

Wednesday, February 14, 2007.

Met according to adjournment, at eleven o'clock A.M., in an Informal Session, with Mr. Donato of Medford in the Chair (having been appointed by the Speaker, under authority conferred by Rule 5, to perform the duties of the Chair).

Pledge of
allegiance.

At the request of the Chair (Mr. Donato), the members, guests and employees joined with him in reciting the pledge of allegiance to the flag.

Resolutions.

George
Washington.

Resolutions (filed with the Clerk by Mr. Jones of North Reading and other members of the House) commemorating George Washington's two hundred seventy-fifth birthday, were referred, under Rule 85, to the committee on Rules.

Mr. Scaccia of Boston, for the committee on Rules, then reported that the resolutions ought to be adopted. Under suspension of the rules, on motion of Mr. Rush of Boston, the resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted.

Petition.

Cheryl L.
Traina,—
sick leave.

Ms. Campbell of Methuen presented a petition (subject to Joint Rule 12) of Linda Dean Campbell for legislation to establish a sick leave bank for Cheryl L. Traina, an employee of the Department of Revenue; and the same was referred, under Rule 24, to the committee on Rules.

Mr. Scaccia of Boston, for the committee on Rules and the committees on Rules of the two branches, acting concurrently, then reported recommending that Joint Rule 12 be suspended. Under suspension of the rules, on motion of Mr. Smith of Everett, the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Public Service. Sent to the Senate for concurrence.

Reports of Committees.

Supplemental
appropriations.

Mr. DeLeo of Winthrop, for the committee on Ways and Means, on House, No. 2033, reported in part, 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). Read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Mr. Donato of Medford, for said committee, reported that the matter be scheduled for consideration by the House.

Under suspension of the rules, on motion of Mr. Mariano of Quincy, the bill was read a second time forthwith.

Pending the question on ordering the bill to a third reading, the same member moved to amend it by inserting after section 18 the following section:

“SECTION 18A. Notwithstanding the provisions of any general or special law to the contrary, the Division of Medical Assistance shall promulgate regulations that are designed to conform with Chapter 160 of the Acts of 2006 governing independent clinical laboratory services by revising its definition of “authorized prescriber” at 130 CMR 401.402 to include, for the purpose of urine drug screening, Department of Public Health-licensed substance abuse programs, state agencies and those vendors that contract with state agencies and are designated by the contracting agency to request such screenings.”

The amendment was rejected; and the bill (House, No. 2037) was ordered to a third reading.

Subsequently, under suspension of the rules, on further motion of Mr. Mariano, the bill (having been reported by the committee on Bills in the Third Reading to be correctly drawn) was read a third time; and it was passed to be engrossed. Sent to the Senate for concurrence.

Recess.

At sixteen minutes before twelve o'clock noon, on motion of Mr. deMacedo of Plymouth (Mr. Donato of Medford being in the Chair), the House recessed until one o'clock P.M.; and at seventeen minutes after one o'clock the House was called to order with Mr. Donato in the Chair. Recess.

Papers from the Senate.

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) came from the Senate passed to be engrossed, in concurrence, with an amendment inserting after section 4 the following section:

Supplemental
appropriations.

“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 collective bargaining agreements in item 1599-4131 of section 2A of Chapter 192 of the acts of 2006 who, after July 1, 2002, 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 to June 30, 2002, inclusive; provided, however, that notwithstanding chapter 32 of the General Laws, the amount of the retirement

Supplemental appropriations.

allowance paid under said chapter 32 to an employee who prior to retirement was covered by the terms of collective bargaining agreements in any of 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 to June 30, 2002, inclusive 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, no 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 to June 30, 2002, inclusive; 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 a collective bargaining agreements in any of 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 to July 1, 2002, inclusive, 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."

Under suspension of Rule 35, on motion of Ms. Story of Amherst, the amendments (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted, in concurrence.

Amherst,—
agricultural
restriction.

A Bill releasing certain land in the town of Amherst from the operation of an agricultural preservation restriction (Senate, No. 16) (on a petition) [Local Approval Received], passed to be engrossed by the Senate, was read; and it was referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Mr. Donato of Medford, for said committee, reported that the matter be scheduled for consideration by the House.

Under suspension of the rules, on motion of Ms. Story of Amherst, the bill was read a second time forthwith; and it was ordered to a third reading.

Recess.

Recess.

At a quarter before three o'clock P.M., on motion of Mr. deMacedo of Plymouth (Mr. Donato of Medford being in the Chair), the House recessed until four o'clock P.M.; and at thirteen minutes after four o'clock the House was called to order with Mr. Donato in the Chair.

Emergency Measure.

The 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, amended), having been certified by the Clerk to be rightly and truly prepared for final passage, was considered, the question being on adopting the emergency preamble. Supplemental appropriations

A separate vote was taken, as required by the provisions of Article XLVIII (as amended by Article LXVII) of the Amendments to the Constitution; and the preamble was adopted, by a vote of 2 to 0. Sent to the Senate for concurrence.

Subsequently, the Senate having concurred in adoption of the emergency preamble, the bill (which originated in the House) was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate. Bill enacted.

Order.

On motion of Mr. DiMasi of Boston,—

Ordered, That when the House adjourns today, it adjourn to meet tomorrow at eleven o'clock A.M. Next sitting.

At twenty-eight minutes after four o'clock P.M., on motion of Mr. deMacedo of Plymouth (Mr. Donato of Medford being in the Chair), the House adjourned, to meet tomorrow at eleven o'clock A.M.