

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, May 10, 1999.

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

Petition.

Mr. Berry presented a petition (subject to Joint Rule 12) of Frederick E. Berry and Michael P. Cahill for legislation relative to certain retirement benefits,— **and the same was referred, under Senate Rule 20, to the committees on Rules of the two branches, acting concurrently.**

Reports of Committees.

By Ms. Wilkerson, for the committee on State Administration, on petition, a Bill relative to the disposal of obsolete material and supplies (Senate, No. 1404);
By the same Senator, for the same committee, on Senate, No. 1411 and House, No. 1089, a Bill to increase the retaliation penalty and to exclude malicious reporting from such protection under the Disabled Persons Protection Commission (Senate, No. 1411);
By the same Senator, for the same committee, on petition, a Bill to establish the Commonwealth of Massachusetts public safety inspectors academy (Senate, No. 1422);
By the same Senator, for the same committee, on petition, a Bill strengthening requirements for the performance of public works contracts (Senate, No. 1436);
By the same Senator, for the same committee, on petition, a Bill providing for a University of Massachusetts Dartmouth skating arena (Senate, No. 1441);
By the same Senator, for the same committee, on Senate, No. 1445 and House, No. 2421, a Bill providing for a system of periodic legislative review and for the termination or consolidation of state agencies (Senate, No. 1445);
By the same Senator, for the same committee, on petition, a Bill authorizing the Division of Capital Planning and Operations to convey a certain parcel of land located in the towns of Becket and Otis in exchange for certain other land located in the town of Otis (Senate, No. 1458);
By the same Senator, for the same committee, on petition, a Bill relative to the sale of Disabled American Veterans' land in Barnstable (Senate, No. 1468); and
By the same Senator, for the same committee, on petition, a Bill relative to state funded activities (Senate, No. 1490);
Severally read and, under Senate Rule 27, referred to the committee on Ways and Means.

By Ms. Wilkerson, for the committee on State Administration, on Senate, No. 1443 and House, No. 2798, a Bill relative to exempting boards of health (Senate, No. 1443);
By the same Senator, for the same committee, on petition, a Bill to enhance procurement expertise (Senate, No. 1449); and
By the same Senator, for the same committee, on petition (accompanied by bill, Senate, No. 1737), a Bill authorizing the lease of certain parcels of land in the town of Natick (Senate, No. 1785) [Local approval received on Senate, No. 1737];
Severally read and, under Senate Rule 26, referred to the committee on Steering and Policy.

By Ms. Wilkerson, for the committee on State Administration, on petition, a Bill assurance of non-visual access to information technology (Senate, No. 1402);

Read and, under Senate Rule 26A, referred to the Senate committee on Science and Technology.

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 to provide insurance for public safety personnel (Senate, No. 1352); and

The Senate reports

Of the committee on Public Service, ought NOT to pass:

On the petition (accompanied by bill, Senate, No. 1211) of Robert A. Havern for legislation to clarify health insurance coverage for public school teachers;

On the petition (accompanied by bill, Senate, No. 1214) of Cheryl A. Jacques and Lida E. Harkins for legislation to authorize the Needham town meeting to approve a cost of living increase for members of the Needham contributory retirement system;

On the petition (accompanied by bill, Senate, No. 1243) of Richard Piper for legislation to require all state and municipal employees to be subject to periodic examinations by appointing authorities;

On the petition (accompanied by bill, Senate, No. 1244) of Richard Piper for legislation to require the periodic competency testing of all state environmental employees of the Commonwealth;

On the petition (accompanied by bill, Senate, No. 1245) of Richard Piper for legislation to require periodic physical and mental competency testing of all state and municipal firefighters in the Commonwealth;

On the petition (accompanied by bill, Senate, No. 1246) of Richard Piper for legislation to require periodic physical and mental competency testing of all state and municipal police officers in the Commonwealth.

On the petition (accompanied by bill, Senate, No. 1282) of Richard T. Moore, Timothy J. Toomey, Jr., the Retired State, County and Municipal Employees of Massachusetts, by Ralph W. White, president, and other members of the General Court for legislation relative to granting cost of living adjustments to non-contributory retirees;

On the petition (accompanied by bill, Senate, No. 1321) of Thomas C. Norton and the Massachusetts Police Association, by James M. Machado, for legislation relative to residency requirements for police and fire department personnel in cities and towns; and

On the petition (accompanied by bill, Senate, No. 1382) of Susan C. Tucker, David M. Nangle and James R. Miceli (by vote of the town) for legislation to authorize Gerald M. Cullen to take the civil service examination for the position of firefighter in the town of Tewksbury notwithstanding the maximum age requirement.

