

**JOURNAL OF THE HOUSE.**

Thursday, January 7, 2010.

Met according to adjournment, at eleven o'clock A.M., in an Informal Session, 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).

Prayer was offered by the Reverend Robert F. Quinn, C.S.P., Chaplain of the House, as follows:

Prayer. Eternal God, our Creator and Protector, we pause for a moment of prayer as we focus our thoughts and attention on You and spiritual values. In Your goodness help us to keep our own agenda and goals for the day in clear perspective so that spiritual realities are also part of our thoughts during the day. In these uneasy times with an increase of violence and terrorism against the innocent, grant us the wisdom, as a society, to deal with such issues in an effective and mature manner. Inspire us as a people to be united in pursuing and defining the common good, zealous in addressing the many needs of people, especially the marginalized, devoted to the practice of virtue and conscious of the value of moral principles. May we be grateful for all of our blessings as citizens of this state and nation.

Grant Your blessings to the Speaker, the members and employees of this House and their families. Amen.

Pledge of allegiance. 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.

*Resolutions.*

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

"From the Top." Resolutions (filed by Ms. Fox of Boston) honoring "From the Top" for a decade of showcasing young musicians; and

James M. Szymal, Sr. Resolutions (filed by Mr. Kocot of Northampton) honoring James M. Szymal, Sr. on the occasion of his seventy-fifth birthday;

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. Hill of Ipswich, 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.*

Gardner,—park land. The House Bill authorizing the city of Gardner to convey certain park land (House, No. 612) came from the Senate passed to be engrossed, in concurrence, with an amendment, in section 2, in lines 24 to 27, inclusive (as changed by the Senate committee on Bills in the Third Reading), striking out the words "and (2) Said dwelling units shall be sold or leased by the Greater Gardner Community Development Corporation to individuals who: reside in the city of Gardner; have parents

or siblings who reside in the city of Gardner; or work in the city of Gardner" and inserting in place thereof the following:“(2) The dwelling units shall be sold or leased by the Greater Gardner Community Development Corporation to individuals who: reside in the city of Gardner; have parents or siblings who reside in the city of Gardner; or work in the city of Gardner; and (3) As a condition of the conveyance, the city of Gardner shall transfer a parcel of land under the care, custody, management and control of the board of selectmen and dedicated for general municipal purposes to the conservation commission or park commission and such parcel shall be dedicated for conservation or park purposes. If no suitable parcel can be transferred to the conservation commission, the city shall acquire a parcel of land or a conservation restriction upon private or public land as defined at section 31 of chapter 184 of the General Laws. Such land shall be dedicated or restricted to conservation or park purposes and under the jurisdiction of the conservation commission or park commission. The parcel dedicated pursuant to this section, shall be of equal or greater size and value for conservation or park purposes when compared to the parcel described in section 1. If the land conveyed ceases to be used for the purposes described in section 1, the land shall revert to the city of Gardner for public park purposes.”

Under suspension of Rule 35, on motion of Mr. Rice of Gardner, the amendment (reported by the committee on Bills in the Third Reading to be correctly drawn) was considered forthwith; and it was adopted, in concurrence.

A petition of Steven C. Panagiotakos for legislation to establish a sick leave bank for Denise Cailler an employee of the Trial Court, came from the Senate referred, under suspension of Joint Rule 12, to the committee on Public Service.

Denise Cailler,—sick leave bank.

The House then concurred with the Senate in the suspension of said rule; and the petition (accompanied by bill, Senate, No. 2241) was referred, in concurrence, to the committee on the Judiciary.

*Report of a Committee.*

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 Jennifer E. Benson, Ellen Story and others relative to establishing a public health Lyme disease research institute at the University of Massachusetts Medical School. Under suspension of the rules, on motion of Mr. Kafka of Stoughton, the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Public Health. Sent to the Senate for concurrence.

Lyme disease research institute.

*Engrossed Bills.*

Engrossed bills  
Increasing the pension benefits payable to Aquinnah Sarah Burgess by the Attleboro Retirement System (see House Bill printed as Senate, No. 2179); Relative to personnel by-laws in the town of Stoneham (see House, No. 633);

Bills enacted.

Bills enacted.

Relative to the Nantucket historic district commission (see House No. 1121);

Relative to town meetings in the town of Framingham (see House No. 1896);

Authorizing the city of Newton Retirement Board to grant a superannuation retirement allowance to Frank Albano (see House, No. 4117); and

Authorizing the town of Winchester to grant an additional license for the sale of wines and malt beverages to be drunk on the premises (see House, No. 4345);

(Which severally originated in the House);

Severally having been certified by the Clerk to be rightly and truly prepared for final passage were passed to be enacted; and they were signed by the acting Speaker and sent to the Senate.

*Reconsiderations.*

Mr. Murphy of Burlington asked that the vote be reconsidered by which the House, at the previous sitting, passed to be engrossed, in concurrence, the Senate Bill relative to education reform (Senate, No. 2216, amended); and the motion to reconsider was entertained and it prevailed.

Pending the recurring question on passing the bill, as amended, to be engrossed, the same member moved that the vote be reconsidered by which the House adopted amendments (offered by Mr. Tobin of Quincy and Walsh of Boston) to amend the bill in section 1, in lines 137 to 142, inclusive, by striking out the paragraph in those lines and inserting in place thereof the following paragraph:

"If the superintendent does not accept an application submitted pursuant to clause (vii), or if an employee does not submit such an application, the principal, administrator, teacher, or staff member shall retain such rights as may be provided under law or any applicable collective bargaining agreement, except that they shall not have the right to displace any teacher with professional teacher status in any other school. A teacher with professional teacher status in a school declared underperforming may be dismissed for just cause. A teacher with professional teacher status in a chronically underperforming school may be dismissed for good cause."; and, in lines 361 to 366, inclusive, by striking out the paragraph in those lines and inserting in place thereof the following paragraph:

"If the receiver does not accept an application submitted pursuant to clause (vii), or if an employee does not submit such an application, the principal, administrator, teacher, or staff member shall retain such rights as may be provided under law or any applicable collective bargaining agreement. A teacher with professional teacher status in a district declared underperforming may be dismissed for just cause. A teacher in a chronically underperforming school district may be dismissed for good cause."; and the motion to reconsider prevailed. On the recurring question the amendment was rejected.

Mr. Murphy of Burlington then moved that the vote be reconsidered by which the House adopted amendments (offered by Ms. St. Fleur of Boston and other members of the House) to amend the bill in section 2, in line 467, by inserting after the word "agent" the following:

Education reform and achievement gap.

“; provided, however, that as many as 9 Horace Mann charter schools may be approved in the city of Boston by the local school committee and the superintendent”; and, in line 826, by inserting after the word “located” the following: “; provided, however, that the 9 Horace Mann charter schools established in the city of Boston under subsection (c) may be renewed with the approval of the local school committee and superintendent”; and the motion to reconsider prevailed.

On the recurring question the amendment was rejected.

The bill (Senate, No. 2216, amended) then was passed to be engrossed, in concurrence. Sent to the Senate for concurrence in the amendments (striking out all after the enacting clause and inserting in place thereof a new text and striking out the title and inserting in place thereof the following title: “An Act relative to the achievement gap.”) [for House text, printed as amended, see House document numbered 4423].

*Paper from the Senate.*

The Senate Bill relative to education reform (Senate, No. 2216, amended), came from the Senate with the endorsement that said branch had non-concurred with the House in its amendments (striking out all after the enacting clause and inserting in place thereof the text contained in House document numbered 4423; and striking out the title and inserting in place thereof the following title: “An Act relative to the achievement gap.”.

Education reform and achievement gap.

The bill bore the further endorsement that the Senate had appointed a committee of conference on the disagreeing votes of the two branches; and that Senators Panagiotakos, O’Leary and Tarr had been appointed the committee on the part of the Senate.

Committee of conference.

On motions of Mr. Murphy of Burlington, the House insisted on its amendments; and concurred with the Senate in the appointment of a committee of conference. Representatives Mariano of Quincy, Walz of Boston and Hill of Ipswich then were appointed the committee on the part of the House. Sent to the Senate to be noted.

Id.

*Order.*

On motion of Mr. DeLeo of Winthrop,—  
*Ordered,* That when the House adjourns today, it adjourn to meet on Monday at eleven o’clock A.M.

Next sitting.

At twenty minutes after twelve o’clock noon, on motion of Mr. Hill of Ipswich (Mr. Donato of Medford being in the Chair), the House adjourned, to meet the following Monday at eleven o’clock A.M., in an Informal Session.