

SENATE SESSION – THURSDAY, JULY 24, 2008

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CONVENES/RECESSES: The Senate convened at 1 pm, Sen. Rosenberg of Amherst presiding. The Senate then immediately recessed, subject to call of the chair. Senators were lunching in Senate President Murray's office.

MURRAY ENTERS: Sen. President Murray entered the chamber and sat down at the rostrum. The time was 1:42 pm.

RETURNS/PLEDGE: The Senate returned at 1:47 pm, Sen. Murray presiding. Members and guests rose for the Pledge of Allegiance.

HART GUESTS: Sen. Murray introduced guests of Sen. Hart, the Holy Trinity Abbey Choir.

Sen Hart said, Thank you for welcoming this beautiful choir. Tracey Fitzgerald came to Boston 22 years ago, and is now bringing the choir she founded here. This is the first time they've traveled and we welcome them to Massachusetts and the State House.

Members and guests applauded. The choir proceeded to sing two songs from their repertoire as senators looked on. Afterwards, Sen. Murray crossed the chamber to meet them.

BROADBAND BILL: The Senate concurred with a further amendment to H 4864 establishing and funding the Massachusetts Broadband Institute.

LICENSES: The Senate concurred with the House amendment to S 2416 relative to vehicle license cost recovery fees.

ORANGE APPOINTMENTS: The Senate ordered to third reading S 2788 relative to the appointment of the board of assessors, town collector and town treasurer in Orange.

SOMERVILLE BEVERAGES: The Senate ordered to third reading S 2815 relative to alcoholic beverages in Somerville.

CHELMSFORD AFFORDABLE HOUSING: The Senate ordered to third reading H 4758 relative to affordable housing in Chelmsford.

SUDBURY RECOVERY FUNDS: The Senate ordered to third reading H 4835 authorizing Sudbury to use certain insurance or recovery proceeds.

BILLS PASSED OVER: The chair said the Senate will pass over S 38 bill designating certain land in Acton and Concord for conservation, agriculture, open space and recreational purposes; S 2821 relative to responsibility for damages resulting from the transportation of explosive and inflammable materials; H 4804 relative to licensing of sheet metal workers and sheet metal contractors; S 2807 relative to election day registration; and H 4952 relative to a national popular vote.

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NEW DRAFT AMENDMENT: The Senate adopted a Sen. Galluccio amendment that substituted the bill with a new draft and the same title.

Sen. Tisei said, I would just like to give the sponsor of the bill a moment to explain what the bill actually does, such as a penalty for certain vehicles. I think the sponsor had an issue pop up a while ago in his district which led to an interest in this.

Sen. Galluccio said, I want to thank one of the minority members from Weymouth who is a co-sponsor. The minority leader is correct in raising the origin of the bill; it was an accident in Everett. Ninety-five hundred gallons of petroleum went into a neighborhood. Since that time, we've had two other tanker truck crashes. I would stress that accidents happen. What I do believe is preventable is the release of petroleum from those trucks. Our residents who live in proximity to these roads should be protected. When the trucks collided or tipped over, there was the potential for hundreds of fatalities. Because of the time of the accident, there were few motorists on the road. This bill follows New York statute. Petroleum and gasoline companies, which are making hundreds of millions of dollars a day, would have to take on damages and would be forced to create safer standards and make sure they have good drivers. The remainder of the bill imposes higher fines for speeding and creates a new category on weight violations. This establishes a new category of fines specifically for carriers. We believe this is a very reasonable bill and will force the industry to take safety measures.

The amendment was adopted and the bill was engrossed on a voice vote.

Sen. Tisei doubted the vote and asked for a call of the yeas and nays. There was support.

BY A ROLL CALL VOTE OF 37-0 THE BILL IS ENGROSSED.

REPUBLICAN AND RACING CAUCUSES: The chair announced there would be a Republican Caucus in the minority leader's room until 2:30 pm. The chair also announced that the racing caucus would meet in Sen. Murray's room. The time was 2:14 pm.

