

JOURNAL OF THE HOUSE.

Wednesday, January 24, 2001.

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

Prayer was offered by the Reverend Robert F. Quinn, C.S.P., Chaplain of the House, as follows:

We, who place our trust in You, God, Our Creator, and in the human and spiritual values which You have made known to us for successful daily living, depend upon Your guidance in our struggle to cope with the legislative issues and challenges of the day. In our busy daily routine, help us to make sound, reasonable and ethical legislative decisions. In our diverse society with a large variety of political, social and cultural views and opinions, inspire us to be knowledgeable in discussions, prudent in judgment, temperate in speech and honorable in action. With Your ever-present assistance, help us to respond to the needs of the times and of the people who depend upon us and our sound judgment.

Grant Your blessings to the Speaker, the members and employees of this House and their families. Amen.

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

Message from the Governor.

A message from His Excellency the Governor submitting the annual budget of the Commonwealth for the fiscal year beginning July first, two thousand one (including capital outlay program) (House, No. 1) was filed this day in the office of the Clerk.

The message was read; and it was referred, under Rule 30, with the accompanying schedules, to the committee on Ways and Means.

Statement Concerning Representative Ayers of Quincy.

A statement of Mr. DiMasi of Boston concerning Representative Ayers of Quincy was spread upon the records of the House, as follows:

MR. SPEAKER: I would like to call to the attention of the House the fact that one of our colleagues, Representative Ayers of Quincy, is unable to be present in the House Chamber for today's sitting due to official business in his district attending a meeting involving the participation of numerous parties which took several months to organize, and was unable to

be rescheduled. Any roll calls that he may miss today is due entirely to the reason stated.

Statement Concerning Representative Garry of Dracut.

A statement of Mr. DiMasi of Boston concerning Representative Garry of Dracut was spread upon the records of the House, as follows:

MR. SPEAKER: I would like to call to the attention of the House the fact that one of our colleagues, Representative Garry of Dracut, will not be present in the House Chamber for today's sitting due to illness. Any roll calls that she may miss today will be due entirely to the reason stated.

Statement Concerning Representative Golden of Boston.

A statement of Mr. DiMasi of Boston concerning Representative Golden of Boston was spread upon the records of the House, as follows:

MR. SPEAKER: I would like to call to the attention of the House the fact that one of our colleagues, Representative Golden of Boston, will not be present in the House Chamber for today's sitting due to his being on active duty in the United States Army Reserves. Any roll calls that he may miss today will be due entirely to the reason stated.

Statement Concerning Representative Hynes of Marshfield.

A statement of Mr. DiMasi of Boston concerning Representative Hynes of Marshfield was spread upon the records of the House, as follows:

MR. SPEAKER: I would like to call to the attention of the House the fact that one of our colleagues, Representative Hynes of Marshfield, will not be present in the House Chamber for today's sitting due to a scheduling conflict. Any roll calls that he may miss today will be due entirely to the reason stated.

Statement Concerning Representative Kaufman of Lexington.

A statement of Mr. DiMasi of Boston concerning Representative Kaufman of Lexington was spread upon the records of the House, as follows:

MR. SPEAKER: I would like to call to the attention of the House the fact that one of our colleagues, Representative Kaufman of Lexington, will not be present in the House Chamber for today's sitting due to being outside of the Commonwealth attending to a previously scheduled family commitment. Any roll calls that he may miss today will be due entirely to the reason stated.

Statement of Representative Kennedy of Brockton.

A statement of Mr. Kennedy of Brockton was spread upon the records of the House, as follows:

MR. SPEAKER: I would like to call to the attention of the House the fact that I will not be present in the House Chamber for the remainder of today's sitting due to a family emergency. If present for the taking of the yeas and nays on adoption of permanent House Rules, I would vote in the negative. Any roll calls that I may miss today will be due entirely to the reason stated.

Guests of the House.

