

CALENDAR
OF THE
JOINT SESSION OF THE TWO HOUSES
FOR
WEDNESDAY, NOVEMBER 13, 2019

[*At one o'clock P.M.*]

[CONTINUATION OF RECESSED SESSIONS
OF MAY 8, 2019 AND JUNE 12, 2019.]

[*CONCURRENTLY ASSIGNED FOR CONSIDERATION.*]

[All amendments to be offered should be drafted so that the line numbers correspond with the line numbers in the printed Convention Calendar and not with the printed proposals.]

1. On the following proposal (see Senate, No. 13), the committee on Election Laws has reported, in accordance with Joint Rule 23, recommending that the amendment ought NOT to pass. [Finegold – Lawn.]

[*Question on ordering the proposal to a third reading* – after the proposal is twice read in succession.]

[*Vote required:* - Majority of members present and voting.]

Proposal for a legislative amendment to the Constitution establishing an independent redistricting commission.

A majority of all the members elected to the Senate and House of Representatives, in joint session, hereby declares it to be expedient to alter the Constitution by the adoption of the following Article of Amendment,

to the end that it may become a part of the Constitution [if similarly agreed to in a joint session of the next General Court and approved by the people at the state election next following]:

ARTICLE OF AMENDMENT

1 SECTION 1. Article CI of the Articles of Amendment to the
2 Constitution of the Commonwealth is hereby annulled, and the following is
3 adopted in place thereof:-

4 Article CI

5 The House of Representatives shall consist of one hundred and sixty
6 members, each of whom shall be elected from one representative district.
7 Every representative shall have been an inhabitant of the district for which
8 he or she is chosen for at least one year immediately preceding his or her
9 election and shall cease to represent such district when he or she shall cease
10 to be an inhabitant of the Commonwealth, provided, however, that for the
11 first redistricting following the adoption of this article, the General Court
12 may suspend the residency requirement of this section.

13 SECTION 2. The Senate shall consist of forty members, each of whom
14 shall be elected from one senatorial district. Every senator shall have been
15 an inhabitant of the Commonwealth for at least five years immediately
16 preceding his or her election and shall be an inhabitant of the district for
17 which he or she has been selected at the time of his or her election and shall
18 cease to represent such senatorial district when he or she shall cease to be
19 an inhabitant of the Commonwealth.

20 SECTION 3. The manner of calling and conducting the elections for the
21 choice of representatives, senators, and councilors, and of ascertaining their
22 their election, shall be prescribed by law.

23 SECTION 4. The federal census shall be the basis for determining the
24 representative, senatorial, and governor's council districts for the ten-year
25 period beginning with the first Wednesday of the third January following
26 the commencement of the taking of said census.

27 SECTION 5. In the year after each census is commenced, and only in
28 that year, an independent redistricting commission, herein referred to as the
29 commission, shall be convened and shall divide the commonwealth into
30 congressional districts, 160 representative districts, 40 senatorial districts,
31 and eight councilor districts. The federal census shall be the basis for
32 determining congressional districts for the ten year period beginning with
33 the first Wednesday of the third January following the commencement of
34 the taking of aid census. All districts shall comprise contiguous territory,
35 shall be equal in population to the extent required by law, and shall comply
36 with federal constitutional and statutory requirements. No district shall be
37 drawn for the purpose or with the effect of diluting the voting strength of
38 any group based on race, ethnicity or language minority status, or for the

39 purpose of augmenting or diluting the voting strength of a political party, or
40 any individual. In drawing district lines, the commission shall not consider
41 residential address, party affiliation, or partisan voting history of any
42 individual or groups of individuals, except to the extent necessary to avoid
43 dilution of voting strength based on race, ethnicity or language minority
44 status. In addition, to the maximum extent possible, district boundaries shall
45 be drawn so as to: (1) maintain the unity of well-defined municipal
46 neighborhoods; (2) observe municipal boundaries; (3) establish senatorial
47 districts that follow representative district boundaries; (4) establish
48 councilor districts that follow representative district boundaries; and (5)
49 promote geographic compactness of districts. If it is not possible to draw
50 district boundaries that fully comply with these criteria while also
51 complying with the mandatory requirements set forth herein, then districts
52 shall be drawn to optimize the criteria in the order of priority set forth
53 above. The commission shall also consider communities of interest in
54 determining which cities, towns, or neighborhoods thereof to aggregate
55 into a single district.

56 Within 30 days of the adoption of this Article, the following offices
57 shall each appoint one member of the commission: the governor of the
58 commonwealth, who shall appoint a dean or professor of law or political
59 science or government at an institution of higher learning in the
60 commonwealth; the attorney general of the commonwealth, who shall
61 appoint a retired justice who resides in the commonwealth; and the
62 secretary of the commonwealth, who shall appoint an expert in civil rights
63 law who is a resident of the commonwealth.

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

69 If nominations or appointments are not made within 30 days of the
70 adoption of this Article, the office responsible for making the appointment
71 or nominations shall forfeit its rights under this section and the remaining
72 commissioners shall then make an appointment to fill the vacancy within 7
73 days. Nominations and appointments shall reflect the geographic, racial,
74 ethnic, gender and age diversity of the commonwealth to the maximum
75 extent feasible and shall be selected on the basis of civic involvement
76 and knowledge of redistricting policy, civil rights, political science,
77 demographics or statistics, election expertise, voting rights, community
78 organizing, or law. No person nominated or appointed to the commission,
79 in the five years preceding such nomination or appointment, shall have held
80 Congressional, state legislative or statewide elective office, or shall have
81 served as mayor or city councilor of a city in the commonwealth,
82 governor's councilor, or shall have been elected to a state or federal party

83 committee, or shall be a current employee, agent or family member of any
84 of the above, or, in the two years preceding such nomination or
85 appointment, shall have been a legislative agent. The commissioners shall
86 agree: (1) not to stand for election to the general court, congress, or the
87 governor's council until districts are redrawn following the next census;
88 (2) to apply the provisions of this article in an honest, independent, and
89 impartial fashion; and (3) to act at all times so as to uphold public
90 confidence in the integrity of the redistricting process.

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

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

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

107 All meetings of the commission shall be open to the public, consistent
108 with the laws of the commonwealth concerning open meetings as of the
109 date of the adoption of this Article. All documents produced by or for the
110 commission shall be public. The commission shall hold public hearings in
111 at least five geographically disbursed counties. The public shall be
112 afforded the opportunity to submit proposed maps for consideration by the
113 commission and the commission shall make map-making software available
114 for public use. The commission shall take all steps necessary to ensure that
115 the public can exercise its right to review and comment on proposed
116 district maps before they are approved and shall publish all preliminary and
117 final plans in publicly accessible forums that are free of charge and that
118 ensure wide public distribution. Proposed districts shall be presented in both
119 graphic and narrative form.

120 No later than April 20, 2021, the commission shall prepare and publish
121 for public comment a preliminary plan for representative, councilor, and
122 senatorial districts. The public shall have a three-week period to comment
123 on the preliminary district plan. The commission may revise the preliminary
124 district plan in response to public comment and shall, no later than May 11,
125 2021, submit the revised plan to the special joint committee on redistricting,
126 as created by order of the general court, as adopted by the senate on

127 January 29, 2009 and adopted by the house on March 5, 2009, which shall
128 vote on the revised plan. If the plan is rejected by either the committee or
129 the general court, the commission shall prepare, publish, revise, and submit
130 a second-round preliminary district plan in the same manner as the first
131 within 30 days of the rejection of the initial plan. Following the three-week
132 period for public comment, the commission may revise the preliminary
133 district plan in response to public comment and shall submit the revised
134 plan to the joint committee for a vote no later than July 29, 2021.

