

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)
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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:

1 THE PRESIDENT.

2 1. The President shall take the chair at the hour to which the Senate stands adjourned,
3 shall call the members to order, and, on the appearance of a quorum, shall proceed to business.
4 [1831; 1888.]

5 1A. Every formal session of the Senate may open with a prayer and shall open with a
6 recitation of the “Pledge of Allegiance to the Flag”. [1989; 2015.]

7 2. The President shall preserve order and decorum, may speak to points of order in
8 preference to other members, and shall decide all questions of order subject to an appeal to the
9 Senate. The President shall rise to put a question, or to address the Senate, but may read sitting.
10 [1817; between 1821 and 1826; 1831; 1888.]

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

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

16 4A. The Senate President shall be elected by roll call on the Senate floor. This rule shall
17 not be suspended except by a vote of four-fifths of the members present and voting thereon. Rule
18 63 shall not apply to this case and no other rule shall supersede the requirement of four-fifths
19 vote to suspend this rule. [1993; 2002.]

20 4B. The Senate President, Majority Leader and the Minority Leader shall, upon
21 declaration of candidacy for any other state or federal elective office, relinquish said position.
22 [2003; 2015.]

23 5 In case of a vacancy in the office of President, or in case the President, or the member
24 appointed by the President to perform the duties of the chair, is absent at the hour to which the
25 Senate stands adjourned, the longest continuously serving, and in the event that two or more
26 members equally qualify as longest continuously serving, then the eldest among those members
27 shall call the Senate to order, and shall preside until a President, or Acting President, is elected
28 by ballot or by roll call vote as the Senate shall by majority vote determine, and such election
29 shall be the first business in order. [1831; 1885; 1888; 1971; 1985; 2003; 2013; 2017.]

30 5A. In case of extreme emergency, the President of the Senate may for a period not
31 exceeding 2 days, in conformity with Article 6, Section II, Chapter 1 of the Constitution, cause a
32 session of the Senate to be cancelled. Each member of the Senate insofar as is practicable shall
33 be notified of such action. The President may also declare a session informal in nature, with prior

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

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

41 5B. [Omitted in 2011.]

42 5C. Upon a vacancy in the Senate, with the exception of any vacancy that occurs after
43 April 1 in an even-numbered year, a date for a special election shall be rescheduled by the
44 President of the Senate within 20 days after the vacancy occurs and the proposed date of the
45 special election shall then be put before the members of the Senate for a vote. [2011]

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47 CLERK.

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

55 7. The Clerk, with the approval and direction of the President and the Committee on
56 Rules, shall prepare and cause to be presented each day a calendar of matters in order for
57 consideration. The calendar for a session shall be available to the members and the public at least
58 2 calendar days prior to the start of that session, except when formal sessions are held on
59 consecutive days. The calendar for any formal session on a day following a formal session shall
60 be available to the members and to the public as soon as practicable and, in any event, no later
61 than 2 hours prior to the start of that session. On or before May 31, 2017, the agenda for informal
62 sessions shall be available to the members and the public at least 1 calendar day prior to the start
63 of that session, except when informal sessions are held on consecutive days. The presentation of
64 a calendar may only be suspended by a 2/3 vote of all members present and voting as determined
65 by a call of the yeas and nays. The calendar shall consist of at least 4 separate sections. One
66 section shall contain those matters for third reading and engrossment. No matters shall be
67 considered for third reading that do not appear on this section of the calendar without unanimous
68 consent. One section shall contain those matters held by the Senate committee on Bills in the
69 Third Reading. One section shall contain those matters appearing on the Senate Calendar for the
70 first time. No matters shall be considered for second reading that do not appear on this section of
71 the calendar without unanimous consent. One section shall contain those matters which shall be
72 on the Senate Calendar for the first time at the following formal session. No matters shall be
73 considered for a second reading at a formal session that were not on the Calendar for the
74 previous formal session. It shall be mandatory, however, that a bill or resolve ordered to third
75 reading on one calendar day shall appear on the calendar at the following formal session. The
76 Clerk, with the approval and direction of the President and the Committee on Rules, may prepare
77 the calendar, with such memoranda as the Clerk may deem necessary, in a form designed to

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

84 Upon conclusion of all formal business pursuant to Joint Rule 12A, the Clerk shall not be
85 required to print of a calendar pursuant to this rule. [1882; 1888; 1945; 1971; 1974; 1985; 1991;
86 1993; 2015; 2017.]

87 7A. To better facilitate the business of the Senate, whenever possible, and
88 notwithstanding any rules to the contrary, during consideration of the new matters on the
89 calendar each day, the chair shall first declare a recess so that members may examine the items.
90 The chair shall then ask for passes on the second reading matters. Second reading matters with
91 amendments pending will automatically be considered separately. The chair shall direct the
92 Clerk to dispense with the reading of each title, but the journal for that day shall show that the
93 bills have been read a second time. The question shall then come on ordering those second
94 reading matters which have not been passed for debate to a third reading. Matters passed for
95 debate shall be considered on the second call.

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

100 7B. The Clerk of the Senate shall be the official parliamentarian of the Senate. [1973.]

101 8. [Omitted in 1969.]

102 8A. The Clerk shall make available on the official website of the General Court the
103 results of all roll call votes not later than 48 hours after such vote is taken, not including quorum
104 calls, in a manner easily identifiable, searchable, and conspicuously located. The Clerk shall
105 include the number of the roll call and the title of the matter voted upon. The Clerk shall as soon
106 as practicable make available links to the roll calls, which include the text of the amendment or
107 matter voted on. [2007; 2011; 2013; 2015; 2017.]

