

JOURNAL OF THE HOUSE.

Monday, September 10, 2001.

Met at seven minutes after eleven o'clock A.M., in an Informal Session.

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

God, Our Creator, at this moment we interrupt our normal daily routine and focus our thoughts and attention on You. During these few seconds of prayer, reflection and quiet, in a spirit of humility, we ask for Your guidance and help as we take up the items on this day's calendar. With Your assistance and inspiration, we are better prepared to make sound, reasoned and ethical decisions. In this information age, help us to articulate clearly and understandably the often complex political and public policy issues of our contemporary society. Guide us as we struggle to remain true to You and to our own spiritual and human values and principles.

Bestow Your blessings on the Speaker, the members and employees of this House and their families. Amen. At the request of the Speaker, the members, guests and employees joined with him in reciting the pledge of allegiance to the flag.

Message from the Acting Governor — Veto.

A message from Her Honor the Lieutenant-Governor, Acting Governor, returning with her objections thereto in writing the engrossed Bill relative to the Hale Hospital in the city of Haverhill [see House, No. 4512] (for message, see House, No. 4533) was filed in the Office of the Clerk on Thursday, September 6.

The message was read; and, under Rule 12, placed in the Orders of the Day for the next sitting, the question being "Shall this bill pass, notwithstanding the objections of the Acting Governor?".

Resolutions.

Resolutions (filed with the Clerk by Representatives Barrios of Cambridge, Wolf of Cambridge, Toomey of Cambridge and Demakis of Boston) congratulating Dance Complex of Cambridge on the occasion of its tenth anniversary, were referred under Rule 85, to the Committee on Rules.

Mr. DiMasi 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. Barrios, the resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted.

Order.

The following order (filed by Mr. Correia of Fall River) was referred, under Rule 85, to the committee on Rules:

Ordered, That the special committee of the House (established under House Order, No. 2825 of 2001) to make an investigation and study of the feasibility of automating the House of Representatives, is hereby continued. Said committee shall report the results of its investigation and study by filing the same with the Clerk of the House of Representatives on or before the

first Wednesday in November, 2001.

Mr. Scaccia of Boston, for said committee on Rules, then reported recommending that the order ought to be adopted.

Under suspension of the rules, on motion of Mr. Correia, the order was considered forthwith; and it was adopted.

Annual and Special Reports.

Annual report of the Capital Resource Company (under the provisions of Section 12 of Chapter 816 of the Acts of 1977) describing the formation and current status of said company;

Quarterly reports

Of the Massachusetts Convention Center Authority (under the provisions of Section 5L of Chapter 152 of the Acts of 1997) relative to all contracts regarding the Boston Convention and Exhibition Center project entered into by said authority; and

Of the Division of Employment and Training (under the provisions of Section 68 of Chapter 233 of the Acts of 1983) relative to the condition of the Commonwealth's Unemployment Insurance Trust Fund for the period ending July 31, 2001;

Interim report of the Administrative Office of the Trial Court (under the provisions of Section 15 of Chapter 358 of the Acts of 1996, as amended by Section 4 of Chapter 157 of the Acts of 1998 and Section 19 of Chapter 142 of the Acts of 2000) relative to the implementation of the expansion of the one trial system for the superior and district courts of Berkshire, Essex, Middlesex and Norfolk Counties; and

Report of the Bureau of Special Investigations, Department of Revenue (under the provisions of Section 11(8) of Chapter 14 of the General Laws) submitting a summary of its activities for July, 2001;

Severally were placed on file.

Reports of Committees.

By Mr. Rogers of Norwood, for the committee on Ways and Means, on a message from Her Honor the Lieutenant-Governor, Acting Governor, a Bill making certain appropriations for the fiscal year ending June 30, 2002, before final action on the General Appropriation Bill for that fiscal year (printed in House, No. 4517) [Cost: \$2,049,000,000.00], which was read.

Under suspension of the rules, on motion of the same member, the bill was read a second and (having been reported by the committee on Bills in the Third Reading to be correctly drawn) a third time forthwith; and it was passed to be engrossed. Sent to the Senate for concurrence.

