# HOUSE . . . . . No. 2017

Order (filed by Mr. DeLeo of Winthrop) relative to House Rules for the 190th General Court governing the 2017-2018 legislative sessions (House, No. 2017). February 1, 2017.

## The Commonwealth of Massachusetts

House of Representatives, February 1, 2017.

**In the One Hundred and Ninetieth General Court**
**(2017-2018)**

*Ordered,* That the rules of the House of Representatives for the years 2017-2018 be adopted, as follows:

SPEAKER.

1. The Speaker shall take the Chair at the hour to which the House stands adjourned, call the members to order, and, on the appearance of a quorum, proceed to business. [1.] (Senate Rule 1.)

1A. The House shall not be called to order before the hour of ten o'clock A.M. nor meet beyond the hour of nine o'clock P.M. At the hour of nine o'clock P.M., if the House is in session, the Speaker shall interrupt the business then pending and shall, without debate, place before the House the question on suspension of this rule which shall be decided by a majority of members present and voting by a recorded yea and nay vote. If the vote is in the affirmative, said vote shall permit the House to remain in session until the hour of midnight; provided that the

session shall not continue beyond the hour of midnight, unless by unanimous consent of the members present. The House shall then return to the pending business; and if no matter was pending, to the next order of business. However, if the vote is in the negative, the Speaker shall forthwith, and without further debate, adjourn or recess the House to a time not earlier than ten o'clock A.M. on the next succeeding calendar day.

[Adopted Jan. 12, 1983; Amended Jan. 11, 1985; Jan. 12, 1987; Jan. 14, 1997; May 16, 2000.]

2. The Speaker shall preserve decorum and order in the House Chamber. While in the House Chamber, members, staff and guests shall be required to dress in proper and appropriate attire and be courteous and professional when using electronic devices.

Members, staff and guests shall not take photographs or videos of, or in, the House Chamber during formal or informal sessions unless otherwise permitted by this Rule. Members may take photographs at their assigned seats in the chamber during formal or informal sessions; provided, however that any photographs taken by members during formal or informal sessions shall not include images of any other member, staff or guest without their express written consent.

The Speaker may permit photographs or videos during special occasions, which shall include, but shall not be limited to, swearing-in ceremonies and addresses by constitutional officers or other dignitaries.

The use of audio-visual aids including, without limitation, videos, computers, posters, displays or charts shall be permitted only upon approval of the Speaker.

The Speaker also may speak to points of order in preference to other members; and shall decide all questions of order, subject to an appeal to the House. [2.] (2.) [With regard to appeals, see Rule 77.]

[Amended Jan. 11, 1985; Jan. 9, 2003; Jan. 20, 2011; Jan. 29, 2015.]

3. The Speaker shall declare all votes, subject to verification as hereinafter provided. [3.] (55.) [See Rules 49 to 53, inclusive.]

[Amended Jan. 11, 1985.]

4. In all cases the Speaker may vote. [4.] (3.)

[Amended Jan. 11, 1985.]

4A. The Speaker shall appoint a Speaker pro Tempore. The Speaker pro Tempore shall assist the Speaker in the coordination of policy development and the ceremonial functions of the House and shall perform such duties assigned to him by the Speaker. Upon a vacancy in the office of Speaker, the office of Speaker pro Tempore shall be considered vacant.

[Adopted Jan. 26, 2005, Amended, Jan. 23, 2007.]

4B. (a) As used in this Rule, the following words shall have the following meanings:-

"Earned income", income derived from salaries, wages, tips and commissions for performing services as an employee of an employer.

"Unearned income", all other income that is not earned income.

(b) The Speaker shall not receive earned income for:

(1) affiliating with or being employed by a firm, partnership, association, corporation or other entity that provides professional services involving a fiduciary relationship;

(2) permitting his name to be used by such a firm, partnership, association, corporation or other entity;

(3) receiving compensation for practicing a profession that involves a fiduciary relationship; or

(4) serving as an officer or member of the board of an association, corporation or other entity.

(c) The provisions of this rule shall take effect on August 1, 2017.

5. The Speaker may appoint a member to perform the duties of the Chair. In the event the Speaker fails to appoint a member to perform the duties of the Chair, the Speaker pro Tempore shall be the Acting Speaker until the Speaker otherwise provides or until a vacancy in the office of Speaker occurs. In the event that the Speaker pro Tempore is absent or is unable to perform the duties of Acting Speaker, the Majority Leader, the Assistant Majority Leader, the Second Assistant Majority Leader or other designee shall be the Acting Speaker. [7.] (4.)

[Amended April 18, 1979; Jan. 11, 1985; Jan. 14, 1997; Jan. 26, 2005.]

6. In case of a vacancy in the office of Speaker, or in case the Speaker or the member named by said Speaker in accordance with the preceding rule is absent at the hour to which the House stands adjourned, the senior member present shall call the House to order, and shall preside until a Speaker is elected, which shall be the first business in order. [8.] (5.)

[Amended Jan. 11, 1985, Amended, Jan. 23, 2007.]

7. At the beginning of the first year of the two-year General Court, the Speaker may, unless the House otherwise directs, appoint a Chaplain; and the Speaker shall promptly fill any vacancy in the office of Chaplain. [7A.] (4.)

[Amended Jan. 11, 1985; Jan. 29, 2015.]

SCHEDULING.

7A. There shall be appointed a standing committee on Steering, Policy and Scheduling consisting of eleven members. The committee shall not be subject to the provisions of Rule 17A, but shall be authorized to meet from time to time at the call of the Chair for the purpose of assisting the members of the House of Representatives in identifying the major matters pending before the General Court, the relative urgency and priority for consideration of such matters, and alternative methods of responding to such matters by the General Court. Said committee shall schedule legislative matters in a manner that will provide for an even distribution and orderly consideration of reports of legislative committees on the daily Calendar.

The committee on Steering, Policy and Scheduling shall not be authorized to recommend changes or amendments to legislation or recommend that a matter ought to pass or ought not to pass, but shall only report asking to be discharged from further consideration of a bill, and recommending that it be referred or recommitted to another committee; provided, however, that it shall not recommend that a matter be referred or recommitted to the committee on Rules or the committees on Rules of the two branches, acting concurrently, or what date a matter shall be scheduled for consideration by the House and placed in the Orders of the Day. All reports by the committee on petitions filed or approved by the voters of a city or town, or by the mayor and city council, or other legislative body of a city or the town meeting of a town with respect to a law

relating to that city or town shall be read and considered by the House at a formal or informal session before being accepted, rejected or otherwise acted upon. Any such petition and any attachment to the petition shall be filed in both paper and electronic format approved by the Clerk.

All matters received from the Senate or reported from standing committees of the House and joint standing committees of the General Court shall, unless subject to provisions of any other House or joint rules, be referred to the committee on Steering, Policy and Scheduling. All matters reported by said committee on Steering, Policy and Scheduling recommending that a matter shall be scheduled for consideration by the House shall be placed in the Orders of the Day for the next sitting. Said committee may report on a legislative matter within thirty days following the day the matter was referred. If the committee fails to report a matter within thirty days following the date of its reference, the Clerk shall place the matter on the Calendar of the House as if it had been scheduled for consideration by said committee on Steering, Policy and Scheduling.

[Adopted Jan. 14, 1997; Amended Jan. 26, 1999; Jan. 24, 2001; Jan. 9, 2003; Jan. 26, 2005.]

7B. The committee on Rules shall be authorized to originate and report special orders for the scheduling and consideration of legislation on the floor of the House. Said committee shall not be subject to the notification provisions contained in Rule 17A but may hold public hearings and shall accept testimony only from the members of the House. A majority of the members appointed to the committee shall constitute a quorum. When reported, such orders may be amended by a two-thirds vote of the members present and voting, and shall be subject to approval by a majority of the members of the House present and voting. Debate on the question

on adoption of such orders shall be limited to one hour. No orders adopted pursuant to this paragraph shall limit the powers of the Speaker as provided in Rules 1 to 6, inclusive. Such orders shall not be subject to reconsideration.

[Adopted Jan. 14, 1997; Amended Jan. 24, 2001; Feb. 11, 2009.]

7C. The committee on Rules may consider and make recommendations designed to improve and expedite the business and procedures of the House and its committees, and to recommend to the House any amendments to the Rules deemed necessary; provided that a majority of the members of the House present and voting shall be required to approve such recommendations.

The committee shall be privileged to report at any time.

[Adopted Jan. 14, 1997.]

7D. The Speaker shall, in consultation with the committee on Rules and the committee on Steering, Policy and Scheduling, establish a committee scheduling system that would minimize to the greatest extent possible scheduling conflicts for members of committees.

The Speaker shall determine a schedule for the House for each week relative to formal and informal sessions and shall make such schedule available to the members by Thursday of the preceding week; provided, however, that the Speaker may make, notwithstanding the provisions of Rule 7A, changes in the schedules to facilitate the business of the House in an efficient and timely fashion. The Speaker shall communicate notice of any such scheduling change to the members in writing or by way of electronic mail as soon as practicable, and whenever possible, the Speaker shall provide such notice not less than twenty-four hours before the event so rescheduled is set to commence.

[Adopted Jan. 14, 1997; January 9, 2003.]

MONITORS.

8. Two monitors shall be appointed by the Speaker for each division of the House, whose duty it shall be to see to the due observance of the rules, and, on request of the Speaker, to return the number of votes and members in their respective divisions. [9.]

9. If a member transgresses any of the rules after being notified thereof by a monitor, it shall be the duty of such monitor to report the case to the House.

It shall be the duty of a monitor to report his or her knowledge of the occurrence of a member voting for another member, in his or her division of the House, to the Speaker of the House and to the Minority Leader. [10.] [See Rules 16 and 16A.]

[Amended Jan. 9, 1991; May 5, 1993; Feb. 11, 2009.]

9A. There shall be established a Floor Division Committee for each of the four divisions of the House. The Speaker shall appoint a Floor Division chairperson for each of the four divisions. Said committee shall consist of the members assigned to the respective divisions.

In order to create a continuous flow of debate, each chairperson shall be responsible for reviewing the daily Calendar and providing advance notice to committee members in the respective divisions of all matters scheduled for consideration in the Orders of the Day. Said committee chairpersons shall provide information to members of their committees on pending legislation and other matters of business before the House.

In addition to the legislative duties, chairpersons shall oversee the physical appearance of the Chamber and the various areas under the jurisdiction of the House of Representatives. Said

chairpersons shall be authorized to act as a committee and may meet at any time at the request of at least two chairpersons. Said chairpersons, as a committee, shall be authorized to meet with the appropriate agencies and historical commissions of the Commonwealth for the purpose of requesting expeditious appraisals and necessary repairs and renovations to the interior and exterior of the State House. The committee of chairpersons shall report directly to the Speaker the results of all consultations.

[Adopted Jan. 14, 1997.]

CLERK.

10. The Clerk shall keep the Journal of the House. The Clerk shall enter therein a record of each day's proceedings and, whenever practicable, submit it to the Speaker and the Minority Leader before the hour fixed for the next sitting, and shall cause the same to be available daily in a format to be determined by the Clerk; and provided further that a copy of said Journal shall also be made available to each member of the House. Any objection to the Journal shall be made before the House proceeds to the consideration of the Orders of the Day. [11.] (6.)

[Amended Jan. 12, 1981; Jan 11, 1985; Jan. 17, 1995; Jan. 9, 2003.]

10A. The Clerk shall be the official parliamentarian of the House of Representatives.

[Adopted Jan. 9, 1991.]