Committee Discharged.

Ms. Wilkerson, for the committee on State Administration, reported, asking to be discharged from further consideration of the petition (accompanied by bill, Senate, No. 1423) of James P. Jajuga, Kevin L. Finnegan, David M. Torrisi, Brian S. Dempsey and Bruce E. Tarr for legislation to create an office of public school building oversight,— and recommending that the same be referred to the Senate committee on Ways and Means.

Under Senate Rule 36, the report was considered forthwith and accepted.

Sent to the House for concurrence in the discharge of the joint committee.

Communication.

The Clerk read the following communication:

COMMONWEALTH OF MASSACHUSETTS
MASSACHUSETTS SENATE
STATE HOUSE, BOSTON 02133-1053

May 6, 1999.

Honorable Patrick Scanlan
Clerk of the Massachusetts Senate
Room 335
State House
Boston, MA 02133

Dear Mr. Scanlan:

Due to a scheduling conflict, I was out of state on May 6, 1999, and was unable to attend the scheduled Senate Session. Had I been present, I would have voted in the affirmative on the following matters:

Senate #1751, An Act Relative to the Crime of Assault and Battery.

Senate #965, An Act Authorizing the Town of Winthrop to use certain park land and recreational land for school purposes.

Senate #1784, Fiscal 1999 Supplemental Budget.

I would respectfully request that a copy of this letter be printed in the Senate Journal as part of the official record for May 6.
Thank you in advance for your cooperation in this matter.

Sincerely,

CHARLES E. SHANNON,
State Senator.

On motion of Mr. Rosenberg, the above statement was ordered printed in the Journal of the Senate.

PAPERS FROM THE HOUSE.

A Bill authorizing the Division of Capital Asset Management and Maintenance to grant a conveyance of certain land in the city of Medford (House, No. 4301,— on House, No. 4082),— **was read and, under Senate Rule 27, referred to the committee on Ways and Means.**

Committee of Conference.

The House Bill making appropriations for the fiscal year 1999 to provide for supplementing certain existing appropriations and for certain other activities and projects (House, No. 4261, printed as amended),— came from the House with the endorsement that the House had NON-concurred in the Senate amendment striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 1784; 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 immediately to make or supplement certain appropriations for the fiscal year ending June 30, 1999 and to make certain changes in the law, each of which is immediately necessary or appropriate to effectuate said appropriations or for other important public purposes, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience." and had asked for a committee of conference on the disagreeing votes of the two branches; and that Representatives Haley of Weymouth, Ruane of Salem and DeFilippi of West Springfield had been appointed the committee on the part of the House.

**On motion of Ms. Wilkerson, the Senate insisted on its amendment and concurred in the appointment of a committee of conference; and Senators Montigny, Berry and Rauschenbach were appointed on the part of the Senate.
The bill was returned to the House endorsed accordingly.**

Resolutions.

The following resolutions (having been filed with the Clerk) were severally considered forthwith and adopted, as follows:—
Resolutions (filed by Mr. Pacheco) "congratulating Reed and Barton upon the celebration of its one hundred and seventy-fifth anniversary"; and
Resolutions (filed by Mr. Shannon) "congratulating Vincent J. Vinny' Piro."

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 sale of lottery tickets at the Soldiers' Home in Holyoke (Senate, No. 360),— was read a second time and was amended, on motion of Mr. Knapik, in section 1, by adding the following two sentences:— "Any funds derived from the sale of lottery tickets at the Soldiers' Home shall be deposited in the Home's canteen fund and shall be used exclusively for canteen fund purposes. For the purposes of this act, canteen fund purposes shall include, but not be limited to, social events, bingo and other entertainment activities."

The bill, as amended, was then ordered to a third reading, read a third time and passed to be engrossed.

Sent to the House for concurrence.

PAPERS FROM THE HOUSE.

A petition (accompanied by bill, House, No. 4303) of Louis L. Kafka, Jo Ann Sprague and William C. Galvin for legislation to designate a portion of state highway Route 138 in the town of Stoughton as the Veterans of Foreign Wars memorial highway,— **was referred, in concurrence, under suspension of Joint Rule 12, to the committee on Transportation.**

Order Adopted.

On motion of Mr. Rosenberg,—

Ordered, That when the Senate adjourns today, it adjourn to meet again tomorrow 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 seventeen minutes past eleven o'clock A.M., the Senate adjourned to meet on the following day at eleven o'clock A.M.
