

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.

Thursday, January 20, 2011.

Met at fourteen minutes past eleven o'clock A.M.

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

Distinguished Guests.

There being no objection, the President handed the gavel to Mr. Timilty for the purpose of an introduction. Mr. Timilty then introduced, in the rear of the Chamber, the Mansfield High School Football Team. They were recognized for winning the Division 2 Super Bowl Championship. The team was accompanied by Coach Mike Reading. The Senate applauded their accomplishments and they withdrew from the Chamber.

There being no objection, during consideration of the Orders of the Day, the President handed the gavel to Mr. Joyce for the purpose of an introduction. Mr. Joyce then introduced, in the rear of the Chamber, Paul Dooley, Dave Rappaport, Joel Pratt, Walter Towner and Dr. Jay Lowney, members of Matching Donors, a non-profit organization based in Canton that helps patients and donors with transplant related expenses not covered by insurance. They were accompanied by retired Vice Chancellor of UMASS Medical School, Albie Sherman who was recognized for his medical breakthroughs and research. The Senate welcomed them with applause and they withdrew from the Chamber.

There being no objection, during consideration of the Orders of the Day, the President handed the gavel to Ms. Creem for the purpose of an introduction. Ms. Creem then introduced, in the rear of the Chamber, Edgar Krasa of Newton, who, during World War II, managed to survive two concentration camps and being shot by the Nazis. He was accompanied by his wife Hana, who also survived Terezin Concentration Camp. In 1950 they fled to Israel, and in 1962 emigrated to the United States, where they raised their two sons, Daniel and Rafphae, who were seated in the Senate Gallery. Mr. Krasa addressed the Senate and was applauded for his efforts in sharing his story with others and educating Americans of the atrocities of World War II.

Communications.

The following communications were severally received and placed on file:

A communication from the Honorable Therese Murray, President of the Senate, announcing leadership appointments that have been ratified by the Majority Party Caucus:

Senator Frederick E. Berry – *Majority Leader*
Senator Stanley C. Rosenberg – *President Pro Tempore*
Senator Steven A. Tolman – *Assistant Majority Leader*
Senator John A. Hart, Jr. – *Majority Whip*
Senator Harriette L. Chandler – *Assistant Majority Whip*

Senate Standing Committees.

Ethics and Rules. — Senators Berry of Suffolk and Middlesex, Spilka of Second Middlesex and Norfolk, Brewer of Worcester, Hampden, Hampshire and Franklin and Tolman of Second Suffolk and Middlesex (the membership of the committee on Ethics and Rules also being the membership to the committees on Rules of the two branches, acting concurrently, on the part of the Senate.)

Ways and Means. — Senators Brewer of Worcester, Hampden, Hampshire and Franklin, Baddour of First Essex, Flanagan of Worcester and Middlesex, Downing of Berkshire, Creem of Middlesex and Norfolk, Jehlen of Second Middlesex, Joyce of Norfolk, Bristol and Plymouth, Kennedy of Second Bristol and Plymouth, McGee of Third Essex and Middlesex, Michael O. Moore of Second Worcester, Richard T. Moore of Worcester and Norfolk, Pacheco of First Plymouth and Bristol, Petruccelli of First Suffolk and Middlesex, Spilka of Second Middlesex and Norfolk, Candaras of First Hampden and Hampshire.

Bills in the Third Reading. — Senators Creem of Middlesex and Norfolk, Hart of First Suffolk, Richard T. Moore of Worcester and Norfolk, DiDomenico of Middlesex, Suffolk and Essex.

Post Audit and Oversight. — Senators Montigny of Second Bristol and Plymouth, Creem of Middlesex and Norfolk, Candaras of First Hampden and Hampshire, Moore, M. of Second Worcester, Downing of Berkshire, Clark of Middlesex and Essex.

Steering and Policy. — Senators Flanagan of Worcester and Middlesex, Richard T. Moore of Worcester and Norfolk, Tolman of Second Suffolk and Middlesex, Chandler of First Worcester.

Global Warming and Climate Change. — Senators Pacheco of First Plymouth and Bristol, Eldridge of Middlesex and Worcester, McGee of Third Essex and Middlesex, Spilka of Second Middlesex and Norfolk, Downing of Berkshire.

Bonding, Capital Expenditures and State Assets. — Senators Joyce of Norfolk, Bristol and Plymouth, Keenan of Norfolk and Plymouth, Chang-Diaz of Second Suffolk, Donnelly of Fourth Middlesex, Eldridge of Middlesex and Worcester.

Children's Caucus. — Senator McGee of Third Essex and Middlesex.

Joint Standing Committees.

CHILDREN, FAMILIES AND PERSONS WITH DISABILITIES — Senators Rodrigues of First Bristol and Plymouth, Donnelly of Fourth Middlesex, Fargo of Third Middlesex, Jehlen of Second Middlesex, Chang-Diaz of Second Suffolk.

