SENATE . . . . . No. 19

Senate, February 2, 2017 – Text of the Senate amendment to the House Order relative to Joint Rules governing the 2017-2018 legislative sessions.

The Commonwealth of Massachusetts

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

Committees.

1. Joint standing committees shall be appointed at the beginning of the biennial session as follows:-

A committee on Children, Families and Persons With Disabilities;

A committee on Community Development and Small Businesses;

A committee on Consumer Protection and Professional Licensure;

A committee on Economic Development and Emerging Technologies;

A committee on Education;

A committee on Export Development;

A committee on Elder Affairs;

A committee on Election Laws;

A committee on Environment, Natural Resources and Agriculture;

A committee on Financial Services;

A committee on Health Care Financing;

A committee on Higher Education;

A committee on Housing;

A committee on the Judiciary;

A committee on Labor and Workforce Development;

A committee on Marijuana Policy;

A committee on Mental Health and Substance Abuse;

A committee on Municipalities and Regional Government;

A committee on Public Health;

A committee on Public Safety and Homeland Security;

A committee on Public Service;

A committee on Revenue;

A committee on State Administration and Regulatory Oversight;

A committee on Telecommunications, Utilities and Energy;

A committee on Tourism, Arts and Cultural Development;

A committee on Transportation;

A committee on Veterans and MilitaryAffairs

Each to consist of 6 members of the Senate, and 11 on the part of the House except the committees on Economic Development and Emerging Technologies, Health Care Financing and Transportation which shall consist of 7 members of the Senate and 13 of the House.

Within 4 weeks of the appointment of joint standing committees in the first annual session of the General Court, each joint standing committee shall adopt rules of procedure regarding its conduct. Said rules of procedure, together with any amendments, shall be filed with the Clerk of the Senate and the Clerk of the House and shall be available to the public and members of the General Court on the official website for the General Court.

Except as provided by Joint Rule 1E, each matter shall be referred only to 1 joint committee for consideration and all reports of matters by joint committees shall be made to the House or the Senate, under Joint Rule 4, not to another joint committee. The committee to which a matter is initially referred may discharge the matter to another committee with jurisdiction over the matter.

Matters referred by either the Senate or the House to its committee on Ways and Means shall be considered by the respective committees of the 2 branches, acting as a joint committee, when, in the judgment of the chairmen of the respective committees of the 2 branches, the interests of legislation or the expedition of business will be better served by such joint consideration. Matters may also be referred to the committees on Ways and Means, of the 2 branches, as a joint committee.

The committees on Rules, together with the presiding officers of the 2 branches, acting concurrently, may consider and suggest such measures as shall, in their judgment, tend to facilitate the business of the session and a majority vote of the 2 branches shall be required to approve such recommendations.

In order to assist the House and the Senate in their: (1) consideration and enactment of new legislation and modifications of existing laws, when either are deemed to be appropriate; (2) evaluation of the effectiveness and administration of laws and programs previously enacted; and (3) appraisal of the conditions and circumstances which may indicate the desirability of enacting new legislation, the various joint committees shall have the following oversight responsibilities:

(i) each joint committee shall review and study, on a continuing basis, the implementation, administration, execution and effectiveness of those laws, or parts of law, the subject matter of which is within the jurisdiction of that committee, the administrative regulations adopted to implement those laws, and those state agencies or entities having responsibilities for the administration and execution of such laws;

(ii) in carrying out these review and study activities, each committee shall determine whether such laws, administrative regulations and programs under those laws are being implemented in accordance with the intent of the General Court and whether such laws, administrative regulations and programs should be continued, curtailed or eliminated;

(iii) each committee shall also review and study any conditions and circumstances which may indicate the necessity or desirability of enacting new legislation within the jurisdiction of that committee, regardless of whether any matter has been introduced on that subject, and shall, on a continuing basis, undertake research on matters within the jurisdiction of that committee.

Committees shall coordinate oversight activities, under the direction of the presiding officers of both branches, to achieve the maximum objectives of clauses (i), (ii) and (iii).

Each committee may, upon completion of its oversight hearings, report to the General Court the results of its findings and recommendations together with accompanying corrective legislation, if any, by filing the same with the Clerk of the House of Representatives or the Clerk of the Senate. Copies of such reports shall be, whenever practicable, made available to all members electronically and to the public via the Internet. The disposition of said reports shall be determined by the Clerks with the approval of the Speaker and the President.

