

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, May 4, 2000.

Met at three minutes past eleven o'clock A.M. (Ms. Melconian in the Chair).

Communication.

A communication was received from the President announcing the appointment of Kathleen A. Casavant and Kateri B. Walsh to the Commission on the Status of Women.

Reports.

A report of the Senate special committee established (under Senate Order, No. 2035 of 1999) to make an investigation and study relative to legislative proposals to allow for the primary enforcement of the seat belt law of the Commonwealth (Senate, No. 2194) (received May 4, 2000),— **was placed on file.**

The following reports were severally read and placed on file:

A report of the Massachusetts Community Development Finance Corporation (under the provisions of Section 137 of Chapter 133 of the Acts of 1992) submitting its report of the Urban Initiative Fund (received Monday, May 1, 2000); and

A report of the Department of Labor and Workforce Development (under the provisions of Section 362 of Chapter 127 of the Acts of 1999) submitting the consolidation of the administration of workforce development programs in the Commonwealth (received Tuesday, May 2, 2000).

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

Reports of the Department of Public Health (under the provisions of Sections 5 and 20 of Chapter 111) relative to the inspection of:

Western Massachusetts Correctional Alcohol Center (received Monday, May 1, 2000);

Hampshire County Jail and House of Correction (received Wednesday, May 3, 2000);

North Central Correctional Institution (received Wednesday, May 3, 2000);

M.C.I. Norfolk (received Wednesday, May 3, 2000); and

Hampden County Sheriff's Department (received Wednesday, May 3, 2000).

Petitions.

Petitions were presented and referred, as follows:

By Mr. Berry, a petition (subject to Joint Rule 12) of Frederick E. Berry for legislation relative to interest on retainage accounts for public works contracts; and

By Mr. Morrissey, a petition (subject to Joint Rule 12) of Michael W. Morrissey for legislation relative to the optional retirement program for certain public employees;

Severally, under Senate Rule 20, to the committees on Rules of the two branches, acting concurrently.

Reports of a Committee.

Mr. Brewer, 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 Senate Bill designating the Patricia McGovern riverfront park (Senate, No. 2165); and

The House bills

Relative to the operation of pet stores (House, No. 3224); and

Relative to salary revisions for elected officials in the towns of the Commonwealth (House, No. 4988).

PAPERS FROM THE HOUSE.

Messages were referred, in concurrence, as follows:

Message from His Excellency the Governor recommending legislation relative to opening parole hearings to victims and the public (House, No. 5118);

To the committee on the Judiciary.

Message from His Excellency the Governor (under the provisions of Section 8 of Article LXXXIX of the Amendments to the Constitution) recommending legislation relative to authorizing the town of Bolton to borrow money for the cleanup of gasoline contamination and related costs (House, No. 5136);

To the committee on Local Affairs.

Petitions were referred, in concurrence, as follows:

Petition (accompanied by bill, House, No. 5140) of Mary Jeanette Murray and Robert L. Hedlund (by vote of the town) that the town of Hingham be authorized to lease a certain parcel of park land located in said town;

To the committee on Local Affairs.

Petition (accompanied by bill, House, No. 5137) of Walter A. DeFilippi and Linda J. Melconian (by vote of the town) relative to the civil service status of employees of the city known as the town of West Springfield;

To the committee on Public Service.

A Bill authorizing the city of Fitchburg to grant a certain conservation restriction (House, No. 5061,— on petition) [Local approval received],— **was read and, under Senate Rule 26, placed in the Orders of the Day for the next session.**

A report of the committee on Health Care, asking to be discharged from further consideration of the message from His Excellency the Governor recommending legislation relative to establishing a health care access preservation trust (House, No. 5052), and recommending that the same be referred to the House committee on Ways and Means,— **was considered forthwith, under Senate Rule 36, and accepted, in concurrence, inasmuch as relates to the discharge of the joint committee.**

Notice was received from the House that the Speaker had announced that Representatives Larkin of Pittsfield, Lewis of Dedham and deMacedo of Plymouth had been appointed to the Special Legislative Task Force established (under the provisions of Section 5 of Chapter 172 of the Acts of 1999) for the purpose of making an investigation and study relative to the establishment of a statewide insurance and retirement plan for temporary disability, family medical related leave and retirement.

Committee Change.

The Chair (Ms. Melconian) announced the resignation of Senator Moore of Worcester and Norfolk as a member of the committee on Bills in the Third Reading and the appointment of Senator Brewer of Worcester, Hampden, Hampshire and Franklin to fill the vacancy.

Petition.

On motion of Mr. Rosenberg, Senate Rule 20 and Joint Rule 12 were suspended on the petition, presented by Mr. Antonioni (accompanied by bill) of Robert A. Antonioni, Brian Knuuttila, Emile J. Goguen, Mary Jane Simmons and other members of the General Court for legislation relative to authorizing and directing the Department of Public Health to conduct a study concerning the maintenance of a full service emergency room at the Burbank campus of Health Alliance in the city of Fitchburg,— **and the same was referred to the committee on Health Care.**

Sent to the House for concurrence.

