

**NOTICE:** While reasonable efforts have been made to assure the accuracy of the data herein, this is **NOT** the official version of Senate Journal. It is published to provide information in a timely manner, but has **NOT** been proofread against the events of the session for this day. All information obtained from this source should be checked against a proofed copy of the Senate Journal.

## UNCORRECTED PROOF OF THE JOURNAL OF THE SENATE.



### JOURNAL OF THE SENATE.

Tuesday, February 25, 2003.

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

#### *Communications.*

A communication from the Department of Revenue submitting notice of proposed changes in fees charged by the Underground Storage Tank Board (under the provisions of Section 2 of Chapter 21J of the General Laws) for the delivery of petroleum products (Senate, No. 1950) (received Friday, February 7, 2003),— **was referred to the committee on Natural Resources and Agriculture.**

A communication from the Board of Trustees of the Health Care Security Trust (under the provisions of Section 4(h) of Chapter 29D of the General Laws) submitting an operating Trust Agreement (Senate, No. 1951) (received Wednesday, February 12, 2003),— **was referred to the committee on Health Care.**  
**Severally sent to the House for concurrence.**

#### *Reports.*

The following reports were severally read and placed on file:

A report of the Executive Office of Elder Affairs (under the provisions of Section 39 of Chapter 19A of the General Laws) relative to the prescription advantage update (received Thursday, February 20, 2003); and

A report of the Division of Employment and Training (under the provisions of Chapter 233 of the Acts of 1983) relative to the condition of the Unemployment Insurance Trust Fund (received Tuesday, February 25, 2003).

The following reports were severally read and sent to the House for its information:

Reports of the Department of Public Health (under the provisions of Sections 5 and 20 of Chapter 111 of the General Laws) relative to inspection of the Essex County Correctional Alternative Center and the Souza-Baranowski Correctional Center (received Wednesday, February 19, 2003); and

A report of the Department of Public Health (under the provisions of Sections 5 and 20 of Chapter 111 of the General Laws) relative to inspection of the Middlesex County House of Correction and Jail (received Friday, February 21, 2003).

#### *Petitions.*

Mr. Shannon presented a petition (subject to Joint Rule 12) of Charles E. Shannon, Vincent P. Ciampa, Andrea F. Nuciforo, Jr., Joan M. Menard and other members of the General Court for legislation to further regulate pharmacies,— **and the same was referred, under Senate Rule 20, to the committees on Rules of the two branches, acting concurrently.**

A petition (having been transmitted to the Secretary of the Commonwealth under the provisions of Section 7 of Chapter 3 of the General Laws) was returned by him with memoranda, relative thereto, as follows, to wit:

Petition (accompanied by bill, Senate, No. 1941) of Robert A. Antonioni and Harold P. Naughton, Jr. for legislation to amend the charter of the Sterling Camp Meeting Association,— **and the same was referred to the committee on Commerce and Labor. Sent to the House for concurrence.**

*Recess.*

There being no objection, at one minute past one o'clock P.M., the Chair (Mr. Berry) declared a recess subject to the call of the Chair; and at seventeen minutes before two 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.

*Report of a Committee of Conference.*

Ms. Murray, for the committee of conference, to whom was referred the matters of difference between the branches with reference to the House amendment to the Senate Bill making appropriations for fiscal year 2003 for supplementing certain existing appropriations and for certain other activities and projects (Senate, No. 1943) (*amended by the House* by striking out all after the enacting clause and inserting in place thereof the text of House document numbered 2022),— reported, in part a “Bill making appropriations for fiscal year two thousand three to provide for supplementing certain existing appropriations and for certain other activities and projects” (Senate, No. 1949), and recommending that the House concur therein.

Pursuant to an order previously adopted, the report was considered forthwith.

Pending the question on accepting the report of the conference committee, there being no objection, the Clerk read the following communication relative to the conference committee report:

Mr. Patrick Scanlan, *Senate Clerk*

Mr. Steven T. James, *House Clerk*

Clerk Scanlan and Clerk James,

Please be advised that the following sections have been inadvertently omitted from the Conference Report of House 2022 and Senate 1943:

SECTION 83A. Notwithstanding any general or special law to the contrary, if there is insufficient funding during fiscal year 2003 to provide for the range of programs funded as of January 1, 2003 by item 4401-1000 of section 2 of chapter 184 of the acts of 2002, the department of transitional assistance shall revise its policies as follows for recipients who were actively enrolled in or receiving services funded from said item 4401-1000 on or prior to January 30, 2003:

(1) The department shall allow active participation in self-directed job search efforts, as defined by the department, to qualify a family for an extension of time-limited benefits pursuant to subsection (f) of section 110 of chapter 5 of the acts of 1995 and shall be deemed to meet the work requirement in subsection (j) of said section 110 of said chapter 5 to the same degree as did participation in a job search or other program funded by said item 4401-1000 as of January 1, 2003. These policies shall only apply to recipients not able to participate in such a job search program due to insufficient funding.