COMMUNITY DEVELOPMENT AND SMALL BUSINESS -- Senators DiDomenico of Middlesex, Suffolk and Essex, Clark of Middlesex and Essex, Donoghue of First Middlesex, Welch of Hampden, Rodrigues of First Bristol and Plymouth.

CONSUMER PROTECTION AND PROFESSIONAL LICENSURE --Senators Kennedy of Second Bristol and Plymouth, Petruccelli of First Suffolk and Middlesex, DiDomenico of Middlesex, Suffolk and Essex, Timilty of Bristol and Norfolk, Donnelly of Fourth Middlesex.

ECONOMIC DEVELOPMENT AND EMERGING TECHNOLOGIES --Senators Spilka of Second Middlesex and Norfolk, McGee of Third Essex and Middlesex, Rush of Suffolk and Norfolk, Donoghue of First Middlesex, Richard T. Moore of Worcester and Norfolk, Joyce of Norfolk, Bristol and Plymouth .

EDUCATION -- Senators Chang-Diaz of Second Suffolk, Jehlen of Second Middlesex, DiDomenico of Middlesex, Suffolk and Essex, Clark of Middlesex and Essex, Finegold of Second Essex and Middlesex.

ELDER AFFAIRS — Senators Jehlen of Second Middlesex, Fargo of Third Middlesex, Joyce of Norfolk, Bristol and Plymouth, Montigny of Second Bristol and Plymouth, Rodrigues of First Bristol and Plymouth.

ELECTION LAWS — Senators Finegold of Second Essex and Middlesex, DiDomenico of Middlesex, Suffolk and Essex, Donnelly of Fourth Middlesex, Welch of Hampden, Kennedy of Second Plymouth and Bristol.

ENVIRONMENT, NATURAL RESOURCES AND AGRICULTURE — Senators Pacheco of First Plymouth and Bristol, Eldridge of Middlesex and Worcester, Wolf of Cape and Islands, Downing of Berkshire, Creem of Middlesex and Norfolk.

FINANCIAL SERVICES --Senators Petruccelli of First Suffolk and Middlesex, Joyce of Norfolk, Bristol and Plymouth, Rodrigues of First Bristol and Plymouth, Candaras of First Hampden and Hampshire, Keenan of Norfolk And Plymouth .

HEALTH CARE FINANCING — Senators Richard T. Moore of Worcester and Norfolk, Joyce of Norfolk, Bristol and Plymouth, Finegold of Second Essex and Middlesex, Jehlen of Second Middlesex, Petruccelli of First Suffolk and Middlesex, Wolf of Cape and Islands.

HIGHER EDUCATION — Senators Michael O. Moore of Second Worcester, Donoghue of First Middlesex, Downing of Berkshire, Hampshire and Franklin, Rodrigues of First Bristol and Plymouth, Welch of Hampden.

HOUSING — Senators Eldridge of Middlesex and Worcester, Finegold of Second Essex and Middlesex, Downing of Berkshire, Hampshire and Franklin, Fargo of Third Middlesex, Jehlen of Second Middlesex.

THE JUDICIARY -- Senators. Creem of First Middlesex and Norfolk, Candaras of First Hampden and Hampshire, Jehlen of Second Middlesex, McGee of Third Essex and Middlesex, Keenan of Norfolk and Plymouth.

LABOR AND WORKFORCE DEVELOPMENT -- Senators Wolf of Cape and Islands, Rodrigues of First Bristol and Plymouth, Finegold of Second Essex and Middlesex, DiDomenico of Middlesex, Rush of Suffolk and Norfolk.

MENTAL HEALTH AND SUBSTANCE ABUSE -- Senators Keenan of Norfolk and Plymouth, Rush of Suffolk and Norfolk, Donnelly of Fourth Middlesex, Eldridge of Middlesex and Worcester, Creem of First Middlesex and Norfolk.

MUNICIPALITIES AND REGIONAL GOVERNMENT -- Senators Welch of Hampden, Wolf of Cape and Islands, Candaras of First Hampden and Hampshire, Timilty of Bristol and Norfolk, Chang-Diaz of Second Suffolk.

PUBLIC HEALTH -- Senators. Fargo of Third Middlesex, Chandler of First Worcester, Clark of Middlesex and Essex, Rush of Suffolk and Norfolk, Timilty of Bristol and Norfolk.

PUBLIC SAFETY AND HOMELAND SECURITY -- Senators Timilty of Bristol and Norfolk, Moore, M. of Second

Worcester, Clark of Middlesex and Essex, Montigny of Second Bristol and Plymouth, Welch of Hampden.

PUBLIC SERVICE – Senators Clark of Middlesex and Essex, Flanagan of Worcester and Middlesex, Kennedy of Second Plymouth and Bristol, Richard T. Moore of Worcester and Norfolk, Wolf of Cape and Islands.

REDISTRICTING -- Senators Rosenberg of Hampshire and Franklin, Chang-Diaz of Second Suffolk, Brewer of Worcester, Hampden, Hampshire and Franklin, Spilka of Second Middlesex and Norfolk, Timilty of Bristol and Norfolk, Wolf of Cape and Islands.

