FILED ON: 2/3/2017

SENATE . . . . . No. 18

Senate, February 2, 2017, – Text of the Senate Rules of the Senate for 2017-2018.

The Commonwealth of Massachusetts

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

An Act Senate Rules of the Senate for 2017-2018.

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

THE PRESIDENT.

1. The President shall take the chair at the hour to which the Senate stands adjourned, shall call the members to order, and, on the appearance of a quorum, shall proceed to business. [1831; 1888.]

1A. Every formal session of the Senate may open with a prayer and shall open with a recitation of the "Pledge of Allegiance to the Flag". [1989; 2015.]

2. The President shall preserve order and decorum, may speak to points of order in preference to other members, and shall decide all questions of order subject to an appeal to the Senate. The President shall rise to put a question, or to address the Senate, but may read sitting. [1817; between 1821 and 1826; 1831; 1888.]

3. The President may vote on all questions. [1826.]

4. The President may appoint a member to perform the duties of the chair for a period not exceeding 3 days at any one time. Unless the Senate shall otherwise direct, the President, at the beginning of each legislative year, may appoint a Chaplain and in case of vacancy in said office, the President may promptly fill said vacancy. [1831; 1862; 1865; 1888; 1971.]

4A. The Senate President shall be elected by roll call on the Senate floor. This rule shall not be suspended except by a vote of four-fifths of the members present and voting thereon. Rule 63 shall not apply to this case and no other rule shall supersede the requirement of four-fifths vote to suspend this rule. [1993; 2002.]

4B. The Senate President, Majority Leader and the Minority Leader shall, upon declaration of candidacy for any other state or federal elective office, relinquish said position. [2003; 2015.]

5 In case of a vacancy in the office of President, or in case the President, or the member appointed by the President to perform the duties of the chair, is absent at the hour to which the Senate stands adjourned, the longest continuously serving, and in the event that two or more members equally qualify as longest continuously serving, then the eldest among those members shall call the Senate to order, and shall preside until a President, or Acting President, is elected by ballot or by roll call vote as the Senate shall by majority vote determine, and such election shall be the first business in order. [1831; 1885; 1888; 1971; 1985; 2003; 2013; 2017.]

5A. In case of extreme emergency, the President of the Senate may for a period not exceeding 2 days, in conformity with Article 6, Section II, Chapter 1 of the Constitution, cause a session of the Senate to be cancelled. Each member of the Senate insofar as is practicable shall be notified of such action. The President may also declare a session informal in nature, with prior

notice given. Notice of such action shall be printed in the Journal of the Senate by the Clerk of the Senate and the printing of a calendar shall be suspended with reference to an informal session under this rule. Matters considered in an informal session shall have either received a public hearing or other disposition by a committee of relevant subject matter jurisdiction.

In the case of an informal session, only reports of committees and matters not giving rise to formal motion or debate shall be considered. No motion or order of business shall lose its precedence but shall be carried over until the next formal session. [1971; 1973.]

5B. [Omitted in 2011.]

5C. Upon a vacancy in the Senate, with the exception of any vacancy that occurs after April 1 in an even-numbered year, a date for a special election shall be rescheduled by the President of the Senate within 20 days after the vacancy occurs and the proposed date of the special election shall then be put before the members of the Senate for a vote. [2011]

_____

CLERK.

6. The Clerk shall keep a journal of the proceedings of the Senate, and shall cause the same to be presented daily. The Clerk shall, in the journal, make note of all questions of order, and enter at length the decisions thereon. The Clerk shall insert in an appendix to the journal the rules of the Senate and the joint rules of the two branches. During informal sessions, each Senator shall have the opportunity to read into the journal, or cause to be printed in the journal, a ceremonial speech not to exceed 650 words, provided an electronic copy of the remarks is supplied to the Clerk. [1882; 1888; 2015.]

7. The Clerk, with the approval and direction of the President and the Committee on Rules, shall prepare and cause to be presented each day a calendar of matters in order for consideration. The calendar for a session shall be available to the members and the public at least 2 calendar days prior to the start of that session, except when formal sessions are held on consecutive days. The calendar for any formal session on a day following a formal session shall be available to the members and to the public as soon as practicable and, in any event, no later than 2 hours prior to the start of that session. On or before May 31, 2017, the agenda for informal sessions shall be available to the members and the public at least 1 calendar day prior to the start of that session, except when informal sessions are held on consecutive days. The presentation of a calendar may only be suspended by a 2/3 vote of all members present and voting as determined by a call of the yeas and nays. The calendar shall consist of at least 4 separate sections. One section shall contain those matters for third reading and engrossment. No matters shall be considered for third reading that do not appear on this section of the calendar without unanimous consent. One section shall contain those matters held by the Senate committee on Bills in the Third Reading. One section shall contain those matters appearing on the Senate Calendar for the first time. No matters shall be considered for second reading that do not appear on this section of the calendar without unanimous consent. One section shall contain those matters which shall be on the Senate Calendar for the first time at the following formal session. No matters shall be considered for a second reading at a formal session that were not on the Calendar for the previous formal session. It shall be mandatory, however, that a bill or resolve ordered to third reading on one calendar day shall appear on the calendar at the following formal session. The Clerk, with the approval and direction of the President and the Committee on Rules, may prepare the calendar, with such memoranda as the Clerk may deem necessary, in a form designed to

provide complete information and to properly facilitate the business of the Senate. When the presentation of the calendar required under this rule is suspended under Rule 5A, a session shall be considered informal and no matter shall be considered if a member at said session objects to its consideration. After the conclusion of formal business as described in Joint Rule 12A, a member may object to a particular matter, provided they have placed their request in writing to the Senate Clerk prior to the start of the session.

Upon conclusion of all formal business pursuant to Joint Rule 12A, the Clerk shall not be required to print of a calendar pursuant to this rule. [1882; 1888; 1945; 1971; 1974; 1985; 1991; 1993; 2015; 2017.]

7A. To better facilitate the business of the Senate, whenever possible, and notwithstanding any rules to the contrary, during consideration of the new matters on the calendar each day, the chair shall first declare a recess so that members may examine the items. The chair shall then ask for passes on the second reading matters. Second reading matters with amendments pending will automatically be considered separately. The chair shall direct the Clerk to dispense with the reading of each title, but the journal for that day shall show that the bills have been read a second time. The question shall then come on ordering those second reading matters which have not been passed for debate to a third reading. Matters passed for debate shall be considered on the second call.

The same procedure shall be followed with relation to adverse reports appearing in groups on the calendar. Adverse reports passed for debate shall be considered on the second call. The question shall be put by the chair on the acceptance of all remaining adverse reports not passed for debate. [1975.]

7B. The Clerk of the Senate shall be the official parliamentarian of the Senate. [1973.]

8. [Omitted in 1969.]

8A. The Clerk shall make available on the official website of the General Court the results of all roll call votes not later than 48 hours after such vote is taken, not including quorum calls, in a manner easily identifiable, searchable, and conspicuously located. The Clerk shall include the number of the roll call and the title of the matter voted upon. The Clerk shall as soon as practicable make available links to the roll calls, which include the text of the amendment or matter voted on. [2007; 2011; 2013; 2015; 2017.]

9. When a bill or resolve coming from the other branch does not appear in the form in which it was passed in that branch, the Clerk shall indicate the amendments on the Orders of the Day. [1882.]

COUNSEL TO THE SENATE.

9A. The Counsel to the Senate and members of the staff of said Counsel shall not engage in the private practice of law during ordinary business hours or while the Senate is in session. The Counsel to the Senate and the staff of said Counsel shall be available at all times for consultation with the President and members of the Senate in relation to matters pending before the Senate and must at all times act in accordance with the conflict of interest law and the Rules of Professional Conduct for Lawyers. The Senate Counsel and members of the Counsel's legal staff shall not simultaneously serve as staff in any Senator's office. [1976; 2015.]

MEMBERS OF THE SENATE.

10. No member, officer, or employee shall use or attempt to use improper means to influence an agency, board, authority, commission of the Commonwealth, any political subdivision of the Commonwealth, or any other entity. No member, officer, or employee of the Senate shall receive compensation or permit compensation to accrue to the member, officer or employee's beneficial interest by virtue of influence improperly exerted from the member, officer or employee's position in the Senate. Every reasonable effort shall be made to avoid situations where it might appear that the member, officer or employee is making such use of the member, officer or employee's official position. Members, officers, and employees should avoid accepting or retaining an economic interest or opportunity which represents a threat to their independence of judgment.

No member, officer, or employee shall use confidential information gained in the course of or by reason of the member, officer or employee's official position or activities to further the member, officer or employee's financial interest or those of any other person.[1977; 2015.]

10A. No member, officer, or employee shall employ anyone from state funds who does not perform tasks which contribute to the work of the Senate and which are commensurate with the compensation received; and no officer or full time employee of the Senate shall engage in any outside business activity during regular business hours, whether the Senate is in session or not. No member of the Senate shall act on a matter before a committee or vote on any question in which the member's private right is immediately concerned, distinct from the public interest. All employees of the Senate are assumed to be full time unless their personnel record indicates otherwise. [1977.]

10B. Interns and other temporary employees of the Senate, who are students at an accredited educational institution and who are employed by the Senate for not more than 6 months, may receive compensation from an educational institution or other non-profit organization under section 501(c)(3) of the Internal Revenue Code, according to that organization's regular program of providing such compensation for temporary governmental or public service employment. A temporary employee's Senate supervisor shall establish the employee's total compensation, shall verify that the sum of the employee's state compensation, if any, and any outside compensation that the employee is to receive under this rule would not exceed this total compensation, and shall file the written terms of the employee's compensation with the Senate Office of Human Resources, where it shall be available for public inspection. [2003; 2013.]

11. Unless someone doubts the presence of a quorum, the Senate shall not be affected by the absence of a Senator. [1817; 2015.]

11A. Each member of the Senate shall be assigned an office in the State House. Each member shall have full authority to employ and dismiss personal and committee staff within written guidelines developed by the Senate Committee on Rules. [1983; 1985; 1993; 2003; 2015.]

11B. No member of the Senate shall hold, for more than 8 consecutive years, the office of President of the Senate. [1993; 2001.]

11C. The Committee on Rules shall ensure that each member of the Senate is able to receive Internet electronic mail from members of the public. [2001; 2003; 2015.]

11D. The Committee on Ethics shall sponsor ethics training for members and staff within 90 days of the opening of the biennial session. [2009; 2015.]

11E. No member of the Senate shall be compensated for service as vice-chair of more than 1 committee, and no member of the Senate shall be compensated for service in more than 3 positions, whether as a member of leadership or as chair, vice chair, or ranking member of a committee. [2017.]

COMMITTEES.

12. The following standing committees shall be appointed by the President, to wit:

A Committee on Bills in the Third Reading;

To consist of 5 members, 1 of whom shall be appointed by the Minority Leader.

A Committee on Bonding, Capital Expenditures and State Assets;

To consist of 7 members, 2 of whom shall be appointed by the Minority Leader.

A Committee on Post Audit and Oversight;

To consist of 8 members, 2 of whom shall be appointed by the Minority Leader.

A Committee on Ethics;

To consist of 7 members, including 2 members appointed by the Minority Leader.

A Committee on Rules;

To consist of 7 members, including 2 members appointed by the Minority Leader.

A Committee on Global Warming and Climate Change;

To consist of 6 members, 1 of whom shall be appointed by the Minority Leader.

A Committee on Steering and Policy;

To consist of 5 members, 1 of whom shall be appointed by the Minority Leader.

A Committee on Ways and Means;

To consist of 18 members, including 3 members appointed by the Minority Leader.

A Committee on Intergovernmental Affairs;

To consist of 6 members, including 1 member appointed by the Minority Leader.

A Committee on Redistricting;

To consist of 6 members, including 1 member appointed by the Minority Leader.

A Committee on Personnel and Administration;

To consist of 7 members, including 2 members appointed by the Minority Leader.

Committee hearings and executive sessions shall not be scheduled in conflict with formal sessions of the Senate unless the chair submits to the Clerk a written explanation for scheduling the hearing or session in conflict with the formal session and said written explanation shall be published in the senate journal. Committees shall provide to members of the committee either the text or comprehensive summaries of the bills or other forms of legislative matters prior to the beginning of an executive session or poll. All recorded votes and by the committees shall be

posted on the website of the General Court as soon as practicable but no later than 48 hours of the vote being taken; provided in the two weeks prior to the third Wednesday in November which shall be considered the conclusion of all formal business of the first annual session of the General Court or the two weeks prior to the last day of July of the second annual session committees shall post all recorded votes as soon as practicable. [1831; 1836; 1840; 1844; 1847; 1863; 1864; 1870; 1876; 1882; 1885; 1886; 1888; 1891; 1896; 1897; 1920; 1937; 1939; 1941; 1945; 1946; 1957; 1960; 1963; 1965; 1969; 1971; 1972; 1982; 1989; 1991; 1993; 1995, 1997; 2003, 2005; 2007; 2009; 2011; 2015; 2017.]

12A. All violations of Rules and all questions of conduct of members, officers and employees of the Senate shall be referred by order of the Senate to the committee on Ethics. Such orders shall be as specific as circumstances allow. The committee shall also be empowered to receive sworn written complaints or evidence regarding violations of Rules 10 and 10A. Until a hearing, if any, is held, the contents of such complaints or evidence shall be considered confidential information, unless the contents are already a matter of public record. If no hearing is held, such contents may be made public by the committee in a final report. Breach of confidentiality may itself be grounds for disciplinary action.

Upon receipt of an order, a sworn written complaint filed under penalties of perjury, or upon receipt of evidence, the committee may investigate and take written or oral testimony on any matters specified in the order or covered by Rules 10 and 10A. A majority of committee members shall be present to receive sworn testimony Upon majority vote of the full Senate, the committee may require by summons the attendance and testimony of witnesses and the

production of books and papers and such other records as said committee may deem relevant. All testimony before the committee shall be recorded or transcribed and such recordings and transcriptions must be made available to all members of the committee.

Said committee shall consider and may report to the Senate any recommendations regarding any infringement of the rules and all questions of conduct of members, officers and employees referred to it. If after investigation a majority of the committee determines that there has been a violation of the rules, or other misconduct, the committee shall file a report with the Clerk of the Senate, including a recommendation for disciplinary action, including but not limited to: in the case of a member, reprimand, censure, temporary or permanent removal from committee chairmanship or other position of authority, suspension with or without pay, or expulsion; in the case of an officer or employee, reprimand, suspension or removal. Said report shall not prevent the Senate from taking any other action as it shall deem advisable and appropriate.

Nothing in this rule shall be construed to require the disclosure of any allegation that the committee deems frivolous or without merit, if such determination is made by a majority of members on the committee.

If the committee receives a sworn written complaint, evidence, order of the Senate, or request for an opinion involving a member of the committee, such member shall not participate in the committee's deliberations on that matter.

The committee may, upon written request from a member, officer, or employee of the Senate, issue written advisory opinions on matters concerning Rules 10 and 10A. Such advisory opinions may be published, provided that the name of the person requesting the opinion, and any

other identifying information shall not be included in the publication. The Senate may not penalize a member, officer or employee of the Senate for conduct satisfying the guidelines of an advisory opinion based on factually indistinguishable conduct.

A majority of members shall sign all recommendations, advisory opinions, and reports of the committee. All voting members must certify that they have heard or read all relevant testimony prior to voting.

The committee shall on or before December 31 of the second year of the biennial session, file a report with the Clerk summarizing its activities for the session. In addition, the committee may at any time recommend changes in the rules of conduct for the Senate or legislation relating to the conduct of the Senate, and a majority vote of the Senate shall be required to approve any such recommended changes. [1977; 1978; 1983; 1991; 2003; 2015; 2017.]

12B. The committee on Steering and Policy shall meet from time to time at the call of the chair for the purpose of assisting the President and the Senate in identifying the major matters which require consideration by the General Court during the pending session and to advise the President and the Senate on the relative priority of such matters, the relative urgency for consideration by the General Court of such matters, and alternative methods of responding to such matters by the General Court, and to assist on scheduling legislative matters for their even distribution throughout the legislative year. [2009.]

12B ½ . The Committee on Rules may initiate legislation consistent with Senate Rule 19, but no bill shall be initiated over the objection of the Senate Chair of the appropriate committee. The Committee shall report on what date prior to adjournment of the last formal session the matter shall be considered by the Senate. In the case of bills removed from study and referred to

the Committee on Rules, the bills may be subject to amendments by the committee as well as reports by the committee that the bills ought to pass or ought not to pass. This rule shall apply only to bills that have no state fiscal impact. [1983; 1985; 1986; 1991; 1993; 1999; 2003; 2005; 2015.]

12C. [Omitted in 1995.]

12D. The President of the Senate, the Majority leader and the Minority leader shall review applications for each member's staff and committee operating requirements and allocate office space. [1993; 2003.]

13. (a) Unless the Senate shall otherwise specially order, the President shall nominate a candidate for chair of each standing committee, joint standing committee or special committee and the vice-chair and the assistant vice-chair of the Senate Committee on Ways and Means. The President may also nominate the majority floor leader, not more than 3 assistant majority floor leaders, majority whip, the assistant majority whip and a President pro tempore. The President pro tempore shall assist the President in the coordination of policy development and the ceremonial functions of the Senate and shall perform such duties as assigned by the President. The minority party floor leader may nominate not more than 4 persons to minority party floor leadership positions. Such nominations shall require ratification by a majority vote by the respective party caucus. The vote shall be by voice vote, roll call or secret ballot, as the majority vote of the caucus shall determine. In the event a nomination is rejected by such caucus another nomination may be made by the person designated in this rule to make the initial nomination which shall be subject to ratification in the same manner. In the case of the election by the Senate

of a committee by ballot, the member having the highest number of votes shall act as chairman. The second named member shall be vice-chairman.

(b) Except as provided above or unless the Senate shall otherwise specially order, committees shall be appointed by the President, with exception of the chair whose nomination and ratification shall be governed by paragraph (a). The President shall in making such appointments give consideration to representation of both the majority and minority parties relative to their respective representation in the Senate and in any event shall reserve at least 2 positions on the Senate Committee on Ways and Means and at least 1 position upon each standing or special committee for a Senate member of the minority party and appointments to such positions shall be made by the Senate minority party leader. For the purposes of this rule and rule 56, the term "minority party" shall mean the political party of those members of the Senate who, in the aggregate, constitute the second largest group of members of the Senate affiliated with a political party.

(c) A vacancy in any position which is regulated by this rule shall be filled in the same manner as provided in this rule for the original appointment. Any person in a position which is regulated by this rule shall be subject to removal only by a majority vote of the respective party caucus by voice vote, roll call or secret ballot as the majority vote of the caucus shall determine. [1817; between 1821 and 1826; 1831; 1888; 1973; 1983; 1985; 1991; 2003; 2015.]

13A. All motions or orders authorizing committees of the Senate to travel or to employ stenographers, all propositions involving special investigations by committees of the Senate and all motions or orders providing that information be transmitted to the Senate shall be referred without debate to the Committee on Rules, who shall report thereon, recommending what action

should be taken. All other motions that create main questions, except those that relate to privilege, to procedure and kindred matters, or to the subjects referred to in Joint Rules 29 and 30, shall also be referred without debate to the Committee on Rules and be treated in like manner.

The Committee on Rules may originate and report special orders for the scheduling and consideration of matters on the floor of the Senate. 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 Senate present and voting. Debate on the question on adoption of such orders shall be limited to 30 minutes. Such orders shall not be subject to reconsideration. [1904; 1913; 1921; 1953; 2003; 2015.]

13B. The President of the Senate may call a caucus at any time at which either the President or a designated member of the majority leadership shall preside unless otherwise voted by a majority of the caucus. The President shall honor the request of the Minority Leader at any time while the Senate is in session, to call a minority caucus at which the Minority Leader shall preside or a designated member of the minority leadership, unless otherwise voted by a majority of the caucus.

A caucus shall also be called if 25 per cent or more of a party's membership requests the calling of a caucus. Such request shall be made to the Senate President or Minority Leader. In the instance of such a caucus being called, said caucus may consider any subject matter, including but not limited to resolutions, motions or other means of ascertaining the sense of party members on any subject. When the Senate recesses to allow a caucus, the Senate President or

presiding officer shall inform the members from the rostrum of a time certain for reconvention. [1985; 1993.]

13C. The Senate Committee on Rules shall provide for an annual fiscal year audit of Senate financial accounts to be conducted by a certified public accountant experienced in auditing governmental entities. The audit is not limited to, but shall examine all senate accounts. The clerk shall notify the members when the audit is available. A copy of the audit shall be filed with the Senate Clerk and the State Auditor, copies shall be made available upon request by any member of the Senate or the general public and posted on the general court website. [1985; 2003; 2015; 2017.]

14. No committee shall be allowed to occupy the Senate Chamber without a vote of the Senate. [1836; 1863; 1888.]

15. No legislation affecting the rights of individuals or the rights of a private or municipal corporation, otherwise than as it affects generally the people of the whole Commonwealth or the people of the city or town to which it specifically applies, shall be proposed or introduced except by a petition, nor shall any bill or resolve embodying such legislation be reported by a committee, except upon a petition duly referred, nor shall such a bill or resolve be reported by a committee, whether on an original reference or on a recommittal with instructions to hear the parties, until it is made to appear to the satisfaction of the committee that proper notice of the proposed legislation has been given by public advertisement or otherwise to all parties interested, without expense to the Commonwealth, or until evidence satisfactory to the committee is produced that all parties interested have in writing waived notice. A committee reporting adversely for want of proper notice or of a waiver thereof shall set forth this fact in its report, and

no bill or resolve shall be in order as a substitute for, or amendment of, such report. Objection to the violation of this rule may be taken at any stage prior to that of third reading. [1870; 1871; 1885; 1890; 1921; 1939; 1945; 1971.]

16. When the object of an application, by petition can be secured under existing laws, or, without detriment to the public interests, by a general law, the committee to whom the matter is referred shall report, ought not to pass, or a general law, 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; and (3) matters relating to erecting and constituting metropolitan or regional entities, embracing any 2 or more cities and towns, or establishing with other than existing city or town boundaries, for any general or special public purpose or purposes. [1882; 1885; 1888; 1891; 1893; 1967; 1971; 1973.]

16A. Reports of committees recommending that a matter be placed in a study shall be reported to the Senate if the matter being reported into a study was originally filed in the Senate. Matters which have been recommitted to a committee in session shall be reported to the branch originating the recommitment. [2002.]

FORMS OF BILLS AND RESOLVES.

17. Bills, resolves, resolutions and orders shall be prepared under supervision of the Counsel to the Senate. Bills, resolves, resolutions and orders founded upon petition shall be presented in an electronic format as prescribed by the Clerk, who shall then prepare such

electronically filed documents for printing on official paper. Any petition which presents a bill, resolve, resolution or order that was before the General Court in the legislative session preceding that for which it is presented shall be designated as a "refiled petition" by the presenting member, together with reference to the number assigned such matter in the preceding legislative session. No repealed law and no law which has expired by limitation, and no part of any such law, shall be re-enacted by reference merely. [1844; 1857; 1880; 1882; 1885; 1888; 1889; 1947; 1972; 1985, 2001, 2006; 2015.]