The Senate and House chairmen of a joint committee may appoint subcommittees to investigate and study any matter referred to said subcommittee. Any subcommittee so established shall be co-chaired by a majority member of the Senate and a majority member of the House who are members of the joint standing committee appointing the subcommittee. The composition of the subcommittee shall be proportional to the composition of the appointing joint committee; provided, however, that not less than 10 per cent of the subcommittee's members shall be from the minority party. Chairmen of subcommittees shall not be considered chairmen under section 2 of chapter 3 of the acts of 2005. A subcommittee may, upon completion of an investigation and study, report the results of the investigation and study together with legislation, if any, by filing the same with the Senate and House chairmen of the appointing joint committee.

Temporary employees of the general court assigned to a joint committee who are students at an accredited education institution or employees or grantees of other non-profit organizations under section 501 (c) (3) of the Internal Revenue Code may receive compensation from such organization, according to that organization's regular program of providing such compensation for temporary governmental or public service employment. A temporary employee's Senate or House supervisor shall establish the employee's total compensation, shall verify that the sum of the employee's state compensation, if any, and that any outside compensation 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 or House Human Resources Office, where it shall be available for public inspection. The temporary employee shall sign a confidentiality and ethics agreement provided by the Senate Personnel Office or House Human Resources Office. [Amended Jan. 6, 18 82; Jan. 5, 18 83; Jan. 7, 18 84; Jan. 8 and 26, 1885; Jan. 8, 18 86; Jan. 12, 18 87; Jan. 9, 18 88; Jan. 28, 18 89; Jan. 8, 18 90; Feb. 2, 18 91; Jan. 11 and Feb. 10, 18 92; Feb. 7, 18 93; Jan. 8. 1894; Jan. 7, 18 95; Jan. 7, 18 96; Jan. 11, 18 97; Jan. 10, 18 98; Jan. 9, 18 99; Jan. 22 and 29, 1901; Jan. 6, 19 02; Jan. 9, 19 03; Jan. 8, 19 04; Jan. 6, 19 05; Jan. 4, 19 07; Jan. 5, 19 10; Jan. 4, 19 11; Jan. 1, 19 13; Jan. 12, 19 14; Jan. 2, 19 18; Jan. 1 and 8 and Feb. 21, 1919; Jan. 7, 19 20; Jan. 5, 19 21; April 17 and 30, 1925; Jan. 5, 19 27; Jan. 7, 19 31; Jan. 6, 19 37; Jan. 4, 19 39; Jan. 1, 19 41; Jan. 3, 19 45; Jan. 2, 19 46; Jan. 6, 19 47; Feb. 1, 19 49; Jan. 7, 19 53; Jan. 7, 19 59; Jan. 30, 19 61; Jan. 7, 19 63; Jan. 12, 19 65; Feb. 24, 19 65; Mar. 10, 19 66; Jan. 30, 19 67; Jan. 7, 1971 ; July 23, 1974 ; Sept. 30 and Oct. 12, 1976 ; Nov. 3, 1981 ; Dec. 21, 1981 ; Mar. 15, 1982 ; Oct. 3, 1983 ; June 3, 1985 ; Jan. 25 and Mar. 14, 1988 ; Mar. 27, 1995 , June 12, 1995 ; July 17, 2003 ; Jan. 26, 2005; July 21 and September 20, 2005; Feb. 20, 2007; Feb 12, 2009.]

1A. All meetings of joint committees acting concurrently, Senate and House standing committees, special committees of the Senate and House of Representatives, and joint special committees and committees of conference on the disagreeing votes of the 2 branches shall be open to the public, unless a majority shall vote otherwise. [Adopted July 17, 1973. Amended July 18, 1974; Feb. 12, 2009.]

1B. A joint standing committee shall hold a public hearing on each matter referred to it in each legislative session. [Adopted June 3, 1985; Amended Feb. 12, 2009.]

1C. All joint standing committees shall schedule committee hearings and executive sessions so as not to conflict, to the extent feasible, with the schedules of other committees and, to the extent feasible, the day of the week and times during that day set aside for formal sessions by the respective branches from the first Wednesday in January through the fourth Wednesday of April in the first annual session. [Adopted June 3, 1985; Amended June 12, 1995.]

1D. All meetings of joint standing committees, and special joint committees of the Senate and House of Representatives, shall be open to the public, and any person shall be permitted to attend any such meeting unless such committee convenes in executive session, as provided herein. All joint standing committees shall determine a schedule for committee hearings to be held from the beginning of the first annual session through the fourth Wednesday in June in said session. These committee schedules shall be submitted to the Clerk of the House who shall cause them to be published on the official website for the General Court. Establishment of such schedules shall not preclude joint standing committees from scheduling additional hearings or meetings as needed. All standing and special committees must provide committee members a minimum of 6 hours to review committee polls prior to submitting their vote and must be provided the text of said bills prior to the beginning of a poll. This portion of the rule may be suspended by a concurrent vote of the majority of committee members of each branch on a roll call vote. No executive session shall be held except upon extraordinary circumstances and only after the committee has first convened in an open session for which notice has been given, the presiding officer has stated the purpose of the executive session, a majority of the committee members present has voted to go into executive session, the vote of each member has been recorded on a roll call vote, and the presiding officer has stated before the executive session if the committee will reconvene after the executive session. The records of all such roll calls shall be kept in the offices of the committee for the duration of the General Court during which said vote was recorded, and shall be available for public inspection upon reasonable notice and during regular office hours.

