

JOURNAL OF THE HOUSE.

Wednesday, June 11, 2014.

Met according to adjournment at eleven o'clock A.M., with Mr. Donato of Medford in the Chair (having been appointed by the Speaker, under authority conferred by Rule 5, to perform the duties of the Chair).

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

Guests of the House.

The noon recess having terminated, Mrs. Haddad of Somerset took the Chair, declared a brief recess and introduced the Reverend Christopher Foustoukos, known as Father Chris, pastor of St. Vasilios Greek Orthodox Church in Peabody. Father Chris is the recently-designated, and first ever, Chaplain of the Peabody Fire Department. Reverend Christopher Foustoukos.

Father Chris began a relationship with the Peabody Fire Department when Peabody Fire Fighter Jim Rice perished in a fire two days before Christmas, 2011. He compassionately led the funeral service for Fire Fighter Rice, including presenting teddy bears dressed as fire fighters to Rice's children. His supportiveness and concern for the extended Peabody Fire Department family in the days and years since this tragedy made him a perfect fit to serve in this newly created, voluntary role.

Prior to his ordination, Father Chris served in the Air Force as a Missile Combat Crew Commander at Francis E. Warren Air Force Base in Cheyenne, Wyoming and was discharged as a First Lieutenant. Father Chris and his wife, Claire, who joins us today, have one son, Peter.

They were the guests of Minority Leader Jones of North Reading and Representatives Speliotis of Danver and Cole of Peabody.

Prayer then was offered by Father Foustoukos, as follows:

Heavenly God, we reverently invoke Your blessings upon this Chamber of the House of Representatives and its earnest members who have devoted their lives to serve Your people, the citizens of this historic Commonwealth. Instill in their hearts Your love so that their service may be courageous and compassionate. May they, and all of us, be especially attentive to the needs of our brethren who suffer, the homeless and hungry, the widows, the orphans, the elderly, our faithful veterans and first responders, the strangers, "the least of our brethren" whom You have entrusted to our care. We also pray today for young Tom Kelly, son of Edward Kelly — President of the Professional Firefighters of Massachusetts — who at this moment is in surgery. Strengthen us to build a better tomorrow, which will come to pass only if we are able to see Your image in the face of every person. Renew our collective trust in You so that we might realize the vision You have given us of a caring and empathetic society. Hasten the day that we all recognize that You are our God. May we comprehend Your words treasured by the Prophet Joel, "and it shall come to pass that I will pour out my spirit on all our flesh, your sons and daughters shall prophecy and your old men shall see visions...(Joel 2:5). Prayer.

Prayer.

Imbue the members of this House of Representatives with the spirit of truth. Grant them wisdom, insight and boldness to address the challenges confronting the Commonwealth of Massachusetts. Captivate their hearts, mold their ethos, inspire their minds and mentor them as they exercise the lofty responsibilities of their office. We ask this in Your almighty name. Amen.

Mr. Speliotis of Danvers then moved that the prayer be spread upon the records of the House; and the motion prevailed.

Benjamin Franklin Classical Charter School and Tucker School students.

At the beginning of the session, the Chair (Mr. Donato of Medford) declared a brief recess and introduced, seated in the House Chamber, 8th grade students from Benjamin Franklin Classical Charter School in Franklin; and 3rd grade students from Tucker School in Milton. At the invitation of the Chair, the students participated in the pledge of allegiance to the flag. They were the guests of Messrs. Roy of Franklin, Timilty of Milton and Cullinane of Boston.

Natick High School Speech and Debate Team.

During the session, Mr. Linsky of Natick took the Chair, declared a brief recess and introduced the Natick High School Speech and Debate team, accompanied by Head Coach Sarah Donnelly, Assistant Coaches Joyce Albert, Amanda Parker and Mel Albert, Founder Gerald Dyer and Principal Rose Bertucci. Recipients of the National Catholic Forensic League Founders Award of Excellence in Speech at the Grant National Tournament in Chicago as well as several individual awards, they were the guests of Representative Linsky and Senator Ross.

Matt Brown and Patrick Lee.

During the session, the Chair (Mr. Donato of Medford) declared a brief recess and introduced Mr. Matt Brown, founder of the Matt Brown Foundation which assists other spinal chord-injured patients and their families to have access to care and equipment not covered by insurance. Mr. Brown continues to be a tremendous source of inspiration and hope to thousands of families in Massachusetts and beyond by his own personal journey towards recovery. He was accompanied by his personal assistant, Mr. Patrick Lee. Mr. Lee, a 2012 graduate of Stonehill College, where he led the men's basketball team to 4 consecutive NCAA Tournament appearances and was named the Northeast-10 Defensive Player of the Year. They were the guests of Speaker DeLeo, Representative Rogers of Norwood and Senator Rush.

Statement Concerning Representative Canavan of Brockton.

A statement of Mr. Mariano of Quincy concerning Ms. Canavan of Brockton 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 one of our colleagues, Representative Canavan of Brockton, is unable to be present in the House Chamber for today's sitting due to a previously scheduled commitment. Her missing of roll calls today is due entirely to the reason stated.

Statement of Representative Ehrlich of Marblehead.

A statement of Ms. Ehrlich of Marblehead was spread upon the records of the House, as follows:

Statement concerning Ms. Canavan of Brockton.

MR. SPEAKER: I would like to call to the attention of the House the fact that I will not be present in the House Chamber for the remainder of today's session due to a family medical concern. If I could be present for the taking of the yeas and nays on the question on passing to be engrossed the House Bill promoting economic growth across the Commonwealth, I would vote in the affirmative. My missing of roll calls today will be due entirely to the reason stated.

Statement of Ms. Ehrlich of Marblehead.

Statement Concerning Representative Peisch of Wellesley.

A statement of Mr. Mariano of Quincy concerning Ms. Peisch of Wellesley 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 one of our colleagues, Representative Peisch of Wellesley, was unable to be present in the House Chamber for today's sitting due to a previously scheduled commitment connected to her duties as House Chair of the Education committee. Had she been present today she would have voted in the affirmative on roll call numbers 384, 385, 386, 388, 390, 391 and 392; and in the negative on roll call number 389. Her missing of roll calls today is due entirely to the reason stated.

Statement concerning Ms. Peisch of Wellesley.

Resolutions.

Mr. Donato of Medford being in the Chair,—

Resolutions (filed with the Clerk by Mr. Hunt of Sandwich) congratulating the town of Sandwich on the town's three hundred seventy-fifth anniversary celebration;

Sandwich,—anniversary.

Mr. Binienda of Worcester, for said committee, reported that the resolutions ought to be adopted. Under suspension of the rules on motion of Mr. Roy of Franklin, 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 Mrs. Canavan of Brockton, a petition (subject to Joint Rule 12) of Christine E. Canavan for legislation to establish a sick leave bank for Mariange Robert, an employee of the Department of Correction.

Mariange Robert,—sick leave.

By Mr. Cantwell of Marshfield, a petition (subject to Joint Rule 12) of James M. Cantwell relative to prioritizing distributions from the Dam and Seawall Repair or Removal Fund.

Dam and Seawall Repair or Removal Fund.

By Mr. Collins of Boston, a petition (subject to Joint Rule 12) of Nick Collins that the Department of Conservation and Recreation designate the street hockey arena in the city of Boston as the Donald F. Higgins Memorial Street Hockey Arena.

Boston,—Higgins Street Hockey Arena.

By Mr. Durant of Spencer, a petition (subject to Joint Rule 12) of Peter J. Durant and Richard T. Moore for legislation to designate the last Tuesday of May as Southbridge Lions Club bow ties for esophageal cancer awareness day.

Southbridge Lions Club,—awareness day.

By Representative Fernandes of Milford and Senator Richard T. Moore, a joint petition (subject to Joint Rule 12) of John V. Fernandes and Richard T. Moore for legislation to eliminate the annual fee for veterans distinctive license plates.

Veterans license plates,—fee.

Athletic contests,—
scheduling.

By Mr. Scibak of South Hadley, a petition (subject to Joint Rule 12) of John W. Scibak and others relative to the scheduling of high school athletic contests.

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

Paper from the Senate.

Child abuse,—
reporting
requirements.

A report of the committee on Health Care Financing, asking to be discharged from further consideration of the petition (accompanied by bill, Senate, No. 40) of Michael R. Knapik, Bruce E. Tarr, Robert L. Hedlund, Richard J. Ross and other members of the General Court for legislation relative to the reporting of child abuse to local law enforcement officials,— and recommending the same be referred to the committee on the Judiciary,— accepted by the Senate, was considered forthwith, under Rule 42; and it was accepted, in concurrence.

Engrossed Bill.

Bill
enacted.

The engrossed Bill establishing a sick leave bank for Anne Federico, an employee of the Department of Public Health (see House, No. 3958) (which originated in the House), in respect to which the Senate had concurred in adoption of the emergency preamble, was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

Recess.

Recess.

At six minutes after eleven o'clock A.M., on motion of Mr. Smola of Warren (Mr. Donato of Medford being in the Chair), the House recessed until one o'clock P.M.; and at nine minutes after one o'clock P.M., the House was called to order with Mr. Speliotis of Danvers in the Chair.

Reports of Committees.

Mrs. Haddad of Somerset being in the Chair,—

Fernald
State
School,—
study.

By Mr. Binienda of Worcester, for the committees on Rules of the two branches, acting concurrently, asking to be discharged from further consideration of the Resolve providing for an investigation and study by a special commission relative to the misclassification and misdiagnosis of former residents of the Fernald state school (House, No. 157, changed),— and recommending that the same be referred to the House committee on Rules. Under rule 42, the report was considered forthwith; and it was accepted.

Medford,—
traffic
commission.

By Ms. Peake of Provincetown, for the committee on Municipalities and Regional Government, on a joint petition, a Bill extending the authority of the traffic commission in the city of Medford to include public off-street parking areas (House, No. 4095) [Local Approval Received]. Read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

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

Under suspension of the rules, on motion of Mr. Donato of Medford, the bill was read a second time forthwith; and it was ordered to a third reading.

Mr. Donato of Medford being in the Chair,—

By Mr. Kafka of Stoughton, for the committee on Steering, Policy and Scheduling, that the House Bill authorizing the reinstatement of Kenneth G. Laxton as a reserve police officer in the town of Southwick (House, No. 3853) [Local Approval Received], be scheduled for consideration by the House.

