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UNCORRECTED PROOF OF THE JOURNAL OF THE SENATE.



JOURNAL OF THE SENATE IN JOINT SESSION.

Wednesday, May 18, 2016.

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

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

JOINT SESSION

and were called to order by the Honorable Stanley C. Rosenberg, President of the Senate

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

Distinguished Guest.

There being no objection, during consideration of the Orders of the Day, the President recognized Marianna McCallum of Walpole. Ms. McCallum is the current Miss Massachusetts Princess. She was the guest of Representative Rogers of Norwood and Senator Timilty.

The Proposal for an Initiative 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. 3933) (introduced into the General Court by the initiative petition of Marven-Rhode Hyppolite and others) was read, the question being on agreeing to the amendment.

The Proposal was as follows:--

ARTICLE OF AMENDMENT

Amendment Article XLIV 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 residents, this \$1,000,000 (one million dollar) 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, 2019.

Pending the question on agreeing to the amendment, Senator Tarr and Representative Jones of North Reading moved that the initiative be amended by striking the text in its entirety and inserting in place thereof the following:--

“The constitution is hereby amended by inserting at the end thereof the following new article:- In the furtherance of the foregoing

powers, the general court shall have the power to appropriate funds held, in the stabilization fund, so-called, as provided for by section 2H of chapter 29, and shall expend those funds in said manner provided that said funds shall be expended in laws enacted by a two thirds vote, taken by yeas and nays, of each branch of the General Court.”

Pending the question on adoption of the amendment, Senator Tarr and Representative Jones of North Reading moved that the amendment (Tarr/Jones) be amended by striking out the amendment in its entirety and inserting in place thereof the following:- By striking in line 13 through 15 the following:- “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.” and inserting in place thereof the following:- “income level shall be adjusted shall be increased or decreased at the same rate as increases or decreases in the median household income for the commonwealth for the preceding two year period, as ascertained by the governor.”

The further amendment was *rejected*.

The pending amendment (Tarr/Jones) was then considered; and it was *rejected*.

Representative Jones of North Reading, Senator Tarr, Representatives Hill of Ipswich, Poirier of North Attleborough, Gifford of Wareham, Frost of Auburn and Smola of Warren moved that the initiative be amended by striking the text in its entirety and inserting in place thereof the following:-

“Amendment Article XLIV of the Massachusetts Constitution is hereby amended by adding the following paragraph at the end thereof:

Part B taxable income, as defined by Section 4 of Chapter 62 of the General Laws, as appearing the 2014 Official Edition, shall be taxed at the rate of 5 per cent for tax years beginning on or after January 1, 2017.”.

Pending the question on adoption of the amendment, Representative Jones of North Reading, Senator Tarr, Representatives Hill of Ipswich, Poirier of North Attleborough, Gifford of Wareham, Frost of Auburn, and Smola of Warren moved that the amendment be amended by striking out the amendment in its entirety and inserting in place thereof the following:-

“Amendment Article XLIV of the Massachusetts Constitution is hereby amended by adding the following paragraph at the end thereof:

Part B taxable income, as defined by Section 4 of Chapter 62 of the General Laws, as appearing the 2014 Official Edition, shall be taxed at the rate of 5 per cent for tax years beginning on or after January 1, 2019.”.

After debate, the question on adoption of the further amendment (Jones et al) was determined by a call of the yeas and nays at eight minutes before two o'clock P.M., on motion of Mr. Jones, as follows to wit (*Yeas 42 - Nays 148*) [**Senate Yeas and Nays No. 299**] [**House Yeas and Nays No. 249**]:

YEAS.

Senators.

deMacedo, Viriato M.	Ross, Richard J.
Fattman, Ryan C.	Tarr, Bruce E.
Humason, Donald F., Jr.	Timilty, James E. ---7.
O'Connor, Patrick M.	

YEAS.

Representatives.

Barrows, Jay F.	Kuros, Kevin J.
Berthiaume, Donald R., Jr.	Lombardo, Marc T.
Boldyga, Nicholas A.	Lyons, James J., Jr.
DeCoste, David F.	McKenna, Joseph D.
D'Emilia, Angelo L.	Mirra, Leonard
Diehl, Geoff	Muradian, David K., Jr.
Dooley, Shawn	Muratore, Mathew
Durant, Peter J.	O'Connell, Shaunna L.
Ferguson, Kimberly N.	Orrall, Keiko M.
Frost, Paul K.	Poirier, Elizabeth A.
Harrington, Sheila C.	Timilty, Walter F.
Hill, Bradford R.	Smola, Todd M.
Howitt, Steven S.	Vieira, David T.
Hunt, Randy	Whelan, Timothy R.
Gifford, Susan	Whipps Lee, Susannah M.