All joint standing committees, and special joint committees of the Senate and House of Representatives, shall notify the Sergeant-at-Arms of the time, place and agenda of all public hearings and executive sessions not less than 48 hours prior to the time of such meetings. The Sergeant-at-Arms shall notify the clerk, who shall inform all members electronically and publish such information on the official website of the General Court whenever practicable.

Nothing contained in this rule shall prohibit a joint standing committee or special joint committee of the Senate and the House of Representatives from taking appropriate action including, but not limited to, the exclusion of a person from a committee meeting in order to prevent the disruption of or interference with committee proceedings. All meetings of joint standing committees, and special joint committees of the Senate and House of Representatives, shall be limited to no more than 50 bills to be discussed in a hearing, unless it can be determined that all of the bills being considered are of the same subject matter.

The 48 hour requirement shall be suspended in an emergency only after all reasonable efforts have been made to contact all committee members and upon a recorded vote of at least a majority of the members of each branch appointed to the committee, but not less than two-thirds of the members of each branch voting.

A meeting of a committee may be recorded by a person in attendance by means of a recorder or any other means of audio/visual reproduction except when a meeting is held in executive session; provided, that a person seeking to record a meeting of a committee notifies the Chairs of the committee prior to commencing such recording; and provided further that during such recording there is no interference with the conduct of the meeting.

The Chairs of each committee shall preserve decorum and order during each committee hearing. Persons attending hearings shall be required to refrain from the use of cellular telephones, beepers and pagers. The use of visual aids including, without limitation, posters, displays, or charts shall be permitted only upon approval of the Chairs. [Adopted June 3, 1985. Amended June 12, 1995; Feb. 20, 2007; Mar. 14, 2013.]

1E. The joint standing committee on Health Care Financing shall review all legislation relating to health care to evaluate the appropriateness and fiscal effect of such legislation. A matter within the jurisdiction of said committee may, if appropriate, initially be referred to another joint standing committee sharing jurisdiction of the subject-matter. Any matter reported favorably by such joint standing committee shall be referred to the joint committee on Health Care Financing; provided, however, that notwithstanding any rule to the contrary, any such matter so reported shall not be read a first time in the branch in which the report was received. The next favorable report on any such matter, if made by a joint committee, may be made to either branch. Such next favorable report shall be considered the first reading. The branch of origin for any such bill so reported shall be the branch receiving such favorable report.

For all matters initially referred to the joint committee on Health Care Financing and not previously referred to another joint committee, the joint committee on Health Care Financing may make favorable reports to either branch, at the discretion of the committee, except that reports on money bills shall be made to the House.

In compliance with section 38A of chapter 3 of the General Laws, the joint committee on Health Care Financing when reporting on bills shall include 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 or fiscal effect exceeds the sum of $100,000; provided, however, that any matter reported by the committee on Health Care Financing with a fiscal effect of less than $100,000 shall not be referred, under the rules, to the committee on Ways and Means.[Adopted Jan. 26, 2005; Amended May 19, 2005; Feb. 20, 2007; Feb. 12, 2009.]

1F. [Omitted February 12, 2009].

1G. The President of the Senate, the Speaker of the House of Representatives, Minority Leader of the Senate, Minority Leader of the House of Representatives, the Senate and House chairmen and the Senate and House ranking minority members of the joint committee on Public Safety and Homeland Security may receive security clearance from federal and state homeland security officials in order to be granted access to confidential homeland security briefings, information and materials. The President of the Senate, the Speaker of the House of Representatives, the Senate and House committee chairmen and the Senate and House ranking minority members may designate 1 or more members of their staff who may receive such security clearance.

Any person who receives security clearance under this rule shall sign all confidentiality agreements required by homeland security officials. The breach of any such confidentiality agreement shall constitute a violation of the Joint Rules of the Senate and House of Representatives. Any alleged violation of a confidentiality agreement shall be referred for investigation to the Senate committee on Ethics and Rules or the House committee on Ethics,

respectively, and, if appropriate, to law enforcement authorities for potential criminal prosecution. [Adopted Jan. 26, 2005; Amended Feb. 12, 2009.]