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

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112 COUNSEL TO THE SENATE.

113 9A. The Counsel to the Senate and members of the staff of said Counsel shall not engage
114 in the private practice of law during ordinary business hours or while the Senate is in session.
115 The Counsel to the Senate and the staff of said Counsel shall be available at all times for
116 consultation with the President and members of the Senate in relation to matters pending before
117 the Senate and must at all times act in accordance with the conflict of interest law and the Rules
118 of Professional Conduct for Lawyers. The Senate Counsel and members of the Counsel's legal
119 staff shall not simultaneously serve as staff in any Senator's office. [1976; 2015.]

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121 MEMBERS OF THE SENATE.

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

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

135 10A. No member, officer, or employee shall employ anyone from state funds who does
136 not perform tasks which contribute to the work of the Senate and which are commensurate with
137 the compensation received; and no officer or full time employee of the Senate shall engage in
138 any outside business activity during regular business hours, whether the Senate is in session or
139 not. No member of the Senate shall act on a matter before a committee or vote on any question in
140 which the member's private right is immediately concerned, distinct from the public interest. All
141 employees of the Senate are assumed to be full time unless their personnel record indicates
142 otherwise. [1977.]

143 10B. Interns and other temporary employees of the Senate, who are students at an
144 accredited educational institution and who are employed by the Senate for not more than 6
145 months, may receive compensation from an educational institution or other non-profit
146 organization under section 501(c)(3) of the Internal Revenue Code, according to that
147 organization's regular program of providing such compensation for temporary governmental or
148 public service employment. A temporary employee's Senate supervisor shall establish the
149 employee's total compensation, shall verify that the sum of the employee's state compensation,
150 if any, and any outside compensation that the employee is to receive under this rule would not
151 exceed this total compensation, and shall file the written terms of the employee's compensation
152 with the Senate Office of Human Resources, where it shall be available for public inspection.
153 [2003; 2013.]

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

156 11A. Each member of the Senate shall be assigned an office in the State House. Each
157 member shall have full authority to employ and dismiss personal and committee staff within
158 written guidelines developed by the Senate Committee on Rules. [1983; 1985; 1993; 2003;
159 2015.]

160 11B. No member of the Senate shall hold, for more than 8 consecutive years, the office of
161 President of the Senate. [1993; 2001.]

162 11C. The Committee on Rules shall ensure that each member of the Senate is able to
163 receive Internet electronic mail from members of the public. [2001; 2003; 2015.]

164 11D. The Committee on Ethics shall sponsor ethics training for members and staff within
165 90 days of the opening of the biennial session. [2009; 2015.]

166 11E. No member of the Senate shall be compensated for service as vice-chair of more
167 than 1 committee, and no member of the Senate shall be compensated for service in more than 3
168 positions, whether as a member of leadership or as chair, vice chair, or ranking member of a
169 committee. [2017.]

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171 COMMITTEES.

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

173 A Committee on Bills in the Third Reading;

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

175 A Committee on Bonding, Capital Expenditures and State Assets;

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

177 A Committee on Post Audit and Oversight;

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

179 A Committee on Ethics;

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

181 A Committee on Rules;

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

183 A Committee on Global Warming and Climate Change;

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

185 A Committee on Steering and Policy;

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

187 A Committee on Ways and Means;

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

189 A Committee on Intergovernmental Affairs;

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

191 A Committee on Redistricting;

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

193 A Committee on Personnel and Administration;

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

195 Committee hearings and executive sessions shall not be scheduled in conflict with formal

196 sessions of the Senate unless the chair submits to the Clerk a written explanation for scheduling

197 the hearing or session in conflict with the formal session and said written explanation shall be

198 published in the senate journal. Committees shall provide to members of the committee either the

199 text or comprehensive summaries of the bills or other forms of legislative matters prior to the

200 beginning of an executive session or poll. All recorded votes and by the committees shall be

201 posted on the website of the General Court as soon as practicable but no later than 48 hours of
202 the vote being taken; provided in the two weeks prior to the third Wednesday in November
203 which shall be considered the conclusion of all formal business of the first annual session of the
204 General Court or the two weeks prior to the last day of July of the second annual session
205 committees shall post all recorded votes as soon as practicable. [1831; 1836; 1840; 1844; 1847;
206 1863; 1864; 1870; 1876; 1882; 1885; 1886; 1888; 1891; 1896; 1897; 1920; 1937; 1939; 1941;
207 1945; 1946; 1957; 1960; 1963; 1965; 1969; 1971; 1972; 1982; 1989; 1991; 1993; 1995, 1997;
208 2003, 2005; 2007; 2009; 2011; 2015; 2017.]

209

210 12A. All violations of Rules and all questions of conduct of members, officers and
211 employees of the Senate shall be referred by order of the Senate to the committee on Ethics.
212 Such orders shall be as specific as circumstances allow. The committee shall also be empowered
213 to receive sworn written complaints or evidence regarding violations of Rules 10 and 10A. Until
214 a hearing, if any, is held, the contents of such complaints or evidence shall be considered
215 confidential information, unless the contents are already a matter of public record. If no hearing
216 is held, such contents may be made public by the committee in a final report. Breach of
217 confidentiality may itself be grounds for disciplinary action.

