

**HOUSE . . . . . No. 1654**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

***Martin J. Walsh***

*To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:*

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act to clarify terms of collective bargaining agreements.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Martin J. Walsh</i>	<i>13th Suffolk</i>	<i>1/19/2011</i>
<i>Denise Provost</i>	<i>27th Middlesex</i>	<i>2/4/2011</i>
<i>Ellen Story</i>	<i>3rd Hampshire</i>	<i>2/4/2011</i>
<i>Anne M. Gobi</i>	<i>5th Worcester</i>	<i>2/3/2011</i>
<i>Timothy J. Toomey, Jr.</i>	<i>26th Middlesex</i>	<i>2/3/2011</i>
<i>Cheryl A. Coakley-Rivera</i>	<i>10th Hampden</i>	<i>2/3/2011</i>
<i>Sean Curran</i>	<i>9th Hampden</i>	<i>2/3/2011</i>
<i>Carlos Henriquez</i>	<i>5th Suffolk</i>	<i>2/3/2011</i>
<i>Christopher N. Speranzo</i>	<i>3rd Berkshire</i>	<i>2/3/2011</i>
<i>Kevin J. Murphy</i>	<i>18th Middlesex</i>	<i>2/3/2011</i>
<i>Rhonda Nyman</i>	<i>5th Plymouth</i>	<i>2/3/2011</i>
<i>Byron Rushing</i>	<i>9th Suffolk</i>	<i>2/3/2011</i>
<i>Kathi-Anne Reinstein</i>	<i>16th Suffolk</i>	<i>2/3/2011</i>
<i>Thomas A. Golden, Jr.</i>	<i>16th Middlesex</i>	<i>2/4/2011</i>
<i>John F. Keenan</i>		<i>2/4/2011</i>
<i>Brian M. Ashe</i>	<i>2nd Hampden</i>	<i>2/4/2011</i>
<i>Cleon H. Turner</i>	<i>1st Barnstable</i>	<i>2/4/2011</i>
<i>Lori A. Ehrlich</i>	<i>8th Essex</i>	<i>2/4/2011</i>

<i>Harold P. Naughton, Jr.</i>	<i>12th Worcester</i>	<i>2/4/2011</i>
<i>James J. O'Day</i>	<i>14th Worcester</i>	<i>1/20/2011</i>
<i>Steven M. Walsh</i>	<i>11th Essex</i>	<i>1/31/2011</i>
<i>Michael F. Rush</i>	<i>Norfolk and Suffolk</i>	<i>1/31/2011</i>
<i>Joyce A. Spiliotis</i>	<i>12th Essex</i>	<i>1/26/2011</i>
<i>Carl M. Sciortino, Jr.</i>	<i>34th Middlesex</i>	<i>1/26/2011</i>
<i>Jason M. Lewis</i>	<i>31st Middlesex</i>	<i>1/26/2011</i>
<i>Martha M. Walz</i>	<i>8th Suffolk</i>	<i>1/24/2011</i>
<i>James J. Dwyer</i>	<i>30th Middlesex</i>	<i>1/20/2011</i>
<i>Frank I. Smizik</i>	<i>15th Norfolk</i>	<i>1/20/2011</i>
<i>Alice K. Wolf</i>	<i>25th Middlesex</i>	<i>1/19/2011</i>
<i>Jennifer E. Benson</i>	<i>37th Middlesex</i>	<i>1/19/2011</i>
<i>Angelo J. Puppolo, Jr.</i>	<i>12th Hampden</i>	<i>1/19/2011</i>
<i>John P. Fresolo</i>	<i>16th Worcester</i>	<i>1/20/2011</i>
<i>Colleen M. Garry</i>	<i>36th Middlesex</i>	<i>1/24/2011</i>
<i>Sean Garballey</i>	<i>23rd Middlesex</i>	<i>1/24/2011</i>
<i>John H. Rogers</i>	<i>12th Norfolk</i>	<i>1/25/2011</i>
<i>Kay Khan</i>	<i>11th Middlesex</i>	<i>1/24/2011</i>
<i>David B. Sullivan</i>	<i>6th Bristol</i>	<i>1/28/2011</i>
<i>William Smitty Pignatelli</i>	<i>4th Berkshire</i>	<i>1/28/2011</i>
<i>Michael F. Kane</i>	<i>5th Hampden</i>	<i>1/28/2011</i>
<i>Christine E. Canavan</i>	<i>10th Plymouth</i>	<i>1/31/2011</i>
<i>John D. Keenan</i>	<i>7th Essex</i>	<i>1/31/2011</i>
<i>Christopher G. Fallon</i>	<i>33rd Middlesex</i>	<i>1/31/2011</i>
<i>Nick Collins</i>	<i>4th Suffolk</i>	<i>2/3/2011</i>
<i>Michael D. Brady</i>	<i>9th Plymouth</i>	<i>2/2/2011</i>
<i>Benjamin Swan</i>	<i>11th Hampden</i>	<i>2/4/2011</i>
<i>James M. Cantwell</i>	<i>4th Plymouth</i>	<i>2/4/2011</i>
<i>Stephen Stat Smith</i>	<i>28th Middlesex</i>	<i>2/4/2011</i>

**HOUSE . . . . . No. 1654**

By Mr. Walsh of Boston, a petition (accompanied by bill, House, No. 1654) of Martin J. Walsh and others for legislation to clarify the terms of certain public employee collective bargaining agreements. Public Service.

**The Commonwealth of Massachusetts**

**In the Year Two Thousand Eleven**

An Act to clarify terms of collective bargaining agreements.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1           WHEREAS, it is the General Court's intent to clarify and reaffirm, consistent with § 90  
2 of Chapter 23 of the General Laws and contrary to the conclusion reached by the Supreme  
3 Judicial Court in Boston Housing Authority v. Firemen and Oilers, Local 3, SEIU, SJC-10569  
4 (October 22, 2010), that public employers and employee organizations may voluntarily include a  
5 provision in a collective bargaining agreement to continue the terms of that agreement in excess  
6 of three years while the parties negotiate a successor agreement,

7           Whereas, the deferred operation of this Act would tend to defeat its purpose, which is to  
8 declare and clarify the intent of Chapter 150E, therefore it is hereby declared to be an emergency  
9 law, necessary for the immediate preservation of the public good.

10           Be it enacted by the Senate and House of Representatives in General Court assembled,  
11 and by the authority of the same as follows:

12 Chapter 150E § 7(a) is hereby amended to add the following at the end of the first  
13 sentence ". . . provided that a provision in the agreement setting forth that its terms remain in  
14 effect beyond three years while the parties negotiate a successor agreement is valid and  
15 enforceable. This proviso shall be applied retroactively to agreements that contained such a  
16 provision but otherwise expired prior to the effective date of this Act."

17 THEREFORE be it enacted.