During the session, the Chair (Mr. Nagle of Northampton) declared a recess subject to the call of the Chair, there being no objection; and introduced the Pop Warner "D" Squad football team from Malden, including David Frene, nephew of Court Officer Rusty Hinkley. As State Champions, New England Champions, Eastern United States Champions and runners up for the National Pop Warner Championship, the team members were the guests of Representatives Fallon of Malden, Reinstein of Revere, Donato of Medford and Connolly of Everett.

Resolutions.

The following resolutions (filed with the Clerk) were considered forthwith, under suspension of the rules, in each instance, on motion of Mr. Nangle of Lowell; and they were adopted, as follows:

Resolutions (filed by Messrs. Marini of Hanson and O'Brien of Kingston) congratulating David Volpe on receiving the Eagle Award of the Boy Scouts of America;

Resolutions (filed by Mrs. Creedon of Brockton) congratulating Birute T. Silvia on the occasion of her retirement;

Resolutions (filed by Mr. Greene of Billerica) congratulating the Billerica Irish-American Social Club, Inc., on the occasion of its 25th anniversary;

Resolutions (filed by Mr. Sullivan of Braintree) congratulating Howard P. Foley on the occasion of his retirement; and

Resolutions (filed by Mr. Walsh of Boston) congratulating Elizabeth Donahue on the occasion of her retirement.

Recess.

At a quarter after eleven o'clock A.M., on motion of Mr. Asselin of Springfield (Mr. Nagle of Northampton being in the Chair), the House recessed until one o'clock P.M.; and at twenty-one minutes after one o'clock the House was called to order with Mr. Nagle in the Chair.

Orders.

An Order (filed this day by Mr. Flynn of Bridgewater) relative to the appointment of a joint special committee to make an investigation and study of the Joint Rules of the two branches

of the General Court (House, No. 2824) was considered forthwith, under suspension of the Rules, on motion of Mr. Flynn.

Pending the question on adoption of the order, Ms. Wolf of Cambridge moved that it be amended in line 14 by inserting after the word “schedules” the following: “; and establishment of a procedure for calling veto sessions for the legislature”.

After debate on the question on adoption of the amendment, the sense of the House was taken by yeas and nays, at the request of the same member; and on the roll call 15 members voted in the affirmative and 138 in the negative.

[See Yea and Nay No. 1 in Supplement.]

Therefore the amendment was rejected.

On the question on adoption of the order, the sense of the House was taken by yeas and nays, at the request of Mr. Flynn of Bridgewater; and on the roll call 153 members voted in the affirmative and 0 in the negative.

[See Yea and Nay No. 2 in Supplement.]

Therefore the order (House, No. 2824) was adopted. Sent to the Senate for concurrence.

An Order (filed on Tuesday, January 23, by Mr. Kaufman of Lexington and other members of the House) relative to the appointment of a special select committee of the House to make an investigation of the feasibility of automating the House of Representatives (House, No. 2825) was considered forthwith, under suspension of the rules, on motion of Mrs. Paulsen of Belmont.

After remarks on the question on adoption of the order, the sense of the House was taken by yeas and nays, at the request of Mr. Marini of Hanson; and on the roll call 152 members voted in the affirmative and 0 in the negative.

[See Yea and Nay No. 3 in Supplement.]

Therefore the order (House, No. 2825) was adopted.

An Order (filed this day by Mr. Marini of Hanson and other members of the House) relative to authorizing the Clerk of the House to make an investigation of the installation of multiple voting stations in the Chamber of the House of Representatives (House, No. 2826) was considered forthwith, under suspension of the rules, on motion of Mr. Marini.

After remarks on the question on adoption of the order, Mr. Jones of North Reading moved that it be amended in line 5 by striking out the figures: “45” and inserting in place thereof the figures: “90”. The amendment was adopted.

On the question on adoption of the order, as amended, the sense of the House was taken by yeas and nays, at the request of Mr. Marini; and on the roll call 151 members voted in the

affirmative and 1 in the negative.

[See Yea and Nay No. 4 in Supplement.]

Therefore the order (House, No. 2826, printed as amended) was adopted.