Resolutions.

The following resolutions (having been filed with the Clerk) were severally considered forthwith and adopted, as follows:—

Resolutions (filed by Mr. Joyce and Ms. Walsh) “congratulating Canton’s World War II veterans on the occasion of receiving their high school diplomas”;

Resolutions (filed by Mr. Magnani) “on the occasion of Mental Health Counseling Week”;

Resolutions (filed by Mr. Magnani) “commending the nurses of Metro West Medical System”;

Resolutions (filed by Mr. Pacheco) “congratulating Christopher J. Lively of Bridgewater upon his elevation to the rank of Eagle Scout”;

Resolutions (filed by Ms. Tucker) “on the occasion of the one hundredth anniversary of Saint Augustine Parish in Andover”;

Resolutions (filed by Ms. Wilkerson) “honoring June Gary Hopps, PhD.”

PAPERS FROM THE HOUSE.

Petitions were referred, in concurrence, as follows:

Petition (accompanied by resolve, House, No. 5141) of Michael P. Cahill and Therese Murray relative to reviving and continuing the special commission (including members of the General Court) established to make an investigation and study concerning adolescents at risk;

Under suspension of Joint Rule 12, to the committee on Human Services and Elderly Affairs.

Petition (accompanied by bill, House, No. 5142) of Joseph C. Sullivan and Paul E. Caron that persons convicted of first degree murder, second degree murder or manslaughter be excluded from the distribution of the decedent’s property;

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

Order — Amended.

The following House Order (approved by the committees on Rules of the two branches, acting concurrently) was considered forthwith, as follows:

Ordered, That, notwithstanding the provisions of Joint Rule 10, the committee on Housing and Urban Development be granted until Friday, April 28, 2000, the time within which to make its final report on current Senate document numbered 2125.

Pending the question on adoption of the order, an amendment, presented by Mr. Panagiotakos, by striking out the words:—

“Friday, April 28, 2000” and inserting in place thereof the words: “Wednesday, May 31, 2000”,— was considered and adopted.

The order, as amended, was then adopted.

Sent to the House for concurrence in the amendment.

Order Adopted.

The following House Order (approved by the committees on Rules of the two branches, acting concurrently) was considered forthwith and adopted, in concurrence, to wit:

Ordered, That, notwithstanding the provisions of Joint Rule 10, the committee on Housing and Urban Development be granted until Wednesday, May 31, 2000, the time within which to make its final report on Senate document numbered 541.

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 House Bill authorizing the town of Kingston to grant an easement in certain parkland (House, No. 4140),— **was read a second time, ordered to a third reading, read a third time and passed to be engrossed, in concurrence.**

PAPERS FROM THE HOUSE.

The Senate Bill making appropriations for the fiscal year 2000 to provide for supplementing certain existing appropriations and for certain other activities and projects (Senate, No. 2181, amended),— came from the House passed to be engrossed, in concurrence, *with an amendment*:

Striking out all after the enacting clause and inserting in place thereof the text contained in House document numbered 5138, amended, in Section 2A by inserting after item 1599-3947 the following two items:

“1599-3952 For a reserve to meet the fiscal year 2000 costs of salary adjustments and other economic benefits authorized by the collective bargaining agreement between the board of higher education and Local 1067 of Council 93 of the American Federation of State, County and Municipal Employees, AFL-CIO, and to meet the fiscal year 2000 costs of salary adjustments and other economic benefits necessary to provide equal adjustments and benefits to employees employed in ‘confidential’ positions which otherwise would be covered by said agreement; provided, that the personnel administrator, with the approval of the secretary of administration and finance, shall determine such adjustments and benefits for ‘confidential’ employees in accordance with the provisions of the collective bargaining agreement then in effect which otherwise would cover said positions; provided further, that said secretary may transfer from the sum appropriated herein to other items of appropriation and allocations thereof for said fiscal year such amounts as are necessary to meet said costs where the amounts otherwise available are insufficient for the purpose, in accordance with a transfer plan which shall be filed in advance with the house and senate committees on ways and means; and provided further, that notwithstanding the provisions of any general or special law to the contrary, the comptroller shall charge to the Collective Bargaining Reserve Fund expenditures from the accounts which receive transfers from this item in amounts equal to the amounts of said transfers 3,330,000

Collective Bargaining
Reserve Fund 100.0%

1599-3953 For a reserve to meet the commonwealth’s obligations for fiscal years 2000 and 2001 pursuant to the provisions of section 3 of article 25 of the collective bargaining agreement between the board of higher education and Local 1067 of Council 93 of the American Federation of State, County and Municipal Employees, AFL-CIO, regarding an in-service training program, section 2 of article 29 of said agreement regarding a mediation and dispute resolution process, and section 6 of article 33 of said agreement regarding HR/CMS related training; provided, that the secretary of administration and finance may allocate or transfer during said fiscal year from the sum appropriated herein to other items of appropriation and allocations thereof for said fiscal years such amount as are necessary to meet the cost of said obligations; provided further, that such transfers shall be in accordance with a transfer plan which shall be filed in advance with the house and state committees on ways and means; and provided further, that this appropriation shall expire on June 10, 2001 375,000”.