135 The joint committee shall vote on approval of a plan within 14 days of
136 the plan being submitted to the joint committee by the commission. The
137 joint committee shall not amend, edit, or in any way alter the submitted
138 plan. If the plan is approved by a majority of the joint committee present
139 and voting, or if no vote is taken within 14 days, the plan shall be
140 submitted to the general court for a vote. With respect to each plan the
141 joint committee submits to the general court for a vote, the vote must be
142 taken within 14 days of submission. No amendments to the plan as
143 submitted may be made. If the plan is approved by a majority of the
144 the members of the house of representatives and the senate present and
145 voting, or if no vote is taken within the 14 day period, the plan as submitted
146 shall become law.

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

2. On the following proposal (see Senate, No. 16), the committee
on Revenue has reported, in accordance with Joint Rule 23,
recommending that the amendment ought to pass. [Hinds – Cusack.]

[*Question on ordering the proposal to a third reading* – after the
proposal is twice read in succession.]

[*Vote required:* - Majority of members present and voting.]

**Proposal for a legislative amendment to the Constitution to provide
resources for education and transportation through an additional
tax on incomes in excess of one million dollars.**

A majority of all the members elected to the Senate and House of
Representatives, in joint session, hereby declares it to be expedient to alter
the Constitution by the adoption of the following Article of Amendment,
to the end that it may become a part of the Constitution [if similarly agreed
to in a joint session of the next General Court and approved by the people
at the state election next following]:

ARTICLE OF AMENDMENT

1 Article 44 of the Massachusetts Constitution is hereby amended by
2 adding the following paragraph at the end thereof:-

3 To provide the resources for quality public education and affordable
4 public colleges and universities, and for the repair and maintenance of
5 roads, bridges and public transportation, all revenues received in accordance
6 with this paragraph shall be expended, subject to appropriation, only for
7 these purposes. In addition to the taxes on income otherwise authorized
8 under this Article, there shall be an additional tax of 4 percent on that
9 portion of annual taxable income in excess of \$1,000,000 (one million
10 dollars) reported on any return related to those taxes. To ensure that this
11 additional tax continues to apply only to the commonwealth's highest
12 income taxpayers, this \$1,000,000 (one million dollars) income level shall
13 be adjusted annually to reflect any increases in the cost of living by the
14 same method used for federal income tax brackets. This paragraph shall
15 apply to all tax years beginning on or after January 1, 2023.

3. On the following proposal (see Senate, No. 2210), the committee on Revenue has reported, in accordance with Joint Rule 23, recommending that the amendment ought NOT to pass, the time within which the said committee was required to report having expired.

[*Question on ordering the proposal to a third reading* – after the proposal is twice read in succession.]

[*Vote required:* - Majority of members present and voting.]

Proposal for a legislative amendment to the Constitution requiring a supermajority vote for the utilization of rainy day funds.

A majority of all the members elected to the Senate and House of Representatives, in joint session, hereby declares it to be expedient to alter the Constitution by the adoption of the following Article of Amendment, to the end that it may become a part of the Constitution [if similarly agreed to in a joint session of the next General Court and approved by the people at the state election next following]:

ARTICLE OF AMENDMENT

1 The constitution is hereby amended by inserting at the end thereof the
2 following new article:- In the furtherance of the foregoing powers, the
3 general court shall have the power to appropriate funds held, in the
4 stabilization fund, so-called, as provided for by section 2H of chapter 29,
5 and shall expend those funds in said manner provided that said funds shall

6 be expend in laws enacted by a two thirds vote, taken by yeas and nays, of
7 each branch of the General Court.

4. On the following proposal (see House, No. 81), the committee on the Judiciary has reported, in accordance with Joint Rule 23, recommending that the amendment ought to pass with an amendment. (Representative Garry of Dracut dissents.)

[*Question on ordering the proposal to a third reading – after the proposal is twice read in succession.*]

[*Vote required:* - Majority of members present and voting.]

Proposal for a legislative amendment to the Constitution relative to the oaths and affirmations of public office.