INTRODUCTION OF BUSINESS.

18. Every petition (excepting as otherwise provided for in the Constitution, or laws of the Commonwealth), shall be presented by a member, whose name shall be endorsed on the petition, and a brief statement of the nature and object of the instrument; and the reading of this instrument shall be dispensed with, unless specially ordered. [1831; 1888; 1972; 1973.]

18A. In the event that identical legislation is filed based upon petition, by members of the Senate, the Clerk of the Senate may make every effort to consolidate the petitions.

The Clerk shall include the name of each petitioner; such names shall be placed on the consolidated petition in the order in which the original petitions were filed with the Clerk. [1984.]

19. All motions contemplating legislation shall be founded upon petition, except as provided in Joint Rule 3A and except that the committee on Ways and Means and the Committee on Rules under Rule 12B may report a bill or other form of legislation that is not founded upon

petition. Committees to whom messages from the Governor, reports of state officers, boards, commissions, and others authorized to report to the legislature shall be referred, may report by bill or otherwise such legislation as may be germane to the subject-matter referred to them. [1858; 1888; 1891; 1893; 1973; 1999; 2003; 2005; 2015.]

20. All petitions for legislation accompanied by bills or resolves embodying the subject-matter prayed for, which are intended for presentation or introduction to the Senate, reports of state officials, departments, commissions and boards, and reports of special committees and commissions shall be filed with the Clerk, who shall, unless they are subject to other rules or of the rules of the 2 branches, refer them, with the approval and direction of the President, to the appropriate committees, subject to such change of reference as the Senate may make.

Provided, that petitions and other papers so filed, or papers received from the House, which are subject to Joint Rules 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 second paragraph of Joint Rule 12 shall be referred by the Clerk to the Committees on Rules of the two branches, acting concurrently. 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.

All orders intended for adoption shall be deposited with the Clerk. If the orders relate to questions of privilege or to procedure and kindred matters, they shall be laid before the Senate by the President as soon as possible. If they relate to other subjects, except as provided in rule 13A or in Joint Rules 29 and 30, they shall be inspected by the Committee on Rules and laid before

the Senate not later than the fourth legislative day succeeding the day of their deposit with the committee.

All resolutions intended for adoption shall be filed with the Clerk. Resolutions, which are not reported by committee or received from the House, shall be considered forthwith after having been reported by the committee on Bills in the Third Reading, under Senate Rule 33.

Special reports of state officials, departments, commissions and boards, reports of special committees and commissions, bills and resolves accompanying petitions and reports, and resolutions, shall be printed on order of the President, and under the direction of the Clerk. They shall retain, during all subsequent stages, their original numbers and shall also bear such new numbers as may be necessary.

Matters which have been placed on file may be taken from the files by the Clerk upon request of any Senator or Senator-elect; and matters so taken from the files shall be referred or otherwise disposed of as provided for above.

The Senate may at any time by order make any other disposition of petitions in the hands of the Clerk. [1891; 1893; 1894; 1916; 1921; 1925; 1927; 1933; 1939; 1945; 1953; 1963; 1967; 1971; 1973; 1985; 1999; 2003; 2005; 2015.]

20A. The Clerk shall make available on the Internet the text of all bills introduced in the Senate and all late file petitions accompanied by legislation. The bill text for any bill for which there was a vote on the Senate floor must be made available to the public online within 24 hours of the session in which that vote occurred, excepting bills passed in consecutive sessions. [2001; 2015.]

21. [Omitted in 1943.]

22. [Omitted in 1949.]

23. No bill or resolve shall be proposed or introduced unless received from the House of Representatives, reported by a committee, or moved as an amendment to the report of a committee. [1881; 1882; 1888.]

24. The consideration of any order proposed for adoption, or of any motion to suspend Senate Rule 15, or Joint Rules 8, 9 or 12, shall be postponed without question to the day after that on which the order is proposed or request made, if any member asks such postponement. The consideration of any motion to lay a matter on the table or to take a matter from the table shall be postponed without question to the day after that on which the motion is made (except during the last 7 calendar days of formal business under Joint Rule 12A). [1885; 1891; 1971; 1973; 1983, 1997; 1999.]

25. [Omitted in 1929, the provisions thereof being covered by Joint Rule 9.]

COURSE OF PROCEEDINGS.

26. Bills and resolves from the House, after they are read a first time, shall be referred to a committee of the Senate, unless they have been reported by a joint committee or substituted for the report of a joint committee. Bills and resolves reported in the Senate, and bills and resolves from the House reported by joint committees or substituted for the reports of joint committees shall, after they have been read once, be referred to the Committee on Rules, except as otherwise provided by Senate Rule 27. Any matter reported in the Senate or received from the House

concerning or restricted to a particular city or town which has received the approval of the voters of the city or town or of the town meeting shall appear on the calendar for the next session for a second reading notwithstanding any other provisions of this rule. Bills introduced by initiative petition, when reported in the Senate or received from the House, shall be referred to the Committee on Rules. Resolutions received from the House, or reported in the Senate, shall be referred to the Committee on Rules. Bills and Resolves under Senate Rule 27, when reported, shall be referred to the Committee on Rules. All reports of the Committee on Rules shall be placed in the Orders of the Day for the next session unless such matter is assigned for special consideration by said committee as provided for under Senate Rule 12B. [1825; 1885; 1888; 1890; 1891; 1897; 1945; 1985; 1993; 1999; 2005; 2015.]

26A. [Omitted in 2005].

26B. [Omitted in 2005].

26C. There shall be appointed a standing committee on Bonding, Capital Expenditures and State Assets consisting of 7 members. Said committee 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 of the Amendments to the Constitution). 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 on Bonding, Capital Expenditures and State Assets 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 Commonwealth's bonding practices, review the Commonwealth's liabilities relative to: (a) state-supported debt; (b) state-guaranteed debt; and (c) indirect obligations.

The committee shall consult with the various agencies of the Executive branch and the office of the State Treasurer 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 may conduct hearings relative to the statutory authority of the Executive branch and the State Treasurer and the various agencies and authorities of the Commonwealth to issue and sell bonds and notes and to expend capital funds. 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 may make recommendations for statutory changes and changes in the Constitution which would grant discretion to the Legislature over the allotment and expenditure of fund authorized by capital appropriations. The committee on Bonding, Capital Expenditures and State Assets may initiate legislation consistent with Senate Rule 19.

The committee on Bonding, Capital Expenditures and State Assets may report to the General Court from time to time on the results of its hearings.

Any bill providing for the giving, loaning or pledging of the credit of the Commonwealth, except for the general appropriations bill or other appropriations bill addressed in Senate Rule 27A, 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, irrespective of any conflicting committee referral to the House of Representatives.

In compliance with section 38A of chapter 3 of the General Laws, the Committee on Bonding, Capital Expenditures and State Assets shall include with the bill a fiscal note prepared under section 3A of chapter 29 of the General Laws, showing the estimated cost or the fiscal effect of the proposed legislation if, in the opinion of said committee, such cost exceeds $100,000.

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

The Committee on Bonding, Capital Expenditures and State Assets may hold oversight hearings regarding the capital programs of the commonwealth and of any quasi-public entity or independent authority of the commonwealth. If the committee shall deem special studies or investigations to be necessary, it may undertake studies or investigations. [2009; 2017.]

26D. Bills, resolves and other matters pertaining to global warming and climate change including but not limited to carbon emissions, greenhouse gas emissions and renewable energies, shall, after the first reading, be referred to the Senate Committee on Global Warming and Climate Change.

The committee shall have the authority to develop and report legislative proposals pertaining to global warming and climate change.

The committee shall include with the bill a fiscal note showing the estimated cost or the fiscal effect of the proposed legislation if, in the opinion of said committee, such cost exceeds $100,000.

The committee on Senate Committee on Global Warming and Climate Change shall provide a copy of its proposed text of any bills or resolves pertaining to global warming and climate change, to a committee member, upon request, before such bill or resolve is reported to the Senate for consideration. [2017.]