Southwick,—
Kenneth G.
Laxton.

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

By Mr. Markey of Dartmouth, for the committee on the Judiciary, on Senate, Nos. 623, 634, 641, 651, 667, 712, 769 and 798 and House, Nos. 5, 1195, 1226, 1241, 1287, 1370, 1378, 1380, 1436, 1437, 1438, 1439, 1440, 1441, 1442, 1443, 1444, 1445, 1462, 1486, 1549, 1597, 1630, 1632, 1638, 1646, 1679 and 2149, an Order relative to authorizing the committee on the Judiciary to make an investigation and study of certain Senate and House documents concerning the judiciary (House, No. 4180). Referred, under Joint Rule 29, to the committees on Rules of the two branches, acting concurrently.

Judiciary
issues,—
study.

Subsequently Mr. Binienda of Worcester, for said committees, reported asking to be discharged from further consideration of the order; and recommending that the same be referred to the House committee on Rules.

Under Rule 42, the report was considered forthwith; and it was accepted.

By Mr. Binienda of Worcester, for the committees on Rules of the two branches, acting concurrently, that the Bill relative to the reduction of gun violence (House, No. 4121), ought to pass. Referred, under Rule 33, to the committee on Ways and Means.

Gun
violence.

By Ms. Benson of Lunenburg, for the committee on Health Care Financing, that the following bills ought to pass:

To support the transition to adult services for persons with disabilities (House, No. 87) [Cost: Greater than \$100,000.00];

Disabled,—
adult services.

Relative to the Massachusetts emergency information program (House, No. 2174) [Cost: Greater than \$100,000.00];

Information
program.

Relative to the practice of medical physics (House, No. 3973) [Cost: Greater than \$100,000.00];

Medical
physics.

Relative to the authority of the Disabled Persons Protection Commission pursuant to Chapter 19C (House, No. 4066) [Cost: Greater than \$100,000.00]; and

Disabled,—
protection.

To reinvest savings for the financial health of the human service system (House, No. 4068) [Cost: Greater than \$100,000.00].

Human
services.

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

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

Mrs. Haddad of Somerset being in the Chair,—

The report of the committee of conference on the disagreeing votes of the two branches with reference to the Senate amendment of the

Natural
gas leaks.

Natural
gas leaks.

House Bill relative to natural gas leaks (House, No. 3873, amended), recommending passage of a bill with the same title (House, No. 4164), was discharged from its position in the Orders of the Day and considered forthwith, under suspension of Rule 47, on motion of Mr. Keenan of Salem.

Conference
committee
report
accepted,—
yea and nay
No. 384.

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

[See Yea and Nay No. 384 in Supplement.]

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

Engrossed Bills — Land Takings.

Wilkinsonville
Water
District,—
land.

The engrossed Bill authorizing the Wilkinsonville Water District to convey a certain parcel of land (see Senate, No. 1995, amended) (which originated in the Senate), having been certified by the Clerk to be rightly and truly prepared for final passage, was put upon its final passage.

Bill enacted
(land taking),—
yea and nay
No. 385.

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

[See Yea and Nay No. 385 in Supplement.]

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

Stow,—
land.

The engrossed Bill relative to a certain parcel of land in the town of Stow (see House, No. 3935) (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.

Bill enacted
(land taking),—
yea and nay
No. 386.

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

[See Yea and Nay No. 386 in Supplement.]

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

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

Economic
growth.

The House Bill promoting economic growth across the Commonwealth (House, No. 4165), report 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 forthwith, under suspension of Rule 47, on motion of Mr. Wagner of Chicopee.

Quorum.

After debate on the question on passing the bill to be engrossed, Mr. Lombardo of Billerica moved to amend it by striking out sections 43 and 53.

Pending the question on adoption of the amendment, the same member asked for a count of the House to ascertain if a quorum was present. The Chair (Mrs. Haddad of Somerset), having determined that a quorum was not in attendance, then directed the Sergeant-at-Arms to secure the presence of a quorum.

Subsequently a roll call was taken for the purpose of ascertaining the presence of a quorum; and on the roll call 140 members were recorded as being in attendance.

Quorum,—
yea and nay
No. 387.

[See Yea and Nay No. 387 in Supplement.]

Therefore a quorum was present.

After remarks the amendment was rejected.

Mr. Lombardo then moved to amend the bill by striking out sections 55 and 56; and the amendment was rejected.

Mr. Lombardo of Billerica and other members of the House then moved to amend the bill by adding the following section:

“SECTION 74. Any employee, executive, contractor, consultant, or individual receiving compensation by the organization or individual, for profit or not for profit, receiving funding, a grant, or multiple grants, from this bill shall not received compensation in excess of \$135,000 annually. Failure to comply with this section shall result in forfeit of funding and full refund to the Commonwealth of Massachusetts.”.

After remarks the amendment was rejected.

Representatives Beaton of Shrewsbury, Dykema of Holliston and Gregoire of Marlborough then moved to amend the bill by inserting the following thirteen sections:

“SECTION 74. Section 12 of chapter 138 of the General Laws, as appearing in the 2012 Official Edition, is hereby amended by striking out, in lines 63 to 65, the words ‘notwithstanding any limitation on the number of licenses the city or town is authorized to grant in section 17’ and inserting in place thereof the following words:— pursuant to the municipal plan as required by section 17.

SECTION 75. Said section 12 of chapter 138, as so appearing, is hereby further amended by striking out, in lines 89 to 90, the words ‘and irrespective of any limitation of number of licenses contained in section seventeen’.

SECTION 76. Said section 12 of chapter 138, as so appearing, is hereby further amended by striking out the second sentence of the sixth paragraph.

SECTION 77. Said section 12 of chapter 138, as so appearing, is hereby further amended by striking out, in line 147, the words ‘notwithstanding section 17’.

SECTION 78. Said chapter 138, as so appearing, is hereby amended by inserting after section 13 the following section:—

Section 13A. As used in this section, the following words shall have the following meanings:—

‘Airline club’, an establishment that is not open to the general public and which is operated by or for an airline at the airport to provide exclusive or special accommodations to members and their guests in accordance with airline policy.

‘Airport’, the General Edward Lawrence Logan International Airport.

‘Passenger terminals’, the passenger terminals and designated airline clubs within the airport.

Economic
growth.

'Restricted airport licenses', licenses for: (i) the sale of all alcoholic beverages to be drunk on the premises within the passenger terminals; and (ii) the sale of wines and malt beverages to be drunk on the premises within the passenger terminals.

The licensing board for the city of Boston may grant restricted airport licenses to common victuallers duly licensed under chapter 140 and operating within the passenger terminals, subject to the approval of the alcoholic beverages control commission. Once issued to a licensee within the passenger terminals, the licensing board shall not approve the transfer of a restricted airport license to a location outside of the passenger terminals. A restricted airport license shall be nontransferable to any other person, corporation or organization operating outside the passenger terminals and shall be clearly marked 'nontransferable outside the passenger terminals at the airport' on its face. A restricted airport license, if revoked or no longer in use, shall be returned physically, with all of the legal rights and privileges pertaining thereto, to the licensing board which may then grant that license to a new applicant operating within the passenger terminals, consistent with this paragraph.

SECTION 79. Section 14 of said chapter 138, as so appearing, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:— Special license for the sale of all alcoholic beverages, or wines and malt beverages only, or either of them, may, as determined by the municipality, be issued by the local licensing authorities, to the responsible manager of any indoor or outdoor activity or enterprise or to the responsible manager of any nonprofit organization conducting any indoor or outdoor activity or enterprise.

SECTION 80. Section 15 of said chapter 138, as so appearing, is hereby amended inserting after the word 'licenses', in line 5, the following words:— , pursuant to the municipal plan as required by section 17.

SECTION 81. Section 16A of said chapter 138, as so appearing, is hereby further amended by striking out the word 'so', in line 11, and inserting in its place the words:— 'as determined by a municipality to be'.

SECTION 82. Said section 16A of chapter 138, as so appearing, is hereby further amended by striking out, in lines 14 and 15, the words ' , to the extent that the same are issuable under section seventeen'.

SECTION 83. Said section 16A of said chapter 138, as so appearing, is hereby further amended by striking out, in line 18, the words 'for the purposes of section seventeen'.

SECTION 84. Said chapter 138, as so appearing, is hereby amended by striking out section 17 and inserting in place thereof the following section:—

Section 17. A city or town shall determine the number of all alcoholic beverage or wine and malt beverage licenses issued by its local licensing authority under sections 12, 14, 15, and 15F, including the number of seasonal licenses.

Communities that seek to grant additional licenses on or after July 1, 2014 shall adopt a plan that is approved by the mayor, city council or board of selectman. Said plan shall determine the process of granting additional licenses; provided that: (1) a minimum of 1 public hearing regarding the plan is conducted by the city council, board of selectman or the governing body in said city or town; and (2) the city or town notify the ABCC of said public hearing.

The governing body of each city or town shall hold a public hearing, within 30 days of the date of the license application, regarding said application.

Unless expressly authorized by this chapter, local licensing authorities shall not grant licenses to any person, firm or corporation under more than one section of this chapter.

On or after July 1, 2014, the current number of licenses shall continue unless changed by the local governing body of each city or town under this section.

SECTION 85. Section 29 of said chapter 138, as so appearing, is hereby further amended by striking out, in lines 20 to 23, inclusive, the words ‘; but a license issued to a registered pharmacist under said section shall be included in computing the number of licenses that may be granted in any city or town as provided in section seventeen’.

SECTION 86. Sections 17A to 17C, inclusive, of said chapter 138 are hereby repealed.”

The amendment was rejected.

Mr. Beaton then moved to amend the bill by adding the following four sections:

“SECTION 74. Section 5 of said chapter 59, as so appearing, is hereby amended by striking out clause Forty-fifth and inserting in place thereof the following clause:—

Forty-fifth, Any solar or wind powered system that is capable of producing not more than 125 per cent of the annual energy needs of the property upon which it is located, including contiguous property under the same ownership. Any other solar and wind powered system capable of producing energy shall be exempt provided that the owner has made to the city or town where the system is located a payment in lieu of taxes. A city or town, acting through the board or officer authorized by its legislative body, may execute an agreement for the payment in lieu of taxes with the owner of a solar wind powered system in the municipality where the solar or wind powered system is located. Unless other provided by such agreement, (1) a notice of the payment in lieu of tax owed for each fiscal year shall be mailed to the owner and due on the dates by which a tax assessed under this chapter would be payable without interest; (2) all provisions of law regarding billing and collecting a tax assessed under this chapter shall apply to the payment in lieu of taxes, including the payment of interest; and (3) upon issuance of the notice, the owner shall have the remedies provided by section 59 and section 64 and all other applicable provisions of law for the abatement and appeal of taxes upon real estate. An exemption under this clause shall be allowed only for a period of 20 years from the date of installation of the system; provided, however, that no exemption shall be allowed for any year within that period where the solar or wind powered system is not capable of producing energy as required by this clause. Each owner shall annually, on or before March 1, make a declaration under oath to the assessors regarding the system and power generated for the previous calendar year. This clause shall not apply to projects developed under section 1A of chapter 164.