10B. The Clerk shall be the official keeper of records of the House of Representatives for legislative records that remain in the office of said Clerk at the end of each biennial session, and until such time as said records are transferred to the State Archives or destroyed in accordance with law. [Adopted Jan. 29, 2015.]

11. Every question of order with the decision thereof shall be entered at large in the Journal, and shall be noted in an appendix, which shall also contain the rules of the House and of the two branches. [12.] (6.)

12. The Clerk shall prepare and make available on each day of formal session a Calendar of matters in order for consideration and such other memoranda as the House or the Speaker may direct. The Clerk shall prepare a Calendar on which shall appear any question on passage of a bill or resolve notwithstanding the objections of His Excellency the Governor which may be considered forthwith at the direction of the House or Speaker.

When, in the determination of the Clerk, a volume of matters exists for the next legislative day, the Clerk shall be authorized to prepare and cause to be made available an advance calendar of the matters in order of consideration for the next legislative day and such other memoranda as the House or Speaker may direct. The Clerk may indicate on the advance calendar that the matters contained therein are subject to change.

The Clerk shall be authorized to dispense with preparing and making available a Calendar for designated formal sessions of the House only after two-thirds of the members present and voting consent thereto on a recorded yea and nay vote. Debate on this question shall be limited to fifteen minutes, no member shall speak more than three minutes, and such question shall not be subject to reconsideration.

The Clerk shall dispense with preparing and making available a Calendar for designated Informal Sessions of the House.

As soon as practicable whenever the Clerk prepares a Calendar or advance Calendar under this rule, he also shall cause a true copy thereof to be posted on the Legislative Web Page that is

generally available to all members and their staff, and reasonably promptly thereafter he shall cause the members and their staff to be notified of the same by way of electronic mail. [13.] (7.)

[Amended Jan. 12, 1983; Jan. 11, 1985; Jan. 12, 1987; May 5, 1993; Jan. 17, 1995; Jan. 24, 2001; Jan. 9, 2003; Jan. 26, 2005, Jan. 23, 2007.]

13. Any objection to the Calendar shall be made and disposed of before the House proceeds to the consideration of the Orders of the Day. [14.]

13A. The Clerk shall make available to all members electronically and, to the public via the Internet, the text of all bills introduced and admitted for consideration in the House.

[Adopted, Feb. 11, 2009.]

MEMBERS.

14. No member shall stand up, to the inconvenience of others, while a member is speaking; or be involved in disturbing conversation while another member is speaking in debate; or pass unnecessarily between the Speaker of the House and the member speaking; or stand in the passages, or in the area in front of the Chair; or stand at the Clerk's desk while a roll call is in progress. [16.] [Amended Jan. 12, 1987; Jan. 9, 1989; Jan. 26, 1999.]

14A. [Adopted Feb. 11, 2009; Omitted Jan. 29, 2015.]

15. When it appears to the Chair that the presence of a quorum is endangered, the Chair shall order the doors closed. If a quorum is doubted the Chair shall order the doors closed and thereafter no member shall enter or leave the House until an initial determination has been made as to the presence of a quorum or lack thereof; and thereafter, provided that no quorum is

present, no member shall leave the House unless by permission of the Chair , but members shall be admitted, at any time.

Upon the doubting of a quorum and after ascertaining that a quorum is not present, the Speaker may order a recorded attendance roll call to be taken by use of the electronic roll call system.

Said roll call, if ordered, shall be taken at a time determined by the Speaker.

Members answering a quorum call shall vote “YES” on the roll call system. [17.] (11.)

[Amended Jan. 12, 1981; Feb. 22, 1982; Jan. 12, 1983; Jan. 12, 1987; Jan. 9, 1991.]

ETHICS.

16. There shall be appointed a committee on Ethics as authorized by Rule 17. The committee shall consist of 11 members, 7 of whom shall be appointed by the Speaker, 4 of whom shall be appointed by the Minority Leader.

A member appointed to the committee shall not be considered to be a member of the committee subsequent to the declaration of candidacy for any other state or federal elective office.

The committee shall investigate and evaluate, at the direction of the Speaker, by a sworn written complaint filed and delivered by a member, officer or employee to the chairman, or by a majority vote of the members appointed to the Ethics committee, any matters relative to alleged violations of Rule 16A by a member, officer or employee.

Upon the receipt of said sworn written complaint, at the direction of the Speaker or by a majority vote of the members appointed to the Ethics committee, the committee shall notify any

person named of the nature of the alleged violation and a list of prospective witnesses, and also shall notify said person of the final disposition and the recommendations, if any, of the committee.

Any member, officer, or employee of the House named relative to an alleged violation shall be afforded the opportunity to appear before the committee on Ethics with counsel.

All proceedings including the filing of the initial complaint shall be considered confidential information.

If the alleged violation received in the manner described above is deemed to have merit by a majority vote of the members appointed to the committee, the committee shall file a report with the Clerk of the House. Said report shall be a public document. The committee shall not disclose any allegation deemed to be frivolous or without merit.

If a majority appointed finds that any member, officer, or employee of the House has violated any provision of Rule 16A, a majority appointed may, in the case of a member, recommend a reprimand, censure, removal from a chairmanship or other position of authority, or expulsion; and in the case of an officer or employee, a majority appointed may recommend a reprimand, suspension, or removal from employment.

Should such an alleged violation be filed with the committee regarding a member or members of the House Ethics committee, said member or members shall not participate in the committee deliberations on said alleged violation.

Any member, officer, or employee of the House may request from the House committee on Ethics or from the Legal Counsel to the House appointed pursuant to section 51 of chapter 3 of

the General Laws a confidential advisory opinion on the requirements of chapters 268A and 268B of the General Laws as well as an opinion on any other general or special law, rule or regulation applicable to their official position or concerning any contemplated personal action which may conflict with their official position. The committee on Ethics or the Legal Counsel to the House shall issue confidential advisory opinions and clarification in response to said written request.

No member, officer or employee of the House shall be penalized in any manner for having acted within the guidelines of an advisory opinion from the House committee on Ethics or from the Legal Counsel to the House appointed pursuant to section 51 of chapter 3 of the General Laws, provided that all pertinent facts are stated in the request for an advisory opinion.

An opinion from the House committee on Ethics or from the Legal Counsel to the House appointed pursuant to section 51 of chapter 3 of the General Laws shall be a defense in any proceeding arising from said opinion or advice unless material facts were omitted or misstated by the person in the request of the opinion.

The chairman of the Ethics committee may convene the committee at any time.

The chairman shall also convene the committee at the written request of at least 5 members of the committee.

The Committee may, upon the written and signed report of two-thirds of the members of the committee, file a special report containing legislation without said legislation being founded upon petition which shall be referred under the provisions of Rule 24 and consistent with the provisions of Joint Rule 13, to the appropriate joint standing committee. Any special report containing legislation filed pursuant to this paragraph shall be germane to subject matters

regularly considered by the committee. The committee shall not include in any such special report a bill that would have a fiscal impact as described in Rule 33.

Upon convening of the first annual session of the General Court and after the adoption of rules, all members, officers and employees of the House shall be provided with a current copy of the Code of Ethics contained in Rule 16A. [19.] (12A.)

[Amended Jan. 12, 1987; May 5, 1993; Jan. 17, 1995; Mar. 6, 1995; Jan. 14, 1997; Jan. 20, 2011; Feb. 11, 2009; Jan. 29, 2015.]

CODE OF ETHICS.

16A. (1.) While members, officers and employees should not be denied those opportunities available to all other citizens to acquire and retain private, economic and other interests; members, officers, and employees should exercise prudence in any and all such endeavors and make every reasonable effort to avoid transactions, activities, or obligations, which are in substantial conflict with or will substantially impair their independence of judgment.

(2.) No member, officer or employee shall solicit or accept any compensation or political contribution other than that provided for by law for the performance of official legislative duties.

(3.) No member, officer or employee shall serve as a legislative agent as defined in Chapter 3 of the General Laws regarding any legislation before the General Court.

(4.) No member, officer or employee shall receive any compensation or permit any compensation to accrue to his or her beneficial interest by virtue of influence improperly exerted from his or her official position in the House.

(5.) No member, officer or employee shall accept employment or engage in any business or professional activity, which will require the disclosure of confidential information gained in the course of, and by reason of, his or her official position.

(6.) No member, officer or employee shall willfully and knowingly disclose or use confidential information gained in the course of his or her official position to further his or her own economic interest or that of any other person.

(7.) Except as provided in Rule 49, no member shall cast a vote for any other member, nor shall any officer or employee vote for any member, except that the Clerk or an assistant Clerk may record a vote for a member who votes late under the provisions of Rule 52, or is prohibited from voting from his desk due to a malfunction of the electronic roll call voting system; provided the Clerk's action shall not be construed as voting for said member.

(8.) No member shall use profane, insulting, or abusive language in the course of public debate in the House Chamber or in testimony before any committee of the General Court.

(9.) No member, officer or employee shall employ anyone from public funds who does not perform tasks which contribute substantially to the work of the House and which are commensurate with the compensation received; and no officer or full-time employee of the House shall engage in any outside business activity during regular business hours, whether the House is in session or not. All employees of the House are assumed to be full-time unless their personnel record indicates otherwise.

(10.) No member, officer or employee shall accept or solicit compensation for non-legislative services which is in excess of the usual and customary value of such services.

(11.) No member, officer or employee shall accept or solicit an honorarium for a speech, writing for publication, or other activity from any person, organization or enterprise having a direct interest in legislation or matters before any agency, authority, board or commission of the Commonwealth which is in excess of the usual and customary value of such services.

(12.) No member, officer or employee shall knowingly accept any gifts from any legislative or executive agent as prohibited by law. No member, officer or employee shall accept any gift from any person or entity having a direct interest in legislation before the General Court as prohibited by law. (For the purposes of this paragraph, the terms "gift" and "person" shall be the same as their definitions in section 1 of chapter 268B of the General Laws).

(13.) No member shall convert campaign funds to personal use in excess of reimbursements for legitimate and verifiable campaign expenditures. Members shall consider all proceeds from testimonial dinners and other fundraising activities as campaign funds.

((14.) No member shall serve on any committee or vote on any question in which his/her private right is immediately concerned, distinct from the public interest. [19.]

(15.) No member, officer or employee shall violate the confidentiality of any proceeding before the Ethics committee. [19A.]

[Amended Jan. 12, 1981; May 5, 1993; Jan. 24, 2001; Feb. 11, 2009; Jan. 29, 2015.]

16B. The Committee on Personnel and Administration shall develop and conduct an ethics law training program for every member, officer and employee of the House; provided further, that said training program shall include, without limitation, a review of the requirements and prohibitions of chapter 268A and chapter 268B of the General Laws, and the regulations of the

State Ethics Commission, as they apply to legislators and legislative staff; and provided further, that said training program shall be offered no later than July 1 of the first biennial session of the General Court and shall be mandatory for all members, officers and employees.

[Adopted Jan. 9, 2003, Amended Feb. 11, 2009; Jan 20, 2011.]

16C. Bills involving lobbyists' reporting laws, and laws pertaining to the ethical conduct of public officials shall, after their first reading, be referred to the committee on Ethics, for report on their relation to the ethics laws of the Commonwealth. No new provisions shall be added to such measures by the committee, unless directly pertaining to ethics. [Adopted Feb. 11, 2009.]

COMMITTEES.

17. At the beginning of the first year of the two year General Court, standing committees shall be appointed as follows:

A committee on Rules;

(to consist of 15 members).

