

**NOTICE:** While reasonable efforts have been made to assure the accuracy of the data herein, this is **NOT** the official version of Senate Journal. It is published to provide information in a timely manner, but has **NOT** been proofread against the events of the session for this day. All information obtained from this source should be checked against a proofed copy of the Senate Journal.

# UNCORRECTED PROOF OF THE JOURNAL OF THE SENATE.



## JOURNAL OF THE SENATE

IN JOINT SESSION.

*Wednesday, May 11, 2005.*

*Joint Session of the Two Houses to Consider Specific Amendments to the Constitution.*

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

### JOINT SESSION

and were called to order by the Honorable Frederick E. Berry, Senate Majority Leader, 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 Senate in conformity with the provisions of Articles XLVIII and LXXXI of the Constitution."

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

Proposal for an Initiative amendment to the Constitution relative to the provision of health insurance (see Senate, No. 4 of 2005), having received, in joint session, the affirmative votes of not less than one-fourth of all members elected [see House, No. 4444, amended of 2004], has been referred, in accordance with Article XLVIII of the Amendments to the Constitution, to the present General Court;

Proposal for a Legislative Amendment to the Constitution relative to the affirmation of marriage (see Senate, No. 5 of 2005), having received, in joint session, the affirmative votes of a majority of all members elected to the preceding General Court [see House, No. 3190, amended of 2003], has been referred, in accordance with Article XLVIII of the Amendments to the Constitution, to the present General Court;

Proposal for a Legislative Amendment to the Constitution creating a permanent "rainy day" fund to provide stable revenues for the Commonwealth (see Senate, No. 6 of 2005), having received, in joint session, the affirmative votes of a majority of all members elected [see House, No. 4691, amended of 2004], has been referred, in accordance with Article XLVIII of the Amendments to the Constitution, to the present General Court;

Proposal for a Legislative Amendment to the Constitution relative to laws created by the people using the Initiative process (see Senate, No. 7), with reference to which the committee on Election Laws has reported recommending that the amendment ought NOT to pass (Senator Brown dissenting);

Proposal for a Legislative Amendment to the Constitution relative to Constitutional officers (see Senate, No. 8), with reference to which the committee on Election Laws has reported recommending that the amendment ought NOT to pass (Senator Brown and Representatives Frost of Auburn and Rogeness of Longmeadow dissenting);

Proposal for a Legislative Amendment to the Constitution allowing absentee voting (see Senate, No. 9), with reference to which the committee on Election Laws has reported recommending that the amendment ought NOT to pass;

Proposal for a Legislative Amendment to the Constitution electing the Lt. Governor and the Governor separately (see Senate, No. 10), with reference to which the committee on Election Laws has reported recommending that the amendment ought NOT to pass;

Proposal for a Legislative Amendment to the Constitution increasing the term of the General Court from two to four years (see Senate, No. 11), with reference to which the committee on Election Laws has reported recommending that the amendment ought NOT to pass;

Proposal for a Legislative Amendment to the Constitution establishing an independent redistricting commission and criteria for redistricting (see Senate, No. 12), with reference to which the committee on Election Laws has reported recommending that the amendment ought NOT to pass (Senator Brown and Representatives Eldridge of Acton, Turner of Dennis, Frost of Auburn and Rogeness of Longmeadow dissenting);

Proposal for a Legislative Amendment to the Constitution promoting the representative character of ballot questions (see Senate, No. 13), with reference to which the committee on Election Laws has reported recommending that the amendment ought NOT to pass;

Proposal for a Legislative Amendment to the Constitution relative to vacancies in the Governor's Council (see Senate, No. 14), with reference to which the committee on Election Laws has reported recommending that the amendment ought NOT to pass;

Proposal for a Legislative Amendment to the Constitution relative to the certification of justices (see Senate, No. 15), having been reported ought NOT to pass (under Joint Rule 23) from the committee on the Judiciary (the time within which the committee was required to report having expired);

Proposal for a Legislative Amendment to the Constitution establishing county government (see Senate, No. 16), with reference to which the committee on Municipalities and Regional Government has reported, recommending that the amendment ought NOT to pass;

Proposal for a Legislative Amendment to the Constitution relative to emergency appointments of elected officials (see Senate, No. 17), with reference to which the committee on Public Safety and Homeland Security has reported recommending that the amendment ought to pass (Representatives Murphy of Burlington, Perry of Sandwich and Hill of Ipswich dissenting);

Proposal for a Legislative Amendment to the Constitution authorizing the General Court to provide for absentee voting by any voter (Senate, No. 2034), with reference to which the committee on Election Laws has reported recommending that the amendment ought to pass (Senator Brown and Representative Rogeness of Longmeadow dissenting);

Proposal for a Legislative Amendment to the Constitution relative to a vacancy in the office of Governor or Lieutenant-Governor (see House, No. 38), with reference to which the committee on Election Laws has reported recommending that the amendment ought NOT to pass (Senator Brown and Representatives Turner of Dennis and Rogeness of Longmeadow dissenting);

Proposal for a Legislative Amendment to the Constitution to change the length of term for Representatives and Senators from two years to four years (see House, No. 39), with reference to which the committee on Election Laws has reported recommending that the amendment ought NOT to pass (Senator Brown and Representatives Turner of Dennis and Rogeness of Longmeadow dissenting);

Proposal for a Legislative Amendment to the Constitution relative to redistricting for the House of Representatives, Senate and Governor's Council (see House, No. 40), with reference to which the committee on Election Laws has reported recommending that that the amendment ought NOT to pass (Senator Brown and Representatives Turner of Dennis, Frost of Auburn and Rogeness of Longmeadow dissenting); and

Proposal for a Legislative Amendment to the Constitution to define marriage as the union of one man and one woman (see House, No. 653), having been reported ought NOT to pass (under Joint Rule 23) from the committee on the Judiciary (the time within which the committee was required to report having expired).

Without action on the matters duly and constitutionally assigned for consideration, on motion of Mr. Rosenberg, at five minutes past one o'clock P.M., the joint session was recessed until two o'clock P.M., on Wednesday, August 24, 2005; and the Senate withdrew from the House Chamber under the escort of the Sergeant-at-Arms.