

**NOTICE:** While reasonable efforts have been made to assure the accuracy of the data herein, this is **NOT** the official version of Senate Journal. It is published to provide information in a timely manner, but has **NOT** been proofread against the events of the session for this day. All information obtained from this source should be checked against a proofed copy of the Senate Journal.

## UNCORRECTED PROOF OF THE JOURNAL OF THE SENATE.



Monday, June 1, 1998.

Met at ten minutes past eleven o'clock A.M.

### *Reports.*

The following reports were severally read and sent to the House for its information:

A report of the Bureau of Special Investigations (under the provisions of Section 15D(6) of Chapter 22 of the General Laws) submitting a report of its activities for the month of April 1998 (received Wednesday, May 27, 1998); and

A report of the Department of Public Health (under the provisions of Sections 5 and 20 of Chapter 111 of the General Laws) relative to inspection of the Middlesex House of Correction (received Wednesday, May 27, 1998).

### *Reports of a Committee.*

Mr. Berry, for the committee on Steering and Policy, reported that the following matters be placed in the Orders of the Day for the next session:

The House bills

Relative to the taxation of certain real property (House, No. 4669);

Further regulating the construction of statutes (House, No. 4962); and

Further regulating requirements for licensing of elevator mechanics (House, No. 4974).

### *Papers from the House.*

A Bill designating a certain bridge in the Hyde Park section of the city of Boston as the Thomas J. Geraghty Bridge (House, No. 2036,— on petition),— **was read and, under Senate Rule 26, referred to the committee on Steering and Policy.**

A Bill relative to the charter of the town of Greenfield (House, No. 5381,— on petition) [Local approval received],— **was read and, under Senate Rule 26, placed in the Orders of the Day for the next session.**

### *Matter Taken Out of the Orders of the Day.*

There being no objection, the following matter was taken out of the Orders of the Day and considered, as follows:

The Senate Bill authorizing the Lynn Water and Sewer Commission to enter into contracts for the lease, financing, design and construction of modifications for the water works system and sewer works system and the operation, maintenance, repair and replacement of the water and wastewater treatment plants, pump stations and combined sewer overflow consolidation and treatment facilities (Senate, No. 2192), — was read a third time.

An amendment, previously presented by Mr. Clancy, was considered and adopted, as follows:

In section 1, by striking out, in line 25, the word "twelve".; by adding in the following paragraph:—

"(c) The request for proposals shall set forth the performance guarantees which the selected offeror will be required to meet in operating the water works system or the sewer works system as constructed or improved. The contract which is negotiated with

the selected offeror based on the request for proposals shall obligate the selected offeror to meet such performance guarantees, and shall set forth the minimum design requirements for such construction or improvements and the acceptance tests to be conducted upon the completion of the construction or improvements in order to demonstrate that the system is capable of meeting the performance guarantees.";

In section 2, by striking out the last paragraph and inserting in place thereof the following paragraph:—

"(d) Nothing in this section shall be interpreted to alter the governance of the Lynn Water and Sewer Commission established by chapter 381 of the acts of 1982.";

In section 6, by striking out, in lines 12 and 13, the words "two hundred and fifty thousand dollars" and inserting in place thereof the following figure:— "\$100,000".;

In section 7, by striking out, in line 11, the words "two hundred and fifty thousand dollars" and inserting in place thereof the following figure:— "\$100,000".; by striking out, in lines 28 to 35, inclusive, the words "; provided, further, that bids need not be solicited for the lease, financing, design, construction, operation, maintenance, repair and replacement of the combined sewer overflow consolidation and treatment facilities and the lease, financing, design, construction, operation, maintenance, repair and replacement of such facilities shall be procured pursuant to the provisions of this act notwithstanding the exclusion of such facilities from said initial contract or contracts".; by inserting after section 8 the following section:—

"SECTION 8A. All contracts or subcontracts for construction, renovation, modernization, improvement or capital improvements to the water and wastewater treatment plants, pump stations and combined sewer overflow consolidation and treatment facilities authorized by this act shall be awarded only to persons or entities whose bids or proposals are subject to such persons or entities being signatory to a project labor agreement with the appropriate labor organizations which shall include an obligation for such labor organizations and their constituent members not to strike with respect to the work on such construction project and which shall also establish uniform work rules and schedules for the project. Such project labor agreement shall be entered into in order to facilitate the timely and efficient completion of the construction of such improvements and to make available a ready and adequate supply of highly trained, skilled craft workers who shall provide a negotiated commitment to assure labor stability and labor peace over the life of the project. The applicable entity responsible for any new construction, renovation, modernization, improvement or capital improvement to said water and wastewater treatment plants, pump stations, combined sewer overflow consolidation and treatment facilities shall designate a general contractor, project manager or similar construction firm which is familiar in the negotiation and administration of project labor agreements to manage and oversee the construction of the project, including the development and implementation of labor relations policies for the project, and to instruct such general contractor, project manager or other construction firm to negotiate a mutually agreeable project labor agreement covering the above described work."; and by striking out section 10.

**The bill (Senate, No. 2231, printed as amended) was then passed to be engrossed.**

**Sent to the House for concurrence.**

### **Papers from the House.**

Petitions were referred, in concurrence, as follows:

Petition (accompanied by bill, House, No. 5557) of John J. Binienda and other members of the House relative to civil actions against persons convicted as drug dealers;

**Under suspension of Joint Rule 12, to the committee on the Judiciary.**

Petition (accompanied by bill, House, No. 5558) of John J. Binienda, Matthew J. Amorello, Stephen M. Brewer and David H. Tuttle for legislation to establish the Burncoat Pond watershed district in the towns of Leicester and Spencer;

**Under suspension of Joint Rule 12, to the committee on Local Affairs.**

A Bill enlarging the territory of the Warren Water District (House, No. 5206,— on petition),— was read.

**There being no objection, the rules were suspended, on motion of Mr. Nuciforo, and the bill was read a second time, ordered to a third reading, read a third time and passed to be engrossed, in concurrence.**

### **Engrossed Bills.**

The following engrossed bills (the first of which originated in the Senate), having been certified by the Senate Clerk to be rightly and truly prepared for final passage, were severally passed to be enacted and were signed by the President and laid before the Acting Governor for his approbation, to wit:

Making certain corrective changes in certain general and special laws (see Senate, No. 2101);

Relative to executors (see House, No. 2136, amended); and

Relative to elected officials in the town of Seekonk (see House, No. 4521).

### **Order Adopted.**

Ms. Wilkerson offered the following order, to wit:

*Ordered*, That, when the Senate adjourns today, it adjourn to meet tomorrow at ten o'clock A.M., pursuant to the provisions of Senate Rule 38B, for the purpose of considering the General Appropriation Bill (House, No. 5501), which shall be the only

matter placed in the Orders of the Day.

**The order was considered forthwith; and, there being no objection, it was adopted.**

On motion of Mr. Rauschenbach, at fourteen minutes past eleven o'clock A.M., the Senate adjourned to meet on the following day at ten o'clock A.M.