

Wednesday, March 9, 2011.

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

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

Presentation of the Combat Action Badge to Representative Harold P. Naughton, Jr., of Clinton.

The afternoon recess having terminated,— the Speaker took the Chair and offered brief remarks on the occasion of the award ceremony in honor of Representative Harold P. Naughton, Jr., of Clinton, a Captain in the United States Army. Combat Action Badge.

His Honor Timothy P. Murray, the Lieutenant Governor of the Commonwealth, Coleman Nee the Secretary of Veterans' Services, Joseph Carter, the Adjutant General of the National Guard, Brigadier General Gill Beck, Commander of the United States Army Reserve Legal Command, Colonel Lee Cummings, Commander of the Third Legal Support Organization and the officers and soldiers of said organization, then entered the House Chamber under escort of the Sergeant-at-Arms and accompanied by the guest of honor, Representative and Captain Harold P. Naughton, Jr.

The members, guests and employees then stood in their places and joined the Speaker in the Pledge of Allegiance to the Flag of the United States of America. Pledge of allegiance.

The Speaker thereupon introduced Maria T. Acerra of Norwood, an employee of the House Clerk's Office, and Kristyn Taylor of Medford, an employee of the House of Representatives, who sang the National Anthem. National Anthem.

The Speaker then addressed the House recognizing Representative Naughton's accomplishments as a member of the General Court and the military. Subsequently the Speaker introduced Representative James E. Vallee of Franklin, a Lieutenant-Colonel in the National Guard. The Speaker then recognized Ms. Lisa Parisella, the wife of Representative Jerald A. Parisella who is a Major in the United States Army Reserve currently on active duty in Iraq.

During the ceremony, the Speaker acknowledged the presence in the House Chamber of the following distinguished guests: State Auditor Suzanne M. Bump; Executive Councillor Marilyn Petitto Devaney; Secretary of Public Safety and Security Mary Beth Heffernan; State Senator Steven M. Brewer, the Chairman of the Senate committee on Ways and Means; Consul General to Boston from Ireland Michael Lonergan; former Boston City Councilor Jerry McDermott, the Massachusetts Director of the Massachusetts District Office of United States Senator Scott P. Brown; President of the Massachusetts Fire Fighters

Combat Action Badge.

Association Edward Kelly; and Korean War United States Navy veteran Francis R. Carroll of Worcester, Chairman of the Korean War Memorial Committee of Central Massachusetts.

The Speaker also read a communication from United States Secretary of State Hillary Rodham Clinton, commending Mr. Naughton upon this auspicious occasion.

The Lieutenant-Governor, Timothy Murray, Secretary Nee, Major General Carter and Brigadier General Beck then addressed the members and guests on the achievements of Captain Naughton and the sacrifices made by all of the military personnel serving in the armed forces.

The Speaker thereupon introduced Colonel Lee Cummings who, after remarks, presented the Combat Action Badge to Representative and Captain Harold P. Naughton, Jr., in recognition of his service in the Middle East. Mr. Naughton then addressed the House expressing his sincere appreciation to the members and guests in acceptance of said award.

Lieutenant-Governor Murray and the invited guests then withdrew from the House Chamber under escort of the Sergeant-at-Arms.

Appointments to a Joint Special Committee.

Redistricting.

The Speaker announced appointments, on the part of the House, to the joint special committee established (pursuant to Senate order No. 9) to make an investigation and study of a new division of the Commonwealth into Congressional districts in conformity with law; forty Senatorial districts; eight Executive Councillor districts; and one hundred and sixty Representative districts, as follows:

Representatives Moran of Boston, Coakley-Rivera of Springfield, Rushing of Boston, Cabral of New Bedford, Wagner of Chicopee, Pedone of Worcester, Kulik of Worthington, Atsalis of Barnstable, Bradley of Hingham, Haddad of Somerset, Gobi of Spencer, Peisch of Wellesley, Keenan of Salem, Forry of Boston, Speranzo of Pittsfield, Garballey of Arlington, Devers of Lawrence, Jones of North Reading, Hill of Ipswich, Poirier of North Attleborough and Frost of Auburn.

Statement Concerning Representative Garballey of Arlington.

