

HOUSE No. 2011

The Commonwealth of Massachusetts

In the Year Two Thousand Nine

An Act Order (filed by Speaker DeLeo of Winthrop) relative to adoption of permanent rules for the Senate and House of Representatives for the years 2009-2010.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 petition for legislation to authorize a county to reinstate in its service a person formerly
2 employed by it, or to retire or pension or grant an annuity to any person, or to increase any
3 retirement allowance, pension or annuity, or to pay any sum of money in the nature of a pension
4 or retirement allowance, or to pay any salary which would have accrued to a deceased official or
5 employee but for his death, or to pay any claim for damages or otherwise, or to alter the benefits
6 or change the restrictions of any county retirement or pension law, shall, subsequently to the
7 procedure required by Senate Rule No. 20 and by House Rule No. 24, be reported adversely,
8 unless, when filed it be the petition of, or be approved by, a majority of the county
9 commissioners. [Adopted April 29, 1915 . Amended Jan. 13, Feb. 19 and Dec. 22, 1920 ; May
10 24, 1926; April 11, 1935 ; April 22, 1937 ; Jan. 12, 1939 ; Jan. 15, 1945 ; Feb. 20, 1951 ; Jan. 30,
11 1967 ; Jan. 7, 1971 ; Jan. 15, 1973 .]

12 7B. A petition, the operation of which is restricted to a particular city or town (and which
13 does not affect the powers, duties, etc., of state departments, boards, commissions, etc., or which

14 does not affect generally the laws of the Commonwealth) and which is not filed in conformity
15 with Section 8 of Article LXXXIX of the Amendments to the Constitution shall, subsequent to
16 the procedure required by Senate Rule 20 and House Rule 24, be reported adversely, unless
17 when filed, be on petition filed or approved by the voters of a city or town, or the mayor and city
18 council, or other legislative body, of a city, or the town meeting of a town. A joint committee to
19 which is inadvertently referred a petition or other subject of legislation the operation of which is
20 restricted to a particular city or town and which is not in conformity with Section 8 of Article
21 LXXXIX of the Amendments to the Constitution shall report a general law which applies alike
22 to all cities, or to all towns, or to all cities and towns, or to a class of not fewer than two; or shall
23 report "ought not to pass", with the further endorsement that it "would be unconstitutional to
24 enact such special law". [Adopted Jan. 13, 1920 . Amended Feb. 19 and Dec. 22, 1920; May 24,
25 1926; April 11, 1935; April 22, 1937; Jan. 12, 1939; Jan. 9, 1941; Jan. 15, 1945; Feb. 20, 1951;
26 Jan. 30, 1967; Jan. 7 and Mar. 22, 1971 ; Jan. 15, 1973 .]

27 Notice to Parties Interested.

28 8. No legislation affecting the rights of individuals or the rights of a private or municipal
29 corporation, otherwise than as it affects generally the people of the whole Commonwealth or the
30 people of the city or town to which it specifically applies, shall be proposed or introduced except
31 by a petition, nor shall any bill or resolve embodying such legislation be reported by a committee
32 except upon a petition duly referred, nor shall such a bill or resolve be reported by a committee,
33 whether on an original reference or on a recommittal with instructions to hear the parties, until it
34 is made to appear to the satisfaction of the committee that proper notice of the proposed
35 legislation has been given by public advertisement or otherwise to all parties interested, without
36 expense to the Commonwealth, or until evidence satisfactory to the committee is produced that

37 all parties interested have in writing waived notice. A committee reporting adversely for want of
38 proper notice or of a waiver thereof shall set forth this fact in its report and no bill or resolve
39 shall be in order as a substitute for, or amendment of, such report. Objection to the violation of
40 this rule may be taken at any stage prior to that of the third reading. [Adopted Feb. 7, 18 90 .
41 Amended Dec. 22, 1920 ; Jan. 12, 1939 ; Jan. 15, 1945; Jan. 7, 1971 .]

42 9. A petition for the incorporation of a city or town, for the annexation of one
43 municipality to another, for the consolidation of two or more municipalities or for the division of
44 an existing municipality, or for the incorporation or revival of a railroad, street railway, elevated
45 railroad, canal, telephone, telegraph, water, gas, electric light, power or other public service
46 corporation, for the amendment, alteration or extension of the charter or corporate powers or
47 privileges, or for the change of name, of any such company, whether specially incorporated or
48 organized under general laws, or for authority to take water for a water supply, or relative to
49 building structures in or over navigable or tide waters, shall be placed on file, and not referred to
50 a committee, unless the petitioner has given the notice and followed the procedure required by
51 section 5 of chapter 3 of the General Laws. But if, no objection being raised, any such petition is
52 referred to a committee without such required notice or procedure, the committee shall forthwith
53 report adversely, setting forth as the reason for such report failure to comply with the provisions
54 of law, unless evidence satisfactory to the committee is produced that all parties interested have
55 in writing waived notice. In case a bill or resolve is reported upon such a petition, after proof of
56 such waiver of notice, this fact shall be set forth in the report of the committee. When an adverse
57 report is made by a committee, on account of failure to give the required notice, no bill or resolve
58 shall be substituted for such report, nor shall such report be recommitted or referred to another
59 committee.