A committee on Ways and Means;

(to consist of 35 members).

A committee on Bills in the Third Reading;

(to consist of 3 members).

A committee of each Floor Division;

(to consist of the members of each division).

A committee on Ethics;

(to consist of 11 members).

A committee on Personnel and Administration;

(to consist of 13 members).

A committee on Post Audit and Oversight;

(to consist of 11 members).

A committee on Steering, Policy and Scheduling;

(to consist of 11 members).

A committee on Bonding, Capital Expenditures and State Assets;

(to consist of 11 members).

A committee on Global Warming and Climate Change;

(to consist of 11 members).

A committee on Redistricting;

(to consist of 11 members).

A committee on Technology and Intergovernmental Affairs;

(to consist of 11 members).

Committee meetings, insofar as practicable, shall not be scheduled in conflict with formal sessions of the House of Representatives. [20.] (12, 12A, 12B.)

[Amended March 6, 1979; Sept. 16, 1981; Jan. 11, 1985; Jan. 12, 1987; May 5, 1993; Oct. 6, 1993; May 23, 1996; Jan. 14, 1997; Jul. 17, 2003; Jan. 26, 2005, Feb. 11, 2009; Jan. 29, 2015.]

17A. (a) For the purposes of this rule, the following terms shall, unless the context clearly requires otherwise, have the following meanings:

"Deliberation", a verbal exchange between a quorum of members of a committee attempting to arrive at a decision on any public business within its jurisdiction.

"Emergency", a sudden generally unexpected occurrence or set of circumstances demanding immediate action.

"Executive conference", any meeting or part of a meeting of a committee which is closed to certain persons for deliberation on certain matters.

"Executive session", any meeting or part of a meeting of a committee wherein the committee is voting on legislation and where public participation is limited to observance.

"Meeting", any corporal convening and deliberation of a committee for which a quorum is required in order to make a decision at which any public policy matter over which the committee has supervision, control, jurisdiction or advisory power is discussed or considered; provided, however, that "meeting" shall not include an on-site visitation or inspection of any project or program.

"Quorum", a simple majority of a committee unless otherwise defined by constitution, rule or law applicable to such committee; provided further, that a quorum shall be presumed to be present unless otherwise doubted.

(b) All meetings, except executive conferences, of House standing and special committees, shall be open to the public and any person shall be permitted to attend any meeting except as otherwise provided pursuant to this rule or Rule 7A.

No quorum of a committee shall meet in private for the purpose of deliberation except as provided pursuant to this rule.

No executive session shall be held until: (i) the committee has first convened in an open session for which notice has been given; (ii) the presiding officer has stated the authorized purpose of the executive session; (iii) a majority of the members of the committee present have voted to go into executive session and the vote of each member has been recorded on a roll call vote and entered into the minutes: and (iv) the presiding officer has stated before the executive session if the committee will reconvene after the executive session.

(c) Executive conferences shall be held only for the following purposes: (i) to discuss the reputation, character, physical condition or mental health rather than the professional competence of a member, officer or employee;

(ii) to consider the discipline or dismissal of, or to hear complaints or charges brought against a member, officer or employee; (iii) to discuss strategy with respect to litigation if an executive session or other open meeting may have a detrimental effect on the legal position of the committee; or (iv) to consider the purchase, exchange, lease or value of real property, if such discussions may have a detrimental effect on the negotiating position of the Commonwealth or a person, firm or corporation.

A member, officer or employee subject to an executive conference pursuant to clause (i) or clause (ii) shall be notified in writing no less than 48 hours prior to the proposed executive

conference; provided, however, that upon agreement of the parties involved, the notification requirements of clause (i) and clause (ii) may be waived. Upon request of the member, officer or employee subject to an executive conference pursuant to clause (i) or clause (ii) the executive conference shall be open to the public.

A member, officer or employee subject to an executive conference pursuant to clause (i) or clause (ii) shall have the right to: (a) be present at such executive conference during discussions or considerations which involve that member, officer or employee; (b) have counsel or a representative of his/her own choosing present and attending for the purpose of advising said member, officer or employee; provided, however, that said counsel or representative shall not actively participate in the executive conference; and (c) to speak on his/her own behalf to the committee assembled in executive conference.

(d) This rule shall not apply to any chance meeting or social meeting at which matters relating to official business are discussed so long as no final agreement is reached. No chance meeting or social meeting shall be used in circumvention of the spirit or requirements of this section to discuss or act upon a matter over which the committee has supervision, control, jurisdiction, or advisory power.

(e) Except pursuant to an emergency, a notice and agenda of every meeting of a committee subject to this rule shall be filed with the Clerk of the House, publicly posted by the Clerk on the bulletin board outside the Clerk’s Office and in such other places as are designated in advance for such purpose by said Clerk, made available to all members electronically and made available to the public via the Internet at least forty-eight hours, including Saturdays, but not Sundays and legal holidays, prior to the time of such meeting and a list of the bills, petitions, and resolutions

to be considered for a vote or other action by the committee. The notice shall include the date, time and place of such meeting. Such filing and posting shall be the responsibility of the committee scheduling such meeting. The notice and posting requirements shall not apply to executive conferences held pursuant to clause (i) or clause (ii) of part (c) of this rule unless the member, officer or employee subject to the executive conference requests that the executive conference be open to the public.

(f) A committee shall maintain accurate records of its meetings and hearings setting forth the date, time and place thereof, and recording any action taken at each meeting, hearing, executive conference or executive session. All votes requested to be taken in executive sessions shall be recorded roll call votes and shall become a part of the record of said executive sessions. The record of each meeting shall become a public record and be available to the public; provided, however, that the records of any executive conference shall remain secret as long as publication may defeat the lawful purposes of the executive conference.

(g) Upon prior notification and approval of the chair, a meeting of a committee may be recorded by a person in attendance by means of a recorder or any other means of audio/visual reproduction; provided, however, that said recording shall not interfere with the conduct of the meeting. Executive conferences conducted pursuant to clause (i) or clause (11) of part (c) of this rule shall not be recorded unless upon the request of the member, officer or employee who is subject to said executive conference, and then only at such member’s, officer’s or employee’s expense. Executive conferences conducted pursuant to clause (iii) or (iv) of part (c) of this rule may be recorded at the discretion of the chair.

(h) Copies of all redrafted bills that are to be voted on at an executive session by the House Ways and Means Committee shall be available to all members of the committee electronically in the form they will be considered no less than twenty-four hours prior to their consideration; provided, however, that said committee may vote on a bill that has not been available for said period of time by vote of a majority of the committee members present.

[Adopted Nov. 17, 1983; Amended Jan. 12, 1987; Jan. 9, 1991; May 5, 1993; Jan. 17, 1995; Jan. 14, 1997; Jan. 9, 2003, Jan. 23, 2007, Feb. 11, 2009.]

17B. Whenever any member of a House committee present at the committee meeting so requests, the vote to give any legislation a favorable or adverse report shall be a recorded vote of the full committee. Such votes shall be recorded on appropriate forms that show all votes for and against the particular committee action; provided that votes may also be recorded in LAWS. The record of all such roll calls shall be kept in the offices of the committee and shall be posted on the website of the General Court within 48 hours of the vote for public inspection.

No report of a House committee on any legislation shall be final until those members of the committee present and voting with the majority have been given the opportunity to sign such appropriate forms before the report is made to the House. No signature shall be valid unless the forms to which the signatures are affixed include the substantially complete text of the legislation being reported.

[Adopted Nov. 17, 1983; Amended Jan. 12, 1987, Amended Jan. 29, 2015.]

17C. There shall be a committee on Personnel and Administration on the part of the House consisting of thirteen members. Said committee shall be responsible for the allocation of office

space as equitably as possible among the various members and joint and standing committees on the part of the House and their respective staff.

The committee shall allocate space among the various committees on the part of the House taking into account the work load, duties and responsibilities and size of staff of each.

The Speaker may make temporary office assignments in accordance with the foregoing principles.

The committee on Personnel and Administration may from time to time make changes in the assignment of office space for committees and the various staffs in accordance with the established standards.

Said committee shall establish the staffing levels and positions for each joint and standing committee of the House together with a classification plan for all employees of the House of Representatives.

For each person who is employed or is to be employed by a joint or standing committee on the part of the House, each committee chairman shall nominate each such person and the House members of the committee by a majority vote shall vote on whether to approve each said nominee. The House members of the committee shall approve such persons whose character and qualifications are acceptable to the majority of the House members of the committee and are in accordance with the qualifications established by the Personnel and Administration committee.

The House staff members of each committee shall be appointed solely on the basis of fitness to perform the duties of their respective positions and consistent with section 4 of chapter 151B of the General Laws. The committee staff shall not:

(1) engage in any work other than legislative business during business hours; and

(2) be assigned any duties other than those pertaining to legislative business.

The committee shall meet on request of the chairman or any 3 members of the committee. Any such meeting requested shall be convened on or within the fifth business day following such request. All such requests shall be in writing and forwarded to the chairman and each member of the committee.

Funds shall be allocated from the budget to carry out the determination of the committee.

[Adopted Jan. 11, 1985; Amended Jan. 16, 1985; Jan. 12, 1987; Jan. 9, 1991; Feb. 11, 2009; Jan. 29, 2015.]

17D. [Omitted Jan. 26, 2005.]

17E. [Omitted Jan. 26, 2005.]

17F. [Omitted Jan. 26, 2005.]

17G. The committee on Bonding, Capital Expenditures and State Assets shall review all legislation providing for the giving, loaning or pledging of the credit of the Commonwealth (see Article LXII of the Amendments to the Constitution, as amended by Article LXXXIV). Said committee shall be responsible for evaluating such legislation and determining the appropriateness of enacting legislation containing increased bond authorizations for the

Commonwealth. The committee shall periodically review and hold open public hearings, accepting oral and written testimony on the status of the bonds and notes of the Commonwealth, including (1) general obligation debt; (2) dedicated income tax debt; and (3) special obligation debt. The committee shall also, in its continuing study of the state's bonding practices, review the Commonwealth's liabilities relative to (a) state-supported debt; (b) state-guaranteed debt; and (3) indirect obligations.

Any bill providing for borrowing for new projects, and requiring the Commonwealth to issue bonds for such purpose, shall, prior to its reference to the committee on Ways and Means, be referred to the committee on Bonding, Capital Expenditures and State Assets for report on its relationship to the finances of the Commonwealth. A measure may initially be referred to a joint committee with jurisdiction over the subject matter before being referred to the committee on Bonding, Capital Expenditures and State Assets.

The committee on Bonding, Capital Expenditures and State Assets shall consult with the various agencies of the executive branch and the office of the Treasurer and Receiver-General relative to project expenditures, availability of funds, the sale of new bonds and the resultant debt obligations, federal reimbursements and other related funding and bonding issues.

The committee on Bonding, Capital Expenditures and State Assets shall be authorized to conduct hearings relative to the statutory authority of the executive branch and the Treasurer and Receiver-General in the issuance and sale of bonds and notes and the expenditure of capital funds by the various agencies and authorities of the Commonwealth. The committee shall determine whether such laws, administrative regulations and programs are being implemented in accordance with the intent of the General Court. The committee shall be authorized to make

recommendations for statutory changes and changes in the Constitution which would grant discretion to the General Court over the allotment and expenditure of funds authorized by capital appropriations.

The committee on Bonding, Capital Expenditures and State Assets shall be authorized to report to the General Court from time to time on the results of its hearings and to file drafts of legislation and proposals for amendments to the Constitution necessary to carry its recommendations into effect.