MURRAY RETURNS: At 2:58 pm, Sen. Murray entered the room and took the rostrum, conferring with aides. Sens. Hart, Chandler, Galluccio, Wilkerson and Fargo were also present.

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Members stood and applauded.

Sen. Murray said, Thank you for your sacrifice.

SAME-DAY REGISTRATION: Question a motion to lay on the table S 2807 relative to election day registration. The motion was rejected.

Sen. Tisei asked that several amendments be temporarily laid aside.

Sen. Wilkerson withdrew her amendment.

Sen. Tisei said, Since this bill has come up in the Senate, I've been barraged by city and town clerks from all over the state, including in your district. The clerk in Woburn had a lot of concerns. In Chicopee, as well. The list goes on and on. In light of the calls we've been getting, I do have additional questions that have popped up around the bill. Last session we asked the state auditor to look into this matter, whether or not he would consider the provision in this bill that would require new money, whether that constituted an unfunded mandate. We haven't heard back from the state auditor. Because of the barrage of questions, I would like to move to lay this on the table.

Sen. Tisei moved to lay the bill on the table. Sen. Murray said, under the rules, this is laid upon the table until the next session.

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Sen. Tisei said, the election is coming up pretty quick and it's amazing, whether it's same day registration or the national popular vote, everybody's trying to change the rules before the election. I think we'll have a nice discussion next week on the Electoral College. I move that this matter also be laid on the table.

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Question came on ordering the bill to a third reading.

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The bill as amended was ordered to third reading.

Sen. Tolman said, I would be remiss if I didn't applaud your leadership on this, Madame President. This puts us at the forefront of the nation in addressing these needs. This is a very big day for Massachusetts, because coupled with the other piece, this puts us in the forefront.

Sen. Tisei said, I just wanted to take a minute and point out that the bill passing here today is much better than the bill delivered to the Senate. The bill is more limited and centers on some of the issues that are of most concern to people, substance abuse, PTSD, I don't think there's any question at all on those. I do support this bill. Again, it's limited and it's something the Commonwealth can afford and end up being of great assistance.

The bill was engrossed on a voice vote.

PUBLIC WATER SUPPLY LANDS: The Senate adopted a Ways and Means amendment to S 488 relative to protecting public water supply lands. The bill was then ordered to third reading.

Question came on engrossing the bill.

Sen. Tisei said, Could the sponsor talk for a few moments about this bill? Why is this bill needed? Were there instances or problems on whether a water supply is in danger? What are the penalties now and what would they be?

Sen. Brewer said, I thank the minority leader for his interest. I have filed this bill in the past. A water supply tank in Blackstone Valley caused a lot of concern in the community. If an individual has willful intent to trespass, not just casually walking across, but polluting the supply, there would be penalties under this bill. This is not about a victimless crime but willful trespassing with an intent to pollute. The fine would be \$25,000 for the reservoirs. This bill will have no cost to the commonwealth. I ask for a call of the yeas and nays.

There was support for a roll call.

Sen. Tarr said, I believe this is an important piece of legislation. One of the great vulnerabilities we have is our water system. Having sufficient penalties is important, it is possible and within reach. I would ask that this matter be approved and send a message of support for this bill.

BY A ROLL CALL VOTE OF 37-0, THE BILL WAS ENGROSSED.

SOBER HOMES: The Senate adopted a Ways and Means amendment to S 2839 relative to oversight of sober homes and ordered the

bill to a third reading.

Sen. Tolman said, This bill allows a study to be conducted on sober homes in the Commonwealth. Some of you may remember some articles about the homes and whether they really provided support services. Other problems have arisen in other homes. There's really no oversight. Is it actually provided services for people who are in need of them? Frankly, there are some great sober homes in Massachusetts, and there are some who are not so great. And the ones who are not so great are problematic for the whole recovery infrastructure. This study would provide an accurate assessment of day-to-day operations so we can have a uniform policy on sober homes. They are filling in the infrastructure, so we are very concerned, because in some cases, unfortunately, we had some very bad behavior. This study is important because we want to have a uniform system so we won't have shenanigans going on. I hope that this passes unanimously. I ask for a call of the yeas and nays.