Orders of the Day.

The House Order relative to the adoption of permanent rules for the House of Representatives for the years 2001 and 2002 (House, No. 2001) was considered.

Pending the question on adoption of the order, Mr. Marini of Hanson moved that further consideration thereof be postponed until after the Speaker announces the House membership of all committees of the General Court for the current year.

Mr. Rogers of Norwood thereupon raised a point of order that the motion made by Mr. Marini was improperly before the House for the reason that a motion to postpone must be made to a time certain.

In answer to the point of order, the Chair (Mr. Nagle of Northampton) stated that the point of order was well taken; and the motion was laid aside accordingly.

Mr. Marini of Hanson then moved that further consideration of the pending order be postponed until Wednesday, January 31.

After debate on the motion to postpone, the sense of the House was taken by yeas and nays, at the request of the same member; and on the roll call 24 members voted in the affirmative and 128 in the negative.

[See Yea and Nay No. 5 in Supplement.]

Therefore the motion to postpone was negatived.

Mr. Rogers of Norwood then moved that the order be amended in proposed Rule 16A, in line 28, by inserting after the word "member" the following: ", except that the Clerk or an assistant Clerk may [A] cast a vote for a member who votes late under the provisions of Rule 52, or is prohibited from voting from his desk due to a malfunction of the electronic [B] voting machine".

After debate on the question on adoption of the amendment (Mr. Scaccia of Boston being in the Chair), Mr. Jones of North Reading asked for a count of the House to ascertain if a quorum was in attendance. A count showed that 104 members were in attendance.

Messrs. Rogers of Norwood and Marini of Hanson then moved that the amendment offered by Mr. Rogers of Norwood be amended [at "A"] by striking out the word "cast" and inserting in place thereof the word "record" and [at "B"] by striking out the words "voting machine" and inserting in place thereof the words "roll call voting machine; provided the

Clerk's action shall not be construed as voting for said member".

The further amendments were adopted. The amendment offered by Mr. Rogers of Norwood, as amended, then also was adopted.

Mr. Marini of Hanson and other members of the House then moved that the order be amended in proposed Rule 7A, in line 30, by inserting after the word "referred." the following sentence: "If the committee fails to report a matter within thirty days following the date of its reference, the Clerk shall place the matter on the Calendar of the House as if it had been scheduled for consideration by said committee on Steering, Policy and Scheduling.". The amendment was adopted.

At a quarter after three o'clock P.M., the Chair (Mr. Scaccia of Boston) declared a recess until half past three o'clock; and at eleven minutes after four o'clock the House was called to order with Mr. Scaccia in the Chair.

Mr. Rushing of Boston and other members of the House then moved that the order be amended by striking out proposed Rule 20A and inserting in place thereof the following:

"Rule 20A. Notwithstanding the provisions of Rule 33A, amendments to the General Appropriation Bill shall be filed with the Clerk of the House by five o'clock P.M. within the close of three business days of the printing and release of said document by said Clerk if the release of said document occurs by 2 P.M. Otherwise, the day following the release shall be considered the first business day. The Clerk, with the assistance of the committee on Ways and Means, shall categorize the subject-matter of the amendments and arrange such amendments for consideration sequentially by subject as appearing in the printed version of the General Appropriation Bill, or the Clerk, with the assistance of the committee on Ways and Means, shall categorize the subject-matter of the amendments and arrange such subject-matters for consideration as determined by the committee on Ways and Means. Debate on the General Appropriation Bill shall not commence until expiration of at least four calendar days following the designated time established for filing of amendments.

When the General Appropriation Bill is before the House for debate, the amendments within a subject-matter shall be considered in the sequential order as established by the Clerk or the committee on Ways and Means pursuant to the above paragraph; provided that, at the request of a sponsor or the committee on Ways and Means, an amendment may be postponed and subsequently again considered sequentially by subject before the main question on the General Appropriation Bill is placed before the House; and provided further that, with the sequential order in the various subject-matters, amendments shall also be arranged chronologically as submitted to the Clerk.".