A statement of Representative Vallee of Franklin concerning Representative Garballey of Arlington was spread upon the records of the House, as follows:

Statement concerning Mr. Garballey of Arlington.

MR. SPEAKER: I would like to call to the attention of the House the fact that one of our colleagues, Representative Garballey of Arlington, will be unable to be present in the House Chamber for today's sitting due to his being outside the country on public service business. His missing of roll calls today is due entirely to the reason stated.

Appointment to the Economic Development Planning Council.

Economic Development Planning Council.

The Speaker announced that Representative Wagner of Chicopee had been appointed to the Economic Development Planning Council (under Section 6 of Chapter 240 of the Acts of 2010) for the purpose of developing an economic development policy for the Commonwealth.

Annual Report.

The annual report of the Department of Telecommunications and Cable (under the provisions of Section 2 of Chapter 166A of the General Laws) relative to appeals that came before said department for calendar year 2010, was placed on file.

Cable appeals.

Paper from the Senate.

The following notice was received from the Clerk of the Senate, to wit:—

March 7, 2011.

Honorable Robert A. DeLeo
Speaker of the House of Representatives
Room 356 State House
Boston, MA 02133

Dear Mr. Speaker:

I have the honor to inform you that the following appointments have been made to various special commissions and committees by Senate President Therese Murray, as follows:

Commission appointments.

Senator Harriette L. Chandler to the special commission established (pursuant to Section 160 of Chapter 131 of the Acts of 2010) to make an investigation and study relative to the rehabilitative residential and integrated community-based support services for persons with acquired brain injury and persons with traumatic brain injury in the Commonwealth;

Brain injuries,—support.

Senator Richard T. Moore and the appointment of Senator Karen E. Spilka (pursuant to Section 57 of Chapter 288 of the Acts of 2010) to the State Advisory Commission to make an investigation and study of the relative value of a uniform claims administration system for all payers in the Commonwealth;

Uniform claims system.

Dr. Sheri Nethersole and Jennifer L. Swinhart to the special commission established (pursuant to Section 7 of Chapter 197 of the Acts of 2010) to make an investigation and study on school nutrition and childhood obesity;

School nutrition.

Senator Karen E. Spilka (pursuant to Section 2A of Chapter 71B of the General Laws) to the Bureau of Special Education Appeals Advisory Council;

Special education.

Senator Karen E. Spilka (pursuant to Section 6 of Chapter 240 of the Acts of 2010) to the Economic Development Planning Council;

Development planners.

David Luberoff (pursuant to Section 73 of Chapter 6C of the General Laws) to the Special Public-Private Infrastructure Oversight Commission;

Infrastructure.

Senators Stanley C. Rosenberg – *Chair*, Sonia Chang-Diaz – *Vice Chair*, Barry Finegold, Karen R. Spilka, James E. Timilty and Daniel A. Wolf to the special joint committee on redistricting; and

Redistricting.

Several appointments have been announced by the Honorable Bruce E. Tarr, Senate Minority Leader, as follows:

Senator Richard J. Ross, and the resignation of Senator Bruce E. Tarr (pursuant to Executive Order 496 Of 2008) to the Massachusetts Interagency Council on Substance Abuse and Prevention;

Substance abuse.

Food Policy Council.

Senator Michael R. Knapik, and the resignation of Senator Bruce E. Tarr, (pursuant to Chapter 277 of the Acts of 2010) to the Massachusetts Food Policy Council;

Brain injuries,—support.

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;

Commonwealth bank.

Peter A. Anderson of Rockport as my designee to serve on the commission (pursuant to Section 180 of Chapter 240 of the Acts of 2010) to study the feasibility of establishing a bank owned by the Commonwealth or by a public authority constituted by the Commonwealth;

Uniform claims system.

Jack Wilhelm of Wenham as his designee (pursuant to Section 57 of Chapter 288 of the Acts of 2010) to the Statewide Advisory Commission investigating the relative value of a uniform claims administration system for all payers in the Commonwealth; and

Senator Bruce E. Tarr to the special joint committee on redistricting.

Respectfully submitted,

WILLIAM F. WELCH,
Clerk of the Senate.

Recess.

Recess.

At four minutes after eleven o'clock A.M., on motion of Mr. Smith of Everett (Mr. Donato of Medford being in the Chair), the House recessed until the hour of one o'clock P.M.; and at ten minutes after one o'clock the House was called to order with Mr. Donato in the Chair.

