

**HOUSE . . . . . No. 2012**

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**The Commonwealth of Massachusetts**

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**In the Year Two Thousand Nine**  
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An Act Order 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, 19 15 . Amended Jan. 13, Feb. 19 and Dec. 22, 19 20 ; May  
10 24, 19 26; April 11, 19 35 ; April 22, 19 37 ; Jan. 12, 19 39 ; Jan. 15, 19 45 ; Feb. 20, 19 51 ; Jan.  
11 30, 19 67 ; 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, 19 20 . Amended Feb. 19 and Dec. 22, 19 20; May 24,  
25 19 26; April 11, 19 35; April 22, 19 37; Jan. 12, 19 39; Jan. 9, 19 41; Jan. 15, 19 45; Feb. 20, 19  
26 51; Jan. 30, 19 67; 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, 19 20 ; Jan. 12, 19 39 ; Jan. 15, 19 45 ; 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 .]