60 A petition for the establishment or revival, or for the amendment, alteration or extension
61 of the charter or corporate powers or privileges, or for the change of name, of any corporation,
62 except a petition subject to the provisions of the preceding paragraph, shall be transmitted by the
63 Clerk of the branch in which it is filed to the office of the State Secretary. If such a petition is
64 returned by said Secretary with a statement that the petitioner has failed to comply with the
65 requirements of section 7 of chapter 3 of the General Laws, said petition shall be placed on file,
66 and shall not be referred to a committee.

67 Any petition placed on file for want of proper notice or procedure under this rule shall not
68 affect action upon any other measure involving the same subject matter. [Adopted Feb. 7, 1890 .
69 Amended Feb. 2, 1891; Feb. 3, 1898; Jan. 16, 1903; Feb. 19 and Dec. 22, 1920; May 24, 1926;
70 Feb. 27, 1929; April 11, 1935; Jan. 6, 1938; Jan. 12, 1939; Jan. 9, 1941; Jan. 15, 1945; April 8,
71 1959; Jan. 7, 1963; Jan. 7, 1971 ; Jan. 15, 1973 , June 12, 1995; Feb. 12, 2009.]

72 Limit of Time allowed for Reports of Committees.

73 10. All joint committees and the committees on Rules of the two branches, acting
74 concurrently, shall make final report not later than the third Wednesday of March of the second
75 annual session of the General Court on all matters referred to them before the third Wednesday
76 in February of the second annual session and within 30 days on all matters referred to them on
77 and after the third Wednesday in February of the second annual session of the General Court
78 except that the committee on Health Care Financing shall make final report not later than the last
79 Wednesday of April of the second annual session on all matters referred to them on or before the
80 fourth Wednesday of March and within 30 days on all matters referred to it after the fourth
81 Wednesday in March of the second annual session of the General Court. When the time within

82 which said committees are required to report has expired, all matters upon which no report has
83 then been made shall forthwith be reported by the chairman of the committee on the part of the
84 branch in which they were respectively introduced, with an adverse recommendation under this
85 rule. If the chairman fails to make such report by the end of the legislative day next following the
86 expiration date, all matters remaining unreported shall be placed in the Orders of the Day by the
87 Clerk of the branch in which the matter was originally filed with an adverse report under this
88 rule. Matters which have been referred under the provisions of Joint Rule 29, upon which the
89 chairmen of the committees on Rules fail to make a report, shall be placed by the respective
90 Clerks in the Orders of the Day of the branch in which the subject matter was referred to said
91 committees. Committees to whom are referred subjects of legislation may combine petitions of
92 similar subject matter, or other forms of legislation of similar subject matter, into one adverse
93 report, and the report thereon shall be that said petitions or other forms of legislation "ought
94 NOT to pass," and if the report is accepted, all the matters contained therein shall be disposed of.
95 However, petitions upon which an adverse report is accepted in only one branch may not be
96 combined with other subjects of legislation upon which adverse reports must be accepted, in
97 concurrence. The provisions of this rule shall not apply to petitions referred to the committees on
98 Rules of the two branches, acting concurrently, under the provisions of the second paragraph of
99 Joint Rule 12. This rule shall not be rescinded, amended or suspended, except by a concurrent
100 vote of four-fifths of the members of each branch present and voting thereon. Notwithstanding
101 the provisions of Joint Rule 30, this rule shall not be rescinded, amended or suspended more than
102 three times except by unanimous consent. [Amended Feb. 2, 1891; Jan. 25, 1894; Jan. 16, 1903;
103 Jan. 20, 1904; Dec. 22, 1920; April 17, 1925; Jan. 12, 1939; Jan. 15, 1945; Jan. 6, 1947; May 7,

104 1953; Jan. 27, 1955; Jan. 30, 1967; Jan. 7, 1971 ; Feb. 4, 1974 , June 12, 1995 ; July 17, 2003;
105 Feb. 20, 2007; Feb. 12, 2009.]

106 10A. The form for all subjects of legislation receiving a favorable report shall be "ought
107 to pass." The form for all subjects of legislation receiving an adverse report shall be "ought NOT
108 to pass." A committee to whom is referred any other matter may report recommending that the
109 same be placed on file. [Adopted Jan. 7, 1971.]