SECTION 75. Subsection (b) of section 38H of said chapter 59, as so appearing, is hereby amended by inserting after the first sentence the following sentence:— For purposes of this section, a generation

Economic
growth.

facility shall not include a facility powered by sun or wind to generate electricity.

SECTION 76. Clause Forty-fifth of section 5 of chapter 59 of the General Laws shall not apply to solar and wind powered systems for which the owner has a signed agreement with the city or town to make a payment in lieu of taxes under section 38H(b) of chapter 59 as of the effective date of this act.

SECTION 77. Sections 1 and 2 shall apply to taxes assessed for fiscal years beginning on or after July 1, 2014.”.

The amendment was rejected.

Mr. Donato of Medford being in the Chair,—

Mr. Golden of Lowell moved to amend the bill by adding the following two sections:

“SECTION 74. Section 3 of chapter 40A of the General Laws, as appearing in the 2012 Official Edition, is hereby amended by inserting at the end thereof the following paragraph:—

No zoning ordinance or by-law shall prohibit, regulate or restrict collocation of wireless facilities on existing structures in a manner inconsistent with chapter 43F.

SECTION 75. The General Laws are hereby amended by inserting after chapter 43E, the following chapter:—

CHAPTER 43F.

Expedited Collocation Permitting.

Section 1. As used in this chapter the following words shall, unless the context clearly requires otherwise, have the following meanings:—

‘Antenna’, communications equipment that transmits and receives electromagnetic radio signals used in the provision of all types of wireless communications services.

‘Applicant’, any person engaged in the business of providing wireless communications services or the wireless communications infrastructure required for wireless communications services who submits a collocation application.

‘Building Permit’, a permit issued by an issuing authority prior to the collocation of wireless facilities, solely to ensure that the work to be performed by the applicant satisfies the state building code.

‘Collocation’, the placement, installation, replacement, upgrade or modification of wireless facilities on or in existing structures or wireless support structures that have been previously approved by an issuing authority and are capable of structurally supporting the attachment of wireless facilities in compliance with the state building code. The term collocation includes the placement, installation, replacement, upgrade or modification of wireless facilities within a previously approved equipment compound, but does not include a substantial modification. The term collocation excludes the placement or installation of wireless facilities on the exterior of an existing structure listed on the national or state register of historic structures unless the Massachusetts historical commission’s state historic preservation officer has made a finding that this placement or installation either would have no effect or no adverse effect on the characteristics of the building or structure or that any adverse effect will be eliminated, minimized or, mitigated.

‘Collocation Application’, a request submitted by an applicant to an issuing authority for collocation of wireless facilities on an existing structure or wireless support structure.

‘Equipment Compound’, an area surrounding or near the base of an existing structure within which wireless facilities are located.

‘Existing Structure’, any structure previously approved by an issuing authority that is capable of supporting the attachment of existing wireless facilities in compliance with the state building code, including, but not limited to, towers, buildings and water towers. The term shall not include any utility pole.

‘Issuing Authority’, a local board, commission, department or other municipal entity that is responsible for granting the approval or otherwise involved in administrative decisions relative to the construction, installation, modification, or siting of wireless facilities and wireless support structures.

‘Substantial Modification’, the mounting of a proposed wireless facility on a wireless support structure which: (a) increases the existing vertical height of the structure and existing wireless facilities by (i) more than 10 per cent, or (ii) the height of one additional antenna array with separation from the nearest existing antenna not to exceed 20 feet, whichever is greater; (b) involves adding an appurtenance to the body of an existing wireless support structure that protrudes horizontally from the edge of the wireless support structure more than 20 feet, or more than the width of the existing wireless support structure at the level of the appurtenance, whichever is greater, provided that a substantial modification shall not include an appurtenance necessary to shelter the antenna from inclement weather or to connect the antenna to the tower via cable; (c) increases the area of the existing equipment compound by more than 2,500 square feet; or (d) adds to or modifies an existing structure or wireless support structure by removing previously approved conditions placed on the existing structure or wireless support structure to camouflage, disguise, or hide a wireless facility.

‘Utility Pole’, a structure owned or operated by a public utility, municipality, electric membership corporation or that is designed specifically for and used to carry lines, cables, or wires for telephony, cable television, or electricity or to provide lighting. This term shall not apply to towers, overhead wires and associated overhead structures used exclusively in the transmission but not the distribution of electricity.

‘Water Tower’, a water storage tank, or a standpipe or an elevated tank situated on a support structure, originally constructed for use as a reservoir or facility to store or deliver water.

‘Wireless Support Structure’, a freestanding structure, such as a monopole or tower, designed to support wireless facilities. This term does not include utility poles.

‘Wireless Facility’, the set of equipment and network components, exclusive of the underlying wireless support structure, including, but not limited to utility or transmission equipment, antennas, cables, transmitters, receivers, base stations, power supplies, generators, batteries, equipment buildings, cabinets, storage sheds and all other associated equipment and installations that may be involved in providing wireless communications services.

Economic
growth.

Section 2. Notwithstanding any other general or special law, ordinance, by-law, rule or regulation to the contrary, each issuing authority shall follow the following process for reviewing and deciding collocation applications:

(a) Collocation applications shall be reviewed for conformity with state building code requirements but shall not otherwise be subject to zoning or land use requirements.

(b) The issuing authority, within 90 days of receiving a collocation application, shall: (i) review the collocation application in light of its conformity with applicable building permit requirements and consistency with this chapter. A collocation application is considered complete unless the issuing authority notifies the applicant in writing, within 30 calendar days of submission of the collocation application, of the specific deficiencies in the collocation application which, if cured, would make the collocation application complete. Upon receipt of a timely written notice that a collocation application is deficient, an applicant may take 15 calendar days from receiving that notice to cure the specific deficiencies. If the applicant cures the deficiencies within 15 calendar days, the collocation application shall be reviewed and processed within 90 calendar days from the initial date the collocation application was received; (ii) make its final decision to approve or disapprove the collocation application; and (iii) advise the applicant in writing of its final decision.

(c) an applicant aggrieved by the final decision of an issuing authority with respect to a collocation application subject to this chapter, or by the issuing authority's failure to act on such a collocation application within the 90 calendar days, may bring an action for judicial review pursuant to section 4 of chapter 249 within 60 days after the receipt by the applicant of the final decision of the issuing authority or within 60 days after the failure of the issuing authority to take final action within the required time, as applicable, in the land court department or the superior court department in which the land concerned is situated.

Section 3. Notwithstanding any other general or special law, ordinance, by-law, rule or regulation to the contrary, an issuing authority shall not:

(a) Evaluate a collocation application based on the availability of other potential locations for the placement of wireless support structures or wireless facilities;

(b) Dictate the type of wireless facilities, infrastructure or technology to be used by the applicant;

(c) Require the removal of existing wireless support structures or wireless facilities, wherever located, as a condition to approval of a collocation application;

(d) Evaluate a collocation application based on perceived environmental or health effects of radio frequency emissions contrary to 47 U.S.C. section 332(c)(7)(b)(iv) or impose environmental testing, sampling, or monitoring requirements for radio frequency emissions on wireless facilities that are excluded under the Federal Communication Commission's rules for radio frequency emissions, including 47 CFR 1.1307(b)(1), or otherwise establish, apply, or enforce regulations or procedures for radio frequency signal strength or the adequacy of service quality;

(e) Impose any restrictions or requirements with respect to objects in navigable airspace that are greater than or in conflict with the restrictions imposed by the Federal Aviation Administration;

(f) Prohibit or regulate the placement or operation of emergency power systems that serve wireless facilities and that comply with the state building code and federal and state environmental requirements; or

(g) Charge an application fee, consulting fee or other fee associated with the submission, review, processing and approval of a collocation application that is not required for similar types of commercial development within the issuing authority's jurisdiction. Fees imposed by an issuing authority or by a third-party entity providing review or technical consultation to the issuing authority must be based on actual, direct and reasonable administrative costs incurred for the review, processing and approval of a collocation application, but in no case should total charges and fees exceed \$1,000. Notwithstanding the foregoing: (i) an issuing authority or any third-party entity shall not include within its charges any travel expenses incurred in a third-party's review of a collocation application; and (ii) an applicant shall not be required to pay or reimburse an issuing authority for consultant or other third party fees based on a contingency or result-based arrangement.

The amendment was adopted

Mr. Scibak of South Hadley moved to amend the bill by adding the following three sections:

“SECTION 76. Section 165 of Chapter 112, as appearing in the 2012 Official Edition, is hereby amended by striking out the fourth paragraph and inserting in place thereof the following paragraph:—

The board may issue a license to an applicant as an applied behavior analyst; provided, however, that each applicant, in addition to complying with clauses (1) and (2) of the first paragraph shall provide satisfactory evidence to the board that the applicant:

(1) has successfully completed a doctoral degree program from a recognized educational institution in which the doctoral program included a minimum of 60 graduate credit hours in courses related to the study of behavior analysis or a master's degree program from a recognized educational institution wherein the master's program included a minimum of 30 graduate credit hours in courses related to the study of behavior analysis, or for individuals with a masters or doctoral degree in another field of human services, successful completion of a board-approved certificate program in behavior analysis from a recognized educational institution combined with the successful completion of an approved course sequence formally approved by the board;

(2) has successfully completed a practicum or supervised experience in the practice of behavior analysis that meets the standards established by the board; and

(3) has successfully passed a board-approved examination related to the principles and independent practice of applied behavior analysis.