Jones, Bradley H., Jr.
Kane, Hannah
Kelcourse, James M.

Wong, Donald H.
Zlotnik, Jonathan D. -- 35

NAYS.
Senators.

Barrett, Michael J.
Boncore, Joseph A.
Brady, Michael D.
Brownsberger, William N.
Chandler, Harriette L.
Chang-Diaz, Sonia
Creem, Cynthia Stone
DiDomenico, Sal N.
Donnelly, Kenneth J.
Donoghue, Eileen M.
Downing, Benjamin B.
Eldridge, James B.
Flanagan, Jennifer L.
Forry, Linda Dorcena
Gobi, Anne M.
Jehlen, Patricia D.
Joyce, Brian A.

Keenan, John F.
Lesser, Eric P.
Lewis, Jason M
L'Italien, Barbara A.
Lovely, Joan B.
McGee, Thomas M.
Montigny, Mark C.
Moore, Michael O.
O'Connor Ives, Kathleen
Pacheco, Marc R.
Rodrigues, Michael J.
Rosenberg, Stanley C.
Rush, Michael F.
Spilka, Karen E.
Welch, James T.
Wolf, Daniel A. --33.

NAYS.
Representatives.

Arciero, James
Ashe, Brian M.
Atkins, Cory
Ayers, Bruce J.
Balsler, Ruth B.
Barber, Christine P.
Benson, Jennifer E.
Brodeur, Paul
Cabral, Antonio F. D.
Cahill, Daniel
Calter, Thomas J.
Campbell, Linda Dean
Cantwell, James M.
Cariddi, Gailanne M.
Cassidy, Gerard
Chan, Tackey
Collins, Nick
Coppinger, Edward F.
Crighton, Brendan P.
Cronin, Claire D.
Cullinane, Daniel
Cusack, Mark J.

Keefe, Mary S.
Khan, Kay
Kocot, Peter V.
Koczera, Robert M.
Kulik, Stephen
Lawn, John J., Jr.
Linsky, David Paul
Livingstone, Jay D.
Madden, Timothy R.
Mahoney, John J.
Malia, Elizabeth A.
Mannal, Brian R.
Mariano, Ronald
Mark, Paul W.
Markey, Christopher M.
McGonagle, Joseph W., Jr.
McMurtry, Paul
Miceli, James R.
Michlewitz, Aaron
Mom, Rady
Moran, Frank A.
Moran, Michael J.

Cutler, Josh S.	Murphy, James M.
Day, Michael S.	Nangle, David M.
Decker, Marjorie C.	O'Day, James J.
DeLeo, Robert A.	Parisella, Jerald A.
Dempsey, Brian S.	Peake, Sarah K.
Devers, Marcos A.	Peisch, Alice Hanlon
DiZoglio, Diana	Petrolati, Thomas M.
Donahue, Daniel M.	Pignatelli, William Smitty
Donato, Paul J.	Puppolo, Angelo J. Jr.,
DuBois, Michelle M.	Rogers, John H.
Dykema, Carolyn C.	Rosa, Dennis A.
Ehrlich, Lori A.	Roy, Jeffrey N.
Farley-Bouvier, Tricia	Ryan, Daniel J.
Fernandes, John V.	Rushing, Byron
Ferrante, Ann-Margaret	Sánchez, Jeffrey
Finn, Michael J.	Sannicandro, Tom
Fiola, Carole A.	Scaccia, Angelo M.
Galvin, William C.	Schmid, Paul A., III
Garballey, Sean	Scibak, John W.
Garlick, Denise C.	Silvia, Alan
Garry, Colleen M.	Smizik, Frank I.
Gentile, Carmine L.	Speliotis, Theodore C.
Golden, Thomas A., Jr.	Stanley, Thomas M.
Gonzalez, Carlos	Story, Ellen
Gordon, Kenneth I.	Straus, William M.
Gregoire, Danielle W.	Swan, Benjamin
Hay, Stephen	Toomey, Timothy J., Jr.
Hecht, Jonathan	Tosado, Jose F.
Haddad, Patricia A.	Ultrino, Steven
Heroux, Paul R.	Vega, Aaron
Hogan, Kate	Velis, John C.
Holmes, Russell E.	Vincent, RoseLee
Honan, Kevin G.	Wagner, Joseph F.
Hunt, Daniel J.	Walsh, Chris D.
Kafka, Louis L.	Walsh, Thomas --115.
Kaufman, Jay R.	

ABSENT OR NOT VOTING.

Representatives.

Bradley, Garrett J.	Naughton, Harold P., Jr.
Carvalho, Evandro C.	Provost, Denise
Dwyer, James J.	Rogers, David M.
Fox, Gloria L.	Tucker, Paul F.
Madaro, Adrian C.	Campanale, Kate D. ---10.