110 Committees of Conference.

111 11. Committees of conference shall consist of three members on the part of each branch,
112 representing its vote; and their report, if agreed to by a majority of each committee, shall be
113 made to the branch asking the conference, and may be either accepted or rejected, but no other
114 action shall be had, except through a new committee of conference.

115 Committees of conference to whom are referred matters of difference in respect to bills or
116 resolves, shall, before filing their reports, have the same approved by each committee on Bills in
117 the Third Reading. [Amended April 22, 1937; Feb. 12, 2009.]

118 11A. Committees of conference to whom are referred matters of difference in respect to
119 appropriation bills, including capital outlay programs, shall, before filing their reports, have the
120 same approved by the committees on Bills in the Third Reading of the two branches, acting
121 concurrently.

122 Upon the appointment of a committee of conference to whom matters of difference in
123 respect to any appropriation bill or in respect to any bill providing for capital outlay programs
124 and projects are referred, the clerk of the branch requesting said committee of conference shall

125 cause to be printed and made available to members of the General Court a list of the matters in
126 disagreement identified by item number and item purpose and showing the amount appropriated
127 therefor by each branch of the General Court, and any other matters in disagreement and the
128 position of each of the said branches with respect thereto.

129 The report of said committee of conference shall consist of the matters of difference so
130 referred and so identified, showing the amounts appropriated therefor by each of the said
131 branches and other matters in disagreement and the position of each branch with respect thereto,
132 and shall state said committee's recommendations with respect to the matters so referred. Matters
133 on which there exists no disagreement between the branches shall not be disturbed by the
134 committee on conference.

135 The committees on ways and means of each branch of the General Court shall assist such
136 committee of conference in any and all matters necessary to the preparation and completion of its
137 report. [Adopted July 30, 1974 . Amended Oct. 3, 1983 .]

138 11B. No report from a committee of conference shall be considered or acted upon by
139 either branch until the calendar day following during which said report shall have been in print
140 and available to the public and to the members of the General Court. The committee shall file its
141 report no later than eight o'clock P.M. on the day preceding its consideration and the General
142 Court shall not consider said report before one o'clock P.M. on the following day, except that a
143 report from such committee of conference that it is unable to agree may be considered and acted
144 upon at the time that such report is file. [Adopted Oct. 3, 1983. Amended July 17, 2003; July 21
145 and September 20, 2005.]

146 11C. Reports, other than those filed pursuant to Rule 11A, from a committee of
147 conference shall, whenever practicable, be accompanied by a summary which shall be filed with
148 the clerk. [Adopted Feb. 12, 2009.]

149 11D. Upon the filing of a report by a committee of conference the clerk shall, as soon as
150 practicable, make said report and the summary thereof available to all members electronically
151 and to the public via the Internet. [Adopted Feb. 12, 2009.]

152 Limit of Time allowed for New Business.

153 12. Resolutions intended for adoption by both branches of the General Court, petitions,
154 and all other subjects of legislation, shall be deposited with the Clerk of either branch prior to
155 five o'clock in the afternoon on the third Friday in January of the first annual session of the
156 General Court.

157 All such matters except messages from the Governor, reports required or authorized to be
158 made to the General Court and petitions filed or approved by the voters of a city or town, or the
159 mayor and city council, or other legislative body of a city, or the town meeting of a town, for the
160 enactment of a special law in compliance with the requirements of Section 8 of Article LXXXIX
161 of the Amendments to the Constitution and which do not affect the powers, duties, etc., of state
162 departments, boards, commissions, etc., or which do not affect generally the laws of the
163 Commonwealth deposited with the respective clerks subsequent to five o'clock on the third
164 Friday of January of the first annual session of the General Court shall be referred by the Clerks
165 to the committees on the Rules of the two branches, acting concurrently. No such matter shall be
166 admitted for consideration except on report of the committees on Rules of the two branches,
167 acting concurrently, and then upon approval of two thirds of the members of each branch voting

168 thereon. Matters upon which suspension of Joint Rule 12 has been negatived shall be placed on
169 file.

170 At any special session called under Rule 26A, however, matters relating to the facts
171 constituting the necessity for convening such session shall, if otherwise admissible, be admitted
172 as though filed seasonably in accordance with the first sentence of this rule. Any
173 recommendations from the Governor shall be similarly considered. This rule shall not be
174 rescinded, amended or suspended, except by a concurrent vote of two-thirds of the members of
175 each branch present and voting thereon. [Amended Feb. 7, 18 90; Feb. 2, 18 91; Feb. 7, 18 93;
176 Jan. 10, 18 98; Jan. 9, 18 99; Feb. 15, 19 01; May 4, 19 04; Jan. 31, 19 10; Feb. 2, 19 17; Dec.
177 22, 19 20; March 30, 19 21; Jan. 30, 19 23; Feb. 15, 19 33; Jan. 12 and Aug. 7, 19 39; Jan. 15, 19
178 45; Jan. 6, 19 47; May 27, 19 48; Jan. 30, 19 67; March 26, 19 69; Jan. 7, 1971 ; Jan. 15 and Oct.
179 2, 1973 ; Oct 3, 1983 , June 12, 1995 ; Jan. 26, 2005; July 17, 2003; Jan. 26, 2005; July 21, 2005;
180 Sept. 20, 2005; Feb. 12, 2009.]

