right to collectively bargain under chapter 150E of the General Laws and shall be considered employees of the police standards and training commission established pursuant to chapter 6E of the General Laws for the purposes of said chapter 150E.”.

The amendments were adopted.

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 Ms. Cronin of Easton; and on the roll call 93 members voted in the affirmative and 66 in the negative.

Bill passed to
be engrossed,—
yea and nay
No. 226.

[See Yea and Nay No. 226 in Supplement.]

Therefore the bill (Senate, No. 2820, amended) was passed to be engrossed, in concurrence. Sent to the Senate for concurrence in the amendment adopted by the House [for text of House amendment, see House document numbered 4886, published as amended].

Order.

On motion of Mr. DeLeo of Winthrop,—

Ordered, That when the House adjourns today, it adjourn to meet on Monday next at eleven o’clock A.M. and that notwithstanding the provisions of House Rule 12, the Clerk be authorized to dispense with the printing of a Calendar for said sitting.

Next
sitting.

At two minutes after ten o’clock P.M. (Friday, July 24, 2020), on motion of Mr. Hill of Ipswich (Mr. Donato of Medford being in the Chair), the House adjourned, to meet the following Monday at eleven o’clock A.M.