Messages from the Governor setting terms of bonds and notes, or for the de-authorization or authorization of bonds and notes shall be referred to the committee on Bonding, Capital Expenditures and State Assets.

[Adopted Feb. 11, 2009.]

18. The Speaker shall appoint, and may recommend the removal of, the Speaker pro Tempore, the Majority Floor Leader, Assistant Majority Floor Leader and two Second Assistant Majority Floor Leaders. The Minority Leader shall appoint, and may recommend the removal of, the Assistant Minority Floor Leader, Second Assistant Minority Floor Leader, and two Third Assistant Minority Floor Leaders, Ranking minority member of Ways and Means, Assistant Ranking minority member of the Ways and Means committee, Ranking minority member of the committee on Rules, Ranking minority member of the committee on Financial Services, Ranking minority member of the committee on Health Care Financing, Ranking minority member of the committee on the Judiciary, Ranking minority member of the committee on Bonding, Capital Expenditures, and State Assets, Ranking minority member of the committee on Public Safety and Homeland Security, Ranking minority member of the committee on Transportation and

Ranking minority member of the committee on Economic Development and Emerging Technologies. The Minority Leader shall be that member of the minority party who is selected for that position by the members of his/her party.

Each of the foregoing appointments and/or removals shall be ratified by a majority vote of the respective party caucus. In the event that an appointment is rejected by such caucus another appointment shall be made by the person designated to make the initial appointment, which shall also be subject to ratification in the same manner.

The Speaker shall appoint, and may recommend the removal of, the chair of each standing committee. The Speaker shall appoint, and may recommend the removal of, the vice chair and assistant vice chair of the Ways and Means committee, the vice chair of the Post Audit and Oversight committee, the vice chair of the committee on Rules, the vice chair of the committee on Revenue, the vice chair of the committee on Financial Services, the vice chair of the committee on Health Care Financing, the vice chair of the committee on Bonding, Capital Expenditures, and State Assets, the vice chair of the committee on State Administration and Regulatory Oversight, and the vice chair of the committee on Economic Development and Emerging Technologies.

The majority party shall then vote to accept or reject each such appointment and/or recommendation for removal by a majority vote.

In the event that any such appointment is rejected by the caucus, the procedure of this rule shall be repeated until an appointment for the said position has been approved by the caucus. A vacancy in any position to which the provisions of this section apply shall be filled in the same manner as provided in this section for original appointment.

No member shall receive more than one stipend pursuant to section 9B of chapter 3 of the General Laws.

The Speaker and the Minority Leader may, without a majority vote of their respective parties, remove a member appointed to a leadership position from said position pursuant to this rule if the member has been criminally indicted by a court of competent jurisdiction.

[Amended Jan. 16, 1979; Nov. 17, 1983; Jan. 11, 1985; Jan. 9, 1991; Jan. 14, 1997; Jan. 23, 2007; Feb. 11, 2009; Jan 23, 2013; Jan. 29, 2015; Feb. 19, 2015.]

18A. There shall be 1 member of the minority party on all committees of conference and 1 on the committee on Bills in the Third Reading. On all other standing and joint committees, the percent of minority party membership shall be at least equal to the percent of minority party membership in the House of Representatives as of the first day of the session; provided, further, that where such percentage results in a fraction of a number, the fraction shall be rounded off to the nearest whole; provided, however, that the minority party shall under no circumstances have less than 4 members on the committee on Ethics, 4 on the committee on Personnel and Administration, 3 on the committee on Rules and 7 on the committee on Ways and Means. In no case shall minority party representation be less than 2 members on all other standing and joint committees.

The Speaker and the Minority Leader shall appoint the members of their respective party caucuses to be assigned to each standing committee. The Speaker shall appoint the vice chair of each standing committee. The appointments, except those to which Rule 18 applies, shall be voted upon together and shall be subject to ratification by majority vote of the appropriate party caucus.

No member shall be removed from a standing committee except upon the recommendation of the Speaker or Minority Leader, as the case may be, subject to the ratification by their respective caucuses; provided, however, that the Speaker and the Minority Leader may, without a majority vote of their respective parties, remove a member appointed to a standing committee pursuant to this rule if the member has been criminally indicted by a court of competent jurisdiction; and provided further, that if any vacancy occurs in a position to which Rule 18 does not apply, subsequent to the initial ratification, the Speaker or Minority Leader shall fill such vacancy.

The Speaker shall announce committee appointments of majority party members, and the member first named shall be chairman, and the second named member shall be vice-chairman. The Minority Leader shall announce committee appointments of minority party members. (13.)

[Adopted Jan. 11, 1985; Amended Jan. 12, 1987; Jan. 9, 1991; Jan. 14, 1997; Feb. 11, 2009.]

18B. All votes on ratification by the caucus required by these rules shall be by written ballot and shall require a majority of those present and voting; provided, however, that if a motion to ratify the appointments by acclimation is made and seconded, no written ballot shall be required. [Adopted Jan. 11, 1985.]

18C. [Adopted, Jan. 11, 1985, Omitted Jan. 24, 2001.]

19. A majority and minority party caucus may be called by the Speaker or Minority Leader, respectively, or upon petition of 25 percent of the members of the respective party caucus. A caucus may entertain resolutions, motions, or other means of ascertaining the sense of the respective party members on any subject. (13B.)

[Adopted Nov. 17, 1983; Amended Jan. 11, 1985; Jan. 29, 2015.]

19A. The majority party and minority party shall establish caucus rules that shall dictate the procedures of each caucus.

[Adopted Nov. 17, 1983; Amended Jan. 14, 1997.]

20. The committee on Ways and Means shall report in appropriation bills the total amount appropriated. The General Appropriation Bill shall be available to the members at least 7 calendar days prior to consideration thereof by the House. [25.] (27A.)

[Amended Jan. 11, 1985; Mar. 24, 1986; Jan. 14, 1997; Jan. 26, 2005; Jan. 29, 2015.]

20A. Notwithstanding the provisions of Rule 33A, amendments to the General Appropriation Bill shall be filed with the Clerk of the House in a format to be determined by the Clerk by 5 o'clock P.M. within the close of 3 business days of said General Appropriation bill being made available in a format to be determined by the Clerk and release of said document by said Clerk if the release of said document occurs by 2 o'clock P.M. Otherwise, the day following the release shall be considered the first business day. The Clerk, with the assistance of the committee on Ways and Means, shall categorize the subject-matter of the amendments and arrange such amendments for consideration sequentially by subject as appearing in the published version of the General Appropriation Bill, or the Clerk, with the assistance of the committee on Ways and Means, shall categorize the subject-matter of the amendments and arrange such subject matters for consideration as determined by the committee on Ways and Means. Debate on the General Appropriation Bill shall not commence until a date and time to be determined by the House which is subsequent to the designated time established for filing of amendments.

Before the main question on the General Appropriation Bill is placed before the House, an amendment may be postponed or withdrawn at the request of the primary sponsor of the

amendment or postponed by the committee on Ways and Means; provided, that further consideration of any amendment so postponed shall take place immediately subsequent to consideration of the amendments within the particular subject-matter to which the postponed amendment was assigned according to the provisions of paragraph one of said rule; provided, that if more than one amendment is so postponed, subsequent consideration of said amendments shall be in the order determined by the committee on Ways and Means; provided further, an amendment so postponed shall not be subsequently considered outside of its assigned subject-matter; and provided further, that notwithstanding the provisions of Rule 33A, amendments submitted to the Clerk shall be in a format to be determined by the Speaker in consultation with said Clerk and shall include an original copy only; and provided further, that perfecting or substitute amendments, including, but not limited to an amendment consolidating more than one amendment, may be submitted by the committee on Ways and Means during consideration of the subject category to which the amendment or amendments were assigned; provided, however, that an amendment may be removed from the consolidated amendment at the request of the sponsor of said amendment for the purpose of it being offered as a further amendment to the consolidated amendment.

[Adopted Jan. 24, 2001; Amended Jan. 9, 2003; Jan. 26, 2005, Jan. 23, 2007; Jan 20, 2011; Jan. 29, 2015.]

20B. When the General Appropriation Bill is reported by the committee on Ways and Means, it shall be made available to all members electronically and to the public via the Internet in a format to be determined by the Speaker in consultation with the Clerk. The committee on Ways and Means shall provide the membership with a copy of its proposed text of said General Appropriation Bill, and an executive summary which shall include a list of outside sections, and

a short summary of each outside section prior to full House consideration of such bill. When the House considers said General Appropriation Bill, it shall be read a second time and forthwith ordered to a third reading without any amendments. The bill shall be immediately read a third time and then be open to amendments as previously determined by the House.

[Adopted Jan. 9, 2003, Jan. 23, 2007; Feb. 11, 2009.]

21. Whenever the committee on Ways and Means reports an appropriation bill or capital outlay bill, it shall make available to the members a report which includes an explanation of any increase or decrease of five percent or more which results in an increase or decrease of one million dollars or more for any item for which the Governor has made a recommendation, and an explanation for the deletion of an item recommended by the Governor, and for the addition of an item for which the Governor has made no recommendation. [25A.] (27A.)

22. Bills and resolves when ordered to a third reading shall be referred forthwith to the committee on Bills in the Third Reading, which shall examine and correct them, for the purpose of avoiding repetitions and unconstitutional provisions, and insuring accuracy in the text and references, and consistency with the language of existing statutes; but any change in the sense or legal effect, or any material change in construction, shall be reported to the House as an amendment.

The committee may consolidate into 1 bill any 2 or more related bills referred to it, whenever legislation may be simplified thereby.

Resolutions received from and adopted by the Senate or introduced or reported into the House, after they are read and before they are adopted, shall be referred to the committee on Bills in the Third Reading.

Amendments of bills, resolves and resolutions adopted by the Senate and sent to the House for concurrence, shall, subsequently to the procedure required by Rule 35 in respect to amendments, also be referred, in like manner, to the committee on Bills in the Third Reading.

When a bill, resolve or resolution has been so referred, no further action shall be taken until a report thereon has been made by the committee. Accompanying said report shall be a written explanation prepared by the committee defining any changes made in a bill, resolve or resolution so as to facilitate the proceedings of the House.

If a bill or resolve referred to the committee on Bills in the Third Reading requires a two-thirds vote because it contains an emergency preamble, or if it provides for the borrowing of money by the Commonwealth and comes within the provisions of Section 3 of Article LXII of the Amendments to the Constitution, or provides for the giving, loaning or pledging of the credit of the Commonwealth and comes within the provisions of Section 1 of Article LXII (as amended by Article LXXXIV) of the Amendments to the Constitution, or provides, upon recommendation of the Governor, for a special law relating to an individual city or town and comes within the provisions of clause (2) of Section 8 of Article LXXXIX of the Amendments to the Constitution or provides for environmental protection within the provisions of Article XLIX as amended by Article XCVII, the committee shall plainly indicate the fact on the outside of the bill or resolve, or on a wrapper or label attached thereto. [26.] (33.)

[Amended Jan. 12, 1983; Jan. 11, 1985; May 5, 1993; Jan. 29, 2015.]

23. Bills and resolves prepared for final passage shall be certified by the Clerk of the House, after comparison, to be the same as the bills or resolves passed to be engrossed; and if found to be properly prepared, the Clerk shall so endorse on the envelope thereof; and the question on

enactment or final passage or adopting an emergency preamble shall be taken thereon, without further reading, unless specifically ordered.