27. Bills and resolves involving public money, or a grant of public property, unless the subject-matter has been acted upon by the joint Committee on Ways and Means, shall, after the first reading, be referred in course to the Senate Committee on Ways and Means, whose duty it shall be to report on their relation to the finances of the Commonwealth.

Orders reported in the Senate or received from the House involving the expenditure of public money for special committees shall, before the question is taken on the adoption of the order, be referred to the Senate Committee on Ways and Means, whose duty it shall be to report on the order's 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 $100,000, when reported into the Senate 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 proposed legislation, together with an estimate of the cost of operation and maintenance for the first year if a new project is involved.

When requested by any member, prior to the engrossment of any 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, can be ascertained in a timely manner, and which exceeds $100,000, the chairman of the Committee on Ways and Means, or a member of said committee, shall verbally disclose during session the amount of public money which will be required to be expended to carry out the proposed legislation, together with an estimate of the cost of operation and maintenance for the first year if a new project is involved.

The committee on Ways and Means shall provide a copy of its proposed text of any bills or resolves involving public money, or a grant of public property, to a committee member, upon request, before such bill or resolve is reported to the Senate for consideration. [1871; 1882; 1887; 1888; 1889; 1896; 1921; 1941; 1946; 1947; 1953; 1963; 1967; 1968; 1971; 1995; 1999; 2015.]

27A. When the general appropriations bill is reported by the Senate Committee on Ways and Means the following information shall be made available:- (a) a prior year's appropriation, (b) the recommendation, if any, of the Governor, (c) the amount approved by the House, and (d) the amount recommended by the Senate Committee on Ways and Means. The committee shall identify with its recommendations for the general appropriations bill all of the tax and non-tax revenues on which its spending recommendations are premised. The committee shall present these revenues by type and by the department or agency responsible for collecting them.

The committee on Ways and Means shall provide the membership with a copy of its proposed text of the general appropriations bill, and an executive summary which shall include a list of outside sections, and a short summary of each outside section not later than the fifth business day prior to full Senate consideration of such bill. When the Senate considers the

general appropriation bill, the bill shall appear in the Orders of the Day for its second-reading. All amendments to the Ways and Means proposed text shall be second-reading amendments, but further amendments in the third-degree to such amendments shall be in order. After the bill as amended is ordered to a third reading, it shall be read a third time and the question shall then immediately be on passing it to be engrossed. No amendments shall be in order at the third reading of the bill unless recommended by the committee on Bills in the Third Reading. Each member shall file any proposed amendments, including those relating to outside sections, electronically in a form determined by the Clerk, by the time established for that purpose by order of the Senate. Each amendment shall contain a 1-sentence descriptive title. The Clerk shall make a list of amendments available to the membership at least 48 hours prior to consideration of such bill. Such list shall identify the member sponsoring the amendment and include the 1-sentence descriptive title. The sponsoring member of an amendment, including further amendments in the third-degree, shall make available at such member's office a copy and a detailed summary of the amendment. The Clerk shall make available on the Internet the text of all amendments, including further amendments in the third-degree to such amendments.

The committee on Ways and Means shall provide the membership with a copy of its proposed text of any other appropriations bill, and an executive summary which shall include a list of outside sections, and a short summary of each outside section not later than the fourth business day prior to full Senate consideration of such bill. When the Senate considers such an appropriation bill, the Ways and Means proposed text shall be adopted and the bill shall be ordered to a third reading without other amendments. The bill shall be immediately read a third time and then be open to other amendments. Each member shall file any proposed amendments, including those relating to outside sections, with the Clerk not later than 5:00 p.m. of the third

business day before Senate consideration of the bill. Each amendment shall contain a 1-sentence descriptive title. The Clerk shall make a list of amendments available to the membership at least 24 hours prior to the consideration of such bill. Such list shall identify the member sponsoring the amendment and include the 1-sentence descriptive title. The sponsoring member shall make available at such member's office a copy and a detailed summary of the amendment.

A member may withdraw an amendment to an appropriation bill after filing it, or may replace a seasonably filed amendment with a redrafted amendment, which shall be clearly designated as such.

Further amendments and redrafted amendments shall upon request be distributed by the member offering the amendment to each member at their assigned desk. Members shall be given a reasonable amount of time for review prior to taking action on any further or redrafted amendments.

This rule shall not be rescinded, amended or suspended, unless four-fifths of the members present consent thereto. [1974; 1993; 1997; 1999, 2001; 2013; 2015; 2017.]

27B. [Omitted in 1999.]

27C. With the exception of appropriation bills and capital outlay bills, the Committee on Ways and Means and the Committee on Rules may be discharged from the further consideration of matters referred to them under the following procedure. The consideration of a motion to discharge such committees from further consideration of a certain matter shall be postponed without question to the day after that on which the motion is made. Such motion shall require a majority vote of the members present and voting for adoption, if made after the expiration of 45 calendar days after referral to said committees, but shall require a vote of two-thirds of the

members present and voting, if made prior to the expiration of said 45 calendar days after referral to said committees. On the motion to discharge such committees, not more than 15 minutes shall be allowed for debate, and no member shall speak more than 3 minutes.

In addition to the above procedure, the Committee on Ways and Means shall be discharged from further consideration of a certain matter upon the written petition of a majority of the members of such committee presented to the chairman after 45 calendar days following referral of the matter to said committee. When directed to discharge a certain matter under this rule said committees shall either report or be discharged of said matter within 5 legislative days of the vote or petition calling for such discharge. A petition discharged under this rule shall be considered as favorably reported and the matter accompanying said petition shall be designated as "discharged", and shall be placed in the Orders of the Day for the next day for a second reading or question on adoption, as the case may be, unless subject to Senate Rule 27. [1983; 1985; 2003; 2015.]

27D. A Senate bill may be co-sponsored, electronically, at any time during the 2-year legislative session until debate on the bill begins. [2015.]

28. No bill or resolve shall pass to be engrossed without 3 readings on 3 several days. [1817; 1836; 1841; 1859; 1878; 1881; 1882; 1885.]

29. Bills and resolves, in their several readings, and resolutions, shall be read by their titles, unless objection is made. [1817; 1836; 1841; 1859; 1878; 1881; 1882; 1885; 1890.]

30. If a committee to whom a bill or resolve is referred reports that the same ought not to pass, the question shall be "Shall this bill (or resolve) be rejected?" If the rejection is negatived, the bill or resolve, if it has been read but once, shall go to its second reading without a question;

and if it has been read more than once it shall be placed in the Orders of the Day for the next day, pending the question on ordering to a third reading, or engrossment, as the case may be. [1817; 1836; 1841; 1859; 1878; 1881; 1882; 1885; 1897; 1921; 1939; 1945; 1971.]

31. If an amendment is offered by any member at the second or third reading of a bill or resolve, substantially changing the greater part of the bill or resolve, the question shall not be put forthwith on adopting the amendment to the bill or resolve if formally requested by 2 members, but the bill or resolve shall be laid over and placed in the Orders of the Day for the next day after that on which the amendment is offered, with the amendment pending. The proposed amendment shall be printed in the calendar and in the journal. If an amendment is made at the second or third reading of a bill or resolve substantially changing the greater part of the bill or resolve, the question shall not be put forthwith on ordering the bill or resolve to a third reading or to be engrossed, as the case may be, but the bill or resolve, as amended, shall be placed in the Orders of the Day for the next day after that on which the amendment is made, and shall then be open to further amendment before such question is put. In like manner, when an amendment is made in any proposition of such a nature as to change its character, as from a bill to an order, or the like, the proposition as amended shall be placed in the Orders of the Day for the next day after that on which the amendment was made. [1882; 1888; 1971.]