The yeas and nays having been completed at one minute past two o'clock P.M., the further amendment was *rejected*.
The pending amendment (Jones et al) was then considered; and it was *rejected*.

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

MR. 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 House Chamber on official business in another part of the State House. Had I been present I would have voted in the negative.

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

MR. 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 House Chamber on official business in another part of the State House. Had I been present I would have voted in the negative.

Representative Jones of North Reading, Senator Tarr, Representatives Hill of Ipswich, Poirier of North Attleborough, Gifford of Wareham, Frost of Auburn and Smola of Warren moved that the initiative be amended by inserting at the end thereof the following:-

“All Part B taxable income, as defined by Section 4 of Chapter 62 of the General Laws, as appearing the 2014 Official Edition, equaling less than \$1,000,000 shall be taxed at the rate of 5 per cent for tax years beginning on or after January 1, 2017.”.

Pending the question on adoption of the amendment, Representative Jones of North Reading, Senator Tarr, Representatives Hill of Ipswich, Poirier of North Attleborough, Gifford of Wareham, Frost of Auburn and Smola of Warren moved that the amendment (Jones et al) be amended by striking out the amendment in its entirety and inserting in place thereof the following:-

“All Part B taxable income, as defined by Section 4 of Chapter 62 of the General Laws, as appearing the 2014 Official Edition, equaling less than \$1,000,000 shall be taxed at the rate of 5 per cent for tax years beginning on or after January 1, 2019.”.

After debate, the question on adoption of the further amendment (Jones et al) was determined by a call of the yeas and nays at a quarter past two o'clock P.M., on motion of Mr. Jones, as follows to wit (*Yeas 42 - Nays 147*) [**Senate Yeas and Nays No. 300**] [**House Yeas and Nays No. 250**]:

YEAS.

Senators.

deMacedo, Viriato M.

O'Connor, Patrick M.

Fattman, Ryan C.

Ross, Richard J.

Humason, Donald F., Jr.

Tarr, Bruce E. --6.

YEAS.

Representatives.

Barrows, Jay F.

Kuros, Kevin J.

Berthiaume, Donald R., Jr.

Lombardo, Marc T.

Boldyga, Nicholas A.

Lyons, James J., Jr.

DeCoste, David F.

McKenna, Joseph D.

D'Emilia, Angelo L.

Mirra, Leonard

Diehl, Geoff

Muradian, David K., Jr.

Dooley, Shawn

Muratore, Mathew

Durant, Peter J.	O'Connell, Shaunna L.
Ferguson, Kimberly N.	Orrall, Keiko M.
Frost, Paul K.	Poirier, Elizabeth A.
Gifford, Susan	Rogers, John H.
Harrington, Sheila C.	Smola, Todd M.
Hill, Bradford R.	Timilty, Walter F.
Howitt, Steven S.	Vieira, David T.
Hunt, Randy	Whelan, Timothy R.
Jones, Bradley H., Jr.	Whipps Lee, Susannah M.
Kane, Hannah	Donald H. Wong.
Kelcourse, James M.	Zlotnik, Jonathan D. --36.

NAYS.
Senators.

Boncore, Joseph A.	Lesser, Eric P.
Brady, Michael D.	Lewis, Jason M
Brownsberger, William N.	L'Italien, Barbara A.
Chandler, Harriette L.	Lovely, Joan B.
Chang-Diaz, Sonia	McGee, Thomas M.
Creem, Cynthia Stone	Montigny, Mark C.
DiDomenico, Sal N.	Moore, Michael O.
Donnelly, Kenneth J.	O'Connor Ives, Kathleen

Donoghue, Eileen M.	Pacheco, Marc R.
Downing, Benjamin B.	Rodrigues, Michael J.
Eldridge, James B.	Rosenberg, Stanley C.
Flanagan, Jennifer L.	Rush, Michael F.
Forry, Linda Dorcena	Spilka, Karen E.
Gobi, Anne M.	Timilty, James E.
Jehlen, Patricia D.	Welch, James T.
Joyce, Brian A.	Wolf, Daniel A. --33.
Keenan, John F.	

NAYS.
Representatives.

Arciero, James	Keefe, Mary S.
Ashe, Brian M.	Khan, Kay
Atkins, Cory	Kocot, Peter V.
Ayers, Bruce J.	Koczera, Robert M.
Balsler, Ruth B.	Kulik, Stephen
Barber, Christine P.	Lawn, John J., Jr.
Benson, Jennifer E.	Linsky, David Paul
Brodeur, Paul	Livingstone, Jay D.
Cabral, Antonio F. D.	Madaro, Adrian C.
Cahill, Daniel	Madden, Timothy R.