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

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

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

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

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

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

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

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

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

256 12B. The committee on Steering and Policy shall meet from time to time at the call of the
257 chair for the purpose of assisting the President and the Senate in identifying the major matters
258 which require consideration by the General Court during the pending session and to advise the
259 President and the Senate on the relative priority of such matters, the relative urgency for
260 consideration by the General Court of such matters, and alternative methods of responding to
261 such matters by the General Court, and to assist on scheduling legislative matters for their even
262 distribution throughout the legislative year. [2009.]

263 12B ½ . The Committee on Rules may initiate legislation consistent with Senate Rule 19,
264 but no bill shall be initiated over the objection of the Senate Chair of the appropriate committee.
265 The Committee shall report on what date prior to adjournment of the last formal session the
266 matter shall be considered by the Senate. In the case of bills removed from study and referred to

267 the Committee on Rules, the bills may be subject to amendments by the committee as well as
268 reports by the committee that the bills ought to pass or ought not to pass. This rule shall apply
269 only to bills that have no state fiscal impact. [1983; 1985; 1986; 1991; 1993; 1999; 2003; 2005;
270 2015.]

271 12C. [Omitted in 1995.]

272 12D. The President of the Senate, the Majority leader and the Minority leader shall
273 review applications for each member's staff and committee operating requirements and allocate
274 office space. [1993; 2003.]

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

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

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

301 (c) A vacancy in any position which is regulated by this rule shall be filled in the same
302 manner as provided in this rule for the original appointment. Any person in a position which is
303 regulated by this rule shall be subject to removal only by a majority vote of the respective party
304 caucus by voice vote, roll call or secret ballot as the majority vote of the caucus shall determine.
305 [1817; between 1821 and 1826; 1831; 1888; 1973; 1983; 1985; 1991; 2003; 2015.]

306 13A. All motions or orders authorizing committees of the Senate to travel or to employ
307 stenographers, all propositions involving special investigations by committees of the Senate and
308 all motions or orders providing that information be transmitted to the Senate shall be referred
309 without debate to the Committee on Rules, who shall report thereon, recommending what action

310 should be taken. All other motions that create main questions, except those that relate to
311 privilege, to procedure and kindred matters, or to the subjects referred to in Joint Rules 29 and
312 30, shall also be referred without debate to the Committee on Rules and be treated in like
313 manner.

314 The Committee on Rules may originate and report special orders for the scheduling and
315 consideration of matters on the floor of the Senate. When reported such orders may be amended
316 by a two-thirds vote of the members present and voting, and shall be subject to approval by a
317 majority of the members of the Senate present and voting. Debate on the question on adoption of
318 such orders shall be limited to 30 minutes. Such orders shall not be subject to reconsideration.
319 [1904; 1913; 1921; 1953; 2003; 2015.]

320 13B. The President of the Senate may call a caucus at any time at which either the
321 President or a designated member of the majority leadership shall preside unless otherwise voted
322 by a majority of the caucus. The President shall honor the request of the Minority Leader at any
323 time while the Senate is in session, to call a minority caucus at which the Minority Leader shall
324 preside or a designated member of the minority leadership, unless otherwise voted by a majority
325 of the caucus.

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

331 presiding officer shall inform the members from the rostrum of a time certain for reconvention.
332 [1985; 1993.]

333 13C. The Senate Committee on Rules shall provide for an annual fiscal year audit of
334 Senate financial accounts to be conducted by a certified public accountant experienced in
335 auditing governmental entities. The audit is not limited to, but shall examine all senate accounts.
336 The clerk shall notify the members when the audit is available. A copy of the audit shall be filed
337 with the Senate Clerk and the State Auditor, copies shall be made available upon request by any
338 member of the Senate or the general public and posted on the general court website. [1985; 2003;
339 2015; 2017.]

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

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

353 no bill or resolve shall be in order as a substitute for, or amendment of, such report. Objection to
354 the violation of this rule may be taken at any stage prior to that of third reading. [1870; 1871;
355 1885; 1890; 1921; 1939; 1945; 1971.]

356 16. When the object of an application, by petition can be secured under existing laws, or,
357 without detriment to the public interests, by a general law, the committee to whom the matter is
358 referred shall report, ought not to pass, or a general law, as the case may be. The committee may
359 report a special law on matters referred to it upon (1) a petition filed or approved by the voters of
360 a city or town, or the mayor and city council, or other legislative body, of a city, or the town
361 meeting of a town, with respect to a law relating to that city or town; (2) a recommendation by
362 the Governor; and (3) matters relating to erecting and constituting metropolitan or regional
363 entities, embracing any 2 or more cities and towns, or establishing with other than existing city
364 or town boundaries, for any general or special public purpose or purposes. [1882; 1885; 1888;
365 1891; 1893; 1967; 1971; 1973.]

366 16A. Reports of committees recommending that a matter be placed in a study shall be
367 reported to the Senate if the matter being reported into a study was originally filed in the Senate.
368 Matters which have been recommitted to a committee in session shall be reported to the branch
369 originating the recommitment. [2002.]

370

371 FORMS OF BILLS AND RESOLVES.

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

375 electronically filed documents for printing on official paper. Any petition which presents a bill,
376 resolve, resolution or order that was before the General Court in the legislative session preceding
377 that for which it is presented shall be designated as a “refiled petition” by the presenting
378 member, together with reference to the number assigned such matter in the preceding legislative
379 session. No repealed law and no law which has expired by limitation, and no part of any such
380 law, shall be re-enacted by reference merely. [1844; 1857; 1880; 1882; 1885; 1888; 1889; 1947;
381 1972; 1985, 2001, 2006; 2015.]