When a bill prepared for final passage contains an emergency preamble or when it provides for the borrowing of money by the Commonwealth and comes within the provisions of Section 3 of Article LXII of the Amendments to the Constitution, or provides for the giving, loaning or pledging of the credit of the Commonwealth and comes within the provisions of Section 1 of Article LXII (as amended by Article LXXXIV) of the Amendments to the Constitution, or provides, upon recommendation of the Governor, for a special law relating to an individual city or town and comes within the provisions of clause (2) of Section 8 of Article LXXXIX of the Amendments to the Constitution, or provides for environmental protection within the provisions of Article XLIX as amended by Article XCVII, the Clerk shall plainly indicate the fact on the envelope thereof. [27.] (34.) [See Rule 40.]

[Amended Jan. 12, 1983; Jan. 29, 2015.]

23A. No member of the House, except the Speaker, Speaker pro Tempore, Majority Leader, Assistant Majority Leader, Second Assistant Majority Leader, Minority Leader, Assistant Minority Leader, Second Assistant Minority Leader, Third Assistant Minority Leader, Vice-Chairperson of the Committee on Ways and Means, Assistant Vice-Chairperson of the Committee on Ways and Means and committee chairmen with respect to committee business, shall receive privileges or compensation for postage which is greater than seventy-five percent of the amount allowed as standard practice during the 186th biennial session of the General Court, as determined by the House Business Manager.

[Adopted Jan. 11, 1985; Amended Jan. 24, 2001; Jan. 26, 2005; Jan. 20, 2011.]

24. (1) Petitions, recommendations and reports of state officials, departments, commissions including legislative commissions, and boards, special reports including legislation initiated by the Committee on Ethics Pursuant to Rule 16, legislation initiated by the committee on Bonding, Capital Expenditures and State Assets pursuant to Rule 17G and reports of special committees and commissions including legislative commissions, shall be filed with the Clerk in a format to be determined by said Clerk, who shall, unless they are subject to other provisions of these rules or the rules of the two branches, refer them, with the approval of the Speaker, to the appropriate committees, subject to such change of reference as the House may make. The reading of all such documents may be dispensed with, but they shall be entered in the Journal of the same or the next legislative day after such reference except as provided in Joint Rule 13.

(2) All orders, including motions or orders proposed for joint adoption, resolutions and other papers intended for presentation, except those hereinbefore mentioned, shall be filed with the Clerk in a format to be determined by said Clerk, who shall, prior to the procedure required by other provisions of these rules or of the rules of the two branches, refer them to the committee on Rules.

(3) Petitions and other papers so filed which are subject to the provisions of Joint Rule 7A, 7B, or 9 shall be referred by the Clerk to the committee on Rules. Petitions and other papers so filed, which are subject to the provisions of the second paragraph of Joint Rule 12, shall, prior to the procedure required by said rule, be referred by the Clerk to the committee on Rules. The reading of all such papers may be dispensed with, but they shall be entered in the Journal of the same or the next legislative day after such reference.

(4) Matters which have been placed on file during the preceding year may be taken from the files by the Clerk upon request of any member or member-elect; and matters so taken from the files shall be referred or otherwise disposed of as provided above.

(5) Recommendations and special reports of state officials, departments, commissions and boards, reports of special committees and commissions, bills and resolves accompanying petitions, recommendations and reports, and resolutions shall be made available under the direction of the Clerk, who may cause to be made available, with the approval of the Speaker, any other documents filed as herein provided.

(6) All such legislation and reports filed with the Clerk shall be submitted in a format prescribed by said Clerk. Said documents shall contain the name or names of the primary sponsors and a list of the names of all petitioners praying for the legislation. Additional names may be added to the list of the petitioners; provided, however, that, such additional names shall be submitted in a format to be determined by the Clerk.

(7) Any petition so submitted that is a refile of a measure submitted in a previous session shall include, in the appropriate space provided, the session year for which the measure was filed and the House or Senate bill number or docket number assigned to such measure in such previous session.

(8) Debate upon the suspension of this rule shall be limited to 10 minutes, 3 minutes for each member, and the Speaker shall recognize the member presenting the order, resolution or petition first; provided, however, that suspension of this rule shall require unanimous consent of the members present. Any order, except such order that would amend the Rules of the House, resolution or petition referred to the committee on Rules after the question of suspension of this

rule has been negatived, or any order, resolution or petition filed after the beginning of the session and referred to the committee on Rules, shall not be discharged from said committee except by unanimous consent of the House. Motions to discharge the committee on Rules shall be subject to the provisions of paragraph 2 of Rule 28. [28.] (20.) [See Rules 36 and 85.]

[Amended April 27, 1981; Jan. 9, 1989; Jan. 9, 1991; Jan. 26, 2005; Feb. 11, 2009; Jan. 29, 2015.]

25. Every petition for legislation shall be accompanied by a bill or resolve embodying the legislation prayed for. [29.] [See Joint Rule 12.]

26. When the object of an application can be secured without a special act under existing laws, or, without detriment to the public interests, by a general law, the committee to which the matter is referred shall report such general law or ought not to pass, as the case may be. The committee may report a special law on matters referred to it upon (1) a petition filed or approved by the voters of a city or town, or the mayor and city council, or other legislative body, of a city, or the town meeting of a town, with respect to a law relating to that city or town; (2) a recommendation by the Governor; or (3) matters relating to erecting and constituting metropolitan or regional entities, embracing any two or more cities and towns, or established with other than existing city or town boundaries, for any general or special public purpose or purposes. [30.] (16.) [See Joint Rule 7.]

[ Amended Feb. 11, 2009.]

27. With the exception of matters referred to the committee on Rules under the provisions of paragraph (3) of Rule 24, committees shall report on all matters referred to them. The committee on Ways and Means shall report the General Appropriation Bill not later than the second

Wednesday of May; and provided further that said committee shall make available to the members all data compiled for justification of budgetary recommendations in all appropriation bills. [33.]

[Amended April 18, 1979; Jan. 14, 1997; Jan. 29, 2015.]

27A. [Omitted Jan. 23, 2007.]

28. (1) Motions directing the committee on Ways and Means to report certain matters to the House, or motions discharging said committees from further consideration of certain matters, shall not be considered until the expiration of seven calendar days and shall require a majority vote of the members present and voting for adoption. Committees so directed to report shall file a report with the Clerk within 4 legislative days. The committee on Ways and Means may not be directed to report or be discharged from further consideration of any appropriation or capital outlay measure.

(2) The committee on Rules, except as provided in Rule 24, and the committee on Bills in the Third Reading shall not be discharged from consideration of any measure or be directed to report on any measure within 10 calendar days of its reference without the unanimous consent of the House, or after such 10 day period except by a vote of a majority of the members present and voting thereon.

(3) Matters discharged under the provisions of this rule shall be placed in the Orders of the Day for the next sitting. Petitions discharged under the provisions of this rule shall be considered as favorably reported and the bill, resolve, resolution or order accompanying such petitions shall be placed in the Orders of the Day for the next sitting.

(4) During the last week of the session, the provisions of paragraphs (1) and (3) of this rule shall be inoperative.

(5) A second motion to discharge a matter from a committee or a second motion to direct a committee to report a matter shall not be entertained until the first such motion has been disposed of.

(6) As an alternative procedure to that provided under the provisions of this rule, the members of the House may, by filing a petition signed by a majority of the members elected to the House, discharge the House committee on Ways and Means, the House committee on Bills in the Third Reading, and the House committee on Rules from further consideration of a legislative matter. Seven days following the filing of the petition with the House Clerk, the committee shall be discharged from further consideration of the legislative matter specified in the petition and the House Clerk shall place the matter in the Orders of the Day for the next calendar day that the House is meeting.

(7) For the purpose of this rule, matters not appearing on the Calendar which are not before any committee shall be deemed to be before the Rules committee. Notwithstanding the previous sentence, a bill which has been engrossed by the House and Senate shall be placed before the House for enactment. Any member may request to the House that a matter engrossed in the House and Senate, returned for final passage by the engrossing division, and reviewed and released by the Committee on Bills in Third Reading be placed before the House for enactment. The Speaker shall, in response to such a request of a member, put the matter before the House at the conclusion of the matter then pending.

(8) This rule shall not be suspended unless by unanimous consent of the members present. (27C, 32A.)

[Amended Jan. 12, 1981; April 27, 1981; Jan. 12, 1983; Nov. 17, 1983; Jan. 11, 1985; Jan. 9, 1989; Jan. 9, 1991; Jan. 24, 2001; Jan. 9, 2003; Jan. 26, 2005, Jan. 23, 2007; Jan. 29, 2015.]

28A. The committee on Bills in the Third Reading shall report on a legislative matter not later than 45 days following the day the matter was referred to it. The Clerk shall indicate on the Calendar entry of every matter before the Committee on Bills in the Third Reading the date that said matter was referred to said committee.

[Adopted Jan. 11, 1985; Amended Jan. 9, 2003; Jan. 29, 2015.]

## REGULAR COURSE OF PROCEEDINGS.

### *Petitions.*

29. The member presenting a petition shall endorse his/her name thereon; and the reading thereof shall be dispensed with, unless specially ordered. [37.] (18.)

[Amended Jan. 11, 1985.]

### *Motions Contemplating Legislation, etc.*

30. All motions contemplating legislation shall be founded upon petition, except as follows:

The committee on Ways and Means may originate and report appropriation bills as provided in Rule 20. Messages from the Governor shall, unless otherwise ordered, be referred to the appropriate committee, which may report by bill or otherwise thereon. A similar disposition

shall, unless otherwise ordered, be made of reports by state officers and committees authorized to report to the Legislature, and similar action may be had thereon.

Messages from the Governor returning appropriation bills, or parts of appropriation bills, with objections or reductions of sections or items thereof, shall be reconsidered subsequent to a report of the committee on Ways and Means. Messages or recommendations from the Governor shall be filed with the Clerk in a format to be determined by the Clerk. [40.] (19.)

[Amended Jan. 24, 2001.]

*Bills and Resolves.*

31. Bills shall be drafted in a format approved by the Counsel to the House and submitted in a format to be determined by the Clerk. Bills amending existing laws shall not provide for striking words from, or inserting words in, such laws, unless such course is best calculated to show clearly the subject and nature of the amendment. No repealed law, and no part of any repealed law, shall be re-enacted merely by reference. [42.] (17.)

[Amended Jan. 9, 2003; Jan. 26, 2005; Jan. 29, 2015.]

32. If a committee to which a bill is referred reports that the same ought not to pass, the question shall be "Shall this bill be rejected?". If the question on rejection is negatived, the bill, if it has been read but once, shall go to a second reading without question; otherwise it shall be placed in the Orders of the Day for the next day, pending the question on ordering to a third reading, or to engrossment, as the case may be. [43.] (30.)

32A. [Omitted Jan. 26, 2005.]

33. Bills involving an expenditure of public money or grant of public property, or otherwise affecting the state finances, unless the subject matter has been acted upon by the joint committee on Ways and Means, shall, after their first reading, be referred to the committee on Ways and Means, for report on their relation to the finances of the Commonwealth.

New provisions shall not be added to such bills by the committee on Ways and Means, unless directly connected with the financial features thereof.

Orders reported in the House or received from the Senate involving the expenditure of public money for special committees, shall, before the question is taken on the adoption thereof, be referred to the committee on Ways and Means, whose duty it shall be to report on their relation to the finances of the Commonwealth.