Calter, Thomas J.	Hunt, Daniel J.
Campbell, Linda Dean	Mahoney, John J.
Cantwell, James M.	Malia, Elizabeth A.
Cariddi, Gailanne M.	Mannal, Brian R.
Carvalho, Evandro C.	Mariano, Ronald
Cassidy, Gerard	Mark, Paul W.
Chan, Tackey	Markey, Christopher M.
Collins, Nick	McGonagle, Joseph W., Jr.
Coppinger, Edward F.	McMurtry, Paul
Crighton, Brendan P.	Miceli, James R.
Cronin, Claire D.	Michlewitz, Aaron
Cullinane, Daniel	Mom, Rady
Cusack, Mark J.	Moran, Frank A.
Cutler, Josh S.	Moran, Michael J.
Day, Michael S.	Murphy, James M.
Decker, Marjorie C.	Nangle, David M.
DeLeo, Robert A.	O'Day, James J.
Dempsey, Brian S.	Parisella, Jerald A.
Devers, Marcos A.	Peake, Sarah K.
DiZoglio, Diana	Peisch, Alice Hanlon

Donahue, Daniel M.	Petrolati, Thomas M.
Donato, Paul J.	Pignatelli, William Smitty
DuBois, Michelle M.	Puppolo, Angelo J., Jr.
Dykema, Carolyn C.	Rosa, Dennis A.
Ehrlich, Lori A.	Roy, Jeffrey N.
Farley-Bouvier, Tricia	Rushing, Byron
Fernandes, John V.	Ryan, Daniel J.
Ferrante, Ann-Margaret	Sánchez, Jeffrey
Finn, Michael J.	Sannicandro, Tom
Fiola, Carole A.	Scaccia, Angelo M.
Galvin, William C.	Schmid, Paul A., III
Garballey, Sean	Scibak, John W.
Garlick, Denise C.	Silvia, Alan
Garry, Colleen M.	Smizik, Frank I.
Gentile, Carmine L.	Speliotis, Theodore C.
Gonzalez, Carlos	Stanley, Thomas M.
Gordon, Kenneth I.	Story, Ellen
Gregoire, Danielle W.	Straus, William M.
Haddad, Patricia A.	Swan, Benjamin
Hay, Stephan	Toomey, Timothy J., Jr.

Hecht, Jonathan	Tosado, Jose F.
Heroux, Paul R.	Ultrino, Steven
Hogan, Kate	Vega, Aaron
Holmes, Russell E.	Velis, John C.
Honan, Kevin G.	Vincent, RoseLee
Kafka, Louis L.	Walsh, Chris D.
Kaufman, Jay R.	Walsh, Thomas --114.

ABSENT OR NOT VOTING.
Senators.

Barrett, Michael J. --1.

ABSENT OR NOT VOTING.
Representatives.

Bradley, Garrett J.	Provost, Denise
Dwyer, James J.	Rogers, David M.
Fox, Gloria L.	Tucker, Paul F.
Golden, Thomas A., Jr.	Wagner, Joseph F.
Naughton, Harold P., Jr.	Campanale, Kate D. --10.

The yeas and nays having been completed at twenty-two minutes past two o'clock P.M., the further amendment was *rejected*. The pending amendment (Jones et al) was then considered; and it was *rejected*.

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

MR. 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. Please record me as having voted in the negative on further amendment 7.1

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

MR. 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. Had I been present I would have voted in the negative.

Representative Jones of North Reading, Senator Tarr, Representatives Hill of Ipswich, Poirier of North Attleborough, Gifford of Wareham, Frost of Auburn, and Smola of Warren move to amend the initiative by inserting, after the word "purposes" in line 7, the following:- " , provided however that any funds appropriated shall be in addition to and not in lieu of funds appropriated for

such purposes in the fiscal year most recently completed prior to the enactment of this amendment.”.

After debate, question on adoption of the amendment was determined by a call of the yeas and nays at five minutes past three o'clock P.M., on motion of Mr. Jones, as follows to wit (*Yeas 54 - Nays 138*) [**Senate Yeas and Nays No. 301**] [**House Yeas and Nays No. 251**]:

YEAS.
Senators.

deMacedo, Viriato M.	Ross, Richard J.
Fattman, Ryan C.	Rush, Michael F.
Humason, Donald F., Jr.	Tarr, Bruce E.
O'Connor, Patrick M.	Timilty, James E. --8.

YEAS.
Representatives.

Barrows, Jay F.	Kelcourse, James M.
Berthiaume, Donald R., Jr.	Kuros, Kevin J.
Boldyga, Nicholas A.	Linsky, David Paul
Calter, Thomas J.	Lombardo, Marc T.
Cutler, Josh S.	Lyons, James J., Jr.
Day, Michael S.	McKenna, Joseph D.
DeCoste, David F.	Miceli, James R.
D'Emilia, Angelo L.	Mirra, Leonard
Diehl, Geoff	Muradian, David K., Jr.
Dooley, Shawn	Muratore, Mathew
Durant, Peter J.	Nangle, David M.
Ferguson, Kimberly N.	O'Connell, Shaunna L.

