

# HOUSE . . . . . No. 5583

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## *The Commonwealth of Massachusetts*

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HOUSE OF REPRESENTATIVES, May 6, 1992.

The committee on Rules, to whom was referred the Order (filed this day by Speaker Flaherty of Cambridge) relative to requesting the opinions of the Honorable Justices of the Supreme Judicial Court on certain questions of law concerning cost items for collective bargaining agreements between unions representing employees and the Commonwealth (House, No. 5583), reports that the same ought to be adopted.

For the committee,

RICHARD A. VOKE.

**The Commonwealth of Massachusetts**

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In the Year One Thousand Nine Hundred and Ninety-Two.

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HOUSE OF REPRESENTATIVES, May 6, 1992.

*WHEREAS*, There is pending before the General Court a bill, House No. 5551, entitled "An Act Making Appropriations to Fund a Certain Collective Bargaining Agreement Between the Commonwealth and the National Association of Government Employees — Unit 6"; a bill, House No. 5553, entitled "An Act Making Appropriations to Fund a Certain Collective Bargaining Agreement Between the Commonwealth and the Massachusetts Organization of State Engineers and Scientists — Unit 9"; a bill, House No. 5550, entitled "An Act Making Appropriations to Fund a Certain Collective Bargaining Agreement Between the Commonwealth and the National Association of Government Employees — Unit 3"; a bill, House No. 5548, entitled "An Act Making Appropriations to Fund A Certain Collective Bargaining Agreement Between the Commonwealth and the National Association of Government Employees — Unit 1"; and a bill, House No. 5549, entitled "An Act Making Appropriations to Fund a Certain Collective Bargaining Agreement between the Commonwealth and the Alliance, AFSCME-SEIU, AFL-CIO — Units 2, 8 and 10", copies of which are submitted herewith; and

*WHEREAS*, Said House Nos. 5548, 5549, 5550, 5551 and 5553 provide for appropriations to fund salary adjustments and other employee economic benefits authorized by several collective bargaining agreements; and

*WHEREAS*, House No. 5003 of 1991, entitled "An Act Making Appropriations to Fund a Certain Collective Bargaining Agreement Between the Commonwealth and the National Association of Government Employees — Unit 6"; House No. 5004 of 1991, entitled "An Act Making Appropriations to Fund a Certain Collective Bargaining Agreement Between the Commonwealth and the Massachusetts Organization of State Engineers and Scientists — Unit 9"; House No. 5005 of 1991, entitled "An Act Making Appropriations to Fund a Certain Collective Bargaining Agreement Between the Commonwealth and the National Association of

Government Employees — Unit 3”; House No. 5006 of 1991, entitled “An Act Making Appropriations to Fund a Certain Collective Bargaining Agreement Between the Commonwealth and the National Association of Government Employees — Unit 1”; and House No. 5007 of 1991, entitled “An Act Making Appropriations to Fund a Certain Collective Bargaining Agreement Between the Commonwealth and the Alliance, AFSCME-SEIU, AFL-CIO — Units 2, 8 and 10”, copies of which are submitted herewith, were submitted to the General Court by the Governor on February 1, 1991 and were enacted by both the House of Representatives and the Senate on December 20, 1991 and returned by the Governor with an amendment on December 30, 1991 pursuant to Article LVI of the Amendments to the Constitution of the Commonwealth; and

*WHEREAS*, With the exception of a reference to fiscal year 1991 and the budget for such fiscal year which is updated to fiscal year 1992 and the budget for such fiscal year, the language of said House No. 5003 of 1991 is identical to that of said House No. 5551 of 1992, the language of said House No. 5004 of 1991 is identical to that of said House No. 5553 of 1992, the language of House No. 5005 of 1991 is identical to that of said House No. 5550 of 1992, the language of House No. 5006 of 1991 is identical to that of said House No. 5548 of 1992 and the language of House No. 5007 of 1991 is identical to that of said House No. 5549 of 1992; and

*WHEREAS*, G.L. c.150E, §7(b) (1990 ed.) requires that “. . . a request for an appropriation necessary to fund the cost items contained . . .” in a collective bargaining agreement be submitted to the General Court and upon a rejection of such appropriation to fund such cost items by such legislative body further bargaining must occur; and

*WHEREAS*, The contracts between the commonwealth and the unions covered by the aforesaid bills provide that cost items shall not become effective unless the General Court enacts appropriations necessary to fund the same, in which case such cost items shall be effective, copies of the relevant contract sections and the cover and signature pages are submitted herewith; and

*WHEREAS*, Grave doubt exists as to whether the General Court needs to act on the aforesaid bills; therefore be it

*ORDERED*, That the opinions of the Honorable Justices of the Supreme Judicial Court be requested by the House of Representatives on the following important questions of law:

1. Is it necessary for the General Court to enact said House Nos. 5548, 5549, 5550, 5551 and 5553 in order to cause the cost items covered by said bills to be in effect and to thereby render binding such terms in the collective bargaining agreements referred to in said bills, particularly in view of the enactment by the General Court of House Nos. 5003, 5004, 5005, 5006 and 5007 in 1991?

2. Is it necessary for the General Court to enact said House Nos. 5548, 5549, 5550, 5551 and 5553 in order to appropriate monies to fund such cost items in the collective bargaining agreements referred to in said bills, particularly in view of the enactment by the General Court of House Nos. 5003, 5004, 5005, 5006 and 5007 in 1991?

Adopted.

ROBERT E. MACQUEEN,  
*Clerk of the House of Representatives.*

A true copy.

Attest: