

**The Commonwealth of Massachusetts**

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**JOURNAL OF THE SENATE.  
IN JOINT SESSION.**



**WEDNESDAY, MAY 8, 2019.**

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IN JOINT SESSION.**

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Wednesday, May 8, 2019.

At seven minutes past one o'clock P.M., the two Houses met in

Joint session of the two branches.

JOINT SESSION

and were called to order by the Honorable Karen E. Spilka, President of the Senate who made the following observations:

Pursuant to an order previously adopted, the two houses are in joint session for the purpose of considering various proposals for amendment to the Constitution. The matters that have been called for consideration are now seasonably laid before the Joint Session in conformity with the provisions of Articles XLVIII (48) and LXXXI (81) of the Constitution.

The following legislative proposals for amendments to the Constitution were seasonably laid before the joint session for consideration:

Proposal for a legislative amendment to the Constitution establishing an independent redistricting commission (Senate, No. 13), with reference to which the committee on Election Laws has reported, recommending that the amendment ought NOT to pass;

Redistricting commission.

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 (Senate, No. 16), with reference to which the committee on Revenue has reported, recommending that the amendment ought to pass;

Millionaire tax.

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

Rainy day fund,-- supermajority vote.

Proposal for a legislative amendment to the Constitution relative to the oaths and affirmations of public office (House, No. 81),-- the committee on the Judiciary has reported that the amendment ought to pass with a recommended new draft with the same title (Senate, No. 2211) [Representative Garry of Dracut dissenting];

Oaths and affirmations of public office.

Proposal for a legislative amendment to the Constitution prohibiting eminent domain takings (House, No. 83), the committee on the Judiciary has reported that the amendment ought NOT to pass [Representatives Harrington of Groton and Sullivan of Abington dissenting]; and

Eminent Domain.

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 (House, No. 86), the committee on Revenue has reported that the amendment ought to pass.

Millionaire tax.

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

Pledge of allegiance.

Mr. Lewis moved to suspend House Rule 47 to take from the calendar item 6 (House, No. 86),-- and this motion prevailed.

House Rule 47,-- suspended.

Mr. Tarr doubted the vote and asked for a call of the yeas and nays, and an insufficient number of members joining him in this request, the yeas and nays were NOT ordered.

Millionaire tax.

The 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 (see House, No. 86),-- was read twice in accordance with the provisions of the special rules.

The Proposal was as follows:--

**ARTICLE OF AMENDMENT**

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

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

The proposal was ordered to a third reading.

Mr. Jones of North Reading doubted the vote and asked for a call of the yeas and nays, and a sufficient number of members joining him in this request, the yeas and nays were ordered.

The question on ordering the Proposal to a third reading, was determined by a call of the yeas and nays at eleven minutes past one o’clock P.M., as follows to wit (yeas 156 — nays 37) [Senate Yeas and Nays No. 25] [House Yeas and Nays No. 56]:

**YEAS.**

*Senators.*

- |                          |                              |
|--------------------------|------------------------------|
| Barrett, Michael J.      | Hinds, Adam G.               |
| Boncore, Joseph A.       | Jehlen, Patricia D.          |
| Brady, Michael D.        | Keenan, John F.              |
| Brownsberger, William N. | Kennedy, Edward J.           |
| Chandler, Harriette L.   | Lesser, Eric P.              |
| Chang-Diaz, Sonia        | Lewis, Jason M.              |
| Collins, Nick            | Lovely, Joan B.              |
| Comerford, Joanne M.     | Montigny, Mark C.            |
| Creem, Cynthia Stone     | Moore, Michael O.            |
| Crighton, Brendan P.     | O'Connor, Patrick M.         |
| Cyr, Julian              | Pacheco, Marc R.             |
| DiDomenico, Sal N.       | Rausch, Rebecca L.           |
| DiZoglio, Diana          | Rodrigues, Michael J.        |
| Eldridge, James B.       | Rush, Michael F.             |
| Feeney, Paul R.          | Spilka, Karen E.             |
| Finegold, Barry R.       | Timilty, Walter F.           |
| Friedman, Cindy F.       | Welch, James T. — <b>35.</b> |

Gobi, Anne M.