181 12A. All formal business of the first annual session of the General Court shall be
182 concluded no later than the third Wednesday in November of that calendar year and all formal
183 business of the second annual session shall be concluded no later than the last day of July of that
184 calendar year.

185 In order to assist the Senate and House in its analysis and appraisal of laws enacted by the
186 General Court, each joint standing committee, upon conclusion of the formal business of the
187 annual sessions, shall, as authorized by Joint Rule 1, initiate oversight hearings for the purpose of
188 evaluating the effectiveness, application and administration of the subject matter of laws within
189 the jurisdiction of that committee. [Adopted June 12. 1995.]

190 Unfinished Business of the Session.

191 12B. Any matter pending before the General Court at the end of the first annual session
192 and any special session held in the same year shall carry over into the second annual session of
193 the same General Court in the same legislative status as it was at the conclusion of the first
194 annual session or any special session held during that year; provided, however, that any measure
195 making or supplementing an appropriation for a fiscal year submitted to or returned to the
196 General Court by the Governor, under the provisions of Article LXIII of the Amendments to the
197 Constitution, in the first annual session or in a special session held during that year shall cease to
198 exist upon the termination of the first annual session. [Adopted June 12, 1995.]

199 Papers to be deposited with the Clerks.

200 13. Papers intended for presentation to the General Court by any member thereof shall be
201 deposited with the Clerk of the branch to which the member belongs; and all such papers, unless
202 they be subject to other provisions of these rules or of the rules of the Senate or House, shall be
203 referred by the Clerk, with the approval of the President or Speaker, to appropriate committees,
204 subject to such changes as the Senate or House may make. The reading of papers so referred may
205 be dispensed with, but they shall, except as hereinafter provided, be entered in the Journal of the
206 same on the next legislative day after such reference.

207 Papers so deposited by any member-elect shall be referred in like manner and shall be
208 printed in advance, conformably to the rules and usages of the Senate or House, and shall be
209 entered in the Journal as soon as may be practicable.

210 A member or member-elect may include a brief written statement of intent with all papers
211 intended for presentation to the General Court. Upon a favorable report by a joint standing

212 committee, a committee may include a brief written statement of intent. Said written statement
213 shall be dated and be limited in length to one double-spaced typewritten page and shall include
214 the scope of the matter presented for consideration; provided, however, this rule shall not be
215 construed to require the printing of such statement of intent presented pursuant to this rule.
216 [Adopted Feb. 7, 1890 . Amended Feb. 2, 1891 ; Feb. 7, 1893 ; Jan. 25, 1894 ; Dec. 22, 1920 ;
217 May 25, 1923 ; Feb. 15, 1933 ; Jan. 12, 1971 ; June 3, 1985; Feb. 12, 2009 .]

218 Dockets of Legislative Counsel and Agents.

219 14. The committees on Rules of the two branches, acting concurrently, shall have
220 authority to prescribe the manner and form of keeping the dockets of legislative counsel and
221 agents which are required by law. [Adopted Feb. 2, 1891; Amended Feb. 19, 1920 .]

222 Duties of the Clerk.

223 15. If any part of the report of a committee over the signature of the chairman or
224 members of the committee is amended in either branch, the Clerk of that branch shall endorse
225 upon the report such amendment.

226 16. All papers, while on their passage between the two branches, may be under the
227 signature of the respective Clerks, except as to the adopting of emergency preambles and the
228 final passage of bills and resolves. Messages may be sent by such persons as each branch may
229 direct. [Amended Feb. 21, 1919 .]

230 17. After bills and resolves have passed both branches to be engrossed, they shall be in
231 the charge of the Clerks of the two branches, who shall prepare the same for final passage in the
232 manner prescribed by law; and when so prepared the same shall be delivered to the Clerk of the

233 House of Representatives; and when the bills have been passed to be enacted or the resolves have
234 been passed in the House, they shall, in like manner, be delivered to the Senate Clerk and
235 Parliamentarian. If a bill or resolve contains an emergency preamble, it shall be delivered in like
236 manner, to the Senate after the preamble has been adopted by the House of Representatives and
237 before the bill or resolve is put upon its final passage in that branch. If the Senate concurs in
238 adopting the preamble, the bill or resolve shall be returned to the House to be there first put upon
239 its final passage, in accordance with the requirements of Joint Rule No. 22. [Amended Feb. 24,
240 1914 ; Feb. 21, 1919 ; Jan. 7, 1971 .]