REVENUE -- Senators Candaras of First Hampden and Hampshire, Timilty of Bristol and Norfolk, Kennedy of Second Plymouth and Bristol, Keenan of Norfolk and Plymouth, Spilka of Second Middlesex and Norfolk.

STATE ADMINISTRATION AND REGULATORY OVERSIGHT – Senators Donnelly of Fourth Middlesex, Welch of Hampden, Fargo of Third Middlesex, Keenan of Norfolk And Plymouth, Rodrigues of First Bristol and Plymouth.

TELECOMMUNICATIONS, UTILITIES AND ENERGY -- Senators Downing of Berkshire, Hampshire and Franklin, Pacheco of First Plymouth and Bristol, Flanagan of Worcester and Middlesex, Donoghue of First Middlesex, Eldridge of Middlesex and Worcester.

TOURISM, ARTS AND CULTURAL DEVELOPMENT --Senators Donoghue of First Middlesex, Downing of Berkshire, Hampshire and Franklin, Richard T. Moore of Worcester and Norfolk, Chang-Diaz of Second Suffolk, Wolf of Cape and Islands.

TRANSPORTATION -- Senators McGee of Third Essex and Middlesex, Flanagan of Worcester and Middlesex, Spilka of Second Middlesex and Norfolk, Rush of Suffolk and Norfolk, Joyce of Norfolk, Bristol and Plymouth, Pacheco of First Plymouth and Bristol.

VETERANS AND FEDERAL AFFAIRS –Senators Rush of Suffolk and Norfolk, McGee of Third Essex and Middlesex, Keenan of Norfolk and Plymouth, Clark of Middlesex and Essex, Wolf of Cape and Islands.

A communication from the Honorable Jennifer L. Flanagan, in compliance with Massachusetts General Laws Chapter 268A (received in the office of the Clerk of the Senate on Wednesday, January 19, 2011);

A communication from the Honorable Therese Murray, President of the Senate, announcing the appointment of the Honorable Richard T. Moore (pursuant to Section 57 of Chapter 288 Of the Acts of 2010) to the Statewide Advisory Commission charged with investigating and studying the relative value of a uniform claims administration system for all payers in the Commonwealth;

A communication from the Honorable Bruce E. Tarr, Senate Minority Leader, announcing his resignation from the Massachusetts Interagency Council on Substance Abuse and Prevention (pursuant to Executive Order 496 Of 2008) and the appointment of Senator Richard J. Ross to said Council;

A communication from the Honorable Bruce E. Tarr, Senate Minority Leader, announcing his resignation from membership on the Massachusetts Food Policy Council (pursuant to Chapter 277 of the Acts of 2010) and the appointment of Senator Michael R. Knapik to said Council;

A communication from the Honorable Bruce E. Tarr, Senate Minority Leader, announcing the appointment of Senator Robert L. Hedlund to the Special Commission established (pursuant to Section 160 of Chapter 131 of the Acts of 2010) to make an investigation and study of the rehabilitative residential and integrated community-based support services for persons with acquired brain injury and persons with traumatic brain injury in the Commonwealth; and

A communication from the Honorable Bruce E. Tarr, Minority Leader, announcing the appointment (pursuant to Section 180 of Chapter 240 of the Acts of 2010) of Peter A. Anderson of 4 Prospect Street in Rockport as my designee to serve on the commission to study the feasibility of establishing a bank owned by the Commonwealth or by a public authority constituted by the Commonwealth.

Resolutions.

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

Resolutions (filed by Ms. Creem and Messrs. Timilty, Joyce and Ross) “honoring Michael Jackman for his dedicated service to the cities and towns of Norfolk County”; and

Resolutions (filed by Messrs. Joyce and Kennedy) “honoring John S. Haederle for his service to the town of Easton.”

Orders of the Day.

There being no objection, the Orders of the Day were considered, as follows:

The Senate Order recommending proposed Joint Rules to be adopted as permanent rules for the Senate and House of Representatives for 2011-2012 (Senate, No. 6) **was considered, the main question being on adoption.**

Pending the question on adoption of the order, Messrs. Tarr, Knapik, Hedlund and Ross moved that the order be amended by inserting after joint rule 35 the following new rule:

“36. Not later than March 15 of each year, the house and senate shall approve a joint resolution declaring the minimum amount of

aid to be distributed to the cities and towns of the commonwealth in the upcoming fiscal year. Said resolution shall declare the minimum amount of chapter 70 aid, unrestricted general government assistance, and expected lottery disbursements to be received by each city, town or school district.”

After debate, the amendment was rejected.

Messrs. Tarr, Knapik, Hedlund and Ross moved that the order be amended in joint rule 1D, by inserting at the end of the second paragraph the following new sentences:

“Included in such notice shall be a designated period of time, not to exceed 45 minutes, during which time testimony from legislators shall be heard on matters listed on the hearing agenda. Legislators wishing to be heard, either prior to or subsequent to the designated period, shall follow the guidelines set forth under the rules designated by each committee for the receipt of testimony by members of the public.”