31A. Upon recommendation of the Committee on Rules, the Senate may by order require that all amendments to a designated bill be filed with the Clerk not later than 1 day before consideration of the bill by the Senate. Such amendments shall be presented in the calendar and shall not be subject to Rule 31. [1997; 2003; 2015.]

32. Bills or resolves ordered to a third reading shall be placed in the Orders of the Day for the next day for such reading. [1817; 1836; 1841; 1859; 1878; 1881; 1882; 1885.]

32A. (1) The Senate Committee on Bills in the Third Reading may be discharged from the further consideration of matters referred to it pursuant to the following procedure:

(a) The consideration of a motion to discharge said committee from further consideration of a certain matter shall be postponed without question to the day after that on which the motion is made.

(b) The adoption of such motion shall require a simple majority vote of the members present and voting.

(2) The Senate Committee on Rules may be discharged from the further consideration of matters referred to it under Rule 26, pursuant to the following procedure:

(a) The consideration of a motion to discharge said committee from further consideration of a certain matter shall be postponed without question to the day after that on which the motion is made.

(b) Such motion shall require a majority vote of the members present and voting for adoption if made after the expiration of 30 calendar days after referral to said committee, but shall require a vote of two-thirds of the members present and voting if made prior to the expiration of said 30 calendar days after referral to said committee.

(3) When either committee is directed to discharge a certain matter pursuant to this rule, such committee shall either report or be discharged of said matter within 5 legislative days of the vote calling for such discharge. A matter discharged under this rule shall be designated as

675 “discharged” and the matter shall be placed in the Orders of the Day for the next sitting. On the
676 motion to discharge such committee, not more than 15 minutes shall be allowed for debate and
677 no member shall speak more than 3 minutes. [1985; 1987; 1989; 1993; 1995; 2005; 2015.]

678 32B. [Omitted in 1995.]

679 33. Bills and resolves when ordered to a third reading, and bills and resolves amended
680 subsequently to their third reading unless the amendment was reported by the Committee on
681 Bills in the Third Reading, shall be referred forthwith to that committee, which shall examine
682 and correct them, to avoid repetitions and unconstitutional provisions, and to ensure accuracy in
683 the text and references, and consistency with the language of existing statutes, and to give effect
684 to section 52 of chapter 3 of the General Laws; but any change in the sense of legal effect, or any
685 material change in construction shall be reported to the Senate as an amendment. The committee
686 may consolidate into 1 bill any 2 or more related bills referred to it, whenever legislation may be
687 simplified by such consolidation. Resolutions received from and adopted by the House or
688 introduced or reported into the Senate, after they are read and before they are adopted, and
689 amendments of bills, resolves and resolutions adopted by the House and sent to the Senate for
690 concurrence, shall also be referred, in like manner, to the Committee on Bills in the Third
691 Reading. When a bill, resolve or resolution has been so referred, no further action shall be taken
692 until the committee has reported on the bill, resolve or resolution. If a bill or resolve referred to
693 the Committee on Bills in the Third Reading contains an emergency preamble, changes the
694 compensation paid to the members of the General Court, provides for the borrowing of money by
695 the Commonwealth and comes within Section 3 of Article LXII of the Amendments to the
696 Constitution, provides for the giving, loaning or pledging of the credit of the Commonwealth and
697 comes within 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 clause (2) of Section 8 of Article LXXXIX of the Amendments to the Constitution, the committee shall plainly indicate the fact. [1817; 1836; 1882; 1888; 1890; 1891; 1914; 1919; 1925; 1927; 1929; 1945; 1965; 1967; 1983.]

33A. All legislative matters receiving a Senate number shall be presented and made available to all the members of the Senate and to the public at least 24 hours in advance of consideration by the Senate.

All other amendments recommended by any committee, other than the Committee on Bills in the Third Reading, shall be subject to this rule.

This rule shall be suspended only upon a vote of two-thirds of the members present and voting. [1985.]

34. Bills and resolves prepared for final passage shall be certified by the Senate Clerk and Parliamentarian, 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 of the bill or resolve; and the question on enactment or final passage or adopting an emergency preamble shall be taken on the bill or resolve, without further reading, unless specifically ordered. When a bill or resolve prepared for final passage contains an emergency preamble, changes the compensation paid to members of the General Court, provides for the borrowing of money by the Commonwealth and comes within Section 3 of Article LXII of the Amendments to the Constitution, provides for the giving, loaning or pledging of the credit of the Commonwealth and comes within 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 clause (2) of Section 8 of Article LXXXIX of the Amendments to the Constitution, the Clerk shall plainly indicate the fact. [1817; 1831; 1882; 1888; 1914; 1919; 1965; 1967; 1971; 1983.]

ORDERS OF THE DAY.

35. The unfinished business in which the Senate was engaged at the time of the last adjournment shall have preference in the Orders of the Day next after motions to reconsider. [1830; 1870.]

36. Reports of committees not by bill or resolve shall be referred to the Committee on Rules; except that the report of a committee asking to be discharged from the further consideration of a subject and recommending that it be referred to another committee, or a report of a committee recommending that a matter be placed on file, shall be immediately considered. All reports of the Committee on Rules shall be placed in the Orders of the Day for the next session unless such matter is assigned for special consideration by said Committee on some future date. Amendments to a measure which have been made by the House and sent back to the Senate for concurrence shall be placed in the Orders of the next day after that on which they are received; provided that amendments involving state money shall be referred to the Committee on Ways and Means.

Reports of committees on proposals for amendment of the Constitution shall be dealt with in accordance with Joint Rule 23. [1845; 1853; 1888; 1891; 1919; 1947; 1953; 1965; 1968; 1971; 1985; 1995; 2005; 2015.]

37. After entering upon the consideration of the Orders of the Day, the Senate 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; then the matters that were passed over shall be considered and disposed of in like order. [1817; 1836; 1841; 1859; 1878; 1882; 1885.]

38. No matter which has been duly placed in the Orders of the Day shall be discharged from the Orders of the Day or considered out of its regular course. [1885.]

38A. The Senate shall not continue in session beyond the hour of 8 p.m. This rule shall not be suspended unless two-thirds of the members present and voting consent to such suspension on a recorded yea and nay vote. [1983; 2005.]

38A 1/2. The Senate shall not continue in session beyond midnight. This rule shall not be suspended unless two-thirds of the members present and voting consent to such suspension on a recorded yea and nay vote. [2005.]

38B. Debate and consideration on the general appropriation bill shall begin at 10 a.m. and shall be the only matter placed on the calendar for that day. [1985.]

_____

RULES OF DEBATE.

39. When speaking, each member shall stand as able in such member’s place and address the President. When recognized, the member shall confine such member’s remarks to the measure and question under debate and shall at all times avoid personalities. [1817; 1831; 1871; 1973; 2017.]

40. When 2 or more members rise to speak at the same time, the President shall designate the member who is entitled to the floor.[1831; 1888.]

41. No member shall speak more than once to the prevention of any other member who has not spoken and desires to speak on the same question. [1817; 1886.]

42. No member shall interrupt another while speaking, except by rising to call to order or to rise to a question of personal privilege or parliamentary inquiry. [1817; 1831; 1971.]

42A. A member referencing a report or study in debate must make said report or study readily available either during or within a reasonable time after the debate if requested by another member. [2015.]

43. After a question is put to vote no member shall speak to it. [1817.]

43A. No appeal from a decision of the President shall be entertained unless it is seconded; and the question on the appeal shall be disposed of forthwith. [1973.]

MOTIONS.

44. Any motion shall be reduced to writing if the President so directs. A motion need not be seconded and may be withdrawn by the mover if no objection is made. [1817; 1844; 1871; 1888.]

44A. [Omitted in 2011.]

45. An amendment to any measure filed for debate with the Clerk containing 2 or more propositions, capable of division, shall be divided whenever desired by any member. When a

motion to strike out and insert is thus divided, the failure of the motion to strike out shall not preclude amendment; or, if the motion to strike out prevails, the matter proposed to be inserted shall be open to amendment before the question is taken on inserting it. [1817; 1841; 1888.]