241 18. [Omitted in 1971.]

242 19. The Clerk of the branch in which a bill or resolve originated shall make an
243 endorsement on the envelope of the engrossed copy thereof, certifying in which branch the same
244 originated, which endorsement shall be entered on the journals by the Clerks respectively.
245 [Amended Jan. 28, 1889 ; Feb. 24, 1914 .]

246 20. Bills, resolves and other papers requiring the approval of the Governor shall be laid
247 before him for his approbation by the Senate Clerk and Parliamentarian, who shall enter upon the
248 journal of the Senate the day and date on which the same were so laid before the Governor.
249 [Amended Jan. 28, 1889 ; Jan. 7, 1971 .]

250 Printing and Distribution of Documents.

251 21. The committees on Rules of the two branches, acting concurrently, may establish
252 regulations for the distribution of all documents printed or assigned for the use of the Legislature
253 not otherwise disposed of, and such regulations shall be reported to and be subject to the order of
254 the two branches.

255 Under the general order to make available a bill or other document, the number printed
256 shall be determined by the Clerks of the two branches as approved by the President of the Senate
257 and the Speaker of the House of Representatives, except that such number, not exceeding two
258 thousand, shall be printed as determined by the committee on Rules on the part of the branch in
259 which the report is filed.

260 The Clerks of the Senate and House of Representatives, with the approval of the
261 President of the Senate and the Speaker of the House of Representatives, may have printed
262 documents for use of committees.

263 Leave to report in print shall not be construed to authorize the printing of extended
264 reports of evidence.

265 Bills, reports and other documents, printed under the general order of either branch, shall
266 be distributed as follows, to wit: two copies to each member of the Senate and House of
267 Representatives (to be placed on his file under the direction of the Sergeant-at-Arms, if desired
268 by the member); three copies to each Clerk in either branch, and three copies to each reporter in
269 regular attendance, to whom a seat has been assigned in either branch; twenty copies to the
270 Executive; twenty copies to the Secretary's office; six copies to the State Library; one copy to
271 each Public Library in the Commonwealth, which shall make due application therefor to the
272 Sergeant-at-Arms, and shall make proper provision for the transmission and preservation thereof;
273 and, when the document is the report of a committee, ten copies shall be assigned to the
274 committee making the report. The Sergeant-at-Arms shall preserve as many as may be necessary
275 for the permanent files to be placed in the lobbies, and distribute the remainder under such
276 regulations as may be prescribed by said committees, acting concurrently. Bills, reports and other

277 documents shall, whenever practicable, be made available to members electronically and
278 published on the Internet. The committees on Rules of the two branches, acting concurrently,
279 may make such changes in distribution of documents as they deem necessary for expediting the
280 work of the legislature. [Amended Jan. 8, 1886 ; Jan. 28, 1889 ; Jan. 27, 1911 ; Feb. 19, 1920 ;
281 Jan. 6, 1947 ; Apr. 5, 19 67 ; Jan. 7, 1971; Feb. 12, 2009.]

282 Emergency Measures.

283 22. The vote on the preamble of an emergency law, which under the requirements of
284 Article XLVIII, as amended by Article LXVII of the Amendments of the Constitution shall,
285 upon request of two members of the Senate or of five members of the House of Representatives,
286 be taken by call of the yeas and nays, shall be had after the proposed law has been prepared for
287 final passage; and neither branch shall vote on the enactment of a bill or on the passage of a
288 resolve containing an emergency preamble until it has been determined whether the preamble
289 shall remain or be eliminated. If the bill contains an emergency preamble, a motion to amend the
290 bill may be received in either branch before the adoption of the emergency preamble, and the
291 amendment may contain a new emergency preamble. If the two branches concur in adopting the
292 preamble, the bill or resolve shall first be put upon its final passage in the House of
293 Representatives. If either branch fails to adopt the preamble, notice of its action shall be sent to
294 the other branch; and the bill or resolve, duly endorsed, shall again be prepared for final passage
295 without the said preamble and without any provision that the bill or the resolve shall take effect
296 earlier than ninety days after it has become law. Procedure shall be otherwise in accordance with
297 the joint rules and the rules of the Senate and the House of Representatives. [Adopted Feb. 21,
298 1919 . Amended Jan. 30, 1923 ; Jan. 7, 1971; Feb. 20, 2007; Feb. 12, 2009.]