Frost, Paul K.	Orrall, Keiko M.
Garry, Colleen M.	Poirier, Elizabeth A.
Gifford, Susan	Rogers, John H.
Golden, Thomas A., Jr.	Rosa, Dennis A.
Gordon, Kenneth I.	Smola, Todd M.
Harrington, Sheila C.	Straus, William M.
Hill, Bradford R.	Vieira, David T.
Howitt, Steven S.	Whelan, Timothy R.
Hunt, Randy	Whipps Lee, Susannah M.
Jones, Bradley H., Jr.	Wong, Donald H.
Kane, Hannah	Zlotnik, Jonathan D. -- 46.

NAYS.
Senators.

Barrett, Michael J.	Joyce, Brian A.
Boncore, Joseph A.	Keenan, John F.
Brady, Michael D.	Lesser, Eric P.
Brownsberger, William N.	Lewis, Jason M.
Chandler, Harriette L.	L'Italien, Barbara A.
Chang-Diaz, Sonia	Lovely, Joan B.
Creem, Cynthia Stone	McGee, Thomas M.
DiDomenico, Sal N.	Montigny, Mark C.

Donnelly, Kenneth J.

Moore, Michael O.

Donoghue, Eileen M.

O'Connor Ives, Kathleen

Downing, Benjamin B.

Pacheco, Marc R.

Eldridge, James B.

Rodrigues, Michael J.

Flanagan, Jennifer L.

Rosenberg, Stanley C.

Forry, Linda Dorcena

Spilka, Karen E.

Gobi, Anne M.

Welch, James T.

Jehlen, Patricia D.

Wolf, Daniel A. -- 32.

NAYS.
Representatives.

Arciero, James

Khan, Kay

Ashe, Brian M.

Kocot, Peter V.

Atkins, Cory

Koczera, Robert M.

Ayers, Bruce J.

Kulik, Stephen

Balsler, Ruth B.

Lawn, John J., Jr.

Barber, Christine P.

Livingstone, Jay D.

Benson, Jennifer E.

Madaro, Adrian C.

Brodeur, Paul

Madden, Timothy R.

Cabral, Antonio F. D.

Mahoney, John J.

Cahill, Daniel

Malia, Elizabeth A.

Campbell, Linda Dean

Mannal, Brian R.

Cantwell, James M.	Mariano, Ronald
Cariddi, Gailanne M.	Mark, Paul W.
Carvalho, Evandro C.	Markey, Christopher M.
Cassidy, Gerard	McGonagle, Joseph W., Jr.
Chan, Tackey	McMurtry, Paul
Collins, Nick	Michlewitz, Aaron
Coppinger, Edward F.	Mom, Rady
Crighton, Brendan P.	Moran, Frank A.
Cronin, Claire D.	Moran, Michael J.
Cullinane, Daniel	Murphy, James M.
Cusack, Mark J.	O'Day, James J.
Decker, Marjorie C.	Parisella, Jerald A.
DeLeo, Robert A.	Peake, Sarah K.
Dempsey, Brian S.	Peisch, Alice Hanlon
Devers, Marcos A.	Petrolati, Thomas M.
DiZoglio, Diana	Pignatelli, William Smitty
Donahue, Daniel M.	Puppolo, Angelo J. Jr.,
Donato, Paul J.	Rogers, David M.
DuBois, Michelle M.	Roy, Jeffrey N.
Dykema, Carolyn C.	Rushing, Byron

Ehrlich, Lori A.	Ryan, Daniel J.
Farley-Bouvier, Tricia	Sánchez, Jeffrey
Fernandes, John V.	Sannicandro, Tom
Ferrante, Ann-Margaret	Scaccia, Angelo M.
Finn, Michael J.	Schmid, Paul A., III
Fiola, Carole A.	Scibak, John W.
Galvin, William C.	Silvia, Alan
Garballey, Sean	Smizik, Frank I.
Garlick, Denise C.	Speliotis, Theodore C.
Gentile, Carmine L.	Stanley, Thomas M.
Gregoire, Danielle W.	Story, Ellen
Haddad, Patricia A.	Swan, Benjamin
Hay, Stephan	Timilty, Walter F.
Hecht, Jonathan	Toomey, Timothy J., Jr.
Heroux, Paul R.	Tosado, Jose F.
Hogan, Kate	Ultrino, Steven
Holmes, Russell E.	Vega, Aaron
Honan, Kevin G.	Velis, John C.
Hunt, Daniel J.	Vincent, RoseLee
Kafka, Louis L.	Wagner, Joseph F.