After debate, the amendment was rejected.

Messrs. Tarr, Knapik, Hedlund and Ross moved that the order be amended in joint rule 12, by inserting at the end of the second paragraph the following new sentence:

“If, after 30 days, the committees on Rules of the two branches, acting concurrently, fail to issue a report, then the committee on Rules of the branch in which the matter was deposited shall issue a report and said matter shall be deemed admitted and referred to the appropriate committee for consideration.”

After remarks, the amendment was adopted.

Messrs. Tarr, Knapik, Hedlund and Ross moved that the order be amended in joint rule 10, by inserting after the first sentence the following new sentences:

“Notwithstanding the provisions of this rule, any committee which requests a reporting extension on any matter referred to the committee shall communicate to the President of the Senate, the Speaker of the House of Representatives, the Minority Leader of the Senate and the Minority Leader of the House of Representatives the reasons necessitating an extension prior to the granting of any extension, and shall also provide a complete list of all matters included in the extension. No reporting extension shall be granted for a period that exceeds 30 days.”

After debate, the amendment was rejected.

Messrs. Tarr, Knapik, Hedlund and Ross moved that the order be amended in joint rule 4, by inserting after the third sentence of the second paragraph the following new sentence:

“Such roll call votes shall be posted on the official website of the General Court in a clear and conspicuous manner by the Clerks of both branches.”

After debate, the question on adoption of the amendment was determined by a call of the yeas and the nays, at eleven minutes past twelve o'clock noon, on motion of Mr. Tarr, as follows, to wit (*yeas 8 — nays 31*) [**Yeas and Nays No. 2**]:

YEAS.

Chang-Diaz, Sonia	Hedlund, Robert L.
Creem, Cynthia Stone	Knapik, Michael R.
Eldridge, James B.	Ross, Richard J.
Fargo, Susan C.	Tarr, Bruce E. — 8.

NAYS.

Baddour, Steven A.	Kennedy, Thomas P.
Berry, Frederick E.	McGee, Thomas M.
Brewer, Stephen M.	Montigny, Mark C.
Candaras, Gale D.	Moore, Michael O.
Chandler, Harriette L.	Moore, Richard T.
Clark, Katherine M.	Pacheco, Marc R.
DiDomenico, Sal N.	Petrucelli, Anthony
Donnelly, Kenneth J.	Rodrigues, Michael J.
Donoghue, Eileen M.	Rosenberg, Stanley C.
Downing, Benjamin B.	Rush, Michael F.
Finegold, Barry R.	Spilka, Karen E.
Flanagan, Jennifer L.	Timilty, James E.

Hart, John A., Jr. Tolman, Steven A.
Jehlen, Patricia D. Welch, James T.
Joyce, Brian A. Wolf, Daniel A. — **31**.
Keenan, John F.

The yeas and nays having been completed at a quarter past twelve o'clock noon, the amendment was rejected.

Messrs. Tarr, Knapik, Hedlund and Ross moved that the order be amended by inserting after joint rule 12B the following new rule:

“General Appropriations Bill

12C. The House of Representatives shall undertake consideration of the General Appropriations Bill for the ensuing fiscal year not later than the second week of April of every calendar year. The Senate shall undertake consideration of the General Appropriations Bill for the ensuing fiscal year not later than the second week of May of every calendar year. This rule shall not be rescinded, amended or suspended except by a vote of two-thirds of the respective branch present and voting on the General Appropriations Bill.”

After debate, the amendment was rejected.

Messrs. Tarr, Knapik, Hedlund and Ross moved that the order be amended by inserting after joint rule 11D the following new rule:

“11E. Committees of conference on the General Appropriations Bill for each fiscal year shall make final report not later than the second Wednesday of June. This rule shall not be rescinded, suspended or amended more than once, except by unanimous consent.”

After remarks, the amendment was rejected.

Messrs. Tarr, Knapik, Hedlund and Ross moved that the order be amended in joint rule 11B, by striking the words “8 p.m.” and inserting in place thereof the following words: “5 p.m.”.

After remarks, the amendment was rejected.

Mr. Eldridge moved that the order be amended in the second paragraph of Joint Rule 1D, by striking the words “48 hours” and inserting in place thereof the words “one week” And in the second paragraph of Joint Rule 1D, striking the words “whenever practicable” And in the third paragraph of Joint Rule 1D, striking out the words “48-hour” and inserting in place thereof the words “one week”.

After debate, the amendment was rejected.