There was support.

BY A ROLL CALL VOTE OF 37-0, THE BILL WAS ENGROSSED.

MONSON LAND: The Senate adopted a Ways and Means amendment to S 2695 designating certain land in the town of Monson from agricultural, conservation and public recreation purposes. The bill was then ordered to third reading and engrossed.

DEATH BENEFITS FOR COLLEGE EMPLOYEES: The Senate ordered to third reading and engrossed H 4933 providing employees at state and community colleges holding special state police officer powers with line of duty death benefits.

WORCESTER LAND: The Senate adopted a new draft of S 37 conveying certain property in the city of Worcester to Community Healthlink and ordered the bill to third reading.

ANNUITY POLICIES: The Senate enacted S 2729 relative to equitable coverage for annuity policies.

QUINCY LAND: Question came on enacting S 2724 authorizing the city of Quincy to convey certain land.

BY A ROLL CALL VOTE OF 36-0, THE BILL WAS ENACTED.

PROVINCETOWN LAND: Question came on enacting H 4015 for Provincetown to be authorized to grant a certain easement on Rear Bradford Street in said town.

Sen. Murray said, One other roll call after this.

BY A ROLL CALL VOTE OF 36-0, THE BILL WAS ENACTED.

WALPOLE RESTRICTION: Question came on enacting H 4902 relative to allowing Walpole to release a certain restriction.

BY A ROLL CALL OF 36-0, THE BILL WAS ENACTED.

EXTENSION ORDER – MUNICIPALITIES: The Senate concurred with a House extension order giving the Committee on Municipalities and Regional Government until Friday, August 15 to report on a number of bills.

FITCHBURG PUBLIC PARKING: The Senate adopted an Antonioni motion to recommit S 2702 relative to public parking in Fitchburg to the Committee on the Judiciary, after an adverse report.

FIREARMS LICENSES: The Senate ordered to third reading and engrossed H 2285 relative to the issuance of licenses to carry firearms to law enforcement officers. The time was 4:23 pm.

\$3 BILLION BRIDGE REPAIR BILL: The Senate adopted a Ways and Means amendment to H 4972 financing an accelerated structurally-deficient bridge improvement program. The amendment replaces the bill with S 2841.

Question came on ordering the bill to a third reading.

Sen Montigny said, I ask for the vote to be taken by a call of the yeas and nays. There was support.

Sen. Montigny said, Let me first say what is not in the bill. The so-called turnpike bailout is not in the bill and I'm very pleased. I commend the chair of Ways and Means on working to more thoroughly vet that piece. The matter at hand as it came from the House was a reckless bailout of the Turnpike. This bill was sent to the bonding committee several months ago. We had enough work even with our billion and a half bond cap. There was plenty to do. I think the neglect that has taken place on our roads and bridges is part of that. But this governor and this leadership has clearly seen a danger and hopefully with this bill we are avoiding potentially great

peril for drivers. This will displace projects that would otherwise be paid for with grant anticipation notes but we have no choice. These bridges are in danger. We are saving money two ways. It is cheaper and more efficient to repair a bridge before it becomes structurally deficient and with cost escalation, if you agree we can't jeopardize the driving public, we are savings hundreds of millions of dollars over the life of the eight-year program. The bridges are in such a decline that if we did not do this we would see a 30 percent increase in structurally deficient bridges. We talked about oversight and reform. This bill is one of the better bills we have worked on because it requires those constructing these bridges to come back in and report they are 90 percent on budget and on time. We have a series of reports. I am very concerned with one of the funding streams, the gas tax. Demand is down. It's easy to expect it to be down even further. I see the recession getting worse. The WSJ today says states slammed by tax shortfalls. It's real. It's painful. People literally living paycheck to paycheck. But these are not a luxury. These are bridges that put people in peril if they are not fixed. The Ways and Means chair accepted reform. I am proud to recommend a yes vote to the membership.

