

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.

Monday, May 4, 2009.

Met at three minutes past eleven o'clock A.M. (Ms. Spilka in the Chair).

The Chair (Ms. Spilka), members, guests and employees then recited the pledge of allegiance to the flag.

Reports of Committees on Proposals for Legislative Amendments to the Constitution.

Mr. Kennedy, for the committee on Election Laws, on the petition (accompanied by proposal, House, No. 561) of Garret J. Bradley and Stanley C. Rosenberg for a legislative amendment to the Constitution to provide for absentee voting by any voter,— **reported, in accordance with a provision of Joint Rule 23, recommending that the amendment proposed by said petition (see House, No. 561), ought to pass;**

The same Senator, for the same committee, on the petition (accompanied by proposal, House, No. 588) of Bradley H. Jones, Jr. and others for a legislative amendment to the Constitution authorizing the General Court to provide for absentee voting by any voter,— **reported, in accordance with a provision of Joint Rule 23, recommending that the amendment proposed by said petition (see House, No. 588), ought to pass;**

The same Senator, for the same committee, on the petition (accompanied by proposal, House, No. 661) of James J. Dwyer and others for a legislative amendment to the Constitution authorizing the General Court to provide for absentee voting,— **reported, in accordance with a provision of Joint Rule 23, recommending that the amendment proposed by said petition (see House, No. 661), ought to pass;**

Ms. Creem, for the committee on the Judiciary, on the petition (accompanied by proposal, Senate, No. 23) of Cynthia Stone Creem, Patricia D. Jehlen, Martha M. Walz and other members of the General Court for a legislative amendment to the Constitution relative to initiative petitions,— **reported, in accordance with a provision of Joint Rule 23, recommending that the amendment proposed by said petition (see Senate, No. 23), ought to pass (Representative Evangelidis of Holden dissenting);**

The same Senator, for the same committee, on the petition (accompanied by proposal, House, No. 1455) of Viriato Manuel deMacedo and others for a legislative amendment to the Constitution prohibiting the taking of land or interests therein by eminent domain for private commercial or economic development,— **reported, in accordance with a provision of Joint Rule 23, recommending that the amendment proposed by said petition (see House, No. 1455), ought to pass;**

The same Senator, for the same committee, on the petition (accompanied by proposal, House, No. 1640) of Eugene L. O'Flaherty for a legislative amendment to the Constitution relative to the retirement of judges,— **reported, in accordance with a provision of Joint Rule 23, recommending that the amendment proposed by said petition (see House, No. 1640), ought to pass;**

The same Senator, for the same committee, on the petition (accompanied by proposal, House, No. 1700) of Richard J. Ross and

others for a legislative amendment to the Constitution prohibiting eminent domain,— **reported, in accordance with a provision of Joint Rule 23, recommending that the amendment proposed by said petition (see House, No. 1700), ought to pass;**

The same Senator, for the same committee, on the petition (accompanied by proposal, House, No. 1779) of Martha M. Walz and others for a legislative amendment to the Constitution relative to eminent domain takings,— **reported, in accordance with a provision of Joint Rule 23, recommending that the amendment proposed by said petition (see House, No. 1779), ought to pass;**

The same Senator, for the same committee, on the petition (accompanied by proposal, House, No. 3537) of Alice K. Wolf and others for a legislative amendment to the Constitution relative to the subject matter of initiative petitions,— **reported, in accordance with a provision of Joint Rule 23, recommending that the amendment proposed by said petition (see House, No. 3537), ought to pass (Representative Evangelidis of Holden dissenting);**

The reports were severally read and placed on file, in accordance with the requirements of said rule.

Mr. Kennedy, for the committee on Election Laws, on the petition (accompanied by proposal, Senate, No. 22) of Richard T. Moore, Scott P. Brown, Michael R. Knapik, Bruce E. Tarr and other members of the General Court for a legislative amendment to the Constitution establishing an independent redistricting commission,— **reported, in accordance with a provision of Joint Rule 23, recommending that the amendment proposed by said petition (see Senate, No. 22), ought NOT to pass (Senator Brown and Representatives Frost of Auburn and Jones of North Reading dissenting);**

The same Senator, for the same committee, on the petition (accompanied by proposal, House, No. 535) of Bradley H. Jones, Jr., and others of the General Court for a legislative amendment to the Constitution to establish an independent redistricting commission and criteria for redistricting for state House, Senate and Councilor districts,— **reported, in accordance with a provision of Joint Rule 23, recommending that the amendment proposed by said petition (see House, No. 535), ought NOT to pass (Senator Brown and Representatives Frost of Auburn and Jones of North Reading dissenting);**

The same Senator, for the same committee, on the petition (accompanied by proposal, House, No. 573) of Mark V. Falzone and others for a legislative amendment to the Constitution to increase the threshold for ballot initiatives,— **reported, in accordance with a provision of Joint Rule 23, recommending that the amendment proposed by said petition (see House, No. 573), ought NOT to pass (Representative Falzone of Saugus dissenting);**

The same Senator, for the same committee, on the petition (accompanied by proposal, House, No. 667) of George N. Peterson, Jr. and Elizabeth Poirier for a legislative amendment to the Constitution to change the length of term for Representative and Senators from two years to four years,— **reported, in accordance with a provision of Joint Rule 23, recommending that the amendment proposed by said petition (see House, No. 667), ought NOT to pass (Representative Ashe of Longmeadow dissenting);**

The same Senator, for the same committee, on the petition (accompanied by proposal, House, No. 3411) of David M. Torrisi for a legislative amendment to the Constitution relative to home rule,— **reported, in accordance with a provision of Joint Rule 23, recommending that the amendment proposed by said petition (see House, No. 3411), ought NOT to pass;**