Messrs. Tarr, Knapik, Hedlund and Ross moved that the order be amended in joint rule 21, by deleting the first paragraph and inserting in place thereof the following paragraph:

“The committees on Rules of the two branches, acting concurrently, shall establish regulations for the distribution of bills, reports or other documents, including petitions not assigned bill numbers. Bills, reports or other documents, including petitions not assigned bill numbers, shall be made available to members electronically and published on the official website of the General Court. The committees on Rules of the two branches, acting concurrently, shall make such changes pertaining to the availability of bills, reports or other documents, including petitions not assigned bill numbers, as they deem necessary for expediting the work of the legislature.”; and by striking the word “may” in the second paragraph and inserting in place thereof the following word: “shall”.

After debate, the amendment was rejected.

Messrs. Tarr, Knapik, Hedlund and Ross moved that the order be amended in joint rule 12A, by inserting at the end thereof the following new sentence:- “Each standing committee shall hold at least one public hearing per year to determine if the agencies and programs that fall under its jurisdiction can achieve savings or operate in a more cost-effective manner, and each committee shall report its findings and recommendations to the Clerks of the House of Representatives and the Senate, and to the Chairs of the House and Senate committees on Ways and Means, no later than 30 days after the holding of such public hearing.”

After debate, the amendment was rejected.

Messrs. Tarr, Knapik, Hedlund and Ross moved that the order be amended by inserting, after joint rule 1G, the following new rule:

“1H. Each standing committee, when reporting on matters referred to said committee, shall allow for the filing of a dissenting minority report by members of the committee who disagree with the committee’s recommendations.”

After debate, the amendment was rejected.

Messrs. Tarr, Knapik, Hedlund and Ross moved that the order be amended in joint rule 1D, by inserting at the end of the second paragraph the following sentence:

“Sponsors of matters scheduled to be heard by a joint standing committee or any special joint committee of the Senate and House of Representatives shall be notified by the committee at least five days in advance of the date, time and location of the public hearing scheduled on said matter.”

After debate, the amendment was rejected.

Messrs. Tarr, Knapik, Hedlund and Ross moved that the order be by inserting after joint rule 1G the following new rule:

“1H. An independent redistricting commission, herein referred to as the commission, shall be convened and shall divide the commonwealth into congressional districts, 160 representative districts, 40 senatorial districts, and eight councilor districts. The federal census shall be the basis for determining congressional districts for the ten year period beginning with the first Wednesday of the third January following the commencement of the taking of said census. All districts shall comprise contiguous territory, shall be equal in population to the extent required by law, and shall comply with federal constitutional and statutory requirements. No district shall be drawn for the purpose or with the effect of diluting the voting strength of any group based on race, ethnicity or language minority status, or for the purpose of augmenting or diluting the voting strength of a political party, or any individual. In drawing district lines, the commission shall not consider residential address, party affiliation, or partisan voting history of any individual or groups of individuals, except to the extent necessary to avoid dilution of voting strength based on race, ethnicity or language minority status. In addition, to the maximum extent possible, district boundaries shall be drawn so as to: (1) maintain the unity of well-defined municipal neighborhoods; (2) observe municipal boundaries; (3) establish senatorial districts that follow representative district boundaries; (4) establish councilor districts that follow representative district boundaries and (5) promote geographic compactness of districts. If it is not possible to draw district boundaries that fully comply with these criteria while also complying with the mandatory requirements set forth herein, then districts shall be drawn to optimize the criteria in the order of priority set forth hereinabove. The commission shall also consider communities of interest in determining which cities, towns, or neighborhoods thereof to aggregate into a single district.

Within 30 days of the passage of this act, the following offices shall each appoint one member of the commission: the governor of the commonwealth, who shall appoint a dean or professor of law or political science or government at an institution of higher learning in the commonwealth; the attorney general of the commonwealth, who shall appoint a retired justice who resides in the commonwealth; and the secretary of the commonwealth, who shall appoint an expert in civil rights law who is a resident of the commonwealth.

By the same date, the house speaker, the house minority leader, the senate president, and the senate minority leader shall each nominate three individuals. The appointees chosen by the governor, attorney general, and secretary of the commonwealth shall then select one of the three nominees named by each said official within 7 days of their nomination.

If nominations or appointments are not made within 30 days of the passage of this act, the office responsible for making the appointment or nominations shall forfeit its rights under this section and the remaining direct appointees shall then make an appointment to fill the vacancy within 7 days. Nominations and appointments shall reflect the geographic, racial, ethnic, gender, and age diversity of the commonwealth to the maximum extent feasible and shall be selected on the basis of civic involvement and knowledge of redistricting policy, civil rights, political science, demographics or statistics, election expertise, voting rights, community organizing, or law. No person nominated or appointed to the commission, in the five years preceding such nomination or appointment, shall have held Congressional, state legislative or statewide elective office, or shall have served as mayor or city councilor of a city in the commonwealth, governor’s councilor, or shall have been elected to a state or federal party committee; or shall be a current employee, agent or family member of any of the above; or, in the two years preceding such nomination or appointment, shall have been a legislative agent. The commissioners shall agree: (1) not to stand for election to the general court, congress, or the governor’s council until districts are redrawn following the next census; (2) to apply the provisions of this article in an honest, independent, and impartial fashion; and (3) to act at all times so as to uphold public confidence in the integrity of the redistricting process.