382

383 INTRODUCTION OF BUSINESS.

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

388 18A. In the event that identical legislation is filed based upon petition, by members of the
389 Senate, the Clerk of the Senate may make every effort to consolidate the petitions.

390 The Clerk shall include the name of each petitioner; such names shall be placed on the
391 consolidated petition in the order in which the original petitions were filed with the Clerk.
392 [1984.]

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

396 petition. Committees to whom messages from the Governor, reports of state officers, boards,
397 commissions, and others authorized to report to the legislature shall be referred, may report by
398 bill or otherwise such legislation as may be germane to the subject-matter referred to them.
399 [1858; 1888; 1891; 1893; 1973; 1999; 2003; 2005; 2015.]

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

406 Provided, that petitions and other papers so filed, or papers received from the House,
407 which are subject to Joint Rules 7A, 7B or 9, shall be referred by the Clerk to the Committee on
408 Rules. Petitions and other papers so filed which are subject to the second paragraph of Joint Rule
409 12 shall be referred by the Clerk to the Committees on Rules of the two branches, acting
410 concurrently. The reading of all such documents may be dispensed with, but they shall be
411 entered in the journal of the same or the next legislative day after such reference, except as
412 provided in Joint Rule 13.

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

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

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

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

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

430 The Senate may at any time by order make any other disposition of petitions in the hands
431 of the Clerk. [1891; 1893; 1894; 1916; 1921; 1925; 1927; 1933; 1939; 1945; 1953; 1963; 1967;
432 1971; 1973; 1985; 1999; 2003; 2005; 2015.]

433 20A. The Clerk shall make available on the Internet the text of all bills introduced in the
434 Senate and all late file petitions accompanied by legislation. The bill text for any bill for which
435 there was a vote on the Senate floor must be made available to the public online within 24 hours
436 of the session in which that vote occurred, excepting bills passed in consecutive sessions. [2001;
437 2015.]

438 21. [Omitted in 1943.]

439 22. [Omitted in 1949.]

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

443 24. The consideration of any order proposed for adoption, or of any motion to suspend
444 Senate Rule 15, or Joint Rules 8, 9 or 12, shall be postponed without question to the day after
445 that on which the order is proposed or request made, if any member asks such postponement.
446 The consideration of any motion to lay a matter on the table or to take a matter from the table
447 shall be postponed without question to the day after that on which the motion is made (except
448 during the last 7 calendar days of formal business under Joint Rule 12A). [1885; 1891; 1971;
449 1973; 1983, 1997; 1999.]

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

451 _____

452 COURSE OF PROCEEDINGS.

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

459 concerning or restricted to a particular city or town which has received the approval of the voters
460 of the city or town or of the town meeting shall appear on the calendar for the next session for a
461 second reading notwithstanding any other provisions of this rule. Bills introduced by initiative
462 petition, when reported in the Senate or received from the House, shall be referred to the
463 Committee on Rules. Resolutions received from the House, or reported in the Senate, shall be
464 referred to the Committee on Rules. Bills and Resolves under Senate Rule 27, when reported,
465 shall be referred to the Committee on Rules. All reports of the Committee on Rules shall be
466 placed in the Orders of the Day for the next session unless such matter is assigned for special
467 consideration by said committee as provided for under Senate Rule 12B. [1825; 1885; 1888;
468 1890; 1891; 1897; 1945; 1985; 1993; 1999; 2005; 2015.]

469 26A. [Omitted in 2005].

470 26B. [Omitted in 2005].

471 26C. There shall be appointed a standing committee on Bonding, Capital Expenditures
472 and State Assets consisting of 7 members. Said committee shall review all legislation providing
473 for the giving, loaning or pledging of the credit of the Commonwealth (see Article LXII of the
474 Amendments to the Constitution, as amended by Article LXXXIV of the Amendments to the
475 Constitution). Said committee shall be responsible for evaluating such legislation and
476 determining the appropriateness of enacting legislation containing increased bond authorizations
477 for the Commonwealth.

478 The committee on Bonding, Capital Expenditures and State Assets shall periodically
479 review and hold open public hearings, accepting oral and written testimony on the status of the
480 bonds and notes of the Commonwealth, including: (1) general obligation debt; (2) dedicated

481 income tax debt; and (3) special obligation debt. The committee shall also, in its continuing
482 study of the Commonwealth's bonding practices, review the Commonwealth's liabilities relative
483 to: (a) state-supported debt; (b) state-guaranteed debt; and (c) indirect obligations.

484 The committee shall consult with the various agencies of the Executive branch and the
485 office of the State Treasurer to project expenditures, availability of funds, the sale of new bonds
486 and the resultant debt obligations, federal reimbursements and other related funding and bonding
487 issues.

488 The committee on Bonding, Capital Expenditures and State Assets may conduct hearings
489 relative to the statutory authority of the Executive branch and the State Treasurer and the various
490 agencies and authorities of the Commonwealth to issue and sell bonds and notes and to expend
491 capital funds. The committee shall determine whether such laws, administrative regulations and
492 programs are being implemented in accordance with the intent of the General Court. The
493 committee may make recommendations for statutory changes and changes in the Constitution
494 which would grant discretion to the Legislature over the allotment and expenditure of fund
495 authorized by capital appropriations. The committee on Bonding, Capital Expenditures and State
496 Assets may initiate legislation consistent with Senate Rule 19.