SECTION 77. Chapter 429 of the Acts of 2012 is hereby amended by striking out Section 10 and inserting in place thereof the following section:—

Section 10. Notwithstanding section 165 of chapter 112 of the General Laws, an applicant who applies to be licensed as an applied behavior analyst within 24 months after the promulgation of rules and regulations

Economic
growth.

under section 12 may be granted status as a licensed applied behavior analyst, subject to the approval of the board of registration of allied mental health and human services professions, if: (i) the applicant is a board-certified behavior analyst certificant of the Behavior Analysis Certification Board; (ii) the applicant has graduated with a doctoral degree from a recognized educational institution and the doctoral program included a minimum of 60 graduate credit hours in courses related to the study of applied behavior analysis; (iii) the applicant has graduated with a master's degree from a recognized educational institution and the master's program included a minimum of 30 graduate credit hours in courses related to the study of behavior analysis or (iv) the applicant has graduated with a masters or doctoral degree in another field of human services and has successfully completed a certificate program in behavior analysis from a recognized educational institution, and can demonstrate that the applicant has practiced as an applied behavior analyst full-time or equivalent part-time for a minimum of 5 years. An applicant who is granted a license under this section may renew the license biennially if the applicant completes and, when requested, provides evidence to the board of such completion of the prescribed minimum number of hours of continuing education.

SECTION 78. Section 11 of Chapter 429 of the Acts of 2012 is hereby amended by striking out the word '4' and inserting in place thereof the following word:— 24.”

The amendment was adopted.

Mr. Scibak then moved to amend the bill by adding the following section:

“SECTION 79. WHEREAS, many laws and regulations governing the alcoholic beverages industry in Massachusetts have become archaic or have been amended so frequently that their interpretation has become vague and misleading; and

WHEREAS, consumers, manufacturers, sellers and distributors have been adversely affected as a result of this confusion; and

WHEREAS, the alcoholic beverages industry contributes substantially in tax revenues for the commonwealth; and

WHEREAS, the economic future of the commonwealth will be strengthened by the simplification of laws and regulations pertaining to commerce; it is therefore

RESOLVED, that a special commission is hereby established for the purposes of making an investigation and study relative to the simplification and streamlining of laws and regulations pertaining to the alcoholic beverages industry, including but not limited to the effectiveness of the alcohol franchise law and the quota system. The commission shall review all laws and regulations pertaining to alcoholic beverages industry in general, as codified in chapter 138 of the General Laws, and shall report measures necessary to implement proper reform of the existing statutes in this area, including recommended legislation for the next legislative session. The commission shall consist of the following: 3 members of the senate, 1 of whom shall be the senate president or a designee who shall serve as co-chair, 1 of whom shall be the senate minority leader or a designee, and 1 of whom shall be appointed by the senate president; 3 members of the house of representatives, 1 of whom shall be the speaker or a designee who shall serve

as co-chair, 1 of whom shall be the house minority leader or a designee, and 1 of whom shall be appointed by the speaker; 2 members of the Massachusetts Alcoholic Beverages Control Commission to be appointed by the Treasurer, 1 of whom shall be the commissioner or a designee; and 10 persons to be appointed by the Governor, 2 of whom shall be representatives of the retail alcohol industry, 2 of whom shall be representatives of the wholesale alcohol industry, 2 of whom shall be representatives of the malt beverages industry, 2 of whom shall be representatives of the wine and spirits industry, 1 of whom shall be a representative of the restaurant industry, 1 of whom shall be a representative of the Massachusetts Chiefs of Police Association.

This resolve shall become effective July 31, 2014. All appointments shall be made not later than 30 days after the effective date of this resolve. The chairpersons shall meet with the commission not later than 60 days after the effective date of this resolve.

Members shall not receive compensation for their services but may receive reimbursement for the reasonable expenses incurred in carrying out their responsibilities as members of the commission.

Not later than July 31, 2015, the commission shall report to the general court the result of its investigation and study and its recommendations, if any, together with drafts of legislation necessary to carry its recommendations into effect by filing the same with the clerk of the house of representatives who shall forward the same to the joint committee on consumer protection and professional licensure.”

The amendment was adopted.

Ms. Ferrante of Gloucester and other members of the House then moved to amend the bill by adding the following section:—

“SECTION 80. Section 16G of Chapter 6A of the General Laws is hereby amended by inserting after subsection (1) the following subsection:

Subsection (m). The Secretary of Housing and Economic Development shall prepare annually a strategic report in conjunction with the Secretary of Energy and Environmental Affairs for the Commonwealth’s commercial fishing and shellfish industry. The Secretary shall annually evaluate the status of the commercial fishing industry and it shall be accompanied by recommendations for appropriate actions to be taken to maintain and revitalize the commercial fishing, shellfish and seafood industry.

In order to carry out the provisions of this chapter the secretaries may, and are encouraged to seek the laboratory, technical, educational, and research skills and facilities of state institutions of higher learning.”

The amendment was adopted.

Mr. Chan of Quincy then moved to amend the bill in section 29 (as published), in lines 849 and 850, by striking out the words “committee on ways and means, the chairs of the joint committee on labor and workforce development, and,” and inserting in place thereof the words “committees on ways and means, the chairs of the joint committee on labor and workforce development, the chairs of the joint committee on community development and small business and”.

The amendment was adopted.

Ms. Cole of Peabody and other members of the House then moved to amend the bill by adding the following section:

Economic
growth.

“SECTION 81. Chapter 3 of the General Laws is hereby amended by inserting after section 38B the following section:—

Section 38B½. The committee on ways and means of each branch of the general court shall conduct no less than 6 public hearings on bills referred to them that purport to establish, increase or expand any new or existing taxes or fees. The committees shall give 3 days’ public notice prior to holding such public hearings. Each hearing shall be conducted in a distinct geographical region of the commonwealth.”

After remarks the amendment was rejected.

Mr. Fernandes of Milford then moved to amend the bill in section 29, in line 821, by inserting after the word “workers” the following: “(9) to facilitate the purchase of manufacturing related equipment by vocational technical high schools.” The amendment was adopted.

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

“SECTION 81. Chapter 183A of the General Laws is hereby amended by striking out section 16, as appearing in the 2010 Official Edition, and inserting in place thereof the following section:—

Section 16. The owners of any land may submit that land under this chapter by the recording in the registry of deeds of a master deed or, if all of the land is registered under chapter 185 and the owners do not wish to withdraw the land from the operations of said chapter 185, by filing the master deed under said chapter 185. If the whole or a portion of the land desired to be submitted under this chapter is registered land under said chapter 185, such recording of a master deed shall be a sufficient ground for withdrawal of the registered land from said chapter 185.

SECTION 81A. Chapter 185 of the General Laws is hereby amended by striking out section 52, as so appearing, and inserting in place thereof the following section:—

Section 52. The obtaining of a judgment of registration and the entry of a certificate of title shall be regarded as an agreement running with the land and binding upon the plaintiff and the plaintiff’s successors in title that the land shall be and forever remain registered land and subject to this chapter, unless withdrawn under this section or under section 16 of chapter 183A and except as provided in section 26.

If all of a parcel of land, the title to which is registered under this chapter, is acquired by the commonwealth or any agency, department, board, commission or authority of the commonwealth or any political subdivision thereof or any authority of any such political subdivision, such acquisition shall be a sufficient ground for withdrawal of the registered land from this chapter. The land shall be withdrawn upon the filing of a complaint with the court by the public entity that has acquired the registered land and the approval of the complaint by the court.

All of the owners of the fee simple estate in all of a parcel of land, the title to which has been registered under this chapter, may voluntarily withdraw the registered land from this chapter by filing a notice of voluntary withdrawal, endorsed by a justice of the land court as provided in this section, in the registry district of the land court where the land lies. Such notice of voluntary withdrawal shall be noted on the memorandum of encumbrances for the certificate of title. Upon the filing of such notice, the land shall be withdrawn from this chapter and shall become unregistered land and the owners shall hold title to the

land at the time of such filing free of all liens and encumbrances existing as of the time of filing of the notice, including adverse possession and prescriptive rights, as though a judgment of confirmation without registration effective as of the time of filing of the notice had been recorded under section 56A; provided, however, that the owner shall not hold title free of the encumbrances set forth or referred to in section 46 and those noted on the certificate of title or filed for registration before the filing of the notice of voluntary withdrawal.

As used in this section, 'notice of voluntary withdrawal' shall mean an instrument in writing signed and acknowledged by all owners of the land to be voluntarily withdrawn and contains the following information: names and addresses of all owners; the certificate of title number with the registration book and page numbers; the description of the land in the form contained in the certificate of title; and the street address of such land, if any, and which bears the endorsement of a justice of the land court approving the voluntary withdrawal as provided in this section. Upon filing with the land court of a complaint to withdraw land, the plaintiff shall deposit with the recorder a sum sufficient to cover costs of the proceeding. The court shall then appoint 1 of the examiners of title, who shall make a report to the court as to the identity of the current record owners and of all mortgagees and lessees with interests of record in the land. Unless, after notice is given to the mortgagees and lessees of record, an outstanding objection has been filed by a mortgagee or lessees of record, a justice of the land court shall approve the application and shall endorse the plaintiff's notice of voluntary withdrawal if: (i) the registered land constitutes less than all of the total area of a single parcel or of 2 or more contiguous parcels in common ownership; (ii) the registered land consists of less than 10 per cent of the portion of the land area to which an original certificate of title pertains and the rest of the land area to which that certificate pertains was conveyed under this chapter since the original registration; (iii) the owners of the registered land have submitted the land, or satisfy the court that they will submit the land, to chapter 183A or 183B or have created interests in the land to which said chapter 183B is applicable under section 3 of chapter 760 of the acts of 1987, or satisfy the court that they will create those interests; (iv) the owners of the registered land establish that the registered land is improved with an occupied building not used or occupied as or in connection with, and not designed or intended for use or occupancy as or in connection with, a 1 to 4 family residential dwelling; or (v) the court finds that the owners of the registered land have demonstrated other good cause for withdrawal under this section, including, but not limited to, economic hardship by reason of the land being registered which may include the burdens and expenses of further dividing the registered land into lots for separate conveyance. Notwithstanding any such outstanding objection, the application may be approved, unless the court determines there is good cause for the objection.

The justices of the land court shall establish rules and practices, including an appropriate filing fee for the application as are necessary to implement this section.

SECTION 81B. Section 62 of chapter 185 of the General Laws is hereby amended in the second sentence by inserting, between the word

Economic
growth.