45A. The vote on a motion to consider several amendments as one shall be taken by yeas and nays. [2017.]

46. When a question is under debate the President shall receive no motion that does not relate to the same, except a motion to adjourn or some other motion which has precedence by express rule of the Senate, or because it is privileged in its nature; and the President shall receive no motion relating to the same except:

(1) To lay on the table (or take from the table);

(2) To close debate at a specified time;

(3) To postpone to a day certain;

(4) To commit (or recommit);

(5) To amend;

(6) To postpone indefinitely.

These motions shall have preference in the order in which they stand. [Between 1821 and 1826; 1831; 1844; 1870; 1882; 1885; 1888; 1921; 1939; 1945; 1971.]

47. Debate may be closed at any time not less than 1 hour from the adoption of a motion to that effect. On this motion not more than 10 minutes shall be allowed for debate, and no member shall speak more than 3 minutes. [1882.]

48. When motions are made to refer a subject to different committees, the committees proposed shall be considered in the following order:

(1) A standing committee of the Senate;

(2) A special committee of the Senate;

(3) A joint standing committee of the two branches;

(4) A joint special committee of the two branches. [1884; 1888; 2017.]

49. No engrossed bill or resolve shall be amended; but this rule shall not apply to a bill or resolve returned by the Governor with a recommendation of amendment under Article LVI of the Amendments of the Constitution; nor shall it apply to amendments of engrossed bills proposed by the House and sent to the Senate for concurrence. [1837; 1919; 1931.]

50. No motion or proposition of a subject different from that under consideration and no measure which has been finally rejected or disposed of by the Senate shall be admitted under the color of an amendment. [1882; 1971.]

51. [Omitted in 2011.]

52. The motion to adjourn and the call for yeas and nays shall be decided without debate.

On the motions to lay on the table and take from the table, to postpone to a time certain, to commit or recommit (except with instructions), not exceeding 10 minutes shall be allowed for debate, and no member shall speak more than 3 minutes.

On a motion to reconsider, not more than 30 minutes shall be allowed for debate, and no member shall speak more than 5 minutes; but on a motion to reconsider a vote upon any

subsidiary, incidental or dependent question debate shall be limited to 10 minutes, and no member shall speak more than 3 minutes.

On a motion to suspend any of the joint rules or Senate rules debate shall be limited to 15 minutes, and no member shall speak more than 3 minutes. [1817; 1859; 1870; 1874; 1882; 1885; 1937; 1941.]

52A. The Senate President or presiding officer of the Senate may not declare that the Senate is in recess for more than 30 minutes, without informing the members from the rostrum of a time certain for reconvention. [1993.]

RECONSIDERATION.

53. No motion to reconsider a vote shall be entertained unless it is made on the same day on which the vote has passed, or on the next day thereafter on which a quorum is present and before the Orders of the Day for that day have been taken up. If reconsideration is moved on the same day, the motion shall (except during the last 7 calendar days of formal business under Joint Rule 12A) 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; provided, however, that 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 incidental, subsidiary or dependent question shall not remove the main subject under consideration from before the Senate, but shall be considered at the time when it is made.

There shall be no reconsideration of the vote on the question on adjourning, for the yeas and nays, on laying on the table or on taking from the table; and when a motion for reconsideration has been decided, that decision shall not be reconsidered. [1817; between 1821 and 1826; 1858; 1885; 1888; 1891; 1902; 1946; 1999.]

REJECTED MEASURES.

54. When any measure has been finally rejected or finally disposed of by the Senate, no measure substantially the same shall be introduced by any committee or member during the session, or moved as an amendment to another measure. [1817; dispensed with in 1831; revived in 1838; amended in 1841; 1844; 1877; 1882; 1971.]

VOTING.

55. The President shall declare all votes; but if a member doubts a vote, the President shall order a return of the number voting in the affirmative, and in the negative, without further debate. [1831; 1888.]

56. The sense of the Senate shall be taken by yeas and nays whenever required by one-fifth of the members present, or by a number of members equal to the total number of members of the minority party. The President may wait a period not exceeding 10 minutes before ordering the Clerk to start the yeas and nays, during which time the members shall be summoned to the Senate Chamber as the President may direct.

Other business of the Senate may be taken up during the 10 minute period. At the end of the 10 minute interval, the President shall state the question to be roll called and then direct the Clerk to begin the call. If, after the yeas and nays have been ordered, an advanced notice of at least 60 minutes is given by the President, the President may set a time certain for the vote to be taken and the 10 minute waiting period above prescribed may be waived. [1817; 1852; 1888; 1971; 1972, 1997; 2017.]

57. Whenever a question is taken by yeas and nays, the Clerk shall call the names of all members, except the President, in alphabetical order, and every member present shall answer to such member's name, unless excused before the vote was taken. Except in the case of a vote to ascertain the presence of a quorum, if a member present in the State House is prevented from voting personally in the Senate Chamber at the member's assigned seat because of disability or due to a condition related to pregnancy, childbirth or nursing a child that member may be excused from so voting by the President, who shall assign a court officer to answer the roll call on behalf of the member so long as the disability or condition continues; provided, however, that the President 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 President shall announce the action to the membership the first time a vote is cast for that member on each successive day that the member is absent from the chamber because of the disability or condition. No member shall be permitted to vote after the decision is announced from the Chair. [1837; 1844; 2008; 2015; 2017.]

57A. [Omitted in 2011.]

57B. Notwithstanding the provisions of Senate Rule 57 or any other rule to the contrary, the presiding officer may allow for the use of an electronic voting system when the call of the yeas and nays is ordered for any question. If an electronic voting system is utilized, the Clerk shall not need to call the names of the members.

Should the electronic voting system fail at any point during a roll call vote or between roll call votes the Senate would immediately revert to the provisions of Senate Rule 57 and call each member, except the President, by name, in alphabetical order, and every member present shall answer to each member's name.

If during the session a member makes a motion to discontinue the use of the electronic voting system for any reason other than mechanical failure of the vote, a majority vote of the members present and voting would be required to discontinue said use. [2017.]

ELECTIONS BY BALLOT.

58. In all elections by ballot a time shall be assigned for such election, at least 1 day prior to such election, except in case of an election of President or President pro tempore, under Rule 5. [1831; 1891.]

REPORTERS' GALLERY.

59. The use of the reporters' gallery of the Senate Chamber shall be subject to the approval and direction of the Committee on Rules during the session and of the President after prorogation. Except in the reporter's official capacity as a reporter, no reporter who is entitled to

the privileges of the reporters' gallery shall seek to influence the action of the Senate or any member, nor shall such person approach a member to seek to influence such member in any place from which legislative agents are excluded by Rule 61. Every legislative reporter desiring admission to the reporters' gallery of the Senate Chamber shall state in writing that such reporter 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 such reporter retains a place in the gallery; but nothing in this rule 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 Senate. [1847; 1911; 1914; 1925; 1989; 2003; 2015.]

59A. Formal sessions of the Senate shall be made accessible to electronic media, including television, radio and the Internet. The manner, conditions and extent of such access shall be established by the Committee on Rules.

The President and the Clerk shall endeavor to provide that all formal sessions of the Senate during which the general appropriation bill is considered are broadcast live. If it is not feasible for such a session to be broadcast live they shall endeavor to provide for its delayed broadcast. The Committee on Rules may provide for the audio or video transmission via the Internet of Senate sessions. The committee on Rules may enter into agreements with nonprofit entities, including public and private educational facilities, to provide for audio or video transmission via the Internet of the Senate sessions.

This rule shall not be suspended unless by majority vote of the members present and voting.

If, for any reason, the Senate convenes in a formal session and such session is not televised live, then the party under the contractual duty to provide the broadcast shall provide to the Senate President and Minority Leader within 24 hours of the adjournment of such session a report including, but not limited to an explanation for why the broadcast was not received.