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

499 Any bill providing for the giving, loaning or pledging of the credit of the Commonwealth,
500 except for the general appropriations bill or other appropriations bill addressed in Senate Rule
501 27A, shall, prior to its reference to the committee on Ways and Means, be referred to the
502 committee on Bonding, Capital Expenditures and State Assets for report on its relationship to the

503 finances of the Commonwealth, irrespective of any conflicting committee referral to the House
504 of Representatives.

505 In compliance with section 38A of chapter 3 of the General Laws, the Committee on
506 Bonding, Capital Expenditures and State Assets shall include with the bill a fiscal note prepared
507 under section 3A of chapter 29 of the General Laws, showing the estimated cost or the fiscal
508 effect of the proposed legislation if, in the opinion of said committee, such cost exceeds
509 \$100,000.

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

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

517 26D. Bills, resolves and other matters pertaining to global warming and climate change
518 including but not limited to carbon emissions, greenhouse gas emissions and renewable energies,
519 shall, after the first reading, be referred to the Senate Committee on Global Warming and
520 Climate Change.

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

523 The committee shall include with the bill a fiscal note showing the estimated cost or the
524 fiscal effect of the proposed legislation if, in the opinion of said committee, such cost exceeds
525 \$100,000.

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

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

534 Orders reported in the Senate or received from the House involving the expenditure of
535 public money for special committees shall, before the question is taken on the adoption of the
536 order, be referred to the Senate Committee on Ways and Means, whose duty it shall be to report
537 on the order's relation to the finances of the Commonwealth.

538 Every such bill involving a capital expenditure for new projects, or an appropriation for
539 repairs, or any legislation, the cost of which, in the opinion of the committee, exceeds \$100,000,
540 when reported into the Senate by the Committee on Ways and Means, shall be accompanied by a
541 fiscal note indicating the amount of public money which will be required to be expended to carry
542 out the proposed legislation, together with an estimate of the cost of operation and maintenance
543 for the first year if a new project is involved.

544 When requested by any member, prior to the engrossment of any such bill involving a
545 capital expenditure for new projects, or an appropriation for repairs, or any legislation, the cost
546 of which, in the opinion of the committee, can be ascertained in a timely manner, and which
547 exceeds \$100,000, the chairman of the Committee on Ways and Means, or a member of said
548 committee, shall verbally disclose during session the amount of public money which will be
549 required to be expended to carry out the proposed legislation, together with an estimate of the
550 cost of operation and maintenance for the first year if a new project is involved.

551 The committee on Ways and Means shall provide a copy of its proposed text of any bills
552 or resolves involving public money, or a grant of public property, to a committee member, upon
553 request, before such bill or resolve is reported to the Senate for consideration. [1871; 1882; 1887;
554 1888; 1889; 1896; 1921; 1941; 1946; 1947; 1953; 1963; 1967; 1968; 1971; 1995; 1999; 2015.]

555 27A. When the general appropriations bill is reported by the Senate Committee on Ways
556 and Means the following information shall be made available:- (a) a prior year's appropriation,
557 (b) the recommendation, if any, of the Governor, (c) the amount approved by the House, and (d)
558 the amount recommended by the Senate Committee on Ways and Means. The committee shall
559 identify with its recommendations for the general appropriations bill all of the tax and non-tax
560 revenues on which its spending recommendations are premised. The committee shall present
561 these revenues by type and by the department or agency responsible for collecting them.

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

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

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

589 business day before Senate consideration of the bill. Each amendment shall contain a 1-sentence
590 descriptive title. The Clerk shall make a list of amendments available to the membership at least
591 24 hours prior to the consideration of such bill. Such list shall identify the member sponsoring
592 the amendment and include the 1-sentence descriptive title. The sponsoring member shall make
593 available at such member's office a copy and a detailed summary of the amendment.

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

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

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

603 27B. [Omitted in 1999.]

604 27C. With the exception of appropriation bills and capital outlay bills, the Committee on
605 Ways and Means and the Committee on Rules may be discharged from the further consideration
606 of matters referred to them under the following procedure. The consideration of a motion to
607 discharge such committees from further consideration of a certain matter shall be postponed
608 without question to the day after that on which the motion is made. Such motion shall require a
609 majority vote of the members present and voting for adoption, if made after the expiration of 45
610 calendar days after referral to said committees, but shall require a vote of two-thirds of the

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

614 In addition to the above procedure, the Committee on Ways and Means shall be
615 discharged from further consideration of a certain matter upon the written petition of a majority
616 of the members of such committee presented to the chairman after 45 calendar days following
617 referral of the matter to said committee. When directed to discharge a certain matter under this
618 rule said committees shall either report or be discharged of said matter within 5 legislative days
619 of the vote or petition calling for such discharge. A petition discharged under this rule shall be
620 considered as favorably reported and the matter accompanying said petition shall be designated
621 as “discharged”, and shall be placed in the Orders of the Day for the next day for a second
622 reading or question on adoption, as the case may be, unless subject to Senate Rule 27. [1983;
623 1985; 2003; 2015.]

624 27D. A Senate bill may be co-sponsored, electronically, at any time during the 2-year
625 legislative session until debate on the bill begins. [2015.]

626 28. No bill or resolve shall pass to be engrossed without 3 readings on 3 several days.
627 [1817; 1836; 1841; 1859; 1878; 1881; 1882; 1885.]

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

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

633 and if it has been read more than once it shall be placed in the Orders of the Day for the next day,
634 pending the question on ordering to a third reading, or engrossment, as the case may be. [1817;
635 1836; 1841; 1859; 1878; 1881; 1882; 1885; 1897; 1921; 1939; 1945; 1971.]

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

650 31A. Upon recommendation of the Committee on Rules, the Senate may by order require
651 that all amendments to a designated bill be filed with the Clerk not later than 1 day before
652 consideration of the bill by the Senate. Such amendments shall be presented in the calendar and
653 shall not be subject to Rule 31. [1997; 2003; 2015.]

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

656 32A. (1) The Senate Committee on Bills in the Third Reading may be discharged from
657 the further consideration of matters referred to it pursuant to the following procedure:

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

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

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

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

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

672 (3) When either committee is directed to discharge a certain matter pursuant to this rule,
673 such committee shall either report or be discharged of said matter within 5 legislative days of the
674 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

698 the Constitution, or provides, upon recommendation of the Governor, for a special law relating to
699 an individual city or town and comes within clause (2) of Section 8 of Article LXXXIX of the
700 Amendments to the Constitution, the committee shall plainly indicate the fact. [1817; 1836;
701 1882; 1888; 1890; 1891; 1914; 1919; 1925; 1927; 1929; 1945; 1965; 1967; 1983.]

702 33A. All legislative matters receiving a Senate number shall be presented and made
703 available to all the members of the Senate and to the public at least 24 hours in advance of
704 consideration by the Senate.

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

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

709 34. Bills and resolves prepared for final passage shall be certified by the Senate Clerk and
710 Parliamentarian, after comparison, to be the same as the bills or resolves passed to be engrossed;
711 and if found to be properly prepared, the Clerk shall so endorse on the envelope of the bill or
712 resolve; and the question on enactment or final passage or adopting an emergency preamble shall
713 be taken on the bill or resolve, without further reading, unless specifically ordered. When a bill
714 or resolve prepared for final passage contains an emergency preamble, changes the compensation
715 paid to members of the General Court, provides for the borrowing of money by the
716 Commonwealth and comes within Section 3 of Article LXII of the Amendments to the
717 Constitution, provides for the giving, loaning or pledging of the credit of the Commonwealth and
718 comes within Section 1 of Article LXII (as amended by Article LXXXIV) of the Amendments to
719 the Constitution, or provides, upon recommendation of the Governor, for a special law relating to

720 an individual city or town and comes within clause (2) of Section 8 of Article LXXXIX of the
721 Amendments to the Constitution, the Clerk shall plainly indicate the fact. [1817; 1831; 1882;
722 1888; 1914; 1919; 1965; 1967; 1971; 1983.]

723 _____

724 ORDERS OF THE DAY.

725 35. The unfinished business in which the Senate was engaged at the time of the last
726 adjournment shall have preference in the Orders of the Day next after motions to reconsider.
727 [1830; 1870.]

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

738 Reports of committees on proposals for amendment of the Constitution shall be dealt
739 with in accordance with Joint Rule 23. [1845; 1853; 1888; 1891; 1919; 1947; 1953; 1965; 1968;
740 1971; 1985; 1995; 2005; 2015.]

741 37. After entering upon the consideration of the Orders of the Day, the Senate shall
742 proceed with them in regular course, as follows: Matters not giving rise to a motion or debate
743 shall first be disposed of in the order in which they stand in the calendar; then the matters that
744 were passed over shall be considered and disposed of in like order. [1817; 1836; 1841; 1859;
745 1878; 1882; 1885.]

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

748 38A. The Senate shall not continue in session beyond the hour of 8 p.m. This rule shall
749 not be suspended unless two-thirds of the members present and voting consent to such
750 suspension on a recorded yea and nay vote. [1983; 2005.]

751 38A 1/2. The Senate shall not continue in session beyond midnight. This rule shall not be
752 suspended unless two-thirds of the members present and voting consent to such suspension on a
753 recorded yea and nay vote. [2005.]

754 38B. Debate and consideration on the general appropriation bill shall begin at 10 a.m. and
755 shall be the only matter placed on the calendar for that day. [1985.]

756 _____

757 RULES OF DEBATE.

758 39. When speaking, each member shall stand as able in such member's place and address
759 the President. When recognized, the member shall confine such member's remarks to the
760 measure and question under debate and shall at all times avoid personalities. [1817; 1831; 1871;
761 1973; 2017.]

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

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

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

768 42A. A member referencing a report or study in debate must make said report or study
769 readily available either during or within a reasonable time after the debate if requested by
770 another member. [2015.]

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

772 43A. No appeal from a decision of the President shall be entertained unless it is
773 seconded; and the question on the appeal shall be disposed of forthwith. [1973.]

774 _____

775 MOTIONS.

776 44. Any motion shall be reduced to writing if the President so directs. A motion need not
777 be seconded and may be withdrawn by the mover if no objection is made. [1817; 1844; 1871;
778 1888.]

779 44A. [Omitted in 2011.]

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

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

785 45A. The vote on a motion to consider several amendments as one shall be taken by yeas
786 and nays. [2017.]

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

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

792 (2) To close debate at a specified time;

793 (3) To postpone to a day certain;

794 (4) To commit (or recommit);

795 (5) To amend;

796 (6) To postpone indefinitely.

797 These motions shall have preference in the order in which they stand. [Between 1821 and
798 1826; 1831; 1844; 1870; 1882; 1885; 1888; 1921; 1939; 1945; 1971.]

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

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

804 (1) A standing committee of the Senate;

805 (2) A special committee of the Senate;

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

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

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

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

815 51. [Omitted in 2011.]