Every such bill involving a capital expenditure for new projects, or an appropriation for repairs, or any legislation, the cost of which, in the opinion of the committee, exceeds the sum of one hundred thousand dollars when reported into the House by the committee on Ways and Means, shall be accompanied by a fiscal note indicating the amount of public money which will be required to be expended to carry out the provisions of the proposed legislation, together with an estimate of the cost of operation and maintenance for the first year if a new project is involved. [44.] (27.)

[Amended April 18, 1979; Jan. 12, 1981; Jul. 17, 2003; Jan. 26, 2005.]

33A. Copies of all bills shall be available, in a format to be determined by the Speaker in consultation with the Clerk, to all members of the House and the public at least 24 hours in advance of consideration by the House.

All amendments offered by members to any legislative matter in the House shall be submitted in a format to be determined by the Speaker in consultation with the Clerk; and shall be considered chronologically as submitted to the Clerk, except for an amendment in the second degree; provided that all of said amendments shall be drafted in proper form acceptable to the clerk; and provided further that there shall be available to the members a duplicate copy of each amendment. (33A.)

[Adopted Nov. 17, 1983; Amended Nov. 28, 1984; Jan. 12, 1987; Jan. 9, 1991; Jan. 17, 1995l; Jan. 9, 2003; Jan. 26, 2005, Jan. 23, 2007; Jan. 29, 2015.]

33B. [Omitted Jan. 26, 2005.]

33C. [Omitted Jan. 26, 2005.]

33D. [Omitted Jan. 26, 2005.]

33E. No consolidated amendment offered by the committee on Ways and Means shall be considered by the House until the expiration of at least 30 minutes after the consolidated amendment shall have been first filed with the Clerk and made available to the members. This rule shall not be suspended unless by unanimous consent of the members present.

[Added Feb. 4, 2010; Amended Jan. 29, 2015.]

34. Bills from the Senate, after their first reading, shall be referred to a committee of the House. [45.] (26.)

[Amended Jan. 26, 1999.]

35. Amendments proposed by the Senate, and sent back to the House for concurrence, shall be referred to the committee on Bills in Third Reading, provided that the journal shall reflect the referral; and provided further that subsequent to a report from said committee, the amendments shall be considered forthwith. [46.] (36.)

[Amended April 18, 1979; Jan. 12, 1981; Jan. 26, 2005, Jan. 23, 2007; Jan. 23, 2013.]

36. No bill shall be proposed or introduced unless received from the Senate, reported by a committee, or moved as an amendment to the report of a committee. [47.] (36.)

37. Bills, resolves and other papers that have been, or, under the rules or usage of the House, are to be made available in a format to be determined by the Speaker in consultation with the Clerk, shall be read by their titles only, unless the full reading is requested by vote of a majority of those members present and voting.

[Amended Jan. 9, 2003, Amended, Jan. 23, 2007.] [48.] (29.)

38. When a bill, resolve, order, petition or memorial has been finally rejected or disposed of by the House, no measure substantially the same shall be introduced by any committee or member during the same session. This rule shall not be suspended unless by unanimous consent of the members present. [49.] (54.)

39. No bill shall be passed to be engrossed without having been read on three separate legislative days. [51.] (28.)

[Amended Jan. 11, 1985.]

40. No engrossed bill shall be amended, except by striking out the enacting clause. A motion to strike out the enacting clause of a bill shall be received when the bill is before the House for

enactment. If the bill contains an emergency preamble, a motion to suspend this rule may be received before the adoption of the emergency preamble and, if suspended, the amendment may contain a new emergency preamble. This rule shall not apply to a bill or resolve returned by the Governor with a recommendation of amendment in accordance with the provisions of Article LVI of the Amendments to the Constitution; nor shall it apply to amendments of engrossed bills proposed by the Senate and sent to the House for concurrence, which amendments shall be subject to the provisions of Rule 35, provided, however, that an affirmative vote on a motion to suspend this rule shall be required in order to offer an amendment to such an engrossed bill when the question before the House is on adoption of an emergency preamble, re-enactment or enactment, as the case may be. [53.] (49.)

[Amended, Jan. 23, 2007; Jan. 20, 2011; Jan. 23, 2013; Jan. 29, 2015.]

41. Bills received from the Senate and bills reported favorably by committees, when not referred to another standing committee of the House, shall, prior to being placed in the Orders of the Day, be referred to the committee on Steering, Policy and Scheduling. Resolutions received from and adopted by the Senate, or reported in the House by committees, shall, if proposed for joint adoption, be referred to said committee on Steering, Policy and Scheduling. [56.] (26.)

[Amended Jan. 14, 1997; Jan. 26, 1999.]

42. Reports of committees, not by bill or resolve, including orders if proposed for joint adoption, after they are received from the Senate, or made in the House, as the case may be, shall, unless subject to the provisions of any other House or joint rules, be referred to the committee on Steering, Policy and Scheduling; provided that the report of a committee asking to be discharged from further consideration of a subject, and recommending that it be referred or

recommitted to another committee, or a report of a committee recommending that a matter be placed on file, shall be immediately considered. Reports of committees on proposals for amendments to the Constitution shall be dealt with in accordance with the provisions of Joint Rule 23. [57.] (36.)

[Amended Jan. 14, 1997; Jan. 29, 2015.]

42A. The Clerk shall, prior to 3 o'clock P.M., on the day preceding a session, make available by electronic communication or other means, a list of all reports of the committee on Steering, Policy and Scheduling, asking to be discharged from further consideration of subjects, and recommending that the subjects be referred to other committees.

[Adopted Jan. 26, 2005; Amended Jan. 29, 2015.]

43. Bills ordered to a third reading shall be placed in the Orders of the Day for the next day for such reading. [58.] (32.)

*Special Rules Affecting the Course of Proceedings.*

44. The Speaker may designate when an informal session of the House shall be held provided said Speaker gives notice of such informal session at a prior session of the House. The Speaker may, in cases of emergency, cancel a session or declare any session of the House to be an informal session. At an informal session the House shall only consider reports of committees, papers from the Senate, bills for enactment or resolves for final passage, bills containing emergency preambles and the matters in the Orders of the Day. Motions to reconsider moved at such informal session shall be placed in the Orders of the Day for the succeeding day, and no new business shall be entertained, except by unanimous consent.

Formal debate, or the taking of the sense of the House by yeas and nays shall not be conducted during such informal session.

Upon the receipt of a petition signed by at least a majority of the members elected to the House, so requesting, the Speaker shall, when the House is meeting in informal session under the provisions of Joint Rule 12A, designate a formal session, to be held within seven days of said receipt, for the purpose of considering the question of passage of a bill, notwithstanding the objections of the Governor, returned pursuant to Article 2, Section 1, Clause 1, Part 2 of the Massachusetts Constitution. This rule shall not be suspended unless by unanimous consent of the members present. [59.] (5A.)

[Amended Jan. 11, 1985; Jan. 12, 1987; Jan. 17, 1995; Jan. 14, 1997; Jan. 24, 2001; Jan. 9, 2003; Feb. 11, 2009.]

45. After entering upon the consideration of the Orders of the Day, the House shall proceed with them in regular course as follows: Matters not giving rise to a motion or debate shall first be disposed of in the order in which they stand in the Calendar; after which the matters that were passed over shall be considered in like order and disposed. The provisions of this paragraph shall not be suspended unless by unanimous consent of the members present.

Notwithstanding the provisions of this rule, during consideration of the Orders of the Day, the committee on Ways and Means and the committee on Bills in the Third Reading may present matters for consideration of the House after approval of two-thirds of the members present and voting, without debate. [59.] (37.) [See Rule 47.]

[Amended Jan. 12, 1981; Jan. 12, 1983; Feb. 11, 2009.]

46. When the House does not finish the consideration of the Orders of the Day, those which had not been acted upon shall be the Orders of the Day for the next and each succeeding day until disposed of, and shall be entered in the Calendar, without change in their order, to precede matters added under Rule 7A; provided, however, that all other matters shall be listed in numerical order by Calendar item.

The unfinished business in which the House was engaged at the time of adjournment shall have the preference in the Orders of the Day for the next day. [60.] (35.)

[Amended Jan. 12, 1987; Jan. 26, 1999.]

47. No matter which has been duly placed in the Orders of the Day shall be discharged therefrom, or considered out of the regular course. [61.] (38.) [See Rule 45.]

*Voting.*

48. Members desiring to be excused from voting shall make application to that effect before the division of the House or the taking of the yeas and nays is begun. Such application may be accompanied by a brief statement of reasons by the member. A member absent from the House for a formal session period of a day or longer shall notify the Clerk in writing of the intended absence. A member absent during a formal session for an extended period or for the remainder of the session shall notify the Clerk in person. The Clerk shall provide a written notice to any such absent member.

The Clerk shall disable the voting station of any such member notifying the Clerk of an absence pursuant to this Rule. The Clerk shall also disable the voting station of any member failing to answer the first non-quorum roll call of a legislative sitting; provided, however, that the Clerk

shall reactivate the voting station upon receiving notification of the member's return to the House Chamber. ([64.] (57.)

[Amended Feb. 11, 2009.]

49. If the presence of a quorum is doubted, a count of the House shall be made. When a yea and nay vote is taken, the members, with the exception of the Speaker, shall vote only from their seats. A member who has been appointed by the Speaker to perform the duties of the Chair, or a person who has been elected Speaker pro tempore, may designate some member or a court officer to cast a vote for him/her on any vote taken on the electronic voting system while such member is presiding. Said designated member performing the duties of the Chair, or Speaker pro tempore, may, if the Speaker is in the State House, cast a vote for the Speaker. The Speaker shall state the pending question before opening the system for voting.

The Speaker may direct the Clerk to cast a vote for a member who is in the House Chamber, but who is unable to vote due to a malfunction of his/her voting station or inability to open his/her voting station.

Except in the case of a vote to ascertain the presence of a quorum, if a member is prevented from voting personally using the electronic voting system because of physical disability, said member shall, if present in the State House, be excused from so voting and the Speaker shall assign a court officer to cast said member's vote so long as said physical disability continues; provided that the Speaker shall announce the action of the Chair to the membership prior to assigning a court officer to cast the member's vote and provided further that the Speaker shall announce the action to the membership the first time a vote is cast for that member on each successive day. [65.]

[Amended April 18, 1979; Jan. 12, 1987; Jan. 9, 1991; Jan. 9, 2003; Jan. 20, 2011; Feb. 11, 2009.]

50. When a question is put, the sense of the House shall be taken by the voices of the members, and the Speaker shall first announce the vote as it appears to the Speaker by the sound. If the Speaker is unable to decide by the sound of the voices, or if the announcement made thereupon is doubted by a member rising in his/her place for that purpose, the Speaker shall order a division of the number voting in the affirmative and in the negative, without further debate upon the question. [66.] (55.)

[Amended Jan. 11, 1985; Feb. 11, 2009.]

51. When a return by division of the members voting in the affirmative and in the negative is ordered, the members for or against the question, when called on by the Speaker, shall rise in their places, and stand until they are counted. If, upon the taking of such a vote, the presence of a quorum is doubted, a count of the House shall be had, and if a quorum is present the vote shall stand. [67.]

52. The sense of the House shall be taken by yeas and nays whenever required by ten percent of the members elected. The Speaker shall, after waiting up to an interval of twelve minutes, state the pending question and, after opening the electronic voting system, instruct the members to vote for not less than two minutes and no more than twenty-two minutes, the Speaker shall close said system and cause totals to be displayed and a record made of how each member present voted; provided, that if at any time during said voting period any standing, joint or conference committee is meeting in public or executive sessions, the Speaker shall leave the electronic voting machine open for not less than 5 minutes.

