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UNCORRECTED PROOF OF THE JOURNAL OF THE SENATE.



JOURNAL OF THE SENATE.

Wednesday, February 14, 2007.

Met at five minutes past twelve o'clock noon (Mr. Havern in the Chair).

The Chair (Mr. Havern), guests and employees then recited the pledge of allegiance to the flag.

Communication.

A communication from the joint committee on Housing (under the provisions of Joint Rule 1) relative to the rules of procedure for said committee for the 2007-2008 legislative session (received Tuesday, February 13, 2007),— **was placed on file.**

Petition.

The following petition, having been timely filed by five o'clock P.M., on Wednesday, January 10, 2007, was considered, as follows:—

Mr. Knapik presented a petition (subject to Joint Rule 9) of Michael R. Knapik and Michael F. Kane for legislation relative to restricting the authority of the Holyoke Power and Electric Company and the Holyoke Water Power Company,— and the same was transmitted, under the provisions of Section 5 of Chapter 3 of the General Laws, to the Secretary of State.

PAPERS FROM THE HOUSE.

A message from His Excellency the Governor submitting (under Article LXXXVII of the Amendments to the Constitution) Reorganization Plan Number 1 of 2007, relative to reorganizing the Governor's Cabinet and certain agencies of the Executive Department (House, No. 2034),— **was referred, in concurrence, to the committee on State Administration and Regulatory Oversight.**

A Bill making appropriations for the fiscal year 2007 to provide for supplementing certain existing appropriations and for certain other activities and projects (House, No. 2037,— on House, No. 2033, in part),— **was read and, under Senate Rule 27, referred to the committee on Ways and Means.**

Resolutions.

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

Resolutions (filed by Messrs. Hedlund, Augustus, Baddour, Brewer and Brown, Ms. Creem, Mr. Downing, Ms. Fargo, Messrs. Hart, Knapik, Montigny, O'Leary and Panagiotakos, Ms. Resor, Ms. Spilka and Messrs. Tarr and Tisei) "commemorating George Washington's two hundred seventy-fifth birthday."

Reports of Committees.

By Mr. Tolman, for the committee on Ethics and Rules, on petition, a Bill releasing certain land in the town of Amherst from the operation of an agricultural preservation restriction (Senate, No. 16) [Local approval received].

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

By Mr. Brewer, for the committee on Bills in the Third Reading, to whom was referred the amendment recommended by His Excellency the Governor to the engrossed Bill relative to residency requirements for regular fire and police officers in the town of Boxborough (see Senate, No. 9) [for message, see Senate, No. 15],— reported, that the amendment recommended by the Governor be considered in the following form:—

In section 1, in line 1, by striking out the figure “99” and inserting in place thereof the following figure:— “99A”.

The report was accepted.

The Chair (Mr. Havern) stated that under the provisions of Article LVI of the Amendments to the Constitution, the bill was before the Senate subject to amendment and re-enactment.

On motion of Mr. Morrissey, the Senate then adopted the amendment in the form recommended by the committee on Bills in the Third Reading. Sent to the House for its action.

By Mr. Brewer, for the committee on Bills in the Third Reading, to whom was referred the amendment recommended by His Excellency the Governor to the engrossed Bill relative to the railroad depot contamination remediation and redevelopment project in the city of New Bedford (see Senate, No. 7) [for message, see Senate, No. 14],— reported, that the amendment recommended by the Governor be considered in the following form:—

In section 2, in the second sentence, by striking out the words “without the need for approval by the municipal finance oversight board”.

The report was accepted.

The Chair (Mr. Havern) stated that under the provisions of Article LVI of the Amendments to the Constitution, the bill was before the Senate subject to amendment and re-enactment.

On motion of Mr. Morrissey, the Senate then adopted the amendment in the form recommended by the committee on Bills in the Third Reading. Sent to the House for its action.

Recess.

There being no objection, at eight minutes past twelve o’clock noon, the Chair (Mr. Havern) declared a recess subject to the call of the Chair; and, at ten minutes past one o’clock P.M., the Senate reassembled, Mr. Havern in the Chair.

PAPERS FROM THE HOUSE.

Petitions were referred, in concurrence, as follows:

Petition (accompanied by bill, House, No. 3745) of George N. Peterson, Jr., Stephen M. Brewer and Edward M. Augustus, Jr., relative to the terms of a conveyance by the Division of Capital Asset Management and Maintenance of a certain parcel of land in the town of Grafton;

Under suspension of Joint Rule 12, to the committee on Bonding, Capital Expenditures and State Assets.