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

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

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

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

824 On a motion to suspend any of the joint rules or Senate rules debate shall be limited to 15
825 minutes, and no member shall speak more than 3 minutes. [1817; 1859; 1870; 1874; 1882; 1885;
826 1937; 1941.]

827 52A. The Senate President or presiding officer of the Senate may not declare that the
828 Senate is in recess for more than 30 minutes, without informing the members from the rostrum of
829 a time certain for reconvention. [1993.]

830

831 RECONSIDERATION.

832 53. No motion to reconsider a vote shall be entertained unless it is made on the same day
833 on which the vote has passed, or on the next day thereafter on which a quorum is present and
834 before the Orders of the Day for that day have been taken up. If reconsideration is moved on the
835 same day, the motion shall (except during the last 7 calendar days of formal business under Joint
836 Rule 12A) be placed first in the Orders of the Day for the succeeding day; but if it is moved on
837 the succeeding day, the motion shall be considered forthwith; provided, however, that this rule
838 shall not prevent the reconsideration of a vote on a subsidiary, incidental or dependent question
839 at any time when the main question to which it relates is under consideration; and provided,
840 further, that a motion to reconsider a vote on any incidental, subsidiary or dependent question
841 shall not remove the main subject under consideration from before the Senate, but shall be
842 considered at the time when it is made.

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

847

848 REJECTED MEASURES.

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

853

854 VOTING.

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

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

863 Other business of the Senate may be taken up during the 10 minute period. At the end of
864 the 10 minute interval, the President shall state the question to be roll called and then direct the
865 Clerk to begin the call. If, after the yeas and nays have been ordered, an advanced notice of at
866 least 60 minutes is given by the President, the President may set a time certain for the vote to be
867 taken and the 10 minute waiting period above prescribed may be waived. [1817; 1852; 1888;
868 1971; 1972, 1997; 2017.]

869 57. Whenever a question is taken by yeas and nays, the Clerk shall call the names of all
870 members, except the President, in alphabetical order, and every member present shall answer to
871 such member's name, unless excused before the vote was taken. Except in the case of a vote to
872 ascertain the presence of a quorum, if a member present in the State House is prevented from
873 voting personally in the Senate Chamber at the member's assigned seat because of disability or
874 due to a condition related to pregnancy, childbirth or nursing a child that member may be
875 excused from so voting by the President, who shall assign a court officer to answer the roll call
876 on behalf of the member so long as the disability or condition continues; provided, however, that
877 the President shall announce the action of the Chair to the membership prior to assigning a court
878 officer to cast the member's vote; and provided further, that the President shall announce the
879 action to the membership the first time a vote is cast for that member on each successive day that
880 the member is absent from the chamber because of the disability or condition. No member shall
881 be permitted to vote after the decision is announced from the Chair. [1837; 1844; 2008; 2015;
882 2017.]

883 57A. [Omitted in 2011.]

884 57B. Notwithstanding the provisions of Senate Rule 57 or any other rule to the contrary,
885 the presiding officer may allow for the use of an electronic voting system when the call of the
886 yeas and nays is ordered for any question. If an electronic voting system is utilized, the Clerk
887 shall not need to call the names of the members.

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

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

895 _____

896 ELECTIONS BY BALLOT.

897 58. In all elections by ballot a time shall be assigned for such election, at least 1 day prior
898 to such election, except in case of an election of President or President pro tempore, under Rule
899 5. [1831; 1891.]

900 _____

901 REPORTERS' GALLERY.

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

905 the privileges of the reporters' gallery shall seek to influence the action of the Senate or any
906 member, nor shall such person approach a member to seek to influence such member in any
907 place from which legislative agents are excluded by Rule 61. Every legislative reporter desiring
908 admission to the reporters' gallery of the Senate Chamber shall state in writing that such reporter
909 is not the agent or representative of any person or corporation interested in legislation before the
910 General Court and will not act as representative of any such person or corporation while such
911 reporter retains a place in the gallery; but nothing in this rule shall prevent such legislative
912 reporter from engaging in other employment, provided such other employment is specifically
913 approved by the Committee on Rules and reported to the Senate. [1847; 1911; 1914; 1925; 1989;
914 2003; 2015.]

915 59A. Formal sessions of the Senate shall be made accessible to electronic media,
916 including television, radio and the Internet. The manner, conditions and extent of such access
917 shall be established by the Committee on Rules.

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

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

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

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

936 59B. The Clerk of the Senate shall deliver a copy of each broadcast Senate session to the
937 Majority Floor Leader and the Minority Floor Leader not later than 24 hours after such session
938 has ended.

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

941 59C. The electronic feed that provides the broadcast coverage of the Senate sessions shall
942 be available to any media outlet. [2002.]

943 59D. (1) The President shall make available to each member of the Senate a copy of the
944 contract for the broadcast of the Senate formal sessions.

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

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

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

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

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

956 _____

957 THE SENATE CHAMBER AND ADJOINING ROOMS

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

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

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

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

973 No legislative agent shall be admitted to the floor of the Senate Chamber. On any day
974 when a session of the Senate is held, no legislative agent shall be admitted to the Senate Reading
975 room, the cloak room, the Senate corridor or anterooms and no person, except members of the
976 legislative and executive departments of the state government and persons in the exercise of an
977 official duty directly connected with the business of the Senate shall be permitted to loiter in the
978 Reading room, the cloak room, the Senate corridor or anterooms at any time. Smoking shall not
979 be permitted in the Senate Reading room, the cloak room or the anterooms.[1870; 1875; 1886;
980 1891; 1895; 1896; 1897; 1898; 1907; 1909; 1914; 1916; 1925; 1989.]