Kaufman, Jay R.

Walsh, Chris D.

Keefe, Mary S.

Walsh, Thomas ---106.

ABSENT OR NOT VOTING.

Representatives.

Bradley, Garrett J.

Naughton, Harold P., Jr.

Dwyer, James J.

Provost, Denise

Fox, Gloria L.

Tucker, Paul F.

Gonzalez, Carlos

Campanale, Kate D. ---8.

The yeas and nays having been completed at thirteen minutes past three o'clock P.M., the amendment was *rejected*.

Subsequently a statement of Mr. González of Springfield was spread upon the records of the Joint Session, as follows:
MR. 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 House Chamber on official business in another part of the State House. Had I been present I would have voted in the negative.

Representative Dooley of Norfolk moved that the initiative be amended by inserting, in line 9, after the word "4 percent" the following: - " , provided that the maximum part B income tax rate for an individual does not exceed a combined 9 percent," After debate, the question on adoption of the amendment was determined by a call of the yeas and nays at twenty-one minutes past three o'clock P.M., on motion of Mr. Dooley, as follows to wit (*Yeas 39 - Nays 153*) [**Senate Yeas and Nays No. 302**] [**House Yeas and Nays No. 252**]:

YEAS.

Senators.

deMacedo, Viriato M.

O'Connor, Patrick M.

Fattman, Ryan C.

Ross, Richard J.

Humason, Donald F., Jr.

Tarr, Bruce E. ---6.

YEAS.

Representatives.

Barrows, Jay F.

Kelcourse, James M.

Berthiaume, Donald R., Jr.

Kuros, Kevin J.

Boldyga, Nicholas A.

Lombardo, Marc T.

DeCoste, David F.	Lyons, James J., Jr.
D'Emilia, Angelo L.	McKenna, Joseph D.
Diehl, Geoff	Mirra, Leonard
Dooley, Shawn	Muradian, David K., Jr.
Durant, Peter J.	Muratore, Mathew
Ferguson, Kimberly N.	O'Connell, Shaunna L.
Frost, Paul K.	Orrall, Keiko M.
Gifford, Susan	Poirier, Elizabeth A.
Harrington, Sheila C.	Smola, Todd M.
Hill, Bradford R.	Vieira, David T.
Howitt, Steven S.	Whelan, Timothy R.
Hunt, Randy	Whipps Lee, Susannah M.
Jones, Bradley H., Jr.	Wong, Donald H. ---33.
Kane, Hannah	

NAYS.
Senators.

Barrett, Michael J.	Keenan, John F.
Boncore, Joseph A.	Lesser, Eric P.
Brady, Michael D.	Lewis, Jason M
Brownsberger, William N.	L'Italien, Barbara A.
Chandler, Harriette L.	Lovely, Joan B.

Chang-Diaz, Sonia	McGee, Thomas M.
Creem, Cynthia Stone	Montigny, Mark C.
DiDomenico, Sal N.	Moore, Michael O.
Donnelly, Kenneth J.	O'Connor Ives, Kathleen
Donoghue, Eileen M.	Pacheco, Marc R.
Downing, Benjamin B.	Rodrigues, Michael J.
Eldridge, James B.	Rosenberg, Stanley C.
Flanagan, Jennifer L.	Rush, Michael F.
Forry, Linda Dorcena	Spilka, Karen E.
Gobi, Anne M.	Timilty, James E.
Jehlen, Patricia D.	Welch, James T.
Joyce, Brian A.	Wolf, Daniel A. ---34.

NAYS.
Representatives.

Arciero, James	Khan, Kay
Ashe, Brian M.	Kocot, Peter V.
Atkins, Cory	Koczera, Robert M.
Ayers, Bruce J.	Kulik, Stephen
Balser, Ruth B.	Lawn, John J., Jr.
Barber, Christine P.	Linsky, David Paul
Benson, Jennifer E.	Livingstone, Jay D.

Brodeur, Paul	Madaro, Adrian C.
Cabral, Antonio F. D.	Madden, Timothy R.
Cahill, Daniel	Mahoney, John J.
Calter, Thomas J.	Malia, Elizabeth A.
Campbell, Linda Dean	Mannal, Brian R.
Cantwell, James M.	Mariano, Ronald
Cariddi, Gailanne M.	Mark, Paul W.
Carvalho, Evandro C.	Markey, Christopher M.
Cassidy, Gerard	McGonagle, Joseph W., Jr.
Chan, Tackey	McMurtry, Paul
Collins, Nick	Miceli, James R.
Coppinger, Edward F.	Michlewitz, Aaron
Crighton, Brendan P.	Mom, Rady
Cronin, Claire D.	Moran, Frank A.
Cullinane, Daniel	Moran, Michael J.
Cusack, Mark J.	Murphy, James M.
Cutler, Josh S.	Nangle, David M.
Day, Michael S.	O'Day, James J.
Decker, Marjorie C.	Parisella, Jerald A.
DeLeo, Robert A.	Peake, Sarah K.