Sen. Baddour said we are making a difference in every one of our districts. Unfortunately the press has talked about one piece of this bill. The governor took a proactive approach. He worked to put together a terrific bill that impacts every one of our districts. The bridge collapse was a wakeup call. We rank 45th of 50 in bridges that are structurally deficient, with 543 structurally deficient due to years of neglect. This just didn't happen overnight. It will bring our bridges back up to a safe care and custody level. Years of neglect resulted in a backlog that exceeded available resources. If we don't invest today, serious amounts of money, we need to address a billion a year over 20 years just to address the status quo. This bill accelerates progress. MassHighway estimates construction cost increases at 7 percent annually, the price of asphalt, steel, cement. MassHighway puts the cost of rehabilitating a deficient bridge is twice the cost of preserving a bill before it becomes deficient. We can fund at least 250 rehabilitation projects. It will create thousands of new jobs. It will generate \$1.5 billion in savings by avoiding construction costs and deferred maintenance. Why are we dealing with GANS? If it was good enough to pay for the Big Dig, it's good enough for every one of our communities. The additional borrowing is affordable and will be managed within the state's existing debt. This bill will give our construction industry a shot in the arm. We are going to rehab structurally deficient bridges and repair bridges about to become structurally deficient. At current funding levels, there will be 697 structurally deficient bridges in eight years. If we do this there will be only 450. This addresses our highest cost and most structurally deficient bridges. We are going to save a tremendous amount of money. This bill addresses oversight. We put together comprehensive transportation reform a few years ago. That bill created a Mobility Compact to force transportation agencies to work together. This has a belt and suspenders approach to make sure we eliminate waste and efficiency. The issue that received too much attention is the turnpike guarantee language. We need to do something to help and we are committed to doing something in this area of the turnpike guarantee before we adjourn on July 31. We will do it in a way that is responsible to toll payers and taxpayers. If we don't toll payers will see triple digit increases in tolls and the Commonwealth will be holding the bag and no one will win. The toll payers are taxpayers. It's time that we really look at the issue of fairness and toll equity. We will do something to make sure the toll payers are no longer left holding the bag. You will make an enormous impact in staving off structurally deficient bridges. The governor deserves an enormous amount of credit. This is being proactive, not reactive.

Sen. Hedlund said I would like to echo the echoes of the chairs of Transportation and Long-Term Debt. We thank the governor for putting this issue out on the table. We thank the treasurer for expressing his concerns and weighing in. We have a much, much better bill than the governor put on the table in terms of the state's indebtedness. On a per capita basis, we are the most indebted state in the nation. This will get to bridges in a way we can handle from a financial aspect. Oversight is an area we have to remain vigilant on. We have significant numbers of MassHighway employees paid through bonded means. They are under strain to monitor projects going on now. This is an additional burden. It's going to be a struggle for MassHighway. The previous speaker mentioned the transportation finance commission report. Our focus has been lacking on the warnings put forward in that. We can debate legislation next week on the turnpike authority. We have a \$19 billion shortfall. I hope this does give us renewed focus to look at measures called for by the commission, especially in the area of reform. We separate this measure from many turnpike related legislation that we were contemplating. A great job here today.

Sen. Spilka said I would be remiss to not mention the issue of the turnpike bonding. It is something that we need to do as a body. I understand the need to separate it out. It has gotten so much attention because it is so critical for the turnpike and the toll payers and all the people across the state. The problems started with the creation of the metropolitan highway system. That is when the inequities began. It started before all these swaptions. We need to do something. If we don't do something it will fall on the Commonwealth. Toll payers are getting taxed doubly on this issue. I look forward to dealing with this issue next week.

Sen. Chandler said I represent central Mass and my constituents suffer from continued cost increases in tolls. The bridges are in deplorable condition and this gives us the opportunity to deal with that directly. We are going to have an opportunity I hope to deal with this issue of tolls as a separate issue next week.