981 61A. No person shall be allowed to smoke on the floor of the Senate. [1985.]

982 61B. No person shall talk on a cellular telephone or other mobile electronic device in the
983 Senate Chamber while the Senate is in session. [2003; 2013.]

984 _____

985 PARLIAMENTARY PRACTICE.

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

989 62A. [Renumbered in 2013 as Senate Rule 61B.]

990 62B. (a) The Chief Financial Officer of the Senate shall complete the procurement of all
991 goods and services for the Senate. Procurements for goods or services shall be made from the
992 statewide procurement list established by the operational services division, to the extent
993 practicable, as determined by the Chief Financial Officer. If the Chief Financial Officer
994 determines that a procurement cannot be made using the statewide procurement list established
995 by the operational services division, the Chief Financial Officer may procure the required goods
996 or services under subsections (b), (c) or (d).

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

999 (c) If the Chief Financial Officer seeks to procure a supply or service from a vendor not
1000 on the statewide procurement list valued at \$10,000 or more, but less than \$100,000, the Chief
1001 Financial Officer shall seek quotations from not fewer than 3 persons providing such supply or
1002 service. The Chief Financial Officer shall record the names and addresses of all persons from
1003 whom quotations were received, the names of the persons submitting quotations and the date and
1004 amount of each quotation. The Chief Financial Officer shall award the contract to the responsible
1005 person whose quotation offers the needed quality of supply or service and which represents the
1006 best value for the Senate.

1007 (d) If the Chief Financial Officer seeks to procure a supply or service from a vendor not
1008 on the statewide procurement list valued at \$100,000 or more, the Chief Financial Officer shall
1009 seek proposals through a competitive bid process, which shall be established by the Chief
1010 Financial Officer

1011 (e) The Chief Financial Officer shall maintain a file on each procurement not executed
1012 using the statewide procurement list established by the operational services division and in
1013 excess of \$10,000 and shall include in such file all documents related to the procurement. The
1014 files maintained shall be available for inspection by members of the Senate during regular
1015 business hours unless the information is otherwise protected by state or federal law.

1016 (f) In addition to the requirements of this rule, all procurements for legal services shall be
1017 approved by the Senate Counsel.

1018 (g) If, in the determination of the Chief Financial Officer, an emergency procurement of
1019 greater than \$10,000 is necessary, the Chief Financial Officer may procure the goods or services
1020 immediately and create and maintain a file explaining the nature of the emergency and the goods
1021 or services that were procured as a result. The Chief Financial Officer shall document the goods
1022 or services that were procured, the process used to procure the goods or services, the vendors that
1023 were contacted and any other information relevant to the procurement, and make that
1024 information available to members of the Senate during regular business hours, unless the
1025 information is otherwise protected by state or federal law. [2013.]

1026 _____

1027 ALTERATIONS, SUSPENSION OR REPEAL OF RULES.

1028 63. This rule and rules 24, 31, 33, 34 and 53 shall not be suspended if objection is made;
1029 and no other rule shall be altered, suspended or repealed, except by vote of two-thirds of the
1030 members present and voting. The Committee on Rules may consider and suggest measures that
1031 shall, in its judgment, tend to facilitate the business of the Senate, and a majority vote of the
1032 Senate shall be required to approve such recommendations.

1033 Additionally a measure to repeal, change, add or otherwise modify a rule or rules of the
1034 Senate may be proposed at any time by either 1/5 of the members or the number of minority
1035 members, provided that such measure is presented to the clerk in the form of an order. Such
1036 order shall be referred immediately to the Committee on Rules, which shall report to the Senate
1037 on such order within 10 days of its referral to the committee. Such report shall be placed in the
1038 Orders of the Day for the next formal session for consideration by the Senate. [1817; 1841; 1848;
1039 1882; 1888; 1891; 1893; 1899; 1953; 1973; 2003; 2015.]

1040 64. Twenty-one members shall constitute a quorum for the organization of the Senate and
1041 the transaction of business. [See Amendments to the Constitution, Art. XXXIII.] [1973.]

1042 65. The Senate shall meet not later than the fourth Friday following the convening of the
1043 first annual session of a General Court for the purpose of adopting permanent rules of the Senate.
1044 [1991; 2007.]

1045 66. [Omitted in 1997.]

1046 67. The resignation of a Senator shall become effective within 14 days from submission
1047 of a letter of resignation or a letter of intent to resign to the Senate President's Office. [2007.]

1048 _____

1049 REVIEW PAST SENATE PROCEDURE

1050 68. The President shall establish a commission to examine past rules and practices of the
1051 Massachusetts State Senate.

1052 This commission shall consist of 3 members: the Senate President pro tempore or a
1053 designee; the majority leader or a designee; and the minority leader or a designee; and shall

1054 examine and compare the current rules and practices of the Massachusetts State Senate with the
1055 body's historic rules and practices. This examination and comparison may include, but not be
1056 limited to, matters of decorum, attendance, dress and schedule.

1057 The commission shall report its findings and recommendations by September 1 of every
1058 even numbered year. [2009; 2013.]

1059 69. Meetings of any special commissions, special legislative commissions, task forces or
1060 other groups authorized or required by statute, resolve, rule or order to make or conduct an
1061 investigation or study of any issue, and which are chaired by a Senator, shall be conducted
1062 openly and transparently, and shall conform both to Senate rules and to statutes. [2017.]