Dempsey, Brian S.	Peisch, Alice Hanlon
Devers, Marcos A.	Petrolati, Thomas M.
DiZoglio, Diana	Pignatelli, William Smitty
Donahue, Daniel M.	Puppolo, Angelo J. Jr.,
Donato, Paul J.	Rogers, David M.
DuBois, Michelle M.	Rogers, John H.
Dykema, Carolyn C.	Rosa, Dennis A.
Ehrlich, Lori A.	Roy, Jeffrey N.
Farley-Bouvier, Tricia	Rushing, Byron
Fernandes, John V.	Ryan, Daniel J.
Ferrante, Ann-Margaret	Sánchez, Jeffrey
Finn, Michael J.	Sannicandro, Tom
Fiola, Carole A.	Scaccia, Angelo M.
Galvin, William C.	Schmid, Paul A., III
Garballey, Sean	Silvia, Alan
Garlick, Denise C.	Smizik, Frank I.
Garry, Colleen M.	Speliotis, Theodore C.
Gentile, Carmine L.	Stanley, Thomas M.
Golden, Thomas A., Jr.	Story, Ellen
Gonzalez, Carlos	Straus, William M.

Gordon, Kenneth I.	Swan, Benjamin
Gregoire, Danielle W.	Timilty, Walter F.
Haddad, Patricia A.	Toomey, Timothy J., Jr.
Hay, Stephan	Tosado, Jose F.
Hecht, Jonathan	Ultrino, Steven
Heroux, Paul R.	Vega, Aaron
Hogan, Kate	Velis, John C.
Holmes, Russell E.	Vincent, RoseLee
Honan, Kevin G.	Wagner, Joseph F.
Hunt, Daniel J.	Walsh, Chris D.
Kafka, Louis L.	Walsh, Thomas
Kaufman, Jay R.	Zlotnik, Jonathan D. --119.
Keefe, Mary S.	

ABSENT OR NOT VOTING.
Representatives.

Bradley, Garrett J.	Provost, Denise
Dwyer, James J.	Scibak, John W.
Fox, Gloria L.	Tucker, Paul F.
Naughton, Harold P., Jr.	Campanale, Kate D.

The yeas and nays having been completed at twenty-nine minutes past three o'clock P.M., the amendment was *rejected*.

Subsequently a statement of Mr. Scibak of South Hadley was spread upon the records of the Joint Session, as follows:
MR. 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 House Chamber on official business in another part of the State House. Had I been present I would have voted in the negative.

After debate, on the question on agreeing to the amendment, the sense of the Joint Session was taken by a call of the yeas and nays, as required by the Constitution, at three minutes before four o'clock P.M., as follows to wit (*yeas 135 — nays 57*) [**Senate Yeas and Nays No. 303**] [**House Yeas and Nays No. 253**]:

YEAS.
Senators.

Barrett, Michael J.	Lewis, Jason M
Boncore, Joseph A.	L'Italien, Barbara A.
Brady, Michael D.	Lovely, Joan B.
Brownsberger, William N.	McGee, Thomas M.
Chandler, Harriette L.	Montigny, Mark C.
Chang-Diaz, Sonia	Moore, Michael O.
Creem, Cynthia Stone	O'Connor, Patrick M.
DiDomenico, Sal N.	O'Connor Ives, Kathleen
Donnelly, Kenneth J.	Pacheco, Marc R.
Donoghue, Eileen M.	Rodrigues, Michael J.
Downing, Benjamin B.	Rosenberg, Stanley C.
Eldridge, James B.	Rush, Michael F.
Forry, Linda Dorcena	Spilka, Karen E.
Jehlen, Patricia D.	Timilty, James E.
Joyce, Brian A.	Welch, James T.
Keenan, John F.	Wolf, Daniel A. --- 33.
Lesser, Eric P.	

YEAS.
Representatives.

Arciero, James	Keefe, Mary S.
Atkins, Cory	Khan, Kay
Ayers, Bruce J.	Kocot, Peter V.
Balsler, Ruth B.	Koczera, Robert M.
Barber, Christine P.	Kulik, Stephen
Benson, Jennifer E.	Lawn, John J., Jr.
Brodeur, Paul	Linsky, David Paul
Cabral, Antonio F. D.	Livingstone, Jay D.
Cahill, Daniel	Madaro, Adrian C.
Calter, Thomas J.	Madden, Timothy R.
Campbell, Linda Dean	Mahoney, John J.
Cantwell, James M.	Malia, Elizabeth A.
Cariddi, Gailanne M.	Mannal, Brian R.
Carvalho, Evandro C.	Mark, Paul W.
Cassidy, Gerard	McGonagle, Joseph W., Jr.
Chan, Tackey	McMurtry, Paul
Collins, Nick	Michlewitz, Aaron
Coppinger, Edward F.	Mom, Rady
Crighton, Brendan P.	Moran, Frank A.