The commission shall be convened no later than 60 days following the passage of this act. The commission shall disband only upon final adoption and exhaustion of judicial review of challenges to representative, councilor, and senatorial districts.

The commission shall hire staff and may retain experts to assist it in the performance of its duties. The commission shall establish rules governing its operation and procedures. Commissioners may receive compensation for actual time spent on commission duties and shall be reimbursed for reasonable and necessary expenses. The budget of the commonwealth shall provide adequate funding for the operation of the commission.

A member of the commission or an appointing authority may petition the supreme judicial court to remove a commissioner on the grounds of neglect, misconduct, or inability to perform the duties of a commissioner. A vacancy so created shall be filled by the office which appointed the removed commissioner or by the nomination and selection process set forth in section 6, as applicable.

All meetings of the commission shall be open to the public, consistent with the laws of the commonwealth concerning open meetings as of the date of the adoption of this Article. All documents produced by or for the commission shall be public. The commission shall hold public hearings in at least five geographically disbursed counties. The public shall be afforded the

opportunity to submit proposed maps for consideration by the commission and the commission shall make map-making software available for public use. The commission shall take all steps necessary to ensure that the public can exercise its right to review and comment on proposed district maps before they are approved and shall publish all preliminary and final plans in publicly accessible forums that are free of charge and that ensure wide public distribution. Proposed districts shall be presented in both graphic and narrative form.

No later than April 20, 2011, the commission shall prepare and publish for public comment a preliminary plan for representative, councilor, and senatorial districts. The public shall have a three-week period to comment on the preliminary district plan. The commission may revise the preliminary district plan in response to public comment and shall, no later than May 11, 2011, submit the revised plan to the special joint committee on redistricting, as created by order of the general court, as adopted by the senate on January 29, 2009 and adopted by the house on March 5, 2009, which shall vote on the revised plan. If the plan is rejected by either the committee or the general court, the commission shall prepare, publish, revise, and submit a second-round preliminary district plan in the same manner as the first within 30 days of the rejection of the initial plan. Following the three-week period for public comment, the commission may revise the preliminary district plan in response to public comment and shall submit the revised plan to the joint committee for a vote no later than July 29, 2011.

With respect to each plan the commission submits to the joint committee for a vote, the vote must be taken within two weeks of submission. No amendments to the plan as submitted may be made. If the plan is approved by a majority of the joint committee present and voting, or if no vote is taken within the two-week period, it shall be submitted to the general court for a vote. With respect to each plan the joint committee submits to the general court for a vote, the vote must be taken within two weeks of submission. No amendments to the plan as submitted may be made. If the plan is approved by a majority of the members of the house of representatives and the senate present and voting or if no vote is taken within the two-week period, then the plan as submitted shall become law.

Original jurisdiction is hereby vested in the supreme judicial court upon the petition of any voter of the commonwealth for judicial relief relative to the establishment of the congressional districts. The general court may by law limit the time within which judicial proceedings may be instituted to challenge any redistricting map.”

After debate, the question on adoption of the amendment was determined by a call of the yeas and the nays, at seventeen minutes before two o’clock P.M., on motion of Mr. Hedlund, as follows, to wit (*yeas 5 — nays 34*) [**Yeas and Nays No. 3**]:

YEAS.

Eldridge, James B.	Ross, Richard J.
Hedlund, Robert L.	Tarr, Bruce E. — 5 .
Knapik, Michael R.	

NAYS.

Baddour, Steven A.	Joyce, Brian A.
Berry, Frederick E.	Keenan, John F.
Brewer, Stephen M.	Kennedy, Thomas P.
Candaras, Gale D.	McGee, Thomas M.
Chandler, Harriette L.	Montigny, Mark C.
Chang-Diaz, Sonia	Moore, Michael O.
Clark, Katherine M.	Moore, Richard T.
Creem, Cynthia Stone	Pacheco, Marc R.
DiDomenico, Sal N.	Petrucelli, Anthony
Donnelly, Kenneth J.	Rodrigues, Michael J.
Donoghue, Eileen M.	Rosenberg, Stanley C.
Downing, Benjamin B.	Rush, Michael F.
Fargo, Susan C.	Spilka, Karen E.
Finegold, Barry R.	Timilty, James E.
Flanagan, Jennifer L.	Tolman, Steven A.
Hart, John A., Jr.	Welch, James T.
Jehlen, Patricia D.	Wolf, Daniel A. — 34 .

The yeas and nays having been completed at fourteen minutes before two o'clock P.M., the amendment was rejected. The order (Senate, No. 6, amended) was then adopted. Sent to the House for concurrence.

Remarks of Senator Cynthia Stone Creem.

Madame President, Colleagues, Guests:

I would like to introduce to you my Newton constituent, Edgar Krasa, who, during World War II, managed to survive two concentration camps and being shot by the Nazis.