**YEAS.**

*Representatives.*

Arciero, James	Khan, Kay
Ayers, Bruce J.	LaNatra, Kathleen R.
Balser, Ruth B.	Lawn, John J., Jr.
Barber, Christine P.	LeBoeuf, David Henry Argosky
Barrett, John, III	Lewis, Jack Patrick
Benson, Jennifer E.	Linsky, David Paul
Biele, David	Livingstone, Jay D.
Blais, Natalie M.	Madaro, Adrian C.
Brodeur, Paul	Mahoney, John J.
Cabral, Antonio F.D.	Malia, Elizabeth A.
Cahill, Daniel	Mark, Paul W.
Campbell, Linda Dean	Markey, Christopher M.
Capano, Peter	McGonagle, Joseph W., Jr.
Carey, Daniel R.	McMurtry, Paul
Cassidy, Gerard J.	Meschino, Joan
Chan, Tackey	Michlewitz, Aaron
Ciccolo, Michelle L.	Minicucci, Christina A.
Connolly, Mike	Miranda, Liz
Coppinger, Edward F.	Mom, Rady
Cronin, Claire D.	Moran, Frank A.
Cullinane, Daniel R.	Moran, Michael J.
Cusack, Mark J.	Murphy, James M.
Cutler, Josh S.	Murray, Brian W.
Day, Michael S.	Nangle, David M.
Decker, Marjorie C.	Naughton, Harold P., Jr.
DeLeo, Robert A.	Nguyen, Tram T.
Devers, Marcos A.	O'Day, James J.
Domb, Mindy	Parisella, Jerald A.
Donahue, Daniel M.	Peake, Sarah K.
Driscoll, William J., Jr.	Peisch, Alice Hanlon
DuBois, Michelle M.	Petrolati, Thomas M.
Dykema, Carolyn C.	Puppolo, Angelo J., Jr.
Ehrlich, Lori A.	Robertson, David Allen
Elugardo, Nika C.	Robinson, Maria Duaima
Farley-Bouvier, Tricia	Rogers, David M.
Fernandes, Dylan A.	Rogers, John H.
Ferrante, Ann-Margaret	Roy, Jeffrey N.
Finn, Michael J.	Ryan, Daniel J.
Fiola, Carole A.	Sabadosa, Lindsay N.
Galvin, William C.	Santiago, Jon
Garballey, Sean D.	Scaccia, Angelo M.
Garlick, Denise C.	Schmid, Paul A., III
Gentile, Carmine Lawrence	Silvia, Alan
Golden, Thomas A., Jr.	Speliotis, Theodore C.
Gonzalez, Carlos	Stanley, Thomas M.
Gordon, Kenneth I.	Straus, William M.
Gouveia, Tami L.	Tosado, José F.
Gregoire, Danielle W.	Tucker, Paul F.

**UNCORRECTED PROOF.**

Haddad, Patricia A.  
Haggerty, Richard M.  
Hawkins, James K.  
Hay, Stephan  
Hecht, Jonathan  
Hendricks, Christopher  
Higgins, Natalie M.  
Hogan, Kate  
Holmes, Russell E.  
Honan, Kevin G.  
Hunt, Daniel J.  
Kafka, Louis L.  
Kearney, Patrick Joseph

Tyler, Chynah  
Ultrino, Steven  
Vargas, Andres X.  
Vega, Aaron  
Velis, John C.  
Vincent, RoseLee  
Vitolo, Tommy  
Wagner, Joseph F.  
Walsh, Thomas P.  
Whipps, Susannah M.  
Williams, Bud L.  
Zlotnik, Jonathan D. – **121.**

**NAYS.**

***Senators.***

deMacedo, Viriato M.  
Humason, Donald F., Jr.

Tarr, Bruce E.  
Tran, Dean A. – **4.**

**NAYS.**

***Representatives.***

Barrows, F. Jay  
Berthiaume, Donald R., Jr.  
Boldyga, Nicholas A.  
Crocker, William L., Jr.  
D’Emilia, Angelo L.  
DeCoste, David F.  
Dooley, Shawn  
Durant, Peter J.  
Ferguson, Kimberly N.  
Frost, Paul K.  
Garry, Colleen M.  
Gifford, Susan Williams  
Harrington, Sheila C.  
Hill, Bradford  
Howitt, Steven S.  
Hunt, Randy  
Jones, Bradley H., Jr.

Kane, Hannah  
Kelcourse, James M.  
Lombardo, Marc T.  
McKenna, Joseph D.  
Mirra, Lenny  
Muradian, David K., Jr.  
Muratore, Matthew J.  
O’Connell, Shauna L.  
Orrall, Norman J.  
Poirier, Elizabeth A.  
Smola, Todd M.  
Soter, Michael J.  
Sullivan, Alyson M.  
Vieira, David T.  
Whelan, Timothy R.  
Wong, Donald H. – **33.**

**ABSENT OR NOT VOTING.**

***Senators.***

Fattman, Ryan C. -**1.**

**ABSENT OR NOT VOTING.**

***Representatives.***

Ashe, Brian M.  
Donato, Paul J.  
Keefe, Mary S.

Mariano, Ronald  
Pignatelli, Smitty  
Provost, Denise -**6.**

The yeas and nays having been completed at nineteen minutes past one o'clock P.M., the proposal was ordered to a third reading.

Subsequently a statement of Senator Ryan C. Fattman was spread upon the records of the Joint Session, as follows:

**UNCORRECTED PROOF.**

MADAM PRESIDENT: I would like to call to the attention of the Joint Session the fact that on the previous roll call I was absent from the Chamber. If I had been present, I would have voted in the negative.

Statement of Senator  
Ryan C. Fattman.

Subsequently a statement of Mr. Ashe of Longmeadow was spread upon the records of the Joint Session, as follows:

Statement of Mr.  
Ashe of  
Longmeadow.

MADAM PRESIDENT: I would like to call to the attention of the Joint Session the fact that on the previous roll call I was absent from the Chamber on official business in another part of the State House. If I had been present, I would have voted in the affirmative.

Subsequently a statement of Mr. Pignatelli of Lee was spread upon the records of the Joint Session, as follows:

Statement of Mr.  
Pignatelli of Lee.

MADAM PRESIDENT: I would like to call to the attention of the Joint Session the fact that on the previous roll call I was absent from the Chamber on official business meeting with the Secretary of the Executive Office of Energy and Environmental Affairs on behalf of my role as House Chair of the Joint Committee on Environment, Natural Resources and Agriculture. If I had been present, I would have voted in the affirmative.

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Without further action on the matters duly and constitutionally assigned for consideration, at twenty minutes past one o'clock P.M., on motion of Mr. Brownsberger, the Joint Session was recessed until Wednesday, June 12, 2019 at one o'clock P.M.; and the Senate withdrew from the House Chamber under the escort of the Sergeant-at-Arms.