The rules were suspended, on motion of Mr. Havern, and the House amendment was considered.
Mr. Montigny presented a further amendment in section 2 by adding the following item:

“2300-0106 66,000”;

and in section 2A by striking out item 1599-3952 and inserting in place thereof the following item:

“1599-3952 For a reserve to meet the fiscal year 2000 costs of salary adjustments and other economic benefits authorized by the collective bargaining agreement between the board of higher education and Local 1067 of Council 93 of the American Federation of State, County and Municipal Employees, AFL-CIO, and to meet the fiscal year costs of salary adjustments and other economic benefits necessary to provide equal adjustments and benefits to employees employed in ‘confidential’ positions, so-called, which otherwise would be covered by said agreement; provided, that \$136,499 shall be expended for health and welfare costs in accordance with section 2 of article 18 of said agreement; provided further, that the personnel administrator, with the approval of the secretary of administration and finance, shall determine such adjustments and benefits for confidential employees in accordance with the collective bargaining agreement then in effect which otherwise would cover such positions; provided further, that said secretary may transfer from the sum appropriated herein to other items of appropriation and allocations thereof for said fiscal year such amounts as are necessary to meet such costs where the amounts otherwise available are insufficient for the purpose, in accordance with a transfer plan which shall be filed in advance with the house and senate committees on ways and means; and provided further, that notwithstanding any general or special law to the contrary, the comptroller shall charge to the Collective Bargaining Reserve Fund expenditures from the accounts which receive transfers from this item in amounts equal to the amounts of such transfers 3,330,000

Collective Bargaining
Reserve Fund 100.0%

The further amendment was adopted.

The House amendment, as amended, was adopted.

Sent to the House for concurrence in the further amendment.

Recess.

There being no objection, at seventeen minutes past eleven o'clock A.M., the Chair (Ms. Melconian) declared a recess subject to the call of the Chair; and, at six minutes past twelve o'clock noon, the Senate reassembled, the President in the Chair.

PAPERS FROM THE HOUSE.

Emergency Preamble Adopted; Engrossed Bill Enacted.

An engrossed Bill making appropriations for the fiscal year 2000 to provide for supplementing certain existing appropriations and for certain other activities and projects (see Senate, No. 2181, amended), 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 2 to 0.**

The bill was signed by the President and sent to the House for enactment.

Subsequently, the bill, which originated in the Senate, came from the House with the endorsement that it had been enacted in that branch.

The Senate then passed the bill to be enacted; and it was signed by the President and laid before the Governor for his approbation.

A Bill relative to school closings in the city of Woburn (House, No. 4987,— on petition) [Local approval received],— was read. There being no objection, the rules were suspended, on motion of Mr. Tisei, and the bill was read a second time.

Pending the question on ordering the bill to a third reading, Messrs. Havern and Shannon presented an amendment striking out section 1 and inserting in place thereof the following section:

“SECTION 1. Section 13 of chapter 172 of the acts of 1897 is hereby amended by adding the following sentence:— No public school in the city of Woburn shall be closed unless the school committee votes to build a new school on the same lot, or unless the closing of such public school is approved by a two-thirds vote of the school committee and by a two-thirds vote of the city council.”

The amendment was adopted.

The bill, as amended, was ordered to a third reading, read a third time and passed to be engrossed, in concurrence. Sent to the House for concurrence in the amendment.

Engrossed Bills.

An engrossed Bill improving teacher recruitment, retention and retirement (see House, No. 5116) (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 Governor for his approbation.**

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 Governor for his approbation, to wit:

Protecting children and families from harmful pesticides (see Senate, No. 2134); and

Authorizing the town of Stoneham to grant certain licenses for the sale of alcoholic beverages to be drunk on the premises (see House, No. 4472, amended).

Committee Change.

The President announced the resignation of Senator Brewer of Worcester, Hampden, Hampshire and Franklin as a member of the committee on Bills in the Third Reading and the reappointment of Senator Moore of Worcester and Norfolk thereto.

Order Adopted.

On motion of Ms. Melconian,—

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. Tisei, at fourteen minutes past twelve o'clock noon, the Senate adjourned to meet on the following Monday at eleven o'clock A.M.