Sen. Montigny said I heard from all the Senate members affected by the turnpike. We can't afford to do nothing on the swaptions. If the equation is such as do the bridges bill with a full bailout and no reforms or transparency, the choice was that, then my recommendation would be it is better to do it right than hastily. We can't afford to throw the taxpayers under the bus because the toll payers are paying twice. We are slowing the process down and splitting the product. The committee had a hearing Thursday, a \$3 billion bridges bill and the biggest fiscal change I have seen in my career in terms of the Commonwealth's relationship to any of its authorities, nothing should be done of any consequence without a public hearing. We had a public hearing. It was not a comfortable public hearing. Without careful thought and public vetting we are being asked to pledge something very valuable, the pledge of the full

faith and credit of the commonwealth. No one could say taking a double A rating and wrapping in this monster would not have an adverse effect on our bond rating. When people have called as long as we have for reforms – I agreed with Mitt Romney that the life of the pike needed to be ended – the problem as everyone knows is the pike was a way to hide a lot of problems without full transparency. These lousy swaption deals, an option on the interest rate swap, I suggest we look at who signed them. We have to go after an immediate problem with these swaptions. The problems there do not in any way justify a fiscally irresponsible proposal.

Sen. Brewer said I applaud you for making an executive decision to separate this.

Sen. Knapik said we will propose to eliminate the Massachusetts Turnpike Authority. No more schemes. The party is over for the Massachusetts Turnpike Authority. Transparency and accountability and reform needs to be there. if we could set the way back machine, most members would take away their votes. Who would have thought that the Big Dig would suck dry the roads and bridges? This is an authority that has betrayed the public trust? There is no more defending it. There are no more games. This is serious business that has cost the taxpayers of Massachusetts and the United States too much. Next week we will have an opportunity to drive a stake through the Massachusetts Turnpike Authority, which is exactly what should have happened years ago. Think about it over the weekend.

BY A ROLL CALL VOTE OF 37-0, BILL ENGROSSED

BROADBAND: The Senate attached an emergency preamble to H 4864 establishing and funding the Massachusetts Broadband Institute.

ADJOURNS: The Senate adjourned at 5:09 pm to meet next at 10 am Monday in a full formal session without a calendar.

DISCLAIMER: Bill texts and histories are available at www.state.ma.us/legis/legis.htm. All votes are voice votes, unless otherwise noted. Bills ordered to third reading have been given initial approval. To engross a bill is to pass it and send it to the other branch. The last of three votes taken on bills that reach the governor's desk is the vote on enactment. So, it's third reading (initial approval), engrossment (passage) and enactment. The News Service coverage of legislative debate is an accurate summary of remarks, not a verbatim transcript.

- END -

7/23/2008

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The bill as amended was ordered to third reading.

Sen. Tolman said, I would be remiss if I didn't applaud your leadership on this, Madame President. This puts us at the forefront of the nation in addressing these needs. This is a very big day for Massachusetts, because coupled with the other piece, this puts us in the forefront.

Sen. Tisei said, I just wanted to take a minute and point out that the bill passing here today is much better than the bill delivered to the Senate. The bill is more limited and centers on some of the issues that are of most concern to people, substance abuse, PTSD, I don't think there's any question at all on those. I do support this bill. Again, it's limited and it's something the Commonwealth can afford and end up being of great assistance.

The bill was engrossed on a voice vote.

PUBLIC WATER SUPPLY LANDS: The Senate adopted a Ways and Means amendment to S 488 relative to protecting public water supply lands. The bill was then ordered to third reading.

Question came on engrossing the bill.

Sen. Tisei said, Could the sponsor talk for a few moments about this bill? Why is this bill needed? Were there instances or problems on whether a water supply is in danger? What are the penalties now and what would they be?