299 22A. Bills and resolves passed to be engrossed by both branches and before being
300 transmitted by the clerks to the Legislative Engrossing Division shall be made available to the
301 committees on Bills in the Third Reading of the two branches, acting jointly, who shall examine
302 them to insure accuracy in the text; that the legislation is correct as to form; that references to
303 previous amendments to any particular law are correct and to insure proper consistency with the
304 language of existing statutes. These committees, with the approval of the majority and minority
305 leadership of both branches may make corrections which are not substantive in nature. The
306 clerks of both branches shall be immediately notified, in writing, of any such changes. Errors
307 discovered by the committees of a substantive nature shall be reported to the General Court,
308 which in turn shall take appropriate action under its rules. Upon completion of examination and
309 possible correction of any such bills and resolves, the bills and resolves shall be returned to the
310 clerks, who in turn, shall transmit them to the Legislative Engrossing Division to be prepared for
311 final passage. [Adopted Sept. 16, 1971 .]

312 Legislative Amendments to the Constitution.

313 23. All proposals for amendments to the Constitution referred to a joint committee on the
314 first annual session of the General Court shall be reported by said committee no later than the
315 last Wednesday of April in said year, and proposals for amendments to the Constitution referred
316 to a joint committee subsequent to the last Wednesday in April of the first annual session shall be
317 reported by said committee no later than the last Wednesday of April in the second session of the
318 same General Court. The committee shall file its report, either recommending that the proposal
319 ought to pass or ought not to pass, with any official papers in its possession that relate thereto,
320 with the Clerk of the Senate. When the time within which said committees are required to report
321 has expired, all matters upon which no report has been made shall forthwith be placed in the

322 Journal of the respective branches, with an adverse report under this rule; and shall then be
323 placed on file in the office of the Clerk of the Senate. For further information of the members of
324 the Senate and House of Representatives, the respective Clerks shall also place all such matters
325 under a separate heading in the Calendar of each branch, as soon as is practicable. In each branch
326 the report shall be read and forthwith placed on file; and no further legislative action shall be
327 taken on the measure unless consideration in joint session is called for by vote of either branch,
328 in accordance with the provisions of Section 2 of Part IV of Article XLVIII (as amended by
329 Article LXXXI) of the Amendments to the Constitution. A joint committee to which is referred
330 any recommendation for an amendment to the Constitution made by the Governor or contained
331 in a report authorized to be made to the General Court may report thereon a proposal for a
332 legislative amendment, which shall be deemed to have been introduced by the member of the
333 Senate who reports for the committee; and the procedure as regards reporting, filing and
334 subsequent action shall be that provided for legislative amendments by this rule. Or it may report
335 ought not to pass for the reason that no legislation is necessary or that the recommendation ought
336 not to pass; and in such cases the usual procedure as regards similar reports by joint committees
337 shall be followed. If such an adverse report is amended in the Senate by substituting a proposal
338 for a legislative amendment, notice of the Senate's action shall be sent to the House and said
339 proposal, together with the official papers relating to the subject, shall be in the custody of the
340 Clerk of the Senate; and if said report is so amended in the House, the proposal, duly endorsed,
341 together with the other papers, shall be sent to the Senate for its information and shall be kept in
342 the custody of its Clerk. No further legislative action shall be taken in either branch on a proposal
343 so substituted unless consideration in joint session is called for in accordance with the
344 aforementioned provisions of the Constitution. If either branch calls for the consideration of any

345 proposal in joint session, notice of its action shall be sent to the other branch; and it shall then be
346 the duty of the Senate and the House of Representatives to arrange for the holding of the joint
347 session not later than the second Wednesday in May. Subject to the requirements of the
348 Constitution, joint sessions or continuances of joint sessions of the two branches to consider
349 proposals for specific amendments to the Constitution, and all rules or provisions concerning
350 procedure therein, shall be determined only by concurrent votes of the two branches. The rules
351 relative to joint conventions shall apply to the joint sessions of the two houses. [Adopted Feb. 21,
352 1919. Amended March 30, 1921; April 11, 1935 ; Jan. 12, 1939; Jan. 15, 1945; Nov. 9, 1951;
353 Jan. 15, 1973; July 1, 1974; Feb. 12, 2009.]

354 Executive Reorganization Plans.

355 23A. Any reorganization plan, accompanied by a bill, submitted by the Governor under
356 the provisions of Article LXXXVII of the Amendments to the Constitution shall be referred by
357 the Clerks of the Senate and the House, with the approval of the President and Speaker, to a joint
358 standing committee within five days of the presentation thereof.

359 Said committee, to which is referred any such reorganization plan, shall, as required by
360 said Article, not later than thirty days after the presentation of such plan by the Governor, hold a
361 public hearing thereon; and shall not later than ten days after such hearing report that it either
362 approves or disapproves such plan.

363 When recommending action, the committee shall make, in each branch, a separate report
364 of its recommendations, and shall file said report together with the committee's recommendations
365 and the reasons therefor in writing. Majority and minority reports shall be signed by the members

366 of said committee. Any official papers in the possession of said committee that relate thereto
367 shall be filed with the Clerk of the Senate.