Cronin, Claire D.	Moran, Michael J.
Cullinane, Daniel	Murphy, James M.
Cusack, Mark J.	O'Day, James J.
Cutler, Josh S.	Parisella, Jerald A.
Day, Michael S.	Peake, Sarah K.
Decker, Marjorie C.	Peisch, Alice Hanlon
DeLeo, Robert A.	Pignatelli, William Smitty
Dempsey, Brian S.	Rogers, John H.
Devers, Marcos A.	Roy, Jeffrey N.
DiZoglio, Diana	Rushing, Byron
Donato, Paul J.	Ryan, Daniel J.
Donahue, Daniel M.	Sánchez, Jeffrey
DuBois, Michelle M.	Sannicandro, Tom
Dykema, Carolyn C.	Scaccia, Angelo M.
Ehrlich, Lori A.	Schmid, Paul A., III
Farley-Bouvier, Tricia	Scibak, John W.
Fiola, Carole A.	Silvia, Alan
Garballey, Sean	Smizik, Frank I.
Garlick, Denise C.	Speliotis, Theodore C.
Gentile, Carmine L.	Stanley, Thomas M.

Gonzalez, Carlos	Story, Ellen
Gordon, Kenneth I.	Straus, William M.
Haddad, Patricia A.	Swan, Benjamin
Hay, Stephan	Timilty, Walter F.
Hecht, Jonathan	Toomey, Timothy J., Jr.
Heroux, Paul R.	Tosado, Jose F.
Hogan, Kate	Ultrino, Steven
Holmes, Russell E.	Vega, Aaron
Honan, Kevin G.	Vincent, RoseLee
Hunt, Daniel J.	Wagner, Joseph F.
Kafka, Louis L.	Walsh, Chris D.
Kaufman, Jay R.	Walsh, Thomas ---102.

NAYS.
Senators.

deMacedo, Viriato M.	Humason, Donald F., Jr.
Fattman, Ryan C.	Ross, Richard J.
Flanagan, Jennifer L.	Tarr, Bruce E. ---7.
Gobi, Anne M.	

NAYS.
Representatives.

Ashe, Brian M.	Kelcourse, James M.
Barrows, Jay F.	Kuros, Kevin J.

Berthiaume, Donald R., Jr.	Lombardo, Marc T.
Boldyga, Nicholas A.	Lyons, James J., Jr.
DeCoste, David F.	Mariano, Ronald
D'Emilia, Angelo L.	Markey, Christopher M.
Diehl, Geoff	McKenna, Joseph D.
Dooley, Shawn	Miceli, James R.
Durant, Peter J.	Mirra, Leonard
Ferguson, Kimberly N.	Muradian, David K., Jr.
Fernandes, John V.	Muratore, Mathew
Ferrante, Ann-Margaret	Nangle, David M.
Finn, Michael J.	O'Connell, Shaunna L.
Frost, Paul K.	Orrall, Keiko M.
Galvin, William C.	Petrolati, Thomas M.
Garry, Colleen M.	Poirier, Elizabeth A.
Gifford, Susan	Puppolo, Angelo J. Jr.,
Golden, Thomas A., Jr.	Rosa, Dennis A.
Gregoire, Danielle W.	Smola, Todd M.
Harrington, Sheila C.	Velis, John C.
Hill, Bradford R.	Vieira, David T.
Howitt, Steven S.	Whelan, Timothy R.

Hunt, Randy

Whipps Lee, Susannah M.

Jones, Bradley H., Jr.

Wong, Donald H.

Kane, Hannah

Zlotnik, Jonathan D. --50.

ABSENT OR NOT VOTING.

Representatives.

Bradley, Garrett J.

Provost, Denise

Dwyer, James J.

Rogers, David M.

Fox, Gloria L.

Tucker, Paul F.

Naughton, Harold P., Jr.

Campanale, Kate D. ---8.

The yeas and nays having been completed at seven minutes past four o'clock P.M., the Initiative amendment was agreed to, more than a quarter of all members elected having voted in the affirmative.

In accordance with the requirements of the Constitution, the amendment was referred to the next General Court.

Without further action on the matters duly and constitutionally assigned for consideration, at eight minutes past four o'clock P.M., on motion of Mr. Tarr, the Joint Session was recessed until Wednesday, July 13, 2016, at one o'clock P.M.