Sen. Brewer said, I thank the minority leader for his interest. I have filed this bill in the past. A water supply tank in Blackstone Valley caused a lot of concern in the community. If an individual has willful intent to trespass, not just casually walking across, but polluting the supply, there would be penalties under this bill. This is not about a victimless crime but willful trespassing with an intent to pollute. The fine would be \$25,000 for the reservoirs. This bill will have no cost to the commonwealth. I ask for a call of the yeas and nays.

There was support for a roll call.

Sen. Tarr said, I believe this is an important piece of legislation. One of the great vulnerabilities we have is our water system. Having sufficient penalties is important, it is possible and within reach. I would ask that this matter be approved and send a message of support for this bill.

BY A ROLL CALL VOTE OF 37-0, THE BILL WAS ENGROSSED.

SOBER HOMES: The Senate adopted a Ways and Means amendment to S 2839 relative to oversight of sober homes and ordered the bill to a third reading.

Sen. Tolman said, This bill allows a study to be conducted on sober homes in the Commonwealth. Some of you may remember some articles about the homes and whether they really provided support services. Other problems have arisen in other homes. There's really no oversight. Is it actually provided services for people who are in need of them? Frankly, there are some great sober homes in Massachusetts, and there are some who are not so great. And the ones who are not so great are problematic for the whole recovery infrastructure. This study would provide an accurate assessment of day-to-day operations so we can have a uniform policy on sober homes. They are filling in the infrastructure, so we are very concerned, because in some cases, unfortunately, we had some very bad behavior. This study is important because we want to have a uniform system so we won't have shenanigans going on. I hope that this passes unanimously. I ask for a call of the yeas and nays.

There was support.

BY A ROLL CALL VOTE OF 37-0, THE BILL WAS ENGROSSED.

MONSON LAND: The Senate adopted a Ways and Means amendment to S 2695 designating certain land in the town of Monson from agricultural, conservation and public recreation purposes. The bill was then ordered to third reading and engrossed.

DEATH BENEFITS FOR COLLEGE EMPLOYEES: The Senate ordered to third reading and engrossed H 4933 providing employees at state and community colleges holding special state police officer powers with line of duty death benefits.

WORCESTER LAND: The Senate adopted a new draft of S 37 conveying certain property in the city of Worcester to Community Healthlink and ordered the bill to third reading.

ANNUITY POLICIES: The Senate enacted S 2729 relative to equitable coverage for annuity policies.

QUINCY LAND: Question came on enacting S 2724 authorizing the city of Quincy to convey certain land.

BY A ROLL CALL VOTE OF 36-0, THE BILL WAS ENACTED.

PROVINCETOWN LAND: Question came on enacting H 4015 for Provincetown to be authorized to grant a certain easement on Rear Bradford Street in said town.

Sen. Murray said, One other roll call after this.

BY A ROLL CALL VOTE OF 36-0, THE BILL WAS ENACTED.

WALPOLE RESTRICTION: Question came on enacting H 4902 relative to allowing Walpole to release a certain restriction.

BY A ROLL CALL OF 36-0, THE BILL WAS ENACTED.

EXTENSION ORDER – MUNICIPALITIES: The Senate concurred with a House extension order giving the Committee on Municipalities and Regional Government until Friday, August 15 to report on a number of bills.

FITCHBURG PUBLIC PARKING: The Senate adopted an Antonioni motion to recommit S 2702 relative to public parking in Fitchburg to the Committee on the Judiciary, after an adverse report.

FIREARMS LICENSES: The Senate ordered to third reading and engrossed H 2285 relative to the issuance of licenses to carry firearms to law enforcement officers. The time was 4:23 pm.

\$3 BILLION BRIDGE REPAIR BILL: The Senate adopted a Ways and Means amendment to H 4972 financing an accelerated structurally-deficient bridge improvement program. The amendment replaces the bill with S 2841.

Question came on ordering the bill to a third reading.

Sen Montigny said, I ask for the vote to be taken by a call of the yeas and nays. There was support.