In March 1939, the Nazis invaded Czechoslovakia and began their occupation. By 1941, many Jews were being stripped of their possessions and sent to live in ghettos, including one called Terezin. The Nazis crammed 60,000 prisoners at a time into Terezin, compared to its population of only 7,000 people during normal times.

Due to disease, malnutrition and mistreatment, 33,000 Jews died at Terezin and 88,000 Jews were deported from there to Auschwitz and other camps where they were killed. Edgar was 21 years old when he agreed to be a cook in Terezin in order to protect his parents from deportation to a Polish labor camp. The Nazis created a Jewish Council of Elders in Terezin and made them decide who of their own should ride the cattle cars east, to near-certain death, and who could stay.

In December 1941, a Czech conductor, composer and pianist named Rafael Schacter pieced together a chorus in Terezin. Edgar and others would gather in the basement of their barracks to sing songs; strengthening their resolve to stay alive.

As the war approached its end, Krasa was sent to Auschwitz. He recalls stepping from a train with hundreds of other Jewish prisoners. They were herded into two lines, to the right for forced labor and to the left for the gas chambers. Auschwitz-Birkenau, the largest Nazi death camp, was liberated by the Allies on January 27, 1945.

In 1946, Krasa married his wife Hana, who, although they had not known each other at the time, also survived Terezin. In 1950 they fled to Israel, and in 1962 emigrated to the US, where they raised their two sons, Daniel and Raphael.

Determined the world not forget nor ignore the Holocaust, Edgar has spent much of his life sharing his story with others. He not only educates Americans to the atrocities of WWII, but to the strength of the human spirit.

In 2005, the United Nations General Assembly designated January 27 as International Holocaust Remembrance Day (IHRD), an annual day of commemoration to honor the victims of the Nazi era.

Recess.

There being no objection, five minutes before two o'clock P.M., at the request of Mr. Tarr, for the purpose of a minority caucus, the President declared a recess; and, at seven minutes past three o'clock P.M., the Senate reassembled, the President in the Chair.

Orders of the Day.

The Orders of the Day were further considered, as follows:

The Senate Order recommending proposed Senate Rules to be adopted as permanent rules for the Senate for 2011-2012 (Senate, No. 7) was considered, the main question being on adoption.

Pending the question on adoption of the order, Mr. Hedlund moved that the order be amended by striking out rule 62A and inserting thereof the following rule:-

“62A. No use of cellular telephones, including texting, shall be permitted in the Senate Chamber while the Senate is in session.”

After remarks, the amendment was rejected.

Messrs. Tarr, Knapik, Hedlund and Ross moved that the order be amended in rule 12A, by inserting before the first sentence the following new sentence:

“There shall be a standing Committee on Ethics and Rules consisting of six members, three of whom shall be appointed by the President of the Senate and three of whom shall be appointed by the Minority Leader of the Senate at the beginning of the first year of the biennial session of the General Court.”; and in rule 13, by striking the second sentence of paragraph (b) and inserting in place thereof the following new sentence:- “Except as provided in rule 12A, the President shall in making such appointments give consideration to representation of both the majority and minority parties relative to their respective representation in the Senate and in any event shall reserve at least 2 positions on the Senate Committee

on Ways and Means and at least 1 position upon each standing or special committee for a Senate member of the minority party and appointments to such positions shall be made by the Senate minority party leader.”

The amendment was rejected

Messrs. Tarr, Knapik, Hedlund and Ross moved that the order be amended in rule 56 by striking out the fifth sentence.

After debate, the amendment was rejected.

Messrs. Tarr, Knapik, Hedlund and Ross moved that the order be amended by striking, in rule 7, in the third sentence, the number “2” and inserting in place thereof the following number: “3”.

After debate, the amendment was rejected.

Messrs. Tarr, Knapik, Hedlund and Ross moved that the order be amended in rule 59A, by inserting after the word “formal” in the first sentence the following words: “and informal”; by inserting after the word “formal” in the fourth paragraph the following words: “or informal”; and by inserting after the word “formal” each time it appears in the fifth paragraph the following words: “or informal”.

After debate, the amendment was rejected.

Messrs. Tarr, Knapik, Hedlund and Ross moved that the order be amended in rule 27A, by inserting in the third paragraph after the words “an executive summary which shall” the following text:- “identify the revenue source upon which the recommendation is based, identify the total appropriation for the fiscal year if an existing appropriation is being altered, and”.

After debate, the amendment was rejected.

Messrs. Tarr, Knapik, Hedlund and Ross moved that the order be amended by inserting after rule 5A the following new rule:

“5B. Upon a vacancy in the Senate, with the exception of any vacancy that occurs after April 1 in an even-numbered year, a date for a special election shall be rescheduled by the President of the Senate within 20 days after the vacancy occurs and the proposed date of the special election shall then be put before the members of the Senate for a vote.”

After remarks, the amendment was adopted.

Messrs. Tarr, Knapik, Hedlund and Ross moved that the order be amended in rule 38A ½, by striking the second sentence in its entirety and inserting in place thereof the following sentence:-“This rule shall be suspended only with the unanimous consent of the members present and voting consent to such suspension on a recorded yea and nay vote.”

