

HOUSE No. 7882

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, November 29, 1973.

The committee on Ways and Means, to whom was referred the message from His Excellency the Governor recommending legislation relative to creating an electronic data processing and telecommunications commission and an electronic data processing and telecommunications services department (House, No. 7856), report (in part) that the accompanying order (House, No. 7882) ought to be adopted.

For the committee,

JOSEPH D. EARLY.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Seventy-Three.

1 *Whereas*, There is pending before the General Court a message
2 from His Excellency the Governor recommending legislation
3 relative to creating an electronic data processing and telecom-
4 munications commission and an electronic data processing and
5 telecommunications services department (House, No. 7856), a
6 copy of which is submitted herewith; and

7 *Whereas*, Section 1 of the Bill printed in said message provides
8 for the cooperation of the three branches of our government in a
9 joint effort to improve the administrative capability of the
10 Commonwealth's Data Processing activities; and

11 *Whereas*, Section 2 of the Bill printed in said message autho-
12 rizes the said electronic data processing and telecommunications
13 services department to program plan and budget for all of the
14 Commonwealth's Data Processing needs subject to a certain
15 exception, including the municipal courts; and

16 *Whereas*, Grave doubt exists as to the constitutionality of said
17 Bill if enacted into law; now therefore be it

18 *Ordered*, That the opinions of the Honorable the Justices of
19 the Supreme Judicial Court be required by the House of
20 Representatives upon the following important questions of
21 law: —

22 1. Would the enactment of House, No. 7856 be in violation of
23 Article XXX of Part the First of the Constitution of the Com-
24 monwealth providing for the separation of the Legislative,
25 Executive and Judicial Departments?

26 2. Would the enactment of House, No. 7856 be in violation of
27 Article II of the Amendments to the Constitution of the Com-
28 monwealth establishing home rule for municipalities?

WALLACE C. MILLS,
Clerk.