On the question on adoption of the amendment, the sense of the House was taken by yeas and nays, at the request of Mr. Marini of Hanson; and on the roll call 152 members voted in the affirmative and 0 in the negative.

[See Yea and Nay No. 6 in Supplement.]

Therefore the amendment was adopted.

Ms. Candaras of Wilbraham and other members of the House then moved that the order be amended by striking out proposed Rule 18C.

After debate on the question on adoption of the amendment, the sense of the House was taken by yeas and nays, at the request of Mr. Marini of Hanson; and on the roll call 111 members voted in the affirmative and 39 in the negative.

[See Yea and Nay No. 7 in Supplement.]

[Mr. Finneran of Boston answered “Present” in response to his name.]

Therefore the amendment was adopted.

Mrs. Harkins of Needham then moved that the order be amended in proposed Rule 33B by adding at the end thereof the following sentence: “The Clerk, in consultation with the Speaker, may also refer petitions, messages from the Governor, reports authorized to be made by the General Court, involving said subjects to said Committee in the first instance.”; and the amendment was adopted.

Mr. Marini of Hanson and other members of the House then moved that the order be amended by striking out proposed Rule 52 and inserting in place thereof the following:

“52. The sense of the House shall be taken by yeas and nays whenever required by twenty of the members present. The Speaker shall, after waiting up to an interval of twelve minutes, state the pending question and, after opening the electronic voting machine, instruct the members to vote for not less than two minutes and no more than twenty-two minutes, the Speaker shall close said machine and cause totals to be displayed and a record made of how each member present voted.

Any member desiring to be recorded as being ‘present’ when a yeas and nays vote is taken on the roll call machine shall so notify the Clerk in person after said vote is ordered and before the vote is announced.

In the event the voting machine is not in operating order, the roll of the House shall be called in alphabetical order but however said vote may be taken no member shall be allowed to vote or to answer ‘present’ who was not on the floor before the vote is declared; provided, however, that a member, who was in the State House on a previous roll call, may be recorded by reporting to the Clerk within five minutes after such vote is closed, unless objection is made thereto and it is seconded; and provided further that the presiding officer shall not, for said purpose, interrupt the member who is speaking on the floor. The Speaker shall not entertain any requests beyond said five minute period. Once the voting has begun it shall not be interrupted except for the purpose of questioning the validity of a member’s vote before the result is announced. Except as heretofore provided, any member who shall vote or attempt to vote for another member or any person not a member who votes or attempts to vote for a member, or any member or other person who willfully tampers with or attempts to impair or destroy in any manner whatsoever the voting equipment used by the House, or

change the records thereon shall be punished in such manner as the House determines.”.

After remarks the amendment was adopted.

Mr. Marini of Hanson and other members of the House then moved that the order be amended in proposed Rule 30, in line 4, by striking out the following: “bills or other forms of legislation not founded on petition, or”. After remarks the amendment was adopted.

Mr. Marini of Hanson and other members of the House then moved that the order be amended in proposed Rule 7B, in lines 8 and 9, by striking out the words “by a two-thirds vote of the members present and voting”.

After debate on the question on adoption of the amendment, the sense of the House was taken by yeas and nays, at the request of Mr. Marini; and on the roll call 40 members voted in the affirmative and 112 in the negative.

[See Yea and Nay No. 8 in Supplement.]

Therefore the amendment was rejected.

On the question on adoption of the order, as amended, the sense of the House was taken by yeas and nays, at the request of Mr. Jones of North Reading; and on the roll call 128 members voted in the affirmative and 24 in the negative.

[See Yea and Nay No. 9 in Supplement.]

Therefore the order (House, No. 2002, printed as amended) was adopted.

Order.

On motion of Mr. Finneran of Boston,—

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

At twenty minutes after seven o’clock P.M., on motion of Mr. Hodgkins of Lee (Mr. Scaccia of Boston being in the Chair), the House adjourned, to meet tomorrow at eleven o’clock A.M., in an Informal Session.