

Tuesday, January 24, 2012.

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.

*Statement Concerning Representative
Coakley-Rivera of Springfield.*

A statement of Mr. Rushing of Boston concerning Ms. Coakley-Rivera of Springfield was spread upon the records of the House, as follows:

MR. SPEAKER: I would like to call to the attention of the House the fact that one of our colleagues, Representative Coakley-Rivera of Springfield, is unable to be present in the House Chamber for today's sitting due to illness. Her missing of roll calls today is due entirely to the reason stated.

Statement
concerning
Ms. Coakley-
Rivera of
Springfield.

Statement Concerning Representative Creedon of Brockton.

A statement of Mrs. Haddad of Somerset concerning Mrs. Creedon of Brockton was spread upon the records of the House, as follows:

MR. SPEAKER: I would like to call to the attention of the House the fact that one of our colleagues, Representative Creedon of Brockton, is unable to be present in the House Chamber for today's sitting due to a scheduled surgical procedure. Her missing of roll calls today is due entirely to the reason stated.

Statement
concerning
Mrs. Creedon
of Brockton.

Statement Concerning Representative Galvin of Canton.

A statement of Mrs. Haddad of Somerset concerning Mr. Galvin of Canton was spread upon the records of the House, as follows:

MR. SPEAKER: I would like to call to the attention of the House the fact that one of our colleagues, Representative Galvin of Canton, is unable to be present in the House Chamber for today's sitting due to a scheduling conflict. His missing of roll calls today is due entirely to the reason stated.

Statement
concerning
Mr. Galvin
of Canton.

Statement Concerning Representative Vallee of Franklin.

A statement of Mrs. Haddad of Somerset concerning Mr. Vallee of Franklin was spread upon the records of the House, as follows:

MR. SPEAKER: I would like to call to the attention of the House the fact that one of our colleagues, Representative Vallee of Franklin, is unable to be present in the House Chamber for today's sitting due to his being on active military duty. His missing of roll calls today is due entirely to the reason stated.

Statement
concerning
Mr. Vallee
of Franklin.

Statement Concerning Representative Walsh of Framingham.

A statement of Mrs. Haddad of Somerset concerning Mr. Walsh of Framingham was spread upon the records of the House, as follows:

Statement
concerning
Mr. Walsh of
Framingham.

MR. SPEAKER: I would like to call to the attention of the House the fact that one of our colleagues, Representative Walsh of Framingham, is unable to be present in the House Chamber for today's sitting due to family business. His missing of roll calls today is due entirely to the reason stated.

Recess.

Recess.

At one minutes after eleven o'clock A.M., on motion of Mr. Peterson of Grafton (Mr. Donato of Medford being in the Chair), the House recessed until the hour of one o'clock P.M.; and at thirteen minutes after one o'clock, the House was called to order with Mrs. Haddad of Somerset in the Chair.

Resolutions.

The following resolutions (filed with the Clerk) were referred, under Rule 85, to the committee on Rules:

American
Heart
Month.

Resolutions (filed by Ms. Atkins of Concord and other members of the House) commending the American Heart Association on its celebration of February 2012 as American Heart Month; and

Louann
Jendro.

Resolutions (filed by Miss Garry of Dracut and other members of the House) congratulating Louann Jendro on the occasion of her retirement;

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

Petitions.

The following petition (having been deposited in the office of the Clerk previously to five o'clock in the afternoon on Friday, January 21, 2011) was presented and it was referred, under Rule 24, as follows:

Dedham-
Westwood
Water
District,—
retirement.

By Mr. McMurtry of Dedham, a petition (subject Joint Rule 7A) of Paul McMurtry for legislation to authorize the Dedham-Westwood Water District employees to buyback credible service in the retirement system of Norfolk County.

To the committee on Rules.

Boston,—
Gourdin
Courthouse.

Representatives Fox of Boston and Barrows of Mansfield presented a petition (subject Joint Rule 12) of Gloria L. Fox and F. Jay Barrows for legislation to designate the courthouse in the Roxbury section of the city of Boston as the Edward O' Gourdin Courthouse; and the same was referred, under Rule 24, to the committee on Rules.