By Mr. Kujawski of Webster, for the committee on Steering, Policy and Scheduling, that the House Bill relative to credit counseling services (House, No. 579) be scheduled for

consideration by the House.

Under suspension of Rule 7A, on motion of Mr. Barrios of Cambridge, the bill was read a second time forthwith; and it was ordered to a third reading.

By Mr. Koczera of New Bedford, for the committee on Natural Resources and Agriculture, on Senate, Nos. 1054, 1079, 1085, 1090 and 1096 and House, No. 302, an Order relative to authorizing the committee on Natural Resources and Agriculture to make an investigation and study of certain current Senate and House documents concerning wetland protection programs in the Commonwealth and other related matters (House, No. 4525).

By the same member, for the same committee, on Senate, Nos. 1056 and 1111 and House, Nos. 1068, 1448, 1450, 2570, 3389, 3390 and 3967, an Order relative to authorizing the committee on Natural Resources and Agriculture to make an investigation and study of certain current Senate and House documents concerning the removal of certain underground storage tanks, hazardous waste site cleanup, site assessments for certain property and other related matters (House, No. 4526).

By the same member, for the same committee, on Senate, No. 1115 and House, Nos. 656, 2386 and 2390, an Order relative to authorizing the committee on Natural Resources and Agriculture to make an investigation and study of certain current Senate and House documents concerning toxic and hazardous materials and transportation of toxic waste (House, No. 4527).

By the same member, for the same committee, on Senate, Nos. 1117 and 1141 and House, Nos. 1585 and 3160, an Order relative to authorizing the committee on Natural Resources and Agriculture to make an investigation and study of certain current Senate and House documents concerning the licensing of septic system installers, the confidentiality of environmental records and other related matters (House, No. 4528).

By the same member, for the same committee, on Senate, No. 1133 and House, Nos. 1249 and 1630, an Order relative to authorizing the committee on Natural Resources and Agriculture to make an investigation and study of certain current Senate and House documents concerning solid waste disposal, metal recyclers and waste reduction programs (House, No. 4529).

By the same member, for the same committee, on House, Nos. 2211 and 2213, an Order relative to authorizing the committee on Natural Resources and Agriculture to make an investigation and study of certain House documents concerning acid rain and the control of air pollution in the Commonwealth (House, No. 4530).

Severally referred, under Joint Rule 29, to the committees on Rules of the two branches, acting concurrently.

Subsequently Mr. Scaccia of Boston, for said committees, reported, in each instance, asking to be discharged from further consideration of the orders; and recommending that the same severally be referred to the House committee on Rules.

Under Rule 42, the reports severally were considered forthwith; and they were accepted.

By Mr. Greene of Billerica, for the committee on Commerce and Labor, on Senate, No. 63 and House, Nos. 231, 2853 and 3037, a Bill relative to unemployment insurance rates (House, No. 4531). Read; and referred, under Rule 33, to the committee on Ways and Means.

By Mr. Mariano of Quincy, for the committee on Insurance, on House, Nos. 1412 and 1787, a Bill relative to liquor liability insurance (House, No. 1787). Read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Engrossed Bills.

Engrossed bills

Designating February 14 as congenital heart defect awareness day (see Senate, No. 1618) (which originated in the Senate); and

Authorizing the town of Lancaster to place certain questions relative to the sale of alcoholic beverages on the town's election ballot (see House, No. 4181, amended) (which originated in the House);

Severally having been certified by the Clerk to be rightly and truly prepared for final passage, were passed to be enacted; and they were signed by the Speaker and sent to the Senate.

Recess.

At twenty-one minutes before twelve o'clock noon, the Speaker declared a recess subject to the call of the Chair; and at twenty minutes before three o'clock P.M. the House was called to order with the Speaker in the Chair.

Report of a Committee.

Mr. Rogers of Norwood, for the committee on Ways and Means, on House, No. 4196, reported, in part, a Bill making appropriations for the fiscal year 2001 to provide for supplementing certain existing appropriations and for certain other activities and projects (House, No. 4532), which was read [Direct Appropriations: \$165,282,072.00; Fund Transfer: \$579,215,151.00; Total Appropriations: \$744,497,223.00].