‘instrument’ and the word ‘shall,’ a comma and the following words:— or by the presentation of a deed or other instrument executed on behalf of a corporation by a person or persons falsely purporting to be the president, vice president, treasurer, or assistant treasurer of such corporation.”.

The amendment was adopted.

Ms. Hogan of Stow then moved to amend the bill by inserting after section 4 the following section:

“SECTION 4A. Chapter 20 of the General Laws is hereby amended by striking out section 1, as appearing in the 2012 Official Edition, and inserting in place thereof the following section:—

Section 1. There shall be a department of agricultural resources under the supervision and control of a board of agriculture, hereinafter called the board. The board shall consist of 13 members, to be appointed by the governor, who shall be from diverse geographic regions of the commonwealth and shall represent diverse agricultural operations within the commonwealth.

At least 9 members of the board shall be farmers whose principal vocation is the production of food and fiber. Members shall be appointed for a term of 3 years, with no member serving more than 2 consecutive terms.

The board shall meet not less than 6 times a year or at the call of the chairman and at such times as shall be determined by its rules or at the request of the commissioner or the call of any 3 members. The chairman shall be annually appointed by a majority of said board present and voting thereon. Board members shall receive \$50 for each day or portion thereof spent in the discharge of their official duties not to exceed \$600 per year and shall be reimbursed for the travel to and from official board meetings and other expenses necessary to conduct such meetings.

There shall be a commissioner of agricultural resources who shall be appointed and may be removed by the secretary of environmental affairs with the approval of the governor. Said commissioner shall have charge of the administration of the department. The department may expend for traveling expenses of its employees incurred in the performance of their official duties and for other necessary expenses of the department, such sums as may be appropriated.”.

The amendment was adopted.

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

“SECTION 82. (a) Notwithstanding any general or special law to the contrary, for the days of August 16, 2014 and August 17, 2014, an excise shall not be imposed upon nonbusiness sales at retail of tangible personal property, as defined in section 1 of chapter 64H of the General Laws. For the purposes of this act, tangible personal property shall not include telecommunications, tobacco products subject to the excise imposed by chapter 64C of the General Laws, gas, steam, electricity, motor vehicles, motorboats, meals or a single item the price of which is in excess of \$2,500.

(b) For the days of August 16, 2014 and August 17, 2014, a vendor shall not add to the sales price or collect from a nonbusiness purchaser an excise upon sales at retail of tangible personal property, as defined

in section 1 of chapter 64H of the General Laws. The commissioner of revenue shall not require a vendor to collect and pay excise upon sales at retail of tangible personal property purchased on August 16, 2014 and August 17, 2014. An excise erroneously or improperly collected during the days of August 16, 2014 and August 17, 2014, shall be remitted to the department of revenue. This section shall not apply to the sale of telecommunications, tobacco products subject to the excise imposed by chapter 64C of the General Laws, gas, steam, electricity, motor vehicles, motorboats, meals or a single item the price of which is in excess of \$2,500.

(c) Reporting requirements imposed upon vendors of tangible personal property, by law or by regulation, including, but not limited to, the requirements for filing returns required by chapter 62C of the General Laws, shall remain in effect for sales for the days of August 16, 2014 and August 17, 2014.

(d) On or before December 31, 2014, the commissioner of revenue shall certify to the comptroller the amount of sales tax forgone, as well as new revenue raised from personal and corporate income taxes and other sources, pursuant to this act. The commissioner shall file a report with the joint committee on revenue and the house and senate committees on ways and means detailing by fund the amounts under general and special laws governing the distribution of revenues under chapter 64H of the General Laws which would have been deposited in each fund, without this act.

(e) The commissioner of revenue shall issue instructions or forms or promulgate rules or regulations, necessary for the implementation of this act.

(f) Eligible sales at retail of tangible personal property under sections 175 and 176 of chapter 64H are restricted to those transactions occurring on August 16, 2014 and August 17, 2014. Transfer of possession of or payment in full for the property shall occur on 1 of those days, and prior sales or layaway sales shall be ineligible.”

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. Jones; and on the roll call 132 members voted in the affirmative and 14 in the negative.

Amendment
adopted,—
yea and nay
No. 388.

[See Yeas and Nays No. 388 in Supplement.]

Therefore 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 83. Notwithstanding any general or special law to the contrary, every business corporation, organized under the laws of the commonwealth and incorporated in tax years beginning on or after January 1, 2014, shall be exempt from the minimum excise tax, established in sections 2, 2B, 38B and 39 of chapter 63 of the General Laws, for the first three taxable years following incorporation.”

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. Peterson of Grafton; and on the roll call 44 members voted in the affirmative and 102 in the negative.

Amendment
rejected,—
yea and nay
No. 389.

[See Yeas and Nays No. 389 in Supplement.]

Therefore the amendment was rejected.

Economic growth.

Mr. Swan of Springfield then moved to amend the bill in section 29 (as published), in line 825, by inserting after the word “workers.” the following paragraph:

“(9) establish research and demonstration projects for training entry-level employees in the work environment for upward mobility through the use of high intensity training methodologies to determine the most likely successful training models to provide upward mobility.”.

The amendment was adopted.

Messrs. Galvin of Canton and Kafka of Stoughton then moved to amend the bill by inserting after section 66 the following section:

“SECTION 66A. Notwithstanding any general or special law to the contrary, the department of housing and community development shall consider the town of Stoughton as an eligible location for the purposes of chapter 40R of the General Laws and shall assist the town in developing a plan to revitalize the town center by identifying projects that could accompany the construction of any planned new rail stations.”.

The amendment was adopted.

Mr. Conroy of Wayland and other members of the House then moved to amend the bill in section 2A, by inserting after item 7003-0605 the following item:

“7002-1074	Workforce Competitiveness Trust Fund to support job training aligned to the Commonwealth’s economic development strategy. The objectives of the fund shall include, but shall not be limited to, the following: development and implementation of employer and worker responsive programs to enhance worker skills, incomes, productivity and retention and to increase the quality and competitiveness of Massachusetts firms; training and helping the unemployed find suitable employment; improving employment opportunities for low-income individuals and low wage workers; improving wages to a level sufficient to support a family or to place individuals on a career path leading to such employment and wages; training vulnerable youths and adult to master basic academic skills and encouraging them to advance educationally developing occupational skills and becoming employed in jobs that have career potential; and training older and displaced workers for new occupations	\$1,000,000”.
------------	---	---------------

The amendment was adopted.

Mr. Conroy then moved to amend the bill by inserting after section 4 the following section:

“SECTION 4A. Chapter 23 of the General Laws is hereby amended by adding the following new section:—

Section 25. (a) There is hereby established a council on the underground economy.

The council shall coordinate joint efforts to combat the underground economy and employee misclassification, including efforts to: (1) foster compliance with the law by educating business owners and employees about applicable requirements; (2) conduct targeted investigations and enforcement actions against violators; (3) protect the health, safety and

benefit rights of workers; and (4) restore competitive equality for law-abiding businesses. For the purposes of this section, the term “underground economy” shall mean any individual or business that deals in cash or uses other means to conceal its true tax liability from government licensing, regulatory and taxing agencies, including, but not limited to, tax evasion or fraud, misclassification of employees, wage theft or the unreported payment of wages.

(b) The council shall consist of 17 members including: the secretary of labor and workforce development, or a designee, who shall serve as the chair; the director of the department of unemployment assistance, or a designee; the director of the department of industrial accidents, or a designee; the director of labor standards, or a designee; the commissioner of revenue, or a designee; the chief of the attorney general’s fair labor division, or a designee; the commissioner of the department of public safety, or a designee; the director of the division of professional licensure, or a designee; the executive director of the insurance fraud bureau, or a designee; and 8 persons appointed by the governor who represent government agencies. The council may create and appoint members to a subcommittee made up of members representing business, organized labor, not-for-profit organizations, government, the legislature and any political subdivision thereof including municipal governments, for the purposes of soliciting input.

(c) The council shall:

(1) facilitate timely information sharing among state agencies in order to advise or refer matters of potential investigative interest;

(2) identify those industries and sectors where the underground economy and employee misclassification are most prevalent and target council members’ investigative and enforcement resources against those sectors, including through the formation of joint investigative and enforcement teams;

(3) assess existing investigative and enforcement methods, both in the commonwealth and in other jurisdictions, and develop and recommend strategies to improve those methods;

(4) encourage businesses and individuals to identify violators by soliciting information from the public, facilitating the filing of complaints and enhancing the available mechanisms by which workers can report suspected violations;

(5) solicit the cooperation and participation of district attorneys and other relevant enforcement agencies, including the insurance fraud bureau, and establish procedures for referring cases to prosecuting authorities as appropriate;

(6) work cooperatively with employers, labor and community groups to diminish the size of the underground economy and reduce the number of employee misclassifications by, among other means, disseminating educational materials regarding the applicable laws, including the legal distinctions between independent contractors and employees, and increasing public awareness of the harm caused by the underground economy and employee misclassification;

(7) work cooperatively with federal, state and local social services agencies to provide assistance to vulnerable populations that have been exploited by the underground economy and employee misclassification, including, but not limited to, immigrant workers;

Economic
growth.

(8) identify potential regulatory or statutory changes that would strengthen enforcement efforts, including any changes needed to resolve existing legal ambiguities or inconsistencies, as well as potential legal procedures for facilitating individual enforcement efforts; and

(9) consult with representatives of business and organized labor, members of the general court, community groups and other agencies to discuss the activities of the council and its members and ways of improving its effectiveness.

(d) The council shall file an annual report with the governor and the clerks of the house of representatives and senate summarizing the council's activities during the preceding year. The report shall, without limitation: (1) describe the council's efforts and accomplishments during the year; (2) identify any administrative or legal barriers impeding the more effective operation of the council, including any barriers to information sharing or joint action; (3) propose, after consultation with representatives of business and organized labor, members of the legislature and other agencies, appropriate administrative, legislative or regulatory changes to strengthen the council's operations and enforcement efforts and reduce or eliminate any barriers to those efforts; and (4) identify successful preventative mechanisms for reducing the extent of the underground economy and employee misclassification, thereby reducing the need for greater enforcement. Reports of the council shall be made available on the webpage of the executive office of labor and workforce development.”; and by inserting after section 42 the following section:

SECTION 42A. Section 21 of chapter 62C of the General Laws is hereby amended by striking out, in lines 158 to 160, inclusive, the words ‘Joint Enforcement Task Force on the Underground Economy and Employee Misclassification, established by Executive Order 499,’ and inserting in place thereof the following words:— council on the underground economy established by section 25 of chapter 23.”.