Any member desiring to be recorded as being “present” when a yea and nay vote is taken on the electronic roll call system shall so notify the Clerk in person after said vote is ordered and before the vote is announced.

In the event the electronic voting system is not in operating order, the roll of the House shall be called in alphabetical order; provided, however, that no member shall be allowed to vote or to answer “present” who was not on the floor before the vote is declared; provided, however, that a member, who was in the State House on a previous roll call, may be recorded by reporting to the Clerk within five minutes after such vote is closed, unless objection is made thereto and it is seconded; and provided further that the presiding officer shall not, for said purpose, interrupt the member who is speaking on the floor; provided, however, that such request may be announced to the House subsequent to the five minutes. The Speaker shall not entertain any requests beyond said five minute period. Once the voting has begun it shall not be interrupted except for the purpose of questioning the validity of a member’s vote before the result is announced. Except as heretofore provided, any member who shall vote or attempt to vote for another member or any person not a member who votes or attempts to vote for a member, or any member or other person who willfully tampers with or attempts to impair or destroy in any manner whatsoever the voting equipment used by the House, or change the records thereon shall be punished in such manner as the House determines; and provided further, that such a violation shall be reported to the Ethics Committee. [68.] (56, 57.)

[Amended Jan. 12, 1983; Jan. 11, 1985; Jan. 12, 1987; Jan. 9, 1991; Jan. 24, 2001; Jan. 9, 2003; Jan. 26, 2005; Feb. 11, 2009; Jan 20, 2011.]

53. The call for yeas and nays shall be decided without debate. If the yeas and nays have been ordered before the question is put, the proceedings under Rules 50 and 51 relative to verification of the vote by the voices of the members or by a return of divisions shall be omitted; if not, they may be called for in lieu of a return by divisions when the Speaker's announcement is doubted by a member rising in his/her place, and, if then ordered, the proceedings under Rules 50 and 51 shall be omitted. [69.] (52.)

[Amended Jan. 26, 1999.]

*Reconsideration.*

54. No motion to reconsider a vote shall be entertained unless it is made on the same day on which the vote was taken, or before the Orders of the Day have been taken up on the next day thereafter on which a quorum is present. If reconsideration is moved on the same day, the motion shall be placed first in the Orders of the Day for the succeeding day; but, if it is moved on the succeeding day, the motion shall be considered forthwith except that if said motion is moved on a day on which an informal session has been designated, it shall be placed in the Orders of the Day for the succeeding day. If reconsideration is moved after July first of the second annual session and thereafter, on any main question, it shall be considered forthwith. This rule shall not prevent the reconsideration of a vote on a subsidiary, incidental or dependent question at any time when the main question to which it relates is under consideration; and provided, further, that a motion to reconsider a vote on any subsidiary, incidental or dependent question shall not remove the main subject under consideration from before the House, but shall be considered at the time when it is made. This rule shall not be suspended unless by unanimous consent of the members present. [70.] (53.)

[Amended Jan. 12, 1981, Jan. 23, 2007.]

55. When a motion for reconsideration is decided, that decision shall not be reconsidered, and no question shall be twice reconsidered; nor shall any vote be reconsidered upon any of the following motions:

to recess,

to adjourn,

on sustaining a ruling of the Chair,

to close debate at a specified time,

to postpone if voted in the negative,

to discharge or direct a committee to report,

to commit or recommit,

for second or subsequent legislative days,

for the previous question, or

for suspension of rules.

This rule shall not be suspended unless by unanimous consent of the members present. [71.] (53.)

[Amended Jan. 12, 1981; Jan. 12, 1983; Jan. 9, 1991.]

56. Debate on motions to reconsider shall be limited to fifteen minutes, and no member shall occupy more than three minutes, but on a motion to reconsider a vote upon any subsidiary or incidental question, debate shall be limited to ten minutes, and no member shall occupy more than three minutes.

If the House has voted to close debate on any question, a motion to reconsider said question shall be decided without debate. [72.] (52.)

[Amended Jan. 12, 1981; Jan. 12, 1987.]

RULES OF DEBATE.

57. Every member, when about to speak, shall rise and respectfully address the Speaker and shall confine himself/herself to the question under debate. [73.] (39.)

[Amended Jan. 11, 1985.]

58. Every member while speaking shall avoid personalities; and shall sit down when finished. No member shall speak out of his/her place without leave of the Speaker. [73.] (39.)

When two or more members rise at the same time, the Speaker shall name the member entitled to the floor, preferring one who rises in his/her place to one who does not. [74.] (40.)

[Amended Jan. 11, 1985.]

59. If a member repeatedly violates any of the rules of the House, or disrupts the orderly procedure of the House, the Speaker, after warning the member of such violations, shall call the member to order, and order that member to take his/her seat. A member so called to order shall lose the right to speak on the pending subject-matter but shall not be debarred from voting. A

member so called to order shall remain seated until the House begins consideration of another subject-matter or unless the Speaker earlier returns to the member his/her rights to the floor.

If a member so called to order refuses to immediately take his/her seat, the Speaker shall immediately name that member, who shall be escorted from the Chamber under escort of the Sergeant-at-Arms. The matter shall thereupon, on motion, be referred to a special committee of three to be appointed by the Speaker. Said special committee shall make a report to the House of its recommendations, which report shall be read and accepted.

Having been named, a member shall not be allowed to resume his/her seat until said member has complied with the recommendations of the committee as accepted by the House.

If, after a member is seated or named, the action of the Speaker is appealed, the House shall decide the case by a majority vote of the members present and voting, but if there is no immediate appeal, the decision of the Speaker shall be conclusive.

[Amended Jan. 12, 1981; Jan. 11, 1985; Feb. 11, 2009.]

60. No member shall interrupt another while speaking except by rising to a point of order, to a question of personal privilege, to doubt the presence of a quorum, or to ask the person speaking to yield.

Members may rise to explain matters personal to them by leave of the presiding officer, but shall not discuss pending questions in such explanations.

Questions of personal privilege shall be limited to questions affecting the rights, reputation, and conduct of the member in his/her representative capacities.

Members may rise to ask questions of parliamentary inquiry concerning the pending matter by leave of the presiding officer, but shall not debate the pending questions. [75.] (42.)

[Amended Jan. 12, 1981; Feb. 11, 2009.]

61. No member shall speak more than once to the prevention of those who have not spoken and desire to speak on the same question.

This prohibition shall not apply to those members designated by the committee or committees reporting the bill.

No member shall occupy more than thirty minutes at a time while speaking on any question where debate is unlimited.

Unless the operation of another rule provides to the contrary (such as previous question, limitation of debate, etc.), no member shall be prohibited from speaking more than once on any question when no other member who has not spoken is seeking recognition by the Chair. [76.] (41.)

*Motions.*

62. Every motion shall be reduced to writing, if the Speaker so directs. [77.] (44.)

63. A motion need not be seconded, except an appeal from the decision of the Chair, and may be withdrawn by the mover if no objection is made. [78.] (44.)

[Amended Jan. 12, 1981.]

*Limit of Debate.*

64. A motion to recess or adjourn shall always be first in order, and shall be decided without debate; and on the motions to close debate at a specified time, to postpone to a time certain, to commit or recommit, not exceeding ten minutes shall be allowed for debate, and no member shall speak more than three minutes. On the motion to discharge any committee, or on a motion directing any committee to report matters before it, not exceeding fifteen minutes shall be allowed for debate, and no member shall speak more than three minutes.

If the main motion is undebatable, any subsidiary or incidental motion made relating to it shall also be decided without debate. [79.] (52.) [See Rules 56 and 83.]

[Amended Jan. 12, 1981.]

64A. Debate on the question on adoption of orders for second and subsequent legislative days shall be limited to ten minutes, and no member shall speak more than three minutes. After entering into a second or subsequent legislative day, the House shall immediately proceed to consideration of engrossed bills, reports of committees, papers from the Senate or the Orders of the Day. This rule shall not be suspended unless by unanimous consent of the members present.

[Adopted Jan. 12, 1983.]

65. When a question is before the House, until it is disposed of, the Speaker shall receive no motion that does not relate to the same, except the motion to recess or adjourn or some other motion that has precedence either by express rule of the House, or because it is privileged in its nature; and the Speaker shall receive no motion relating to the same, except,—

for the previous question, . . . . .

to close debate at a specified time, . . . . .

to postpone to a time certain, . . . . .

to commit (or recommit), . . . . .

to amend, . . . . . See Rules 66, 67 and 68

See Rules 64, 69 and 70

See Rules 64 and 70

See Rules 64 and 71

See Rules 72, 73, 74 and 75

— which several motions shall have precedence in the order in which they are arranged in this rule. [80.] (46.)

[Amended Jan. 11, 1985.]

*Previous Question.*

66. Any member may call for the previous question on the main question.

The previous question shall be put in the following form: “Shall the main question be now put?” and all debate on the main question shall be suspended until the previous question is decided.

The adoption of the previous question shall require the affirmative vote of two-thirds of the members present and voting and shall put an end to all debate, and bring the House to direct vote upon pending amendments, if any, in their regular order, and then upon the main question.

A motion to reconsider the vote on any of the pending amendments shall be decided without debate. [81.]

[Amended Jan. 12, 1981.]

67. Any member may call for the previous question on any pending amendment.

The previous question shall be put in the following form: “Shall the question on adoption of the amendment be now put?” and all debate shall be suspended until the previous question is decided.

The adoption of the previous question on a pending amendment shall require the affirmative vote of two-thirds of the members present and voting and shall put an end to all debate and bring the House to a direct vote upon the pending amendment.

A motion to reconsider the vote on the pending amendment shall be decided without debate.

[Amended Jan. 12, 1981.]

68. The previous question shall be decided without debate.

*Motion to Close Debate at a Specified Time.*

69. Debate may be closed at any time not less than thirty minutes from the adoption of a motion to that effect. This rule shall not be suspended unless by unanimous consent of the members present. [85.] (47.)

*Motion to Postpone to a Time Certain.*

70. When a motion is made to postpone to a time certain, and different times are proposed, the question shall first be taken on the most remote time; and the time shall be determined before the question is put on postponement, which may then be rejected if the House sees fit. [87.] (51.)

*Motion to Commit.*

71. When a motion is made to commit, and different committees are proposed, the question shall be taken in the following order:

a standing committee of the House,

a select committee of the House,

a joint standing committee,

a joint selected committee;

and a subject may be recommitted to the same committee or to another committee at the pleasure of the House. [88.] (48.)

*Motion to Amend.*

72. A motion to amend an amendment may be received; but no amendment in the third degree shall be allowed. This rule shall not be suspended unless by unanimous consent of the members present. [89.]

[Amended Jan. 12, 1983.]

73. No motion or proposition on a subject different from that under consideration shall be admitted under color of amendment. This rule shall not be suspended unless by unanimous consent of the members present. [90.] (50.)

[Amended Jan. 12, 1987.]

73A. No motion to amend a report from the committee on Ways and Means or a report from the committee on Bills in the Third Reading, when such an amendment contains an expenditure of public money or an increase or decrease in taxes, shall be considered unless a brief explanation of the amendment is stated.

[Adopted Jan. 17, 1995; Amended Jan. 26, 1999.]

74. A question containing two or more propositions capable of division shall be divided whenever desired by any member, if the question includes points so distinct and separate that, one of them being taken away, the other will stand as a complete proposition. The motion to strike out and insert shall be considered as one proposition and therefore indivisible. The question on ordering a bill or resolve to a third reading, or to be engrossed, or to be enacted, or similar main motions shall be considered as indivisible under this rule. This rule shall not be suspended unless by unanimous consent of the members present. [91.] (45.)