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

Under suspension of the rules, on motion of Mrs. Teahan of Whitman, 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 eighteen minutes before three o'clock P.M., the Speaker declared a recess subject to the call of the Chair; and at twenty-five minutes before five o'clock the House was called to order with

the Speaker in the Chair.

Engrossed Bill.

The engrossed Bill making certain appropriations for the fiscal year ending June 30, 2002, before final action on the General Appropriation Bill for that fiscal year (see House bill printed in House, No. 4517) (which originated in the House), having been certified by the Clerk to be rightly and truly prepared for final passage, was passed to be enacted; and it was signed by the Speaker and sent to the Senate.

Recess.

At ten minutes after five o'clock P.M., the Speaker declared a recess subject to the call of the Chair; and at twenty-eight minutes before seven o'clock the House was called to order with the Speaker in the Chair.

Paper from the Senate.

The House Bill making appropriations for the fiscal year 2001 to provide for supplementing certain existing appropriations and for certain other activities and projects (House, No. 4532) came from the Senate passed to be engrossed, in concurrence, with an amendment striking out section 36 and inserting in place thereof the following section:

“SECTION 36. There shall be established and set up on the books of the commonwealth a separate fund to be known as the Transitional Escrow Fund. Notwithstanding any general or special law to the contrary, the state comptroller shall, effective June 30, 2001, transfer to the Transitional Escrow Fund the sum of \$579,215,151 from revenues credited to the General Fund in fiscal year 2001. Expenditures from the fund shall be subject to appropriation.

The fund shall expire on November 30, 2001 at which time the comptroller shall transfer the unexpended balance in said fund in accordance with the comptroller's authority under sections 8 and 9 of chapter 7A of the General Laws for the purposes specified in sections 49 and 2H of chapter 29 of the General Laws.”.

Under suspension of Rule 35, on motion of Mr. Rogers of Norwood, the amendment (reported by the committee on Bills in the Third Reading to be correctly drawn) was considered forthwith.

The same member then moved that the House concur with the Senate in its amendment with a further amendment striking out section 36 (inserted by amendment by the Senate) and inserting in place thereof the following section:

“SECTION 36. There shall be established and set up on the books of the commonwealth a separate fund to be known as the Transitional Escrow Fund. Notwithstanding any general or special law to the contrary, the state comptroller shall, effective June 30, 2001, transfer to said Transitional Escrow Fund the sum of \$579,215,151 from revenues credited to the General Fund in fiscal year 2001. Expenditures from the Transitional Escrow Fund shall be subject to appropriation.

The fund shall expire on November 30, 2001 at which time the comptroller shall transfer the unexpended balance in the fund in accordance with subsections (b) and (c) of section 5C of chapter 29 of the General Laws.”.

The further amendment was adopted.

The House then concurred with the Senate in its amendment, as amended. Sent to the Senate for concurrence in the further amendment.

Subsequently the bill came from the Senate with the endorsement that said branch had concurred with the House in its further amendment with a still further amendment striking out section 36 (inserted by further amendment by the House) and inserting in place thereof the following section:

“SECTION 36. There shall be established and set up on the books of the commonwealth a separate fund to be known as the Transitional Escrow Fund. Notwithstanding any general or special law to the contrary, the state comptroller shall, effective June 30, 2001, transfer to said Transitional Escrow Fund the sum of \$579,215,151 from revenues credited to the General Fund in fiscal year 2001. Expenditures from the Transitional Escrow Fund shall be subject to appropriation.

The fund shall expire on November 30, 2001 at which time the comptroller shall transfer the unexpended balance in the fund in accordance with section 5C of chapter 29 of the General Laws, except clause (a) of said section 5C.”.

Under suspension of the rules, on motion of Mr. Rogers of Norwood, the still further amendment was considered forthwith; and it was adopted, in concurrence.

Emergency Measure.

The engrossed Bill making appropriations for the fiscal year 2001 to provide for supplementing certain existing appropriations and for certain other activities and projects (see House, No. 4532, 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.

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 20 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 Speaker and sent to the Senate.

Order.

On motion of Mr. Jones of North Reading,—

Ordered, That when the House adjourns today, it adjourn to meet on Thursday next at eleven

o'clock A.M.