Sen. Montigny said, Let me first say what is not in the bill. The so-called turnpike bailout is not in the bill and I'm very pleased. I commend the chair of Ways and Means on working to more thoroughly vet that piece. The matter at hand as it came from the House was a reckless bailout of the Turnpike. This bill was sent to the bonding committee several months ago. We had enough work even with our billion and a half bond cap. There was plenty to do. I think the neglect that has taken place on our roads and bridges is part of that. But this governor and this leadership has clearly seen a danger and hopefully with this bill we are avoiding potentially great peril for drivers. This will displace projects that would otherwise be paid for with grant anticipation notes but we have no choice. These bridges are in danger. We are saving money two ways. It is cheaper and more efficient to repair a bridge before it becomes structurally deficient and with cost escalation, if you agree we can't jeopardize the driving public, we are savings hundreds of millions of dollars over the life of the eight-year program. The bridges are in such a decline that if we did not do this we would see a 30 percent increase in structurally deficient bridges. We talked about oversight and reform. This bill is one of the better bills we have worked on because it requires those constructing these bridges to come back in and report they are 90 percent on budget and on time. We have a series of reports. I am very concerned with one of the funding streams, the gas tax. Demand is down. It's easy to expect it to be down even further. I see the recession getting worse. The WSJ today says states slammed by tax shortfalls. It's real. It's painful. People literally living paycheck to paycheck. But these are not a luxury. These are bridges that put people in peril if they are not fixed. The Ways and Means chair accepted reform. I am proud to recommend a yes vote to the membership.

Sen. Baddour said we are making a difference in every one of our districts. Unfortunately the press has talked about one piece of this bill. The governor took a proactive approach. He worked to put together a terrific bill that impacts every one of our districts. The bridge collapse was a wakeup call. We rank 45th of 50 in bridges that are structurally deficient, with 543 structurally deficient due to years of neglect. This just didn't happen overnight. It will bring our bridges back up to a safe care and custody level. Years of neglect resulted in a backlog that exceeded available resources. If we don't invest today, serious amounts of money, we need to address a billion a year over 20 years just to address the status quo. This bill accelerates progress. MassHighway estimates construction cost increases at 7 percent annually, the price of asphalt, steel, cement. MassHighway puts the cost of rehabilitating a deficient bridge is twice the cost of preserving a bill before it becomes deficient. We can fund at least 250 rehabilitation projects. It will create thousands of new jobs. It will generate \$1.5 billion in savings by avoiding construction costs and deferred maintenance. Why are we dealing with GANS? If it was good enough to pay for the Big Dig, it's good enough for every one of our communities. The additional borrowing is affordable and will be managed within the state's existing debt. This bill will give our construction industry a shot in the arm. We are going to rehab structurally deficient bridges and repair bridges about to become structurally deficient. At current funding levels, there will be 697 structurally deficient bridges in eight years. If we do this there will be only 450. This addresses our highest cost and most structurally deficient bridges. We are going to save a tremendous amount of money. This bill addresses oversight. We put together comprehensive transportation reform a few years ago. That bill created a Mobility Compact to force transportation agencies to work together. This has a belt and suspenders approach to make sure we eliminate waste and efficiency. The issue that received too much attention is the turnpike guarantee language. We need to do something to help and we are committed to doing something in this area of the turnpike guarantee before we adjourn on July 31. We will do it in a way that is responsible to toll payers and taxpayers. If we don't toll payers will see triple digit increases in tolls and the Commonwealth will be holding the bag and no one will win. The toll payers are taxpayers. It's time that we really look at the issue of fairness and toll equity. We will do something to make sure the toll payers are no longer left holding the bag. You will make an enormous impact in staving off structurally deficient bridges. The governor deserves an enormous amount of credit. This is being proactive, not reactive.