[Amended Jan. 12, 1983.]

75. In filling blanks, the largest sum and longest time shall be put first. [92.] (51.) [See Rule 70.]

*Declaration of Recess.*

76. The Speaker may declare a recess of 15 minutes duration, or less.

[Amended Jan. 9, 1991; Jan. 29, 2015.]

*Appeal.*

77. No appeal from the decision of the Speaker shall be entertained unless it is seconded; and no other business shall be in order until the question on the appeal has been disposed of. Debate shall be limited to 15 minutes on the question of sustaining a ruling by the Chair, and no member shall occupy more than three minutes. [94.] (43A.) [See Rule 2.]

[Amended Jan. 9, 1989; Jan. 29, 2015.]

*Resolves.*

78. Such of these rules as are applicable to bills, whether of the House or of the Senate, shall apply likewise to such resolves as require the concurrence of the Senate and approval by the Governor in order to become law and have force as such. [95.]

*Seats.*

79. (1) The desk on the right of the Speaker shall be assigned to the use of the Clerk and such persons as he/she may employ to assist said Clerk, and that on the left to the use of the chairman and vice-chairman of the committee on Bills in the Third Reading.

(2) The Speaker shall assign members to vacant seats. The seat assigned to any member, other than seats assigned under paragraph (1) of this rule, shall be his/her seat for the year and for such additional years as said member may elect so long as service in the House remains continuous. An exchange of seats may be made with the approval of the Speaker. [98.]

[Amended Jan. 11, 1985; May 5, 1993.]

*Privilege of the Floor.*

80. The following persons shall be entitled to admission to the House of Representatives, during the session thereof, to stand in an area designated by the Speaker in the rear of the Chamber, unless otherwise invited by said Speaker to occupy seats not numbered:

(1) The Governor and the Lieutenant-Governor, members of the Executive Council, Secretary of the Commonwealth, Treasurer and Receiver-General, Auditor of the Commonwealth, Attorney-General, Librarian and Assistant Librarian.

(2) The members of the Senate.

(3) Persons in the exercise of an official duty directly connected with the business of the House.

(4) Contestants for seats in the House, whose papers are in the hands of a special committee of the House, may be admitted, while their cases are pending, to seats to be assigned by the Speaker.

No other person shall be admitted to the floor during the session, except upon the permission of the Speaker.

No legislative agent or counsel may be admitted to the floor of the House Chamber during a session unless that part of the session is ceremonial in nature in which no other legislative business is conducted.

The legislative reporters shall be entitled to the privileges of the reporters' galleries.

This rule shall not be suspended unless by unanimous consent of the members present. [99.] (60, 61.)

[Amended Jan. 9, 1991, Jan. 23, 2007.]

*Representatives' Chamber and Adjoining Rooms.*

81. (a) Use of the Representatives' Chamber members' corridor or adjoining rooms shall be for official business or educational purposes only and shall be subject to the approval of the Speaker or the committee on Rules. The provisions of this paragraph shall not apply if the purpose of admittance is to attend a meeting in an adjoining room to which members of the general public are allowed to attend.

(b) No legislative agent or counsel shall be admitted to the members' corridor or adjoining rooms. No other person shall be admitted to the members' corridor or adjoining rooms, except persons entitled to the privileges of the floor of the House unless upon written invitation of a member bearing the name of the member and the person the member invites. Upon entering, the invitation shall be given to the court officer assigned to the area. The provisions of this paragraph shall not apply if the purpose of admittance is to attend a meeting in an adjoining room to which members of the general public are allowed to attend.

(c) No person shall be admitted to the north gallery of the House except upon a card of the Speaker.

(d) Subject to the approval and direction of the committee on Rules during the session and of the Speaker after prorogation, the use of the reporters' galleries of the House Chamber shall be

under the control of the organization of legislative reporters known as the Massachusetts State House Press Association and the State House Broadcasters Association.

(e) Every legislative reporter desiring admission to the reporters' galleries shall state in writing that he/she is not the agent or representative of any person or corporation interested in legislation before the General Court, and will not act as representative of any such person or corporation while retaining a place in the galleries; but nothing herein contained shall prevent such legislative reporter from engaging in other employment, provided such other employment is specifically approved by the committee on Rules and reported to the House.

(f) All formal sessions of the House of Representatives shall be open to both commercial and public radio and television, except designated times during such sessions, as determined by the House, reserved for the consideration of non-controversial business which does not give rise to debate. The manner and conditions of such broadcasts shall be established by the Speaker. Television, radio or web-broadcasts may be prohibited on any given day by the Speaker.

The Speaker may arrange for a limited number of remote connections at a location outside of the Representatives' Chamber for commercial and public radio and television to obtain audio and visual feeds of formal sessions being recorded or streamed by the House. Video or audio obtained from such feed shall be used only for reporting purposes. Access to the connections provided shall be on a first-come-first serve basis; provided, however, that commercial and public radio and television acquiring access shall be required to share the audio or video feeds with other any other commercial and public radio and television station seeking access. The manner and conditions of access shall be established by the Speaker. Access may be prohibited by the Speaker.

Clauses (a) through (e) of this rule shall not be suspended unless by unanimous consent of the members present. [100.] (59.)

[Amended April 18, 1979; Jan. 12, 1983; Jan. 12, 1987; Jan. 9, 1991; Jan. 26, 1999, Jan. 23, 2007.]

*Quorum.*

82. Eighty-one members shall constitute a quorum for the organization of the House and the transaction of business. [See amendments to the Constitution, Art. XXXIII.]

In the event that a quorum is not present, the presiding officer shall compel the attendance of a quorum. During the absence of a quorum, no other business may be transacted or motions entertained except a declaration of adjournment or a recess by the Speaker. [105.]

[Amended Jan. 12, 1981; Jan. 14, 1997.]

*Debate on Motions for Suspension of Rules.*

83. The question of suspension of House Rules 45, 47, 56, 61, 64, 66, 67, 68, 69, 77 and 83 shall be decided without debate. Debate upon the motion for the suspension of any other House rule, unless otherwise indicated, or any joint rule shall be limited to fifteen minutes and no member shall occupy more than three minutes. This rule shall not be suspended unless by unanimous consent of the members present. [102.] (52.)

[Amended Jan. 12, 1981; Jan. 9, 1989.]

84. Unless otherwise indicated, nothing in the House rules or joint rules shall be suspended, altered or repealed unless two-thirds of the members present and voting consent thereto. This rule shall not be suspended unless by unanimous consent of the members present. [103.] (63.)

[Amended Jan. 12, 1981.]

84A. The clerk may, due to technical limitations or upon exigent circumstances, elect to waive any requirement relative to the electronic availability and posting on the internet of any bills, resolves, summaries or other documents contained herein; provided, however, that if the clerk so waives any such requirement he shall make paper copies of the documents available to all members and the public within the limitation established for the electronic availability and posting on the internet of any bills, resolves, summaries or other documents contained herein.

[Adopted Feb. 11, 2009.]

*Reference to Committee on Rules.*

85. All motions or orders authorizing committees of the House to travel or to employ stenographers, all propositions involving special investigations by committees of the House, all resolutions presented for adoption by the House only, and all motions and orders except those which relate to the procedure of the House or are privileged in their nature or are authorized by Rule 65, shall be referred without debate to the committee on Rules, which shall report thereon, recommending what action should be taken. The committee shall not recommend suspension of Joint Rule 9, unless evidence satisfactory to the committee is produced that the petitioners have previously given notice, by public advertisement or otherwise, equivalent to that required by Chapter 3 of the General Laws. [104.] (13A.)

[Amended Jan. 29, 2015.]

85A. The House Business Manager, with the approval of House Counsel, shall provide that outside, independent audits of House financial accounts be conducted for each fiscal year upon receipt of the fiscal year end appropriation activity with balance report from the comptroller of the Commonwealth. The audit shall be conducted in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in Government Auditing Standards, issued by the Comptroller General of the United States. The House Business Manager shall provide the independent auditor with requested documents for such audit. A copy of such audit shall be filed with the Clerk of the House and said copies shall be made available to the members and the general public upon request.

[Adopted Jan. 11, 1985, Amended Jan. 20, 2011.]

*Parliamentary Practice.*

86. The rules of parliamentary practice shall govern the House in all cases to which they are applicable, and in which they are not inconsistent with these rules or the joint rules of the two branches. (62.)

*Procurement.*

87. (a) All procurements for goods or services shall be completed by the House Business Manager.

(b) All procurements for goods or services shall, to the extent practicable, be made from the statewide procurement list established by the operational services division.

(c) Upon certification by the House Business Manager that a necessary procurement cannot be made using the statewide procurement list established by the operational services division, the House Business Manager may procure the required goods or services pursuant to the following:

(i) for a procurement of a supply or service in an amount of less than $10,000, the House Business Manager shall use sound business practices;

(ii) for a procurement of a supply or service in an amount of $10,000, but less than $100,000, the House Business Manager shall seek written or oral quotations from no fewer than 3 persons customarily providing such supply or service. The House Business Manager shall record the names and addresses of all persons from whom quotations were sought, the names of the persons submitting quotations and the date and amount of each quotation. The House Business Manager shall award the contract to the responsible person whose quotation offers the needed quality of supply or service and which represents the best value for the Commonwealth;

(iii) for a procurement of a supply or service in an amount exceeding $100,000, the House Business Manager shall seek proposals through a competitive bid process established by the Office of House Counsel; provided, however, that the Office of House Counsel shall file the competitive bid process with the Clerk of the House no later than March 31 of the first year of the session.

(d) All procurements for legal consulting services shall be handled exclusively by the Office of House Counsel in compliance with the provisions of this rule. Prior to executing a contract for legal consulting services, said office shall certify, in writing, to the Clerk of the House that no employee of the House of Representatives possesses the required skills to complete the service which is the subject of the contract.

(e) The House Business Manager shall maintain a file on each contract not executed using the statewide procurement list established by the operational services division and in excess of $10,000 and shall include in such file a copy of all documents related to the contract. The House Business Manager shall make the file available for inspection within said office by members of the House for at least 3 years from the date of final payment under the contract; provided, however, that the Business Manager, in consultation with the Counsel to House of Representatives appointed pursuant to section 51 of chapter 3 of the General Laws, shall redact from said file any information which (i) is legally privileged; (ii) is proprietary; (iii) is related to individual members or House personnel; or (iv) is otherwise protected by state or federal law.

(f) Whenever the time required to comply with a requirement of this rule would endanger the health, safety or convenience of the members, staff or visitors to the House of Representatives, the House Business Manager may make an emergency procurement without satisfying the requirements of this rule; provided, however, that both the House Business Manager and the Counsel to the House of Representatives appointed pursuant to section 51 of chapter 3 of the General Laws certify in writing: (i) that an emergency exists and explain the nature thereof; (ii) that said emergency procurement is limited to only supplies or services necessary to meet the emergency; (iii) that said emergency procurement conforms to the requirements of this rule to the extent practicable under the circumstances; and (iv) shall include each contractor's name, the amount and the type of each contract, the supplies or services provided under each contract, and (vii) the basis for determining the need for an emergency procurement. Such certification shall be filed with the Clerk of the House prior to an emergency procurement.

[Adopted Jan. 20, 2011, Amended Jan. 23, 2013; Jan. 29, 2015; Feb. 19, 2015.]