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UNCORRECTED PROOF OF THE JOURNAL OF THE SENATE.



JOURNAL OF THE SENATE.

Thursday, January 16, 2003.

Met according to adjournment at one o'clock P.M. (Ms. Walsh in the Chair).

Recess.

There being no objection, at one minute past one o'clock P.M., the Chair (Ms. Walsh) declared a recess subject to the call of the Chair; and at twenty-eight minutes past one o'clock P.M., the Senate reassembled, the President in the Chair.

The President, members, guests and employees then recited the pledge of allegiance to the flag.

Distinguished Guests.

There being no objection, during consideration of the Orders of the Day, the President introduced, seated in the rear of the Chamber, the players and coaches of the Marian High School football team. The team won the Division 6 Super Bowl in 2002 for the second year in a row. The team and coaches were the guests of Senator Magnani.

Resolutions.

The following resolutions (having been filed with the Clerk) were considered forthwith and adopted, as follows:—

Resolutions (filed by Mr. Hedlund) “on the retirement of Thomas P. Mackay.”

Orders of the Day.

The Orders of the Day were considered, as follows:

The House Bill amending the Governor’s authority to address deficiencies in revenue (House, No. 2010, amended),— was read a second time and, pursuant to an order previously adopted by the Senate, was ordered to a third reading and read a third time, its title having been changed by the committee on Bills in the Third Reading to read as follows: “An Act expanding the Governor’s authority to address deficiencies in revenue.”

Pending the main question on passing the bill to be engrossed, Messrs. Lees, Berry and Panagiotakos and Ms. Murray moved to amend the bill by striking out section 2B.

After debate, the question on adoption of the amendment was determined by a call of the yeas and nays, at thirteen minutes before two o’clock P.M., on motion of Mr. Lees, as follows, to wit (yeas 27 — nays 10) [**Yeas and Nays No. 2**]:

YEAS.

Antonioni, Robert A.	Murray, Therese
Baddour, Steven A.	Nuciforo, Andrea F., Jr.
Barrios, Jarrett T.	Pacheco, Marc R.
Berry, Frederick E.	Panagiotakos, Steven C.
Chandler, Harriette L.	Rosenberg, Stanley C.
Hart, John A., Jr.	Sprague, Jo Ann
Havern, Robert A.	Tarr, Bruce E.
Hedlund, Robert L.	Tisei, Richard R.
Knapik, Michael R.	Tolman, Steven A.
Lees, Brian P.	Travaglini, Robert E.
McGee, Thomas M.	Tucker, Susan C.
Melconian, Linda J.	Walsh, Marian
Menard, Joan M.	Wilkerson, Dianne —
Montigny, Mark C.	27.

NAYS.

Brewer, Stephen M.	Magnani, David P.
Creem, Cynthia Stone	Moore, Richard T.
Fargo, Susan C.	Morrissey, Michael W.
Jacques, Cheryl A.	O’Leary, Robert A.
Joyce, Brian A.	Resor, Pamela — 10.

ABSENT OR NOT VOTING.

Creedon, Robert S., Jr.	Shannon, Charles E. —
Glodis, Guy W.	3.

The yeas and nays having been completed at nine minutes before two o’clock P.M., the amendment was adopted.

Mr. Lees moved to amend the bill by striking out section 4 and inserting in place thereof the following section:—

“SECTION 4. Section 3 shall take effect on July 1, 2004.”

Pending the question on adoption of the amendment, Messrs. Lees and Berry and Ms. Murray moved to amend the amendment by striking the number “2004” and inserting in place thereof the following number:— “2003”.

After remarks, the further amendment was adopted.

After further remarks, the pending amendment, as amended, was then adopted.

Messrs. Barrios and Antonioni, Ms. Melconian and Messrs. Montigny and Pacheco moved to amend the bill by inserting after section 2B (as printed) the following section:—

“SECTION 2C. The governor shall not reduce the allocation to a city, town or regional school district of state school aid funds appropriated in item 7061-0008 of section 2 of chapter 184 of the acts of 2002, as allocated by section 3 of said chapter 184, so as to reduce the sum of those allocated state school aid funds and the minimum required local contribution below foundation budget for that city, town or regional school district, as those terms are defined in section 2 of chapter 70 of the General Laws.”

After debate, the amendment was adopted.