A majority of all the members elected to the Senate and House of Representatives, in joint session, hereby declares it to be expedient to alter the Constitution by the adoption of the following Article of Amendment, to the end that it may become a part of the Constitution [if similarly agreed to in a joint session of the next General Court and approved by the people at the state election next following]:

ARTICLE OF AMENDMENT

1 Article of Amendment

2 WHEREAS, the Commonwealth recognizes and honors that its residents
3 come from a broad spectrum of religious backgrounds;

4 WHEREAS, there are many individuals across the Commonwealth who
5 have religious or other reasonable rationale for objecting to being required
6 to swear while taking an Oath;

7 WHEREAS, individuals with such objections should be given the
8 opportunity to affirm their allegiance instead;

9 Now, THEREFORE, the Proposal for a legislative amendment to the
10 Massachusetts Constitution of 1780, paragraph 3 of Article VI of the
11 Amendments to the Constitution is hereby amended as follows:

12 1. by striking the words “shall be of the denomination called Quakers
13 and” by striking the word “he” and replacing with “they”.

[*The committee on the Judiciary (Eldridge – Cronin) recommends that the proposal be amended by substituting a new draft with the same title (Senate, No. 2211).*]

ARTICLE OF AMENDMENT

1 Article VI of the Amendments to the Constitution is hereby amended

2 by striking out the third paragraph and inserting in place thereof the
3 following paragraph:- Provided, that when any person shall decline taking
4 said oath, the person shall make an affirmation in the foregoing form,
5 omitting the word “swear” and inserting instead thereof the word “affirm;”
6 and omitting the words “So help me God,” and subjoining, instead thereof,
7 the words “This I do under the pains and penalties of perjury.”

5. On the following proposal (see House, No. 83), the committee on the Judiciary has reported, in accordance with Joint Rule 23, recommending that the amendment ought NOT to pass. [Eldridge – Cronin.] (Representatives Harrington of Groton and Sullivan of Abington dissent.)

[*Question on ordering the proposal to a third reading* – after the proposal is twice read in succession.]

[*Vote required:* - Majority of members present and voting.]

Proposal for a legislative amendment to the Constitution prohibiting eminent domain takings.

A majority of all the members elected to the Senate and House of Representatives, in joint session, hereby declares it to be expedient to alter the Constitution by the adoption of the following Article of Amendment, to the end that it may become a part of the Constitution [if similarly agreed to in a joint session of the next General Court and approved by the people at the state election next following]:

ARTICLE OF AMENDMENT

1 The taking of land or interests therein by eminent domain for private
2 commercial or economic development is hereby declared not to be a public
3 public use of the commonwealth under the first paragraph of Article X of
4 Part the First of the Constitution.

**SPECIAL RULES WITH REFERENCE TO THE
CONSIDERATION, IN JOINT SESSION,
OF PROPOSALS FOR AMENDMENTS TO THE
CONSTITUTION.**

[Adopted by the Senate and the House of Representatives as the rules for the joint session to be held May 8, 2019 and for any subsequent joint sessions which may be held.]

[See Amendments to the Constitution, Art. XLVIII, the Initiative, Part V, and Art. LXXXI (pp. 105 and 124 of the Manual for 2013-2014); and also Joint Rules No. 23, 24, 25 and 26.]

Rule A. After a Proposal for an Initiative Amendment has been read, the question shall then be on agreeing to the Amendment; whereupon it shall be open to debate and any motion provided for in special Rule F.

Rule A1. A proposal for a legislative amendment which has received the affirmative votes of a majority of all the members elected to the preceding General Court shall be read; whereupon it shall be open to debate, but may not be amended, and the question shall then be on agreeing to the amendment. A proposal for a legislative amendment which has not previously been agreed to in joint session of the two houses shall be read twice in immediate succession; and the question shall be on ordering it to a third reading, whereupon it shall be open to debate and amendment.

Rule B. If it is ordered to a third reading, the proposal shall be read and considered at such subsequent joint session or joint sessions as may be agreed upon by the two houses or called by the Governor, in accordance with the provisions of the Constitution.