The amendment was rejected.

Messrs. Tarr, Knapik, Hedlund and Ross moved to amend the order in rule 7, by striking the last sentence in its entirety and inserting in place thereof the following sentence:- “When the presentation of the calendar required under this rule is suspended under Rule 5A, a session shall be considered informal and no matter shall be considered if a member at said session objects to its consideration, or if a member prior to said session requested that the matter be held for consideration by placing such request in writing to the Clerk of the Senate no later than 30 minutes prior to the start of the informal session.”

The amendment was rejected.

Mr. Eldridge moved to amend the order in Rule 33A by striking the word “24” and inserting in place thereof the following words: “72 hours, excluding Saturdays, Sundays and holidays except when the Senate is in session on such a day”; and in Rule 31A, inserting after the words “by the Senate” the following words: “provided that the bill is made available to members and the general public on the official website for the General Court at least 48 hours, excluding Saturdays, Sundays and holidays except when the Senate is in session on such a day, before the time at which amendments are required to be filed by said order”.

The amendment was rejected.

Mr. Eldridge moves to amend the order by striking out rule 8A and inserting in place thereof the following rule:-

“8A. The Clerk shall make a reasonable effort to make available on the official website of the General Court the results of all roll call votes not later than 48 hours after such vote is taken, not including quorum calls, in a manner easily identifiable, searchable and conspicuously located. The Clerk shall include the number of the roll call and the title of the matter voted upon. This rule shall take effect not later than July 1, 2011 and shall apply to all roll call votes conducted during the 2011-2012 legislative session.

After remarks, the question on adoption of the amendment was determined by a call of the yeas and the nays, at seven minutes before four o’clock P.M., on motion of Mr. Eldridge, as follows, to wit (*yeas 39 — nays 0*) [Yeas and Nays No. 4]:

YEAS.

Baddour, Steven A.	Keenan, John F.
Berry, Frederick E.	Kennedy, Thomas P.
Brewer, Stephen M.	Knapik, Michael R.
Candaras, Gale D.	McGee, Thomas M.
Chandler, Harriette L.	Montigny, Mark C.
Chang-Diaz, Sonia	Moore, Michael O.
Clark, Katherine M.	Moore, Richard T.
Creem, Cynthia Stone	Pacheco, Marc R.
DiDomenico, Sal N.	Petrucelli, Anthony
Donnelly, Kenneth J.	Rodrigues, Michael J.
Donoghue, Eileen M.	Rosenberg, Stanley C.
Downing, Benjamin B.	Ross, Richard J.
Eldridge, James B.	Rush, Michael F.
Fargo, Susan C.	Spilka, Karen E.
Finegold, Barry R.	Tarr, Bruce E.
Flanagan, Jennifer L.	Timilty, James E.
Hart, John A., Jr.	Tolman, Steven A.
Hedlund, Robert L.	Welch, James T.
Jehlen, Patricia D.	Wolf, Daniel A. — 39.
Joyce, Brian A.	

NAYS — 0.

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

Messrs. Tarr, Knapik, Hedlund and Ross moved that the order be amended by striking rule 12 in its entirety and inserting in place thereof the following rule:

“12. The following standing committees shall be appointed by the President, to wit:

A Committee on Bills in the Third Reading;

To consist of 5 members, 1 of whom shall be appointed by the Minority Leader.

A Committee on Bonding, Capital Expenditures and State Assets;

To consist of 6 members, 1 of whom shall be appointed by the Minority Leader.

A Committee on Post Audit and Oversight;

To consist of 7 members, 1 of whom shall be appointed by the Minority Leader.

A Committee on Ethics and Rules;

To consist of 6 members, including 2 members appointed by the Minority Leader.

A Committee on Global Warming and Climate Change;

To consist of 6 members, 1 of whom shall be appointed by the Minority Leader.

A Committee on Steering and Policy;

To consist of 5 members, 1 of whom shall be appointed by the Minority Leader.

A Committee on Ways and Means;

To consist of 17 members, including 2 members appointed by the Minority Leader.

Committee hearings and executive sessions shall not be scheduled in conflict with formal sessions of the Senate unless the chair submits to the Clerk a written explanation for scheduling the hearing or session in conflict with the formal session.”
The amendment was adopted.

The order (Senate, No. 7, amended) was then adopted.

Recess.

There being no objection, ten minutes past four o'clock P.M., declared a recess subject to the call of the Chair; and, at twenty-five minutes past five o'clock P.M., the Senate reassembled, the Mr. Baddour in the Chair.

Order Adopted.

On motion of Mr. Ross,--

***Ordered,* That when the Senate adjourns today, it adjourn to meet again on Monday next at eleven o'clock A.M.**

On motion of the same Senator, at twenty-six minutes past five o'clock P.M., the Senate adjourned to meet again on Monday next at eleven o'clock A.M.