Ms. Chandler and Messrs. Glodis, Shannon and Magnani moved to amend the bill by inserting after section 2C (inserted by the Senate) and inserting in place thereof the following section:—

“SECTION 2D. In any reduction in payments to a municipality or regional school district pursuant to items 0611-5500, 7061-0008, 7061-0022 or Lottery Distributions in sections 2 and 3 of chapter 184 of the acts of 2002, from the amounts appropriated in said chapter 184 the governor shall consider the following: (1) the impact on the annual budget of each municipality or regional school district; (2) the existence of any local reserve funds; (3) the percentage of the municipality’s or regional school district’s budget that comes from the state; and (4) any other factor that he considers important.”

After debate, the question on adoption of the amendment was determined by a call of the yeas and nays, at sixteen minutes past two o’clock P.M., on motion of Mr. O’Leary, as follows, to wit (yeas 24 — nays 12) [**Yeas and Nays No. 3**]:

YEAS.

Antonioni, Robert A.	Montigny, Mark C.
Baddour, Steven A.	Morrissey, Michael W.
Barrios, Jarrett T.	Murray, Therese
Berry, Frederick E.	Nuciforo, Andrea F., Jr.

Brewer, Stephen M.	Pacheco, Marc R.
Chandler, Harriette L.	Panagiotakos, Steven C.
Hart, John A., Jr.	Rosenberg, Stanley C.
Havern, Robert A.	Sprague, Jo Ann
Magnani, David P.	Tolman, Steven A.
McGee, Thomas M.	Tucker, Susan C.
Melconian, Linda J.	Walsh, Marian
Menard, Joan M.	Wilkerson, Dianne — 24.

NAYS.

Creem, Cynthia Stone	Lees, Brian P.
Fargo, Susan C.	Moore, Richard T.
Hedlund, Robert L.	O’Leary, Robert A.
Jacques, Cheryl A.	Resor, Pamela
Joyce, Brian A.	Tarr, Bruce E.
Knapik, Michael R.	Tisei, Richard R. — 12.

ABSENT OR NOT VOTING.

Creedon, Robert S., Jr.	Shannon, Charles E. — 3.
Glodis, Guy W.	

The yeas and nays having been completed at twenty minutes past two o’clock P.M., the amendment was adopted.

Mr. Tarr moved to amend the bill by striking out section 2 and inserting in place thereof the following section:—

“SECTION 2. Section 9C of said chapter 29, as so appearing, is hereby amended by striking out the first paragraph, and inserting in place thereof the following paragraph:—

Whenever, in the opinion of the comptroller, available revenues as determined by him from time to time during any fiscal year under section 5B will be insufficient to meet all of the expenditures authorized to be made from any fund, whether by appropriation or distribution, he shall immediately notify the governor and the senate and house committees on ways and means of the amount of such probable deficiency of revenue and the governor, within 15 days of such notification, shall submit to the general court specific proposals to raise additional revenues and reduce allotments under section 9B, stating the reason for and effect of such reductions, by a total amount equal to such deficiency. Any recommendations relative to reductions shall become effective in 10 days following their submission absent any further legislative enactment relative thereto. Any action challenging the legality of an allotment reduction pursuant to this section shall be commenced in the supreme judicial court for Suffolk county.”

After debate, the question on adoption of the amendment was determined by a call of the yeas and nays, at twenty-three minutes past two o'clock P.M., on motion of Mr. Tarr, as follows, to wit (yeas 10 — nays 26) [**Yeas and Nays No. 4**]:

YEAS..

Creem, Cynthia Stone	Morrissey, Michael W
Hedlund, Robert L.	O'Leary, Robert A.
Joyce, Brian A.	Resor, Pamela
Magnani, David P.	Tarr, Bruce E.
Moore, Richard T.	Tucker, Susan C. — 10.

NAYS.

Antonioni, Robert A.	Melconian, Linda J.
Baddour, Steven A.	Menard, Joan M.
Barrios, Jarrett T.	Montigny, Mark C.
Berry, Frederick E.	Murray, Therese
Brewer, Stephen M.	Nuciforo, Andrea F., Jr.
Chandler, Harriette L.	Pacheco, Marc R.
Fargo, Susan C.	Panagiotakos, Steven C.
Hart, John A., Jr.	Rosenberg, Stanley C.
Havern, Robert A.	Sprague, Jo Ann
Jacques, Cheryl A.	Tisei, Richard R.
Knapik, Michael R.	Tolman, Steven A.
Lees, Brian P.	Walsh, Marian
McGee, Thomas M.	Wilkerson, Dianne — 26.