368 If the committee recommends favorable action, the report shall be that the reorganization
369 plan "ought to be approved". If the committee recommends adverse action, the report shall be
370 that the reorganization plan "ought NOT to be approved". In each instance, the question shall be
371 "Shall this reorganization plan be approved?"

372 In each branch, the report shall be read and forthwith recorded in the Journal. On the
373 legislative day next following the Journal record, the report shall be placed in the Orders of the
374 Day of the Senate and the House.

375 When the time within which a joint committee is required to report on a reorganization
376 plan has expired, a matter upon which no report has been made shall forthwith be placed in the
377 Orders of the Day by the Clerks of each branch and the question shall be "Shall this
378 reorganization plan be approved?".

379 When such plan is before either branch, no motion relating to said plan shall be allowed
380 except the motions to lay on the table (only in the Senate), to postpone to a time certain, or to
381 commit or recommit (at the pleasure of either branch). The motions to take a recess, to adjourn,
382 the previous question (if provided in the branch debating the issue), to close debate at a specified
383 time, and the motion to reconsider shall also be in order.

384 A motion to discharge any committee to which is referred or to which is recommitted a
385 reorganization plan shall not be in order prior to the expiration of forty days after the Governor's
386 presentation of such plan. After the expiration of said forty days, a motion to discharge a
387 committee shall be decided by a majority vote of the branch in which the motion is made.

388 Unless disapproved by a majority vote of the members of either of the two branches of
389 the General Court present and voting, the General Court not having prorogued within sixty days
390 from the date of presentation by the Governor, the plan shall be approved and shall take effect as
391 provided by Article LXXXVII of the Amendments to the Constitution.

392 Within seven days of the expiration of the sixty days from the date of presentation of said
393 plan by the Governor, unless the question has already been decided, the Clerks of the Senate and
394 House of Representatives shall place the plan in the Orders of the Day; and no motions except
395 the motions to take a recess, to adjourn, and previous question, or to close debate at a specified
396 time, shall be in order.

397 No such reorganization plan presented to the General Court shall be subject to change or
398 amendment before expiration of such sixty days. [Adopted June 13, 1967; Amended March 27,
399 1969 ; June 12, 1995; Feb. 12, 2009.]

400 Joint Conventions.

401 24. The President of the Senate shall preside in Conventions of the two branches, and
402 such Conventions shall be held in the Representatives' Chamber; the Senate Clerk and
403 Parliamentarian shall be the Clerk of the Convention, and a record of the proceedings of the
404 Convention shall be entered at large on the journals of both branches. [Amended Feb. 20, 2007.]

405 25. When an agreement has been made by the two branches to go into Convention, such
406 agreement shall not be altered or annulled, except by concurrent vote, excepting that it shall be in
407 order to recess the convention from time to time upon a majority vote of said convention.
408 [Amended Jan. 7, 1971 .]

409 26. No business shall be entered on, in Convention, other than that which may be agreed
410 on before the Convention is formed.

411 Special Sessions.

412 26A. If written statements of twenty-one members of the Senate and eighty-one members
413 of the House of Representatives, that in their opinion it is necessary that the General Court
414 assemble in special session on a particular date and time specified therein during a recess of the
415 General Court, are filed with their respective Clerks, such Clerks shall forthwith notify all the
416 members of their respective branches to assemble at the State House in Boston, on said date at
417 the time so specified. When so assembled, the first business to be taken up shall be the question
418 of the necessity of so assembling, in accordance with Article I of Section I of Chapter I of Part
419 the Second of the Constitution of the Commonwealth. If twenty-one members of the Senate and
420 eighty-one members of the House of Representatives judge by vote taken by call of the yeas and
421 nays that such assembling of the General Court is necessary, specifying in such vote the facts
422 constituting such necessity, the General Court shall then complete its organization as a special
423 session, proceed to the consideration of the suspension of Joint Rule 12A which if suspended by
424 the required two-thirds of the members of both branches will permit the General Court to
425 proceed to the consideration of matters properly before it. Nothing herein contained shall prevent
426 the General Court from assembling in any other constitutional manner when it judges necessary.
427 [Adopted Aug. 7, 1939 . Amended March 2, 1943 ; March 27, 19 69 ; May 5, 1979; July 17,
428 2003; July 21 and September 20, 2005.]

429 Joint Elections.

430 27. In all elections by joint ballot a time shall be assigned therefor at least one day
431 previous to such election.

432 27A. In all cases of elections by ballot a majority of the votes cast shall be necessary for a
433 choice, and where there shall be no such a majority on the first ballot the ballots shall be repeated
434 until a majority is obtained; and in balloting, blanks shall be rejected and not taken into the count
435 in the enumeration of votes, excepting that when the number of blanks shall be more than the
436 number of votes received by the candidate having the highest number of votes, then the election
437 shall be declared void and the balloting shall be repeated as provided herein. [Adopted March 27,
438 1969 .]