The amendments were adopted.

Mr. Kaufman of Lexington then moved to amend the bill by adding the following section:

“SECTION 83. Chapter 6C of the General Laws is hereby amended by striking out section 20, as appearing in the 2012 Official Edition, and inserting in place thereof the following section:—

Section 20. Except as otherwise provided by law, any sale of real property shall be awarded, utilizing appropriate, competitive and customarily acceptable real estate disposition processes and procedures, to the bidder who is the highest responsible bidder, subject to any restrictions, covenants or conditions the department shall find that the public interest requires. Such processes and procedures may include, but shall not be limited to, absolute auction, contractual listing agreements with Massachusetts licensed real estate brokers, sealed bids and requests for price and development proposals. The department shall have the right to reject all bids submitted under such processes and procedures and to re-advertise for bids. Before any real property shall be so sold or conveyed, notice that such real property is for sale shall be publicly advertised in a newspaper with a circulation sufficient to inform the people of the city or town in which the real property to be sold is located, once a week for 3 successive weeks. Such advertisements shall state the

time and place where all pertinent information relative to the real property to be sold or conveyed may be obtained, the time and location of the auction, or the time and place for the submission of such bids and for the opening thereof, and that the department reserves the right to reject any or all such bids. The department may require, as evidence of good faith, that a deposit of a reasonable sum, to be fixed by the department, accompany the proposals or bids. This paragraph shall not be applicable to any sale of real property by the department to the commonwealth or any city, town or public instrumentality, nor to a sale of real property which is determined by the department to have a fair market value of \$100,000 or less.”

The amendment was rejected.

Ms. Peake of Provincetown and other members of the House then moved to amend the bill by adding the following section:

“SECTION 83. There shall be a special commission to investigate, analyze and study any barriers and hindrances to the ‘last mile’ connections to the broadband internet initiatives. The special commission shall consist of thirteen members including: six members appointed by the governor, one of whom shall be from western Massachusetts; one of whom shall be from central Massachusetts; one of whom shall be from Cape Cod and the Islands; one of whom shall be the director of a community development corporation located in Barnstable county; one of whom shall be the director of a community development corporation located in Berkshire county; and one of whom shall be the director of a community development corporation located elsewhere in the Commonwealth; the secretary of energy and environmental affairs, or a designee; the secretary of housing and economic development, or a designee; one member of the house appointed by the speaker; one member of the house appointed by the minority leader; one member of the senate appointed by the senate president; one member of the senate appointed by the minority leader; and the director of the Massachusetts broadband institute.

The commission study shall include, but not be limited to, any economic, technical, statutory or regulatory barriers or other hindrances to close ‘last mile’ connections being made. The commission shall submit its findings and recommendations, together with drafts of legislation necessary to carry those recommendations into effect by filing the same with the clerks of the house of representatives and senate, the house and senate committees on ways and means, and the joint committee on economic development and emerging technologies not later than January 15, 2015.”

The amendment was adopted.

Mr. Diehl of Whitman and other members of the House then moved to amend the bill by adding the following two sections:

“SECTION 84. Section 12 of chapter 156C, as so appearing, is hereby amended by striking subsection (d) of paragraph (9) and inserting in place thereof the following:—

The fee for the filing of the certificate of organization required by subsection (a) shall be waived for a first-time filing. The fee for the filing of the annual report required by subsection (c) shall be waived for any such limited liability company with five or fewer employees; or two hundred fifty dollars for any such limited liability company with greater

Economic
growth.

than five employees. Such fees shall be paid to the state secretary at the time the certificate of organization or the annual report is filed.

SECTION 85. Section 1.22 of chapter 156D, as so appearing, is hereby amended by inserting the following section:—

Section 1.22(a) The fee for the filing the certificate of organization for S Corporations, as defined by USC Section 1361, shall be waived for a first-time filing.”.

After remarks the amendment was rejected.

Mrs. Orrall of Lakeville then moved to amend the bill by adding the following section:

“SECTION 84. Section 1. Notwithstanding any general or special law to the contrary, for the days of July 27-31, 2014 an excise tax shall not be imposed upon meals purchased in restaurants, as those terms are defined in Section 6 of Chapter 64H of the General Laws, as appearing in the 2008 Official Edition.

Section 2. Notwithstanding any general or special law to the contrary, for the days of July 27-31, 2014, a restaurant in the commonwealth shall not add to the sales price or collect from a customer an excise upon sales of meals. The commissioner of revenue shall not require any restaurant to collect and pay excise upon sales of meals purchased on July 27-31, 2014. An excise erroneously or improperly collected during the days of July 27-31, 2014 shall be remitted to the department of revenue.

Section 3. Reporting requirements imposed upon restaurants by law or regulation, including, but not limited to, the requirements for filing returns required by chapter 62C of the General Laws, shall remain in effect for sales on the days of July 27-31, 2014.

Section 4. The commissioner of revenue shall issue instructions or forms, or promulgate rules or regulations, necessary for the implementation of this act.

Section 5. Eligible sales of meals purchased in restaurants are restricted to July 27-31, 2014.

Section 6. Notwithstanding sections 1-6, this Act shall not be applicable to the local option meals excise tax under Section 1-6 of Chapter 64L of the General Laws, as appearing in the 2008 Official Edition, which shall remain in full force and effect on July 27-31, 2014.”.

Pending the question on adoption of the amendment, Mr. Kulik of Worthington moved to amend it by adding the following section:

“SECTION 85. Notwithstanding any general or special law to the contrary, section 84, including sections 1 to 6, shall not take effect until such time as (i) the secretary of administration and finance, in consultation with the department of revenue, furnishes an analysis on the fiscal impacts of providing such a meals tax holiday, which shall include a cost-benefit analysis of the holiday’s impact on the state’s economy, including the revenue cost to the commonwealth, cities and towns, businesses; the current practices of other states; and any anticipated change in employment or business growth and ancillary economic activity; and (ii) legislation necessary to carry out the recommendations in the report has been filed with the joint committee on revenue and enacted pursuant to Part 2, Chap. 1, Sec. 1, Art. II of the Constitution.”.

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 Mr. Hill of Ipswich; and on the roll call 108 members voted in the affirmative and 38 in the negative.

Further amendment adopted,—yea and nay No. 390.

[See Yea and Nay No. 390 in Supplement.]

Therefore the further amendment was adopted.

The amendment offered by Mrs. Orrall, as amended, then also was adopted.

Mr. Mahoney of Worcester then moved to amend the bill by adding the following two sections:

“SECTION 86. Section 19 of chapter 159 of the General Laws, as appearing in the 2012 Official Edition, is hereby amended by inserting at the end thereof the following sentence:— The department may exempt any common carrier from any provision of this section upon a determination by the department, after notice and hearing, that such exemption to any such provision is in the public interest.

SECTION 87. Said chapter 159 is hereby further amended by adding the following section:—

Section 19F. (a) Notwithstanding section 19, a common carrier furnishing services described in paragraph (d) of section 12 may post on its website the rates, terms and conditions of any retail service it offers, renders or furnishes within the commonwealth. Section 19 shall not apply to any such retail service so posted, and such common carrier shall not be required to file with the department or obtain department approval of any schedule for such service. No such common carrier shall, except as otherwise provided in this chapter, charge, demand, exact, receive or collect a rate in excess of the rate as posted to its website in accordance with this paragraph. Upon written notice to the department, such company or carrier may withdraw any schedule, contract or agreement previously filed with the department under section 19 for any such retail service so posted under this paragraph. This subsection shall not apply to a rural telephone company as defined in 47 U.S.C. § 153 except upon approval of the department. Nothing in this section shall affect the authority of the department (1) to require 30 days’ notice to any affected consumer of any increase in rates for retail services so posted; (2) to require its prior approval of any increase in rates for residential basic exchange service offered by an incumbent local exchange carrier, as defined in 47 U.S.C § 251(h); (3) under sections 13, 14 and 20; or (4) over switched access or wholesale services.

(b) Common carriers shall electronically notify the department on the same business day of posting any change in rates and terms or conditions for a retail service posted under this section and thereby not subject to section 19, unless the department exempts a common carrier from this subsection.”

The amendment was adopted.

Mr. Kaufman of Lexington then moved to amend the bill in section 56, in line 1525, by inserting after the word “property”, the second time it appears, the following: “. Subparagraph (4) shall expire on July 31, 2019”; and 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:

Economic
growth.

“SECTION 88. Chapter 58 of the General Laws as appearing in the 2012 Official Edition is hereby amended by adding the following section:—

Section 52. No new tax shall be collected, assessed or payable until 3 months after the passage of the act in which the new tax was created.”.

The amendment was adopted.

Mr. Kulik of Worthington then moved to amend the bill by adding the following section:

“SECTION 89. The town of Montague is hereby authorized to utilize the provisions of General Law Chapter 40Q to develop telecommunications and broadband infrastructure in partnership with the town of Leverett.”.

The amendment was adopted.

Mr. Durant of Spencer then moved to amend the bill by adding the following section:

“SECTION 90. Section 3A of Chapter 23A of the General Laws as appearing in the 2012 Official Edition, is hereby amended by striking the number 35,000 and inserting in its place the following: 16,000.”.

The amendment was rejected.

Mr. Galvin of Canton then moved to amend the bill by adding the following section:

“SECTION 90. Notwithstanding any general or special law to the contrary, the department of housing and community development shall consider the town of Avon as an eligible location for the purposes of chapter 40R of the General Laws.”.

The amendment was adopted.

Ms. Fiola of Fall River and other members of the House then moved to amend the bill in section 2A, in item 7003-0605, by adding the following: “; provided further, that not less than \$100,000 shall be expended, in conjunction with Bristol Community College, to conduct a study on the causes of chronically high levels of unemployment and poverty and chronically low levels of educational attainment within the cities of Fall River and New Bedford and develop a comprehensive strategy to address these issues”. The amendment was adopted.

Mr. Madden of Nantucket then moved to amend the bill in section 2A, in item 7002-1506, by adding the following: “; provided further, that not less than \$50,000 for a Last Mile Broadband grant for broadband service from the town of Edgartown to the island of Chappaquiddick”; and the amendment was adopted.