Quorum.

Quorum.

Mr. Peterson of Grafton thereupon asked for a count of the House to ascertain if a quorum was present. The Chair (Mr. Donato), having determined that a quorum was not in attendance, then directed the Sergeant-at-Arms to secure the presence of a quorum.

Quorum,—yea and nay No. 24.

Subsequently a roll call was taken for the purpose of ascertaining the presence of a quorum; and on the roll call 149 members were recorded as being in attendance.

[See Yea and Nay No. 24 in Supplement.]

Therefore a quorum was present.

Resolutions.

Luke Ira Smith.

Resolutions (filed with the Clerk by Mrs. Canavan of Brockton) honoring Luke Ira Smith for receiving the Eagle Award of the Boy Scouts of America and for his ongoing dedication and commitment to his community, were referred, under Rule 85, to the committee on Rules.

Mr. Binienda of Worcester, for said committee, reported that the resolutions ought to be adopted. Under suspension of the Rules, on motion of Mrs. Canavan, the resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted.

Papers from the Senate.

A petition (accompanied by bill, Senate, No. 1875) of Anthony Petrucci (with the approval of the mayor and city council) for legislation to relative to the filling of vacancies in the office of mayor of the city of Revere, was referred, in concurrence, to the committee on Municipalities and Regional Government.

Revere,—office of mayor.

A petition of Frederick Berry for legislation to designate the new Bridge Street Bypass Road in Salem as the "Sgt. James Ayube Memorial Drive", came from the Senate referred, under suspension of Joint Rule 12, to the committee on Public Service.

Salem,—Ayube Memorial Drive.

The House then concurred with the Senate in the suspension of said rule; and the petition (accompanied by bill, Senate, No. 1875) was referred, in concurrence, to the committee on Transportation.

Report of Committees.

By Mr. Binienda of Worcester, for the committee on Rules and the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on a petition of Viriato Manuel deMacedo for legislation to establish a sick leave bank for Daniel Murphy, an employee of the Department of Correction. Under suspension of the rules, on motion of Mr. deMacedo of Plymouth, the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Public Service.

Daniel Murphy,—sick leave bank.

Motion to Suspend Rule 24(2).

Mr. Jones of North Reading moved that Rule 24(2) be suspended in order that he might offer, from the floor, Resolutions (filed by him and other members of the House) providing for a declaration of the intent of the House of Representatives relative to the amount and distribution of local aid to the Commonwealth's cities, towns and regional school districts for fiscal year 2012; provided, further that timely notice to cities, towns and regional school districts relative to the amounts of school and unrestricted government aid distributions is essential for an orderly and rational budget process at the local level.

Local aid declaration.

After debate the motion to suspend Rule 24(2) was negative; and the resolutions were referred, under said rule, to the committee on Rules.

Orders of the Day.

The Reorganization Plan No. 1 of 2011 (submitted by the Governor under the provisions of Article LXXXVII of the Amendments to the Constitution) relative to reorganizing the Executive Office of Labor and Workforce Development (see House, No. 39), was considered.

Reorganization Plan No. 1 of 2011.

After remarks on the question on approval of the reorganization plan, the sense of the House was taken by yeas and nays, at the request of Mr. Kocot of Northampton; and on the roll call 153 members voted in the affirmative and 0 in the negative.

Reorganization Plan approved,—yea and nay No. 25.

[See Yea and Nay No. 25 in Supplement.]

Therefore the House approved Reorganization Plan No. 1 of 2011.

Recess.

Recess. At two minutes before two o'clock P.M., on motion of Mr. Mariano of Quincy (Mr. Donato of Medford being in the Chair), the House recessed until twenty minutes after three o'clock P.M.; and at a half past three o'clock the House was called to order with Mr. Donato in the Chair.

Order.

Order. On motion of Mr. DeLeo of Winthrop,—
Ordered, That when the House adjourns today, it adjourn to meet tomorrow at eleven o'clock A.M.

Next sitting.

At a quarter before five o'clock P.M., on motion of Mr. Naughton of Clinton (Mr. Donato being in the Chair), the House adjourned, to meet the following day at eleven o'clock A.M., in an Informal Session.