439 28. [Omitted March 28, 1972 .]

440 References to the Committees on Rules.

441 29. All motions and orders authorizing joint committees to travel or to employ
442 stenographers, or authorizing joint committees or special commissions composed as a whole or
443 in part of members of the General Court to make investigations or to file special reports, all
444 propositions reported by joint committees which authorize investigations or special reports by
445 joint committees or by special commissions composed as a whole or in part of members of the
446 General Court, all motions or orders proposed for joint adoption which provide that information
447 be transmitted to the General Court, and all matters referred under the provisions of the second
448 paragraph of Joint Rule 12, shall be referred without debate to the committees on Rules of the
449 two branches, acting concurrently, who shall report thereon, in accordance with the provisions of
450 Joint Rule 10. All matters which have been referred under this rule shall, in each instance, be
451 reported back into the branch making such reference. [Adopted Jan. 10, 1898 . Amended Jan. 20,

452 1904; Jan. 28, 1913; Feb. 19 and Dec. 22, 1920; April 11, 1935; April 22, 1937; Jan. 27, 1955;
453 Jan. 30, 1967; Oct. 18, 1971 .]

454 30. All motions or orders extending the time within which joint committees and the
455 committees on Rules of the two branches, acting concurrently, are required to report shall be
456 referred without debate to the committees on Rules of the two branches, acting concurrently,
457 who shall report recommending what action should be taken thereon. Such extension shall be
458 granted by a concurrent majority vote if recommended by the committees on Rules of the two
459 branches, acting concurrently; but no such extension shall be granted, against the
460 recommendation of the said committees, except by a four-fifths vote of the members of each
461 branch present and voting thereon. This rule shall not be rescinded, amended or suspended,
462 except by a concurrent vote of four-fifths of the members of each branch present and voting
463 thereon. [Adopted Jan. 16, 1903 . Amended Feb. 6, 1912 ; Feb. 19, 1920 ; Jan. 6, 1947 ; Jan. 27,
464 1955 ; June 7, 1965 .]

465 Members.

466 31. A member of either branch who directly or indirectly solicits for himself or others any
467 position or office within the gift or control of a railroad corporation, street railway company, gas
468 or electric light company, telegraph or telephone company, aqueduct or water company, or other
469 public service corporation, shall be subject to suspension therefor, or to such other penalty as the
470 branch of which he is a member may see fit to impose. [See G. L. 271, sec. 40.] [Adopted May
471 22, 1902.]

472 Accommodations for Reporters.

473 32. Subject to the approval and direction of the committees on Rules of the two branches,
474 acting concurrently, during the session, and of the President of the Senate and the Speaker of the
475 House of Representatives after prorogation, the use of the rooms and facilities assigned to
476 reporters in the State House shall be under the control of the organizations of legislative reporters
477 known as the Massachusetts State House Press Association and the State House Broadcasters
478 Association. No person shall be permitted to use such rooms or facilities who is not entitled to
479 the privileges of the reporters' galleries of the Senate or of the House. Within ten days after the
480 General Court convenes the Massachusetts State House Press Association and the State House
481 Broadcasters Association shall each transmit to the President of the Senate, the Speaker of the
482 House of Representatives and the Sergeant-at-Arms a list of the legislative reporters with the
483 principal publication or news service which each represents. [Adopted Jan. 27, 1911 . Amended
484 Feb. 24, 1914 ; Feb. 19, 1920 ; April 17, 1925 ; May 23, 1979; Feb. 12, 2009.]

485 Suspension of Rules.

486 33. Any joint rule except the tenth and thirtieth may be altered, suspended or rescinded
487 by a concurrent vote of two-thirds of the members of each branch present and voting thereon.
488 [Amended Feb. 7, 18 93 . Adopted in revised form Jan. 9, 18 99 . Amended Jan. 16, 19 03 ; Jan.
489 26, 2005 .]

490 Audit of Accounts.

491 34. The committees on Rules of the two branches, acting concurrently, shall provide that
492 an outside independent audit of joint financial accounts be conducted by a certified public
493 accountant no less frequently that at the end of each second fiscal year. A copy of such audit
494 shall be filed with the Clerks of the Senate and House of Representatives and made available for

495 public inspection upon reasonable notice and during regular office hours. [Adopted May 30,
496 1985 .]

497 35. The committees on Rules of the two branches, acting concurrently, shall reexamine
498 the Joint Rules of the House and Senate as needed, but at least every four years, and shall report
499 to each branch any recommendations it may have to facilitate the work of the respective
500 branches and the joint standing committees. [Adopted June 12, 1995 .]

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