Prior to permanent arrangements being entered into for the broadcast of formal Senate sessions, any television carrier, who wishes to broadcast any formal Senate session shall make application to the committee on Rules to do so, approval of which shall not be unreasonably withheld. Any carrier may make arrangements to utilize a pool feed to be provided under guidelines and conditions set forth by the committee on Rules. [1989, 2001; 2003; 2007; 2015.]

59B. The Clerk of the Senate shall deliver a copy of each broadcast Senate session to the Majority Floor Leader and the Minority Floor Leader not later than 24 hours after such session has ended.

The Clerk of the Senate shall also keep a copy of every broadcast Senate session for reference purposes. These copies shall be made available to the public upon request. [1993.]

59C. The electronic feed that provides the broadcast coverage of the Senate sessions shall be available to any media outlet. [2002.]

59D. (1) The President shall make available to each member of the Senate a copy of the contract for the broadcast of the Senate formal sessions.

(2) Any contracts executed after January 1, 2003 concerning television broadcast of the formal sessions of the Senate shall require the following information to be reported to the members of the Senate:

(a) a list of all cities and towns to receive live television broadcasts of the sessions of the Senate;

(b) a list of each city and town to receive Senate coverage including the date and time of the live and pre-recorded broadcasts of each session of the Senate;

(c) a list of cities and towns that do not receive live televised broadcasts of the sessions of the Senate and an explanation for the lack of coverage.

The President shall make available said copy of the contract to each member of the Senate on the first day of the annual session.[2003.]

THE SENATE CHAMBER AND ADJOINING ROOMS

60. No person not a member shall be allowed to sit at the Senate table while the Senate is in session. [1853; 1888.]

61.No person, except members of the legislative and executive departments of the state government, persons in the exercise of an official duty directly connected with the business of the Senate, and reporters who are afforded press privileges by the Senate President, shall, unless invited by the President, be admitted to the floor of the Senate Chamber or to the Senate Reading room or to the corridor between the Senate Reading room and the Senate Chamber during the sessions of the Senate, or during the half hour preceding or succeeding said sessions, nor to the Senate reading room, cloak room or anterooms on any day when a session of the Senate is held, except upon written invitation bearing the name of the person it is desired to invite and the name

of the Senator extending the invitation, which invitation shall be surrendered when the person enters one of the otherwise restricted areas.

Reporters desiring access to the Senate Chamber shall make written application to the President stating the purposes for which the privileges are required, and such privileges shall be granted only upon written approval by the President.

No legislative agent shall be admitted to the floor of the Senate Chamber. On any day when a session of the Senate is held, no legislative agent shall be admitted to the Senate Reading room, the cloak room, the Senate corridor or anterooms and no person, except members of the legislative and executive departments of the state government and persons in the exercise of an official duty directly connected with the business of the Senate shall be permitted to loiter in the Reading room, the cloak room, the Senate corridor or anterooms at any time. Smoking shall not be permitted in the Senate Reading room, the cloak room or the anterooms.[1870; 1875; 1886; 1891; 1895; 1896; 1897; 1898; 1907; 1909; 1914; 1916; 1925; 1989.]

61A. No person shall be allowed to smoke on the floor of the Senate. [1985.]

61B. No person shall talk on a cellular telephone or other mobile electronic device in the Senate Chamber while the Senate is in session. [2003; 2013.]

PARLIAMENTARY PRACTICE.

62. The rules of parliamentary practice shall govern the Senate in all cases to which they are applicable, and in which they are not inconsistent with these rules or the joint rules of the 2 branches. [1847; 1858; 1882; 1895; 1963.]

62A. [Renumbered in 2013 as Senate Rule 61B.]

62B. (a) The Chief Financial Officer of the Senate shall complete the procurement of all goods and services for the Senate. Procurements for goods or services shall be made from the statewide procurement list established by the operational services division, to the extent practicable, as determined by the Chief Financial Officer. If the Chief Financial Officer determines that a procurement cannot be made using the statewide procurement list established by the operational services division, the Chief Financial Officer may procure the required goods or services under subsections (b), (c) or (d).

(b) Procurement of a supply or service from a vendor not on the statewide procurement list valued at less than $10,000 shall be made at the discretion of the Chief Financial Officer.

(c) If the Chief Financial Officer seeks to procure a supply or service from a vendor not on the statewide procurement list valued at $10,000 or more, but less than $100,000, the Chief Financial Officer shall seek quotations from not fewer than 3 persons providing such supply or service. The Chief Financial Officer shall record the names and addresses of all persons from whom quotations were received, the names of the persons submitting quotations and the date and amount of each quotation. The Chief Financial Officer 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 Senate.

(d) If the Chief Financial Officer seeks to procure a supply or service from a vendor not on the statewide procurement list valued at $100,000 or more, the Chief Financial Officer shall seek proposals through a competitive bid process, which shall be established by the Chief Financial Officer

(e) The Chief Financial Officer shall maintain a file on each procurement 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 all documents related to the procurement. The files maintained shall be available for inspection by members of the Senate during regular business hours unless the information is otherwise protected by state or federal law.

(f) In addition to the requirements of this rule, all procurements for legal services shall be approved by the Senate Counsel.

(g) If, in the determination of the Chief Financial Officer, an emergency procurement of greater than $10,000 is necessary, the Chief Financial Officer may procure the goods or services immediately and create and maintain a file explaining the nature of the emergency and the goods or services that were procured as a result. The Chief Financial Officer shall document the goods or services that were procured, the process used to procure the goods or services, the vendors that were contacted and any other information relevant to the procurement, and make that information available to members of the Senate during regular business hours, unless the information is otherwise protected by state or federal law. [2013.]

ALTERATIONS, SUSPENSION OR REPEAL OF RULES.

63. This rule and rules 24, 31, 33, 34 and 53 shall not be suspended if objection is made; and no other rule shall be altered, suspended or repealed, except by vote of two-thirds of the members present and voting. The Committee on Rules may consider and suggest measures that shall, in its judgment, tend to facilitate the business of the Senate, and a majority vote of the Senate shall be required to approve such recommendations.

Additionally a measure to repeal, change, add or otherwise modify a rule or rules of the Senate may be proposed at any time by either 1/5 of the members or the number of minority members, provided that such measure is presented to the clerk in the form of an order. Such order shall be referred immediately to the Committee on Rules, which shall report to the Senate on such order within 10 days of its referral to the committee. Such report shall be placed in the Orders of the Day for the next formal session for consideration by the Senate. [1817; 1841; 1848; 1882; 1888; 1891; 1893; 1899; 1953; 1973; 2003; 2015.]

64. Twenty-one members shall constitute a quorum for the organization of the Senate and the transaction of business. [See Amendments to the Constitution, Art. XXXIII.] [1973.]

65. The Senate shall meet not later than the fourth Friday following the convening of the first annual session of a General Court for the purpose of adopting permanent rules of the Senate. [1991; 2007.]

66. [Omitted in 1997.]

67. The resignation of a Senator shall become effective within 14 days from submission of a letter of resignation or a letter of intent to resign to the Senate President's Office. [2007.]

REVIEW PAST SENATE PROCEDURE

68. The President shall establish a commission to examine past rules and practices of the Massachusetts State Senate.

This commission shall consist of 3 members: the Senate President pro tempore or a designee; the majority leader or a designee; and the minority leader or a designee; and shall

examine and compare the current rules and practices of the Massachusetts State Senate with the body's historic rules and practices. This examination and comparison may include, but not be limited to, matters of decorum, attendance, dress and schedule.

The commission shall report its findings and recommendations by September 1 of every even numbered year. [2009; 2013.]

69. Meetings of any special commissions, special legislative commissions, task forces or other groups authorized or required by statute, resolve, rule or order to make or conduct an investigation or study of any issue, and which are chaired by a Senator, shall be conducted openly and transparently, and shall conform both to Senate rules and to statutes. [2017.]