

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.



Thursday, October 1, 1998.

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

Report.

A report of the Pension Reserves Investment Management Board (under the provisions of Section 23(2A)(e)(i) of Chapter 32 of the General Laws) submitting a copy of the Board's Declaration of Trust, as amended on September 22, 1998 (received Friday, September 25, 1998),— **was placed on file.**

Petition.

Mr. Norton presented a petition (subject to Joint Rule 12) of Thomas C. Norton for legislation to amend a bond authorization for the Fall River refuse incinerator,— **and the same was referred, under Senate Rule 20, to the committees on Rules of the two branches, acting concurrently.**

Papers from the House

A communication from the Pension Reserves Investment Management Board (under Section 23(2A)(e)(i) of Chapter 32 of the General Laws) relative to the "Declaration of Trust" established by said board (House, No. 5821),— **was referred, in concurrence, to the committee on Public Service.**

A Bill relative to the taxation of certain real estate in the town of Marshfield (House, No. 5674,— substituted by amendment by the House for the report of the committee on Taxation, ought NOT to pass under Joint Rule 10,— on petition) [Local approval received],— **was read and, under Senate Rule 26, placed in the Orders of the Day for the next session.**

Resolutions.

Resolutions (filed by Mr. Rauschenbach) "honoring Lieutenant John C. Fitzpatrick on his retirement from the Orleans Police Department", were referred, under the rule, to the committee on Rules.

Subsequently, Mr. Norton, for the said committee, reported, recommending that the resolutions ought to be adopted; and they were considered forthwith, under a suspension of the rules, moved by Ms. Fargo, and adopted.

Resolutions (filed by Mr. Tisei) "congratulating the Reading Women's Club on the occasion of its one hundred and fifth anniversary", were referred, under the rule, to the committee on Rules.

Subsequently, Mr. Norton, for the said committee, reported, recommending that the resolutions ought to be adopted; and they were considered forthwith, under a suspension of the rules, moved by Ms. Fargo, and adopted.

Resolutions (filed by Mr. Tisei) "on the three hundred and fiftieth anniversary of the First Parish in Malden", were referred, under the rule, to the committee on Rules.

Subsequently, Mr. Norton, for the said committee, reported, recommending that the resolutions ought to be adopted; and they were considered forthwith, under a suspension of the rules, moved by Ms. Fargo, and adopted.

Resolutions (filed by Mr. Tisei) "congratulating the Wakefield Junior Women's Club on the occasion of its sixtieth anniversary", were referred, under the rule, to the committee on Rules.

Subsequently, Mr. Norton, for the said committee, reported, recommending that the resolutions ought to be adopted; and they were considered forthwith, under a suspension of the rules, moved by Ms. Fargo, and adopted.

Resolutions (filed by Ms. Walsh) "congratulating Andrew T. Stanton upon his elevation to the Rank of Eagle Scout", were referred, under the rule, to the committee on Rules.

Subsequently, Mr. Norton, for the said committee, reported, recommending that the resolutions ought to be adopted; and they were considered forthwith, under a suspension of the rules, moved by Ms. Fargo, and adopted.

Resolutions (filed by Ms. Walsh) "congratulating Matthew J. Bennington upon his elevation to the rank of Eagle Scout", were referred, under the rule, to the committee on Rules.

Subsequently, Mr. Norton, for the said committee, reported, recommending that the resolutions ought to be adopted; and they were considered forthwith, under a suspension of the rules, moved by Ms. Fargo, and adopted.

Resolutions (filed by Ms. Wilkerson) "honoring Sister Gloria H. Hill", were referred, under the rule, to the committee on Rules.

Subsequently, Mr. Norton, for the said committee, reported, recommending that the resolutions ought to be adopted; and they were considered forthwith, under a suspension of the rules, moved by Ms. Fargo, and adopted.

Resolutions (filed by Ms. Wilkerson) "honoring Brother Israel Lockhart", were referred, under the rule, to the committee on Rules.