Mr. Bradley of Hingham then moved to amend the bill by inserting after section 60 the following section:

“SECTION 60A. Item 7002-0021 in chapter 38 of the acts of 2013 is hereby amended by inserting at the end thereof the following words:— ; provided further, that not less than \$200,000 shall be expended to provide for reconfiguration and optimization of on and off-street parking and signage in the Town of Cohasset Downtown Business district.”.

The amendment was adopted.

Mr. Vega of Holyoke then moved to amend the bill in section 2A, in item 7003-0605, by adding the following: “; provided further, that not less than \$50,000 shall be expended for HolyokeWorks of Holyoke for their programs addressing the needs of low-skilled and older workers”. The amendment was adopted.

Ms. Story of Amherst then moved to amend the bill in section 2A, in item 7002-1506, by adding the following: “; provided further, that not less than \$75,000 shall be expended on the administration of economic development projects in the town of Amherst”; and the amendment was adopted.

Mr. Schmid and other members of the House then moved to amend the bill in section 2A, in item 7002-1506, by adding the following: “; provided further, that not less than \$50,000 shall be expended to conduct a feasibility study on the potential for converting, redeveloping or otherwise improving unused or underutilized public and private property”. The amendment was adopted.

Mr. Swan of Springfield then moved to amend the bill in section 2A, in item 7002-1506, by adding the following: “; provided further, that not less than \$250,000 shall be expended for a feasibility study of the ‘Court of Dreams’ project at the former York Street Jail property for a basketball court facility to host year-round basketball tournaments in the city of Springfield”; and the amendment was adopted.

Mr. Moran of Lawrence then moved to amend the bill, in section 2A, in item 7007-1201, by adding the following: “; provided further, that not less than \$20,000 shall be expended for the Greater Lawrence Community Boating Program to create summer jobs for low income high school students”. The amendment was adopted.

Mr. Brodeur of Melrose then moved to amend the bill by adding the following section:

“SECTION 91. Section 3 of chapter 194 of the Acts of 2012 is hereby amended by deleting ‘2014’ and replacing it with ‘2016’.”. The amendment was adopted.

Mr. Scaccia of Boston moved to amend the bill in section 2A, in item 7002-1506, by adding the following: “; provided further, that not less than \$300,000 shall be expended for the restoration and rehabilitation of the historic building located at 17 Fairmount Avenue in the Hyde Park neighborhood of Boston”. The amendment was adopted.

Messrs. Walsh of Framingham and Sannicandro of Ashland then moved to amend the bill in section 2A, in item 7002-1506, by adding the following: “; provided further, that not less than \$50,000 shall be expended on the administration of economic development projects in the town of Framingham.”; and the amendment was adopted.

The Chair (Mr. Donato of Medford) then placed before the House the question on suspension of Rule 1A in order that the House might continue to meet to meet beyond the hour of nine o’clock P.M.

Suspension
of Rule 1A.

On the question on suspension of Rule 1A, the sense of the House was taken by yeas and nays, as required under the provisions of said rule; and on the roll 123 members voted in the affirmative and 26 in the negative.

Rule 1A
suspended.—
yea and nay
No. 391.

[See Yea and Nay No. 391 in Supplement.]

Therefore Rule 1A was suspended.

Mr. Timilty of Milton then moved to amend the bill by adding the following section:

“SECTION 92. Notwithstanding the provisions of sections 11 and 17 of chapter 138 of the General Laws, the licensing authority of the town of Milton may grant an additional license for the sale of all alcoholic beverages to be drunk on the premises of the restaurant located at 554-558B Adams street in the town of Milton, which is owned by

Economic
growth.

Franklin Realty, LLC or its successor in interest; provided, however, that any successor in interest shall be subject to approval by the Milton board of selectmen and the Alcoholic Beverages Control Commission; provided, further, that an application to transfer the license to a successor in interest shall be granted and approved according to the standard for a new license; and provided further that all procedures set forth pursuant to section 15A of said chapter 138 shall be applicable thereto. The license shall be subject to all of said chapter 138, except said section 17. The licensing authority shall not approve the transfer of the license to any other location.”

The amendment was rejected.

Mr. Mariano of Quincy being in the Chair,—

Mr. Jones of North Reading and other members of the House then moved to amend the bill in section 34, in line 990, and also in section 44, in line 1259, by inserting after the following: “chapter 23A”, in each instance, the words “or within a city or town whose average seasonally adjusted unemployment rate, as reported by the executive office of labor and workforce development, is lower than the average seasonally adjusted unemployment rate of the commonwealth”. The amendments were adopted.

Mr. Mirra of West Newbury and other members of the House then moved to amend the bill by adding the following section:

“SECTION 92. Section 6 of chapter 62 of the General Laws, as appearing in the 2012 Official Edition, is hereby amended by inserting after subsection (r) the following new subsection:—

(s) There shall be a credit for any employer based in Massachusetts who hires a veteran upon an honorable discharge from at least 90 days of service. The credit shall be \$500 per month of employment for each newly hired full time veteran and \$750 per month of employment for each newly hired disabled veteran. The credit shall be available for the first 12 months of employment and shall not exceed \$50,000 per business in any calendar year. This section shall expire on July 1, 2019.”

Pending the question on adoption of the amendment, Mr. Kaufman of Lexington moved to amend it by adding the following section:

“SECTION 93. Notwithstanding any special or general law to the contrary, the provisions of section 93 shall not take effect until such time as the executive office of administration and finance and the department of revenue has furnished a study of its impact on the state’s economy and revenue cost to the commonwealth and its municipalities, including, but not limited to, a distributional analysis showing the impact on taxpayers, the current practice of other states and any anticipated change in employment and ancillary economic activity to the joint committee on revenue and until legislation has been filed and passed pursuant to Part 2, Chap. 1, Sec. 1, Art. II of the Constitution.”

The further amendment was adopted.

The amendment, as amended, then also was adopted.

Mr. Stanley of Waltham moved to amend the bill by adding the following section:

“SECTION 94. MGL chapter 23A section 3A is hereby amended by striking the definition of ‘Gateway Municipality’ and inserting its place the following:

‘Gateway Municipality’, a municipality with a population greater than 35,000 and less than 250,000 that meets at least two of the following criteria:

- a. A median income below the commonwealth average;
- b. A rate of educational attainment of a bachelor’s degree or above that is lower than the commonwealth average; or
- c. An increase of at least 25% enrollment of English language learners in the public school system over two consecutive school years.’.

The amendment was rejected.

Mr. Murphy of Weymouth then moved to amend the bill in section 2A, in item 7002-1506, by adding the following: “; provided further, that not less than \$100,000 shall be expended to provide for infrastructure improvements relative to the area of Columbian Square in South Weymouth”. 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 six sections:

“SECTION 94. Subsection (c) of section 3 of chapter 63B of the General Laws, as appearing in the 2012 Official Edition, is hereby amended by striking the first paragraph and inserting in place thereof the following:—

(c) For purposes of this chapter, there shall be four required installments for each taxable year, except as otherwise provided by this chapter. The first installment shall be paid on or before the fifteenth day of the third month of the taxable year and shall be equal to thirty-five percent of the required annual payment; the second installment shall be paid on or before the fifteenth day of the sixth month of the taxable year and shall be equal to twenty-five percent of the required annual payment; the third installment shall be paid on or before the fifteenth day of the ninth month of the taxable year and shall be equal to twenty-five percent of the required annual payment; and the fourth installment shall be paid on or before the fifteenth day of the twelfth month of the taxable year and shall be equal to the remaining fifteen percent of the required annual payment. Except as otherwise provided in this subsection, the term ‘required annual payment’ shall mean the lesser of:

SECTION 95. Subsection (c) of section 3 of chapter 63B of the General Laws, as appearing in the 2012 Official Edition, is hereby amended by striking the first paragraph and inserting in place thereof the following:—

(c) For purposes of this chapter, there shall be four required installments for each taxable year, except as otherwise provided by this chapter. The first installment shall be paid on or before the fifteenth day of the third month of the taxable year and shall be equal to thirty percent of the required annual payment; the second installment shall be paid on or before the fifteenth day of the sixth month of the taxable year and shall be equal to twenty-five percent of the required annual payment; the third installment shall be paid on or before the fifteenth day of the ninth month of the taxable year and shall be equal to twenty-five percent of the required annual payment; and the fourth installment shall be paid on or before the fifteenth day of the twelfth month of the taxable year and shall be equal to the remaining twenty percent of the required annual payment. Except as otherwise provided in this subsection, the term ‘required annual payment’ shall mean the lesser of:

Economic growth.

SECTION 96. Subsection (c) of section 3 of chapter 63B of the General Laws, as appearing in the 2012 Official Edition, is hereby amended by striking the first paragraph and inserting in place thereof the following:—

(c) For purposes of this chapter, there shall be four required installments for each taxable year, except as otherwise provided by this chapter. The first installment shall be paid on or before the fifteenth day of the third month of the taxable year and shall be equal to twenty-five percent of the required annual payment; the second installment shall be paid on or before the fifteenth day of the sixth month of the taxable year and shall be equal to twenty-five percent of the required annual payment; the third installment shall be paid on or before the fifteenth day of the ninth month of the taxable year and shall be equal to twenty-five percent of the required annual payment; and the fourth installment shall be paid on or before the fifteenth day of the twelfth month of the taxable year and shall be equal to the remaining twenty-five percent of the required annual payment. Except as otherwise provided in this subsection, the term ‘required annual payment’ shall mean the lesser of:

SECTION 97. Section 94 shall be effective for the taxable year beginning January 1, 2017 and ending December 31, 2017.

SECTION 98. Section 95 shall be effective for the taxable year beginning January 1, 2018 and ending December 31, 2018.

SECTION 99. Section 96 shall be effective beginning January 1, 2019 and thereafter.”.

The amendment was adopted.

Mr. Stanley of Waltham and other members of the House then moved to amend the bill in section 2, by inserting after item 7002-1506 the following item:

“7002-1507 For grants for the study and implementation of parking management plans in municipalities that, due to residential, commercial or industrial development, require the development of demand-based parking to meet the needs of visitors to the municipality whether they be employees, customers of businesses or tourists; provided, that municipalities that demonstrate an average daily visitor population or at least 30,000 shall be given priority grants up to \$100,000. The grants shall be administered by the executive office of housing and economic development, in consultation with the department of transportation \$1,000,000.00”.

The amendment was adopted.