Reports of Committees.

Lowell,—
Gentz Brothers
Bridge.

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 the petition of David M. Nangle for legislation to designate a certain bridge on Morton Street in the city of Lowell as the Gentz Brothers Memorial Bridge. Under suspension of the rules, on motion of Mr. Peterson of Grafton, the report was considered forthwith. Joint Rule 12 then was suspended; and the petition (accompanied by bill) was referred to the committee on Transportation. Sent to the Senate for concurrence.

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 the following petitions:

Petition (accompanied by bill) of Vincent A. Pedone relative to the accessibility of hearing aids. To the committee on Consumer Protection and Professional Licensure. Hearing aids.

Petition (accompanied by bill) of John H. Rogers for legislation to define the term "licensed mental health professional" to include educational psychologists under certain health insurance laws of the Commonwealth. To the committee on Mental Health and Substance Abuse. Health insurance,—
educational
psychologists.

Petition (accompanied by bill) of Anne M. Gobi and others for legislation to require drivers employed by companies transporting students to submit to alcohol and drug testing. To the committee on Transportation. School
drivers,—
alcohol and
drug
testing.

Under suspension of the rules, on motion of Mr. Wagner of Chicopee, the reports were considered forthwith. Joint Rule 12 then was suspended, in each instance. Severally sent to the Senate for concurrence.

By Ms. Peisch of Wellesley, for the committee on Education, on House, No. 1048, a Bill requiring the sterilization of musical instruments in schools (House, No. 3893) [Representative Vieira of Falmouth dissenting]. Referred, under Joint Rule 1E, to the committee on Health Care Financing. Musical
instruments,—
sterilization.

Engrossed Bill.

The engrossed Bill relative to the city clerk of the city of Revere (see House, No. 3656) (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 acting Speaker and sent to the Senate. Bill
enacted.

Orders of the Day.

Senate bills

Authorizing the sale of land by the Wakefield Housing Authority (Senate, No. 1986); Second
reading
bills.

Validating certain elections in the town of Dudley (Senate, No. 2048); and

Relative to certain affordable housing in the city of Taunton (Senate, No. 2062);

Severally were read a second time; and they were ordered to a third reading.

Second reading
bill amended.

The House Bill relative to life settlements and stranger originated life insurance (House, No. 3573), was read a second time.

The amendment previously recommended by the committee on Ways and Means,— that the bill be amended by substitution of a bill with the same title (House, No. 3877),— was adopted.

The substituted bill then was ordered to a third reading.

Education
collaboratives.

The Senate Bill relative to improving accountability and oversight of education collaboratives (Senate, No. 2105, amended), reported by the committee on Bills in the Third Reading to be correctly drawn, was read a third time.

Quorum.

Pending the question on passing the bill, as amended, to be engrossed, in concurrence, Mr. Jones of North Reading asked for a count of the House to ascertain if a quorum was present. The Chair (Mrs. Haddad of Somerset), 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. 187.

Subsequently a roll call was taken for the purpose of ascertaining the presence of a quorum; and on the roll call (Mr. Donato of Medford being in the Chair) 143 members were recorded as being in attendance.

[See Yea and Nay No. 187 in Supplement.]

Therefore a quorum was present.

After remarks on the question on passing the bill, as amended, to be engrossed, in concurrence, Ms. Peake of Provincetown moved to amend it in section 3, in line 239, by striking out the figures “12” and inserting in place thereof the figures “18”; and the amendment was rejected.

The same member then moved to amend the bill in section 1, in line 173, by inserting after the word “organization.” the following two sentences: “The board of the directors of an education collaborative shall appoint a LEAD nurse and shall provide such school nurse with all proper facilities for the performance of the school nurse’s duties. The education collaborative shall consider and meet the staffing level required to address the specific health care needs of the students enrolled in the education collaborative.”. The amendment was rejected.