Subsequently, Mr. Norton, for the said committee, reported, recommending that the resolutions ought to be adopted; and they were considered forthwith, under a suspension of the rules, moved by Ms. Fargo, and adopted.

Bill Previously Recalled from the Acting Governor Laid Before the Senate.

The engrossed Bill relative to certain nongroup health insurance products (see House, No. 5797) which, at a previous session, had been returned by His Honor the Lieutenant-Governor, Acting Governor, at the request of the Senate,— was laid before the Senate.

There being no objection, on motion of Ms. Melconian, the Senate reconsidered the vote by which, at a previous session, it had passed the bill to be enacted.

On motion of the same Senator, Senate Rule 49 was suspended.

Mr. Clancy presented an amendment striking out section 1 and inserting in place thereof the following section:

"SECTION 1. Subsection (a) of section 4 of chapter 176M of the General Laws, as most recently amended by section 195 of chapter 194 of the acts of 1998, is hereby further amended by inserting after paragraph (5) the following paragraph:—

(6) When a carrier replaces coverage for members in a closed health plan with coverage in a guaranteed issue health plan in the allowable three year period, nothing in this section shall preclude said carrier from maintaining rates or limiting rate increases for the members formerly in any of its closed health plans during the remainder of said period. If a carrier chooses to maintain rates or limit rate increase as provided for herein, the carrier shall do so to the same extent for every member in the same rating classification, including any age rate and area rate adjustment, within each closed health plan, and consistent with such rate adjustments as specified in this section. In no event shall such rates exceed the carrier's prevailing rates for the guaranteed issue health plan."

The amendment was adopted.

Sent to the House for concurrence in the amendment.

Papers from the House.

Engrossed Bills.

The following engrossed bills (the first three 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:

Providing for the annual observance of Special Needs Awareness Day (see Senate, No. 2172);

Relative to the recreation commission of the town of Swampscott (see Senate, No. 2255);

Further regulating the membership of the Board of State Examiners of Plumbers and Gas Fitters (see Senate, No. 2277);

Authorizing the town of Tyngsborough to issue an additional license for the sale of all alcoholic beverages to be drunk on the premises (see House, No. 5543); and

Authorizing the town of Palmer to issue an additional license for the sale of wines and malt beverages to be drunk on the premises (see House, No. 5618).

A Bill authorizing the town of Medway to abate a certain betterment (House, No. 5794,— on petition) [Local approval received],— was read.

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

Recess.

At eight minutes past eleven o'clock A.M., the President declared a recess subject to the call of the Chair; and, at twenty-two minutes before twelve o'clock noon, the Senate reassembled, the President in the Chair.

Papers from the House. *Emergency Preamble Adopted.*

An engrossed Bill relative to the terms of certain bonds and notes to be issued by the Commonwealth (see House Bill, printed in House, No. 5771), having been certified by the Senate Clerk to be rightly and truly prepared for final passage and containing an emergency preamble,— **was laid before the Senate; and, a separate vote being taken in accordance with the requirements of Article LXVII of the Amendments to the Constitution, the preamble was adopted, in concurrence, by a vote of 3 to 0. The bill was signed by the President and sent to the House for enactment.**

Engrossed Bill Returned to House by Acting Governor with Recommendation of Amendment.

The engrossed Bill relative to the reorganization of Franklin County (see House, No. 5807, amended),— having been returned to the House by His Honor the Lieutenant-Governor, Acting Governor, in accordance with the provisions of Article LVI of the Amendments to the Constitution, with recommendation of amendment (for message, see House, No. 5823),— came from the House, amended by striking out after the enacting clause and inserting in place thereof the following:

"SECTION 1. Section 567 of chapter 151 of the acts of 1996 is hereby amended by striking out subsection (j) and inserting in place thereof the following subsection:—

(j) Notwithstanding the provisions of any general or special law to the contrary, the sheriff of Franklin county shall become an employee of the commonwealth. Said sheriff shall remain an elected official under the provisions of section 159 of chapter 54 of the General Laws and shall be known as the Franklin sheriff. Said sheriff shall operate pursuant to the provisions of chapter 37 of the General Laws. Said sheriff shall retain administrative and operational control over the office of the sheriff, the jail and house of correction.