This rule may be suspended by a vote of four-fifths of the members of the joint session, present and voting thereon, in which case the proposal shall forthwith be read a third time; *provided, however,* that a motion to suspend the rule shall not be in order unless the committees on Bills in the Third Reading of the two houses, acting jointly, have examined the proposal and reported thereon in accordance with the provisions of Rule C.

Rule C. Before the proposal is read a third time, it shall be examined by committees on the Bills in the Third Reading of the two houses, acting jointly, and reported on by them in the manner provided in the standing rules of the Senate and of the House; provided, however, that a motion directing the committees on Bills in the Third Reading of the two houses, acting jointly, to report on a proposal which was ordered to a third reading at a prior joint session shall require a two-thirds vote of the members of the joint session present and voting thereon.

Rule D. After the third reading of the proposal, the question shall be on agreeing to the Amendment, whereupon it shall be open for debate or any motion provided for in special Rule F.

Rule E. If a Proposal for an Initiative Amendment is amended, before the question is taken on agreeing to the Proposal, it shall be examined by the committees on Bills in the Third Reading of the two houses, acting jointly, and reported on by them in the manner provided in the standing rules of the Senate and of the House.

Rule E1. Proposals which have not previously been agreed to in joint session and which are amended subsequently to their being ordered to a third reading, unless the amendment was reported by the committees on Bills in the Third Reading of the two houses, acting jointly, shall be referred forthwith to said committees and reported on by them in the manner provided in the standing rules of the Senate and of the House.

Rule F. When the main question is under debate the President shall receive no motion that does not relate to the same, except the motion to adjourn or some other motion which has precedence by express rule or because it is privileged in its nature; and he shall receive no motion relating to the same except:

For the previous question;

To close debate at a specified time;

To postpone until the two houses meet again in joint session;

To commit (or recommit), with or without instructions, to a special committee of the joint session composed of members of both houses;

To amend (excepting during consideration by the second successive General Court);

Which several motions shall have precedence in the order here arranged.

No motion to reconsider a vote on a main question shall be entertained unless made on the same day on which the vote was taken; and if moved, shall be considered at the time it is made.

Rule G. The sense of the joint session shall be taken by the yeas and nays whenever required by thirty-five of the members present.

Whenever the yeas and nays have been ordered, the names of the Senators shall be called first, in alphabetical order; and the yea and nay vote of the House membership shall be determined in accordance with the House

rules, excepting that those members of the House who have not been recorded in the usual manner as provided under the rules of the House may be recorded on a yea and nay list after the electric voting machine has been closed and before the final vote has been announced.

A pair with any member who is absent with a committee by authority of either or both houses may be announced, and shall be recorded, in the following manner:

If, before the question is taken, a member states that he has paired with another member who is absent with a committee by authority of the Senate or House, and how each would vote upon the pending question, the fact shall be entered in the Journals immediately after the record of the yeas and nays, and such member shall be excused from voting, but shall be included with the members voting for the purposes of a quorum; provided, however, nothing in this rule shall be construed as to permit pairing by a member on a question involving a required vote of two-thirds, three-fourths, four-fifths or a majority of a specified number of votes.

Rule H. It shall not be in order for the two houses to go into a Committee of the Whole when in joint session.

Rule I. If the two houses are in joint session ten minutes before the hour of meeting of either branch, the President shall declare an adjournment.

Rule J. The rules of the House of Representatives, including the last paragraph of House Rule 81, shall govern the proceedings in the joint sessions in all cases to which they are applicable, and in which they are not inconsistent with the provisions of Article XLVIII of the Amendments to the Constitution, or with these rules or amendments thereof, or with Joint Rules Nos. 23, 24, 25 and 26.

Rule K. It shall be in order to recess the convention from time to time upon a majority vote of said convention.

Rule L. Except as is otherwise provided in Rule B, Rules A to L, inclusive, may be altered, suspended or rescinded by concurrent votes of two-thirds of the members of each branch present and voting thereon in their respective branches.