Petition (accompanied by bill, House, No. 3744) of Linda Dean Campbell for legislation to establish a sick leave bank for Cheryl L. Traina, an employee of the Department of Revenue;

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

Recess.

There being no objection, at twelve minutes past one o’clock P.M., the Chair (Mr. Havern) declared a recess subject to the call of the Chair; and, at one minute before two o’clock P.M., the Senate reassembled, Mr. Havern in the Chair.

Report of a Committee.

By Ms. Murray, for the committee on Ways and Means, that the House Bill making appropriations for the fiscal year 2007 to provide for supplementing certain existing appropriations and for certain other activities and projects (House, No. 2037),— ought to pass, with an amendment, inserting after section 4 the following section:—

“SECTION 4A. The fifth sentence of section 3 of chapter 192 of the acts of 1994 as appearing in section 2 of chapter 3 of the acts of 2005, is hereby amended by striking out the words ‘and the house chairman of the committee on economic development and emerging technologies’ and inserting in place thereof the following words ‘and the senate and house chairmen of the committee on economic development and emerging technologies’.”; and by striking out section 18 and inserting in place thereof the following section:—

“SECTION 18. Notwithstanding any general or special law to the contrary, employees covered by the terms of the collective

bargaining agreements in item 1599-4131 of section 2A of Chapter 192 of the Acts of 2006 who, after July 1, 2001, retired or otherwise terminated employment, or the beneficiary of such an employee who died after July 1, 2001, shall be paid, not later than 30 days after the effective date of this act, a lump sum amount equal to the difference between: (a) the salary specified in the relevant agreement; and (b) the salary each received for the time they were employed during the period July 1, 2001 through June 30, 2002; provided, however, that notwithstanding chapter 32 of the General Laws, the amount of the retirement allowance paid under said chapter 32 to an employee who prior to retirement was covered by the terms of the collective bargaining agreements in said items 1599-4131 of said section 2A and who retired after July 1, 2001, shall be calculated as though the employee's regular compensation for any period of employment from July 1, 2001 through June 30, 2002 had been received by the employee in accordance with such agreement and appropriate retirement deductions withheld. Appropriate adjustments shall be made to an employee's retirement allowance, including payments retroactive to the effective date of retirement. Employees covered by the terms of the collective bargaining agreements in item 1599-4133 of section 2A of chapter 192 of the acts of 2006 who, after July 1, 2001, retired or otherwise terminated employment, or the beneficiary of such an employee who died after July 1, 2001, shall be paid, not later than 30 days after the effective date of this act, a lump sum amount equal to the difference between: (a) the salary specified in the relevant agreement; and (b) the salary each received for the time they were employed during the period July 1, 2001 through June 30, 2002; provided, however, that notwithstanding chapter 32 of the General Laws, the amount of the retirement allowance paid under said chapter 32 to an employee who prior to retirement was covered by the terms of the collective bargaining agreements in said item 1599-4133 of said section 2A of Chapter 192 of the Acts of 2006, and who retired after June 30, 2001, shall be calculated as though the employee's regular compensation for any period of employment from July 1, 2001 through July 1, 2002 had been received by the employee in accordance with such agreement and appropriate retirement deductions withheld. Appropriate adjustments shall be made to an employee's retirement allowance, including payments retroactive to the effective date of retirement."

There being no objection, the rules were suspended, on motion of Ms. Murray, and the bill was read a second time, and was amended, as recommended by the committee on Ways and Means.

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

Sent to the House for concurrence in the amendment.

Recess.

There being no objection, at two o'clock P.M., the Chair (Mr. Havern) declared a recess subject to the call of the Chair; and, at twenty-six minutes past four o'clock P.M., the Senate reassembled, Ms. Wilkerson in the Chair (having been appointed by the President, under authority conferred by Senate Rule 4, to perform the duties of the Chair).

PAPERS FROM THE HOUSE.

Emergency Preamble Adopted; Engrossed Bill Enacted.

An engrossed Bill making appropriations for the fiscal year 2007 to provide for supplementing certain existing appropriations and for certain other activities and projects (see House, No. 2037), 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 vote of 2 to 0.

The bill was signed by the Acting President (Ms. Wilkerson) and sent to the House for enactment.

Subsequently, the bill, which originated in the House, 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 Acting President (Ms. Wilkerson) and laid before the Governor for his approbation.

Order Adopted.

On motion of Mr. Tarr,—

Ordered, That when the Senate adjourns today, it adjourn to meet again tomorrow at one o'clock P.M., in a formal session.

On motion of the same Senator, at twenty-six minutes before five o'clock P.M., the Senate adjourned to meet on the following day at one o'clock P.M.