Mr. Petrucci, for the committee on Environment, Natural Resources and Agriculture, on the petition (accompanied by proposal, House, No. 742) of Anne M. Gobi for a legislative amendment to the Constitution relative to the taking of fish and wildlife,— **reported, in accordance with a provision of Joint Rule 23, recommending that the amendment proposed by said petition (see House, No. 742), ought NOT to pass;**

Ms. Creem, for the committee on the Judiciary, on the petition (accompanied by proposal, Senate, No. 24) of Brian A. Joyce, Scott P. Brown and Kay Khan for a legislative amendment to the Constitution to abolish the Governor's Council,— **reported, in accordance with a provision of Joint Rule 23, recommending that the amendment proposed by said petition (see Senate, No. 24), ought NOT to pass (Representative Dwyer of Woburn dissenting);**

The same Senator, for the same committee, on the petition (accompanied by proposal, Senate, No. 25) of Michael R. Knapik, Chief Anthony Scott and Richard R. Tisei for a legislative amendment to the Constitution relative to the certification of judges,— **reported, in accordance with a provision of Joint Rule 23, recommending that the amendment proposed by said petition (see Senate, No. 25), ought NOT to pass (Representative Dwyer of Woburn dissenting);**

The same Senator, for the same committee, on the petition (accompanied by proposal, Senate, No. 26) of Kelly Ryan for a legislative amendment to the Constitution relative to solicitation in public housing,— **reported, in accordance with a provision of Joint Rule 23, recommending that the amendment proposed by said petition (see Senate, No. 26), ought NOT to pass (Representative Dwyer of Woburn dissenting);**

The same Senator, for the same committee, on the petition (accompanied by proposal, Senate, No. 27) of Richard R. Tisei for a

legislative amendment to the Constitution to eliminate the Governor's Council,— **reported, in accordance with a provision of Joint Rule 23, recommending that the amendment proposed by said petition (see Senate, No. 27), ought NOT to pass (Representative Dwyer of Woburn dissenting);**

The same Senator, for the same committee, on the petition (accompanied by proposal, House, No. 1736) of Theodore C. Speliotis for a legislative amendment to the Constitution to abolish the Executive Council,— **reported, in accordance with a provision of Joint Rule 23, recommending that the amendment proposed by said petition (see House, No. 1736), ought NOT to pass (Representative Dwyer of Woburn dissenting);**

[NOTE:Subsequent communications from Representative Dwyer and House Judiciary Chairman O'Flaherty indicated that Representative Dwyer was listed as a dissenter on Senate, Nos. 25, 26 and 27 and House, No. 1736 in error.]
The reports were severally read and placed on file, in accordance with the requirements of said rule.

Under the provisions of Joint Rule 23, the following proposals were placed on file, the time within which the said committees were required to report having expired:

Of the committee on the Election Laws, ought NOT to pass (under Joint Rule 23), on the petition (accompanied by proposal, House, No. 650) of Jay R. Kaufman and others for a legislative amendment to the Constitution relative to a vacancy in the office of Governor or Lieutenant-Governor;

Of the committee on the Revenue, ought NOT to pass (under Joint Rule 23):
On the petition (accompanied by proposal, House, No. 2733) of Mark V. Falzone and others for a legislative amendment to the Constitution relative to a graduated income tax; and
On the petition (accompanied by proposal, House, No. 2846) of Matthew C. Patrick and Byron Rushing for a legislative amendment to the Constitution relative to raising a tax for the purposes of funding public schools;

Of the committees on Rules of the two branches, acting concurrently, ought NOT to pass (under Joint Rule 23), on the petition (accompanied by proposal, House, No. 2952) of Bradley H. Jones, Jr., and others for a legislative amendment to the Constitution relative to salary adjustments for members of the General Court;
Of the committee on the State Administration and Regulatory Oversight, ought NOT to pass (under Joint Rule 23), on the petition (accompanied by proposal, House, No. 2961) of Daniel E. Bosley for a legislative amendment to the Constitution relative to the abolishment of the Governor's Council;

Of the Joint Committee on Ways and Means, ought NOT to pass (under Joint Rule 23):
On the petition (accompanied by proposal, House, No. 3406) of Bradley H. Jones, Jr., and others for a legislative amendment to the Constitution providing for a two year budget process for the Commonwealth; and
On the petition (accompanied by proposal, House, No. 3407) of Bradley H. Jones, Jr., and others for a legislative amendment to the Constitution limiting expenditure growth.

Resolutions.

The following resolutions (having been filed with the Clerk) were severally considered forthwith and adopted, as follows:—
Resolutions (filed by Mr. Timilty) “recognizing the two hundred and fiftieth year anniversary of Normandy Farms, Foxborough, Massachusetts”; and
Resolutions (filed by Mr. Timilty) “recognizing the fiftieth year anniversary of Troop 89, Medfield, Massachusetts.”

Report of a Committee.

By Mr. Panagiotakos, for the committee on Ways and Means, that the Senate Bill establishing a sick leave bank for Sheila Ferreira, an employee of the trial court (Senate, No. 1744),— **ought to pass, with an amendment substituting a new draft with the same title (Senate, No. 2046).**
There being no objection, the rules were suspended, on motion of Mr. Hedlund, and the bill was read a second time and was amended, as recommended by the committee on Ways and Means.
The bill (Senate, No. 2046) was then ordered to a third reading.

Order Adopted.

On motion of Mr. Hedlund,—

Ordered, That when the Senate adjourns today, it adjourn to meet again tomorrow at two o'clock P.M., in a full formal session.

On motion of the same Senator, at five minutes past eleven o'clock A.M., the Senate adjourned to meet again tomorrow at two o'clock P.M.