SECTION 2. Subsection (k) of said section 567 of said chapter 151 is hereby amended by striking out the fifth sentence and inserting in place thereof the following sentence:— Such temporary debt shall not exceed one-half of the amount of the most recent year's audited total revenues of the council of governments, except that, for the purpose of such borrowing in the year following the transfer of functions as provided for in subsection (a), revenues associated with such functions may not be included to establish such total base.

SECTION 3. Said subsection (k) of said section 567 of said chapter 151 is hereby further amended by adding the following sentence:— Notwithstanding the provisions of any general or special law to the contrary, the Franklin council of governments committee shall assess the Franklin county retirement system for the services of the director of finance in administering the retirement system; provided, however, that said assessment is based upon the hours devoted by the director of finance to such administration.

SECTION 4. Subsection (w) of said section 567 of said chapter 151, as amended by section 124 of chapter 204 of the acts of 1996, is hereby further amended by striking out the sixth and seventh sentences and inserting in place thereof the following five sentences:— Such proposal shall be voted upon by the legislative bodies of each town in the Franklin county region not later than June 30, 1998. Adoption of such charter proposal shall require a majority vote of the legislative bodies in a majority of the towns or a majority vote in a county wide election. Pursuant to chapters 53, 54, 55 and 55B of the General Laws, the state secretary shall place on the biennial election ballot the names of candidates for any generally elected positions created by any charter proposal established under this section. The nomination papers of candidates for any generally elected positions created by said charter proposal to be filled at a state election shall be signed by 500 voters. Candidates for election for any generally elected positions created by any charter proposal established under this section and the nonelected political committees organized on behalf of such candidates, if any, shall file reports of contributions received or expenditures made in accordance with section 18 of said chapter 55 on or before: (1) the eighth day preceding a biennial state election, and, as a final report, January 20 in the following year complete as to December 31 of the prior year; and (2) the eighth day preceding a special election, the thirtieth day following a special election, and, as a final report, January 20 in the following year complete as to December 31 of the prior year.

SECTION 5. This act shall take effect upon its passage."

The message of His Honor the Lieutenant-Governor, Acting Governor, was read.

The rules were suspended, on motion of Ms. Melconian, and the matter was considered forthwith.

The President stated that inasmuch as, under the provisions of Article LVI of the Amendments to the Constitution, the bill was "before the General Court subject to amendment and re-enactment", the bill was before the Senate subject to amendment.

The Senate then concurred in the adoption of the House amendment.

Recess.

At twenty minutes before twelve o'clock noon, the President declared a recess subject to the call of the Chair; and, at five minutes past one o'clock P.M., the Senate reassembled, the President in the Chair.

Papers from the House.

Engrossed Bills.

An engrossed Bill relative to the reorganization of Franklin County (see House, No. 5807, amended) (which originated in the House), having been certified by the Senate Clerk to be rightly and truly prepared for final passage, was passed to be re-enacted and was signed by the President and again laid before the Acting Governor for his approbation.

An engrossed Bill relative to the terms of certain bonds and notes to be issued by the Commonwealth (see House Bill, printed in House, No. 5771) (which originated in the House), having been certified by the Senate Clerk to be rightly and truly prepared for final passage, was passed to be enacted and was signed by the President and laid before the Acting Governor for his approbation.

Order Adopted.

On motion of Mr. Knapik,—

Ordered, That when the Senate adjourns today, it adjourn to meet again on Monday next at eleven o'clock A.M., and that the Clerk be directed to dispense with the printing of a calendar.

On motion of Mr. Knapik, at six minutes past one o'clock P.M., the Senate adjourned to meet on the following Monday at eleven o'clock A.M.