2. No member of either branch shall act as counsel for any party before any committee of the Legislature.

2A. No member of either branch shall purchase, directly or indirectly, the stock or other securities of any corporation or association knowing that there is pending before the General Court any measure specially granting to such corporation or association any immunity, exemption, privilege or benefit or any measure providing for the creation of, or directly affecting any, contractual relations between such corporation or association and the Commonwealth. This rule shall not apply to the purchase of securities issued by the Commonwealth or any political subdivision of the Commonwealth. [See G.L. chapter 268, section 10.] [Adopted Jan. 16, 1922.]

3. When the General Court is in session, authorization for any committee of the Senate or House of Representatives to travel during the session of the General Court shall be approved by a vote of two thirds of the members of its branch present and voting. When the General Court is in session, authorization for any committee of the Senate or House of Representatives to sit and travel during the recess of the General Court shall be approved by a vote of two-thirds of the members of each branch present and voting. During the recess of the General Court, the President of the Senate and the Speaker of the House of Representatives may, by written consent, allow standing committees of their respective branches or appoint special committees to sit, travel and incur expenses not exceeding sums authorized in writing by said presiding officers and appropriated for such purposes. When the General Court is in session, authorization for any joint committee to travel during the session, or to sit or travel during the recess, of the General Court shall be approved by a vote of two-thirds of the members of each branch present and voting. During the recess of the General Court, the President of the Senate and the Speaker of the House of Representatives, acting jointly, may, by written consent, allow joint committees or appoint joint special committees to sit, travel and incur expenses not exceeding sums authorized in writing by said presiding officers and appropriated for such purposes. The Clerks of the Senate and House of Representatives shall be notified of any appointments made and authorizations granted during the recess for said committees to sit, travel and incur expenses during the recess and the Clerks shall enter such information in the journals for the next year, as soon as may be practicable. Committees authorized by the presiding officers to sit during the recess in the odd numbered year shall report not later than the fourth Wednesday of January during the following year and committees authorized by the presiding officers to sit during the recess in the even numbered year shall report not later than the fourth Wednesday of December during the same year.

No committee shall travel except at the expense of the Commonwealth. In any case when a committee is authorized to travel, the Sergeant-at-Arms shall provide transportation only for members of the committee and the officer accompanying them, and the reasonable traveling expenses of such members and officers only shall be charged to or paid by the Commonwealth. Neither the Sergeant-at-Arms nor the officer detailed by the Sergeant-at-Arms shall permit any person to accompany such committee while in the discharge of its official duties unless invited by vote of the committee.

All bills for the traveling expenses of committees shall be submitted by the Sergeant-at-Arms to the committee by whom they have been incurred and shall be approved by a majority of said committee before being presented to the Comptroller for payment. [Adopted Feb. 7, 1890; Amended Feb.

2, 1891 ; Jan. 20, 1904 ; April 17, 1925 ; March 2, 1943 ; July 27, 1950 ; Oct. 18, 1971 ; March 28, 1972 ; Jan. 15, 1973; Feb. 12, 2009.]

3A. A joint standing committee may, upon the written and signed report of two-thirds of the members of the Senate and two-thirds of the members of the House appointed to said committee, report a bill or other form of legislation without said legislation being founded upon petition; provided, however, that matters so reported shall be germane to the subject matters regularly referred to the committee. The committee shall hold a public hearing on such bill or other form of legislation before it is reported. A bill or other form of legislation so reported shall be placed in the Orders of the Day by the Clerk of the respective branch to which it is reported or referred to a standing committee of said branch under the rules. All reports of committees not founded upon petition shall bear the designation 'committee bill', 'resolve', 'order' or 'resolution', as the case may be, in the Orders of the Day. Committees to which messages from the Governor, reports of state officers, boards, committees, commissions and others authorized to report to the General Court, may report by bill or otherwise such legislation as may be germane to the subject matter referred to them. [Adopted June 3, 1985 .]

4. Favorable reports, and adverse reports on subjects of legislation other than petitions, by joint committees shall be made to the branch in which the matter was originally introduced, unless the committee decides otherwise under its own rules; except that reports on money bills shall be made to the House and if adverse reports on matters other than petitions which are accompanied by money bills are accepted by the House, this shall constitute final rejection. Adverse reports by joint committees on petitions shall be made to the branch in which the petition was originally introduced, except that such adverse reports on petitions accompanied by proposed money bills shall be made to the House; and, if accepted by the branch in which they are made, shall be considered as a final rejection. When a report is made from any committee to either branch, and the subject-matter of the report is subsequently referred to a joint committee, such committee, except for the committee on Health Care Financing, shall report its action to the branch in which the