Mr. Kulik of Worthington then moved to amend the bill in section 2A, in item 7003-0605, by adding the following: “; provided further, that not less than \$250,000 shall be provided to the Franklin County Community Development Corporation for the expansion of the Western Massachusetts Food Processing Center and Pioneer Valley Vegetable Venture”; and in said item by striking out the figures “500,000” and inserting in place thereof the figures “900,000.”. The amendments were adopted.

Mr. Sannicandro of Ashland and other members of the House then moved to amend the bill in section 2A, by inserting after item 7002-1074 (inserted by amendment) the following item:

“7003-0606 For employment training program for unemployed young adults with disabilities, provided that funds shall be awarded competitively by Commonwealth Corporation to community-based organizations with recognized success in creating strong collaborations with employers to consider young adults with disabilities; provided further that said organization shall provide extensive training and internship programming and ongoing post-placement support for participants and employers \$150,000”.

The amendment was adopted.

Mr. Hill of Ipswich then moved to amend the bill in section 2A, in item 7002-1506, by adding the following: “; provided further, that not less than \$50,000 shall be expended for the development of downtown Hamilton in the town of Hamilton”. The amendment was adopted.

Mr. Naughton of Clinton then moved to amend the bill in section 2A, in item 7002-1506, by adding the following: “; provided further, that not less than \$150,000 shall be expended for the establishment of a business incubator in the town of Northborough; provided further, that not less than \$150,000 shall be expended for the establishment of a business incubator in the town of Lancaster”; and the amendment was adopted.

Mr. Markey of Dartmouth then moved to amend the bill in section 2A, in item 7002-1506, by adding the following: “; provided further, that not less than \$125,000 shall be expended to promote and develop livestock processing facilities that utilize locally-raised animals”. The amendment was adopted.

Mr. Brodeur of Melrose then moved to amend the bill in section 2A, in item 7002-1506, by adding the following: “; provided further, that not less than \$50,000 shall be expended for infrastructure improvements for the promotion and growth of technology sector business in the town of Wakefield”; and the amendment was adopted.

Representatives Keefe of Worcester and Donahue of Worcester then moved to amend the bill in section 2A, in item 7002-1506, by adding the following: “; provided further, that not less than \$50,000 shall be expended for the development, outreach and coordination of employer partnerships in the city of Worcester”. The amendment was adopted.

Mr. Donato of Medford being in the Chair,—

Ms. Farley-Bouvier of Pittsfield then moved to amend the bill in section 2A, in item 7002-1506, by adding the following: “; provided further, that not less than \$50,000 shall be expended for the Berkshire Theatre Group to complete renovations to the warehouse space adjacent to the Colonial Theatre in the city of Pittsfield to establish a meeting and convention center”; and the amendment was adopted.

Representatives Parisella of Beverly and Ferrante of Gloucester then moved to amend the bill in section 2A, in item 7007-1201, by adding the following: “; provided further, that not less than \$100,000 shall be expended for North Shore Innoventures in Beverly”. The amendment was adopted.

Economic
growth.

Mr. Keenan of Salem and other members of the House then moved to amend the bill in section 2A, in item 7002-1506 by adding the following: “; provided further, that not less than \$250,000 shall be expended for a study to be conducted by the Seaport Advisory Council to recommend a plan to provide water transportation alternatives to enable water transportation options in and out of the Boston Convention and Exposition Center to various seaport districts”; and the amendment was adopted.

Mrs. O’Connell of Taunton and other members of the House then moved to amend the bill by adding the following three sections:

“SECTION 100. Section 152A of chapter 149 of the General Laws, as appearing in the 2010 Official Edition, is hereby amended by inserting after the word ‘responsibility’ , in line 8, the following words:— ; provided, however, that a supervisor in a quick service restaurant who serves patrons or customers and whose job duties do not qualify him or her as an employee employed in a bona fide executive capacity as defined in 29 C.F.R. §§541.100 (a)(2)-(4)et seq., shall qualify as a wait staff employee for purposes of this section.

SECTION 100A. Said section 152A of said chapter 149, as so appearing, is hereby further amended by inserting after the definition ‘Patron’ the following definition:—

‘Quick service restaurant’, an establishment selling food or beverages where products are served to patrons primarily over a sales counter or a drive up window sales point, where there is minimal or no direct service to patrons seated at tables, and where employees are paid at least the minimum required hourly wage for non-service employees pursuant to Chapter 151.

SECTION 100B. Nothing in this chapter shall prohibit an employer from establishing a policy prohibiting the acceptance of gratuities.”.

The amendment was adopted.

Mrs. O’Connell and other members of the House then moved to amend the bill by adding the following section:

“SECTION 101. Section 1. Chapter 64H of the General Laws, as appearing in the 2010 Official Edition, is hereby amended by inserting, after section 6, the following:—

Section 6A. The commissioner of revenue shall annually designate, by July 15 of each calendar year, a two-day weekend in August during which no excise shall be imposed upon non-business sales at retail in the commonwealth of tangible personal property, as defined in section 1 of this chapter, but for the purposes of this section, tangible personal property shall not include telecommunications, gas, steam, electricity, motor vehicles, boats, meals, or any single item whose price is in excess of \$2,500.

For the days designated by the commissioner pursuant to the provisions of this section, a vendor in the commonwealth shall not add to the sales price or collect from any non-business purchaser an excise upon sales at retail of tangible personal property, as defined in section 1 of this chapter. The commissioner of revenue shall not require any vendor to collect and pay excise upon sales at retail of tangible personal property purchased on said designated days. Any excise erroneously or improperly collected during the designated days shall be remitted to the department of revenue. This section shall not apply to

the sale of telecommunications, tobacco products subject to the excise imposed by chapter 64C of the General Laws, gas, steam, electricity, motor vehicles, motorboats, meals, or any single item whose price is in excess of \$2,500.

When choosing the designated days, the commissioner shall take into consideration the observance of any religious and secular days of observation occurring therein; provided further, that the commissioner shall designate such days so as to maximize the economic benefit to the commonwealth.

Reporting requirements imposed upon vendors of tangible personal property, by law or by regulation, including, but not limited to, the requirements for filing returns required by chapter 62C of the General Laws, shall remain in effect for sales for the days designated by the commissioner.

The commissioner of revenue shall issue instructions or forms, or promulgate rules or regulations, necessary for the implementation of this act.”

After remarks the amendment was rejected.

Mrs. O’Connell of Taunton and other members of the House then moved to amend the bill by adding the following section:

“SECTION 101. Section 5A of chapter 30A of the General Laws, as appearing in the 2012 Official Edition, is hereby amended by striking out, in line 2, the figure ‘12’ and inserting in place thereof the following figure:— 5.”

The amendment was rejected.

Mr. Barrows of Mansfield and other members of the House then moved to amend the bill by adding the following section:

“SECTION 101. No less than \$3,000,000 shall be expended for the purpose of designing a wastewater treatment plant in the Town of Norton to serve the MFN Wastewater District, created under Chapter 101 of the Acts of 2010.”

The amendment was rejected.

Mr. Lawn of Watertown then moved to amend the bill by adding the following section:

“SECTION 101. Section 42B of Chapter 63 of the General Laws, as appearing in the 2012 Official Edition, is hereby amended by adding the following subsection:—

(d) For the purposes of this section a limited partnership that is not a business corporation but that would otherwise qualify as a research and development corporation under the provisions of this section may be considered a research and development corporation when all partners are corporations, solely for purposes of claiming the exemptions available to research and development corporations under chapters 64H and 64I.”

The amendment was adopted.

Mr. Wagner of Chicopee and other members of the House then moved to amend the bill by adding the following section:

“SECTION 102. The Massachusetts Convention Center Authority is authorized to enter into a contract to conduct a feasibility study concerning the future use of the Springfield Civic Center Garage. Said study shall include: (i) a determination of the physical condition of the facility, and the estimated cost of restoration, rehabilitation, or demolition and reconstruction; (ii) an analysis of current supply and demand for parking

Economic
growth.

within the downtown Springfield area, and an assessment of future market conditions related to development that may be reasonably forecast to occur within the next five years; (iii) feasibility of incorporating additional components and uses into such renovation or reconstruction, including retail or other commercial uses, and connections to adjacent facilities for access to events and meetings; and (iv) analysis of potential funding sources for the cost of such renovation or reconstruction and potential revenue and operating expenses of a renovated or reconstructed facility. In contracting for and conducting such study the Authority shall consult with the Executive Office of Communities and Development, the City of Springfield, the Springfield Parking Authority, the Western Massachusetts Economic Development Council and the Springfield Business Improvement District.”.

The amendment was adopted.

Mr. deMacedo of Plymouth and other members of the House then moved to amend the bill in section 2A, in item 7002-1506, by adding the followings: “; provided further, that not less than \$50,000 shall be expended for Buzzards Bay downtown redevelopment.”. The amendment was adopted.

Mr. Dempsey of Haverhill then moved to amend the bill in section 2A

In item 7002-1502, in line 38, by striking out the figures “12,000,000” and inserting in place thereof the figures “17,000,000”;

In item 7002-1506, in line 57, by striking out the figures “1,500,000” and inserting in place thereof the figures “3,300,000”; and

In item 7007-1201, in line 92, by striking out the figures “2,000,000” and inserting in place thereof the figures “2,120,000”;

In section 41, in line 1045, by striking out the figures “10,000,000” and inserting in place thereof the figures “5,000,000”;

In section 57, in line 1615, by striking out the words “and/or” and inserting in place thereof the word “or”; 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 provide forthwith a business-friendly environment that will stimulate job growth and improve the ease with which businesses can operate in the markets they serve, and to coordinate economic development activities funded by 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 taken by yea and nays, at the request of Mr. Wagner of Chicopee; and on the roll call 125 members voted in the affirmative and 23 in the negative.

[See Yea and Nay No. 392 in Supplement.]

Therefore the bill (House, No. 4181, published as amended) was passed to be engrossed. Sent to the Senate for concurrence.

Order.

On motion of Mr. DeLeo of Winthrop,—

Ordered, That when the House adjourns today, it adjourn to meet the following Monday at eleven o’clock A.M.

Bill passed to
be engrossed,—
yea and nay
No. 392.

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 twelve o'clock A.M. (Thursday, June 12), (Mr. Donato of Medford being in the Chair), the House adjourned, to meet the following Monday at eleven o'clock A.M., in an Informal Session.