(2) The department shall not sanction recipients who are unable to comply with the work requirement in said subsection (f) of said section 110 of said chapter 5 or the terms of an employment development plan because of insufficient funding for programs previously funded by said item 4401-1000 including, but not limited to, transportation services.

(3) The department shall not deny benefits to, or otherwise sanction, an applicant for, or recipient of, transitional aid to families with dependent children benefits pursuant to said section 110 of said chapter 5 for failure to comply with the teen parent school attendance rules where the department is unable to provide or arrange for an appropriate school program because of insufficient funding for the young parents program previously funded by said item 4401-1000.

(4) For recipient who is participating in, is required to participate in or volunteers to participate in a program previously funded by said item 4401-1000 or a comparable program, the department shall not count toward the time limit imposed by said subsection (f) of said section 110 of said chapter 5 any time that passes until the department, in consultation and collaboration with the division of employment and training, the one-stop career centers and other workforce development agencies, has arranged a placement in a comparable education, training or job search program funded by the federal, state or local government to prepare the recipient for reaching the time limit.

(5) The department shall continue to operate an employment services program under which the department collects information about education, training and other work preparation programs that are available in each local area, actively seeks to maximize the number of slots in such programs that are available to serve current and former recipients of transitional aid to families with dependent children, makes referrals of current and former recipients to the programs and facilitates the delivery of child care and transportation services to such recipients who are required to or wish to participate in such programs.

SECTION 91. Section 83A shall cease to be effective on the effective date of the general appropriation act for fiscal year 2004.

Signed By:  
Senator Therese Murray, *Chair*  
Representative John H. Rogers, *Chair*  
Senator Michael R. Knapik  
Representative Peter J. Larkin  
Senator Steven C. Panagiotakos  
Representative Viriato Manuel de Macedo

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

The above mentioned sections were then added to the official report of the committee of conference and were included in the text of Senate, No. 1949, when it was accepted in both branches.

After remarks, the question on accepting the report of the committee of conference was determined by a call of the yeas and nays, at fourteen minutes past two o'clock P.M., on motion of Mr. Lees, as follows, to wit (yeas 38 — nays 0) **[Yeas and Nays No. 14]:**

#### YEAS.

Antonioni, Robert A.  
Baddour, Steven A.  
Barrios, Jarrett T.  
Berry, Frederick E.  
Brewer, Stephen M.  
Chandler, Harriette L.  
Creedon, Robert S., Jr.  
Creem, Cynthia Stone  
Fargo, Susan C.  
Glodis, Guy W.  
  
Hart, John A., Jr.  
  
Havern, Robert A.  
Hedlund, Robert L.  
Jacques, Cheryl A.  
Joyce, Brian A.  
  
Knapik, Michael R.  
  
Lees, Brian P.  
McGee, Thomas M.  
Melconian, Linda J.

Menard, Joan M.  
Montigny, Mark C.  
Moore, Richard T.  
Morrissey, Michael W.  
Murray, Therese  
Nuciforo, Andrea F., Jr.  
O'Leary, Robert A.  
Pacheco, Marc R.  
Panagiotakos, Steven C.  
Resor, Pamela  
Shannon, Charles  
E.  
Sprague, Jo Ann  
Tarr, Bruce E.  
Tisei, Richard R.  
Tolman, Steven A.  
Travaglini, Robert  
E.  
Tucker, Susan C.  
Walsh, Marian  
Wilkerson, Dianne — 38.

#### NAYS — 0.

#### ABSENT OR NOT VOTING.

Magnani, David P.

Rosenberg, Stanley C. — 2.

The yeas and nays having been completed at eighteen minutes past two o'clock, the report (Senate, No. 1949) was accepted.  
Sent to the House for concurrence.

*Order Adopted.*

On motion of Ms. Melconian,—

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

*Recess.*

There being no objection, at twenty minutes past two o'clock P.M., the President declared a recess subject to the call of the Chair; and at three minutes past three o'clock P.M., the Senate reassembled, Mr. Havern in the Chair (having been appointed by the President, under authority conferred by Senate Rule 4, to perform the duties of the Chair).

PAPERS FROM THE HOUSE.

*Emergency Preamble Adopted; Engrossed Bill Enacted.*

An engrossed Bill making appropriations for fiscal year two thousand three to provide for supplementing certain existing appropriations and for certain other activities and projects (see Senate, No. 1949), having been certified by the Senate Clerk to be rightly and truly prepared for final passage and containing an emergency preamble,— was laid before the Senate; and, a separate vote being taken in accordance with the requirements of Article LXVII of the Amendments to the Constitution, the preamble was adopted, in concurrence, by a vote of 2 to 0.

The bill was signed by the Acting President and sent to the House for enactment.

Subsequently, the bill, which originated in the Senate, came from the House with the endorsement that it had been enacted in that branch.

**The Senate then passed the bill to be enacted; and it was signed by the Acting President.**

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