Sen. Hedlund said I would like to echo the echoes of the chairs of Transportation and Long-Term Debt. We thank the governor for putting this issue out on the table. We thank the treasurer for expressing his concerns and weighing in. We have a much, much better bill than the governor put on the table in terms of the state's indebtedness. On a per capita basis, we are the most indebted state in the nation. This will get to bridges in a way we can handle from a financial aspect. Oversight is an area we have to remain vigilant on. We have significant numbers of MassHighway employees paid through bonded means. They are under strain to monitor projects going on now. This is an additional burden. It's going to be a struggle for MassHighway. The previous speaker mentioned the transportation finance commission report. Our focus has been lacking on the warnings put forward in that. We can debate legislation next week on the turnpike authority. We have a \$19 billion shortfall. I hope this does give us renewed focus to look at measures called for by the commission, especially in the area of reform. We separate this measure from many turnpike related legislation that we were contemplating. A great job here today.

Sen. Spilka said I would be remiss to not mention the issue of the turnpike bonding. It is something that we need to do as a body. I understand the need to separate it out. It has gotten so much attention because it is so critical for the turnpike and the toll payers and all the people across the state. The problems started with the creation of the metropolitan highway system. That is when the inequities began. It started before all these swaptions. We need to do something. If we don't do something it will fall on the Commonwealth. Toll payers are getting taxed doubly on this issue. I look forward to dealing with this issue next week.

Sen. Chandler said I represent central Mass and my constituents suffer from continued cost increases in tolls. The bridges are in deplorable condition and this gives us the opportunity to deal with that directly. We are going to have an opportunity I hope to deal with this issue of tolls as a separate issue next week.

Sen. Montigny said I heard from all the Senate members affected by the turnpike. We can't afford to do nothing on the swaptions. If the equation is such as do the bridges bill with a full bailout and no reforms or transparency, the choice was that, then my recommendation would be it is better to do it right than hastily. We can't afford to throw the taxpayers under the bus because the toll payers are paying twice. We are slowing the process down and splitting the product. The committee had a hearing Thursday, a \$3 billion bridges bill and the biggest fiscal change I have seen in my career in terms of the Commonwealth's relationship to any of its authorities, nothing should be done of any consequence without a public hearing. We had a public hearing. It was not a comfortable public hearing. Without careful thought and public vetting we are being asked to pledge something very valuable, the pledge of the full faith and credit of the commonwealth. No one could say taking a double A rating and wrapping in this monster would not have an adverse effect on our bond rating. When people have called as long as we have for reforms – I agreed with Mitt Romney that the life of the pike needed to be ended – the problem as everyone knows is the pike was a way to hide a lot of problems without full transparency. These lousy swaption deals, an option on the interest rate swap, I suggest we look at who signed them. We have to go after an immediate problem with these swaptions. The problems there do not in any way justify a fiscally irresponsible proposal.

Sen. Brewer said I applaud you for making an executive decision to separate this.

Sen. Knapik said we will propose to eliminate the Massachusetts Turnpike Authority. No more schemes. The party is over for the Massachusetts Turnpike Authority. Transparency and accountability and reform needs to be there. if we could set the way back machine, most members would take away their votes. Who would have thought that the Big Dig would suck dry the roads and bridges? This is an authority that has betrayed the public trust? There is no more defending it. There are no more games. This is serious business that has cost the taxpayers of Massachusetts and the United States too much. Next week we will have an opportunity to drive a stake through the Massachusetts Turnpike Authority, which is exactly what should have happened years ago. Think about it over the weekend.

BY A ROLL CALL VOTE OF 37-0, BILL ENGROSSED

BROADBAND: The Senate attached an emergency preamble to H 4864 establishing and funding the Massachusetts Broadband Institute.

ADJOURNS: The Senate adjourned at 5:09 pm to meet next at 10 am Monday in a full formal session without a calendar.

DISCLAIMER: Bill texts and histories are available at www.state.ma.us/legis/legis.htm. All votes are voice votes, unless otherwise noted. Bills ordered to third reading have been given initial approval. To engross a bill is to pass it and send it to the other branch. The last of three votes taken on bills that reach the governor's desk is the vote on enactment. So, it's third reading (initial approval),

engrossment (passage) and enactment. The News Service coverage of legislative debate is an accurate summary of remarks, not a verbatim transcript.

- END -

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