ABSENT OR NOT VOTING.

Creedon, Robert S., Jr.	Shannon, Charles E. — 3.
Glodis, Guy W.	

The yeas and nays having been completed at twenty-six minutes past two o'clock P.M., the amendment was *rejected*.

Ms. Creem moved to amend the bill by adding the following section:—

“SECTION 3A. The reduction, on a percentage basis, of the sum of all cherry sheet reductions to each municipality and regional school district shall be equal to the reduction, on a percentage basis, of the sum of all cherry sheet reductions to the sum of all cherry sheet aid.”

After remarks, the amendment was *rejected*.

After remarks, the question on passing the bill to be engrossed, in concurrence, with the amendments, was determined by a call of the yeas and nays, at three minutes before three o'clock P.M., on motion of Mr. Lees, as follows, to wit (yeas 29 — nays 8) [**Yeas and Nays No. 5**]:

YEAS.

Antonioni, Robert A.	Menard, Joan M.
Baddour, Steven A.	Montigny, Mark C.
Barrios, Jarrett T.	Morrissey, Michael W.
Berry, Frederick E.	Murray, Therese
Chandler, Harriette L.	Pacheco, Marc R.
Creem, Cynthia Stone	Panagiotakos, Steven C.
Fargo, Susan C.	Rosenberg, Stanley C.
Hart, John A., Jr.	Sprague, Jo Ann
Havern, Robert A.	Tarr, Bruce E.
Hedlund, Robert L.	Tisei, Richard R.
Jacques, Cheryl A.	Tolman, Steven A.
Knapiak, Michael R.	Travaglini, Robert E.
Lees, Brian P.	Tucker, Susan C.
McGee, Thomas M.	Walsh, Marian — 29.
Melconian, Linda J.	

NAYS.

Brewer, Stephen M.	Nuciforo, Andrea F., Jr.
Joyce, Brian A.	O'Leary, Robert A.
Magnani, David P.	Resor, Pamela
Moore, Richard T.	Wilkerson, Dianne — 8.

ABSENT OR NOT VOTING.

Creedon, Robert S., Jr.	Shannon, Charles E. — 3.
Glodis, Guy W.	

**The yeas and nays having been completed at three o'clock P.M., the bill was passed to be engrossed, in concurrence, with the amendments.
Sent to the House for concurrence in the amendments.**

Order Adopted.

Ms. Creem and Messrs. Rosenberg and Magnani offered the following order, to wit:

Ordered, That the President appoint a special committee of the Senate to recommend legislation and other methods for mitigating the effect of local aid reductions for cities

and towns. The special committee shall report not later than February 15, 2003.
There being no objection, the order was considered forthwith and adopted.

Communication.

The Clerk read the following communication:

January 16, 2003.

Mr. Patrick F. Scanlan
Clerk of the Senate
State House, Room 335
Boston, MA 02133

Dear Mr. Clerk:

Due to my ongoing rehabilitation, I will not return to the State House until Thursday, January 23. Because of this, I was absent from the Senate Chambers today and missed several roll call votes relative to extending the Governor's 9C powers.

Had I been present, I would have voted in the affirmative on the question of engrossing House Bill 2010, as amended by the Senate. I also would have voted in the affirmative on amendments number 14 and 15, and in the negative on amendment number 1.

I would respectfully request that this letter be printed in the Senate Journal as part of the official record for Thursday, January 16, 2003. Thank you in advance for your assistance in this matter.

Sincerely,
CHARLES E. SHANNON,
State Senator.

On motion of Mr. Berry, the above communication was ordered printed in the Journal of the Senate.

Order Adopted.

On motion of Mr. Berry,—

Ordered, That when the Senate adjourns today, it adjourn to meet again tomorrow at eleven o'clock A.M., and that the Clerk be directed to dispense with the printing of a calendar.

On motion of Mr. Lees, at three minutes past three o'clock P.M., the Senate adjourned to meet on the following day at eleven o'clock A.M.