After remarks, Mr. Hill of Ipswich moved to amend the bill by adding the following section:

“SECTION 7. Subsection (c) of section 5A of chapter 71B of the General Laws, as appearing in the 2010 Official Edition, is hereby amended by striking, in line 44, the number ‘4’ and replacing it with the number ‘3’ and said section is further amended by striking, in line 51, the number ‘4’ and replacing it with the number:— 3.”.

Point of
order.

Mr. O’Day of West Boylston thereupon raised a point of order that the amendment offered by the gentleman from Ipswich was improperly before the House for the reason that it went beyond the scope of the pending bill.

In answer to the point of order, the Chair (Mrs. Haddad of Somerset) stated that the bill currently before the House specifically pertains to only educational collaboratives. The amendment offered by the gentleman from Ipswich would affect special education programs of the Commonwealth delivered by a variety of institutions, including, but not limited to, collaboratives. Since the role of the Commonwealth in reimbursing those programs is not a topic of this bill and the proposed

amendment would expand upon the bill and its basis, the Chair ruled that the point of order was well taken; and the amendment was laid aside accordingly.

Ms. Benson of Lunenburg and other members of the House then moved to amend the bill in section 1, in line 168, by inserting after the word "qualifications." the following two sentences: "The board of the directors of an education collaborative shall appoint 1 or more registered nurses, subject to certification as a school nurse under said section 38G of said chapter 71, and shall provide such school nurse with all proper facilities for the performance of the school nurse's duties. The collaborative shall consider and meet the staffing level required to address the specific health care needs of the students enrolled in the education collaborative." The amendment was adopted.

Mr. Jones of North Reading and other members of the House then moved to amend the bill in section 5, in line 275, by inserting, after the word "obligations" the words ", regional school districts, transportation costs"; and the amendment was adopted.

Mr. Winslow of Norfolk then moved to amend the bill in section 1, in line 44, by inserting after the word "meeting." the following sentence: "Upon petition of 10 or more registered voters in each municipality that participates in an education collaborative, and upon approval by a majority vote in each such municipality at the annual municipal election or special election called for such purpose, any member of the board of directors and the executive director shall be subject to removal from office.".

Pending the question on adoption of the amendment, the same member moved to amend it by striking out the proposed new sentence and inserting in place thereof the following sentence: "Upon petition of 2 percent or more registered voters in each municipality that participates in an education collaborative, and upon approval by a majority vote in each such municipality at the annual municipal election or special election called for such purpose, any member of the board of directors and the executive director shall be subject to removal from office.".

After debate on the question on adoption of the further amendment, the sense of the House was taken by yeas and nays at the request of Mr. Winslow; and on the roll call 35 members voted in the affirmative and 116 in the negative.

Further
amendment
rejected,—
yea and nay
No. 188.

[See Yea and Nay No. 188 in Supplement.]

Therefore the further amendment was rejected.

The amendment then also was rejected.

After remarks, Ms. Peisch of Wellesley moved to amend the bill in section 1, in lines 173, 174 and 175, by striking out the sentence contained in those lines; and the amendment was adopted.

After remarks on the question on passing the bill, as amended, to be engrossed, in concurrence, the sense of the House was taken by yeas and nays at the request of Ms. Peisch of Wellesley; and on the roll call 151 members voted in the affirmative and 0 in the negative.

Bill passed to
be engrossed,—
yea and nay
No. 189.

[See Yea and Nay No. 189 in Supplement.]

Therefore the bill (Senate, No. 2105, amended) was passed to be engrossed, in concurrence. Sent to the Senate for concurrence in the amendment adopted by the House (by striking out all after the enacting clause and inserting in place thereof the text contained in House document numbered 3889, amended).

Order.

On motion of Mr. DeLeo of Winthrop,—

Next
sitting.

Ordered, That when the House adjourns today, it adjourn to meet on Thursday next at eleven o'clock A.M.

Accordingly, without further consideration of the remaining matters in the Orders of the Day, at a quarter before three o'clock P.M., on motion of Mr. Peterson of Grafton (Mrs. Haddad of Somerset being in the Chair), the House adjourned, to meet the following Thursday at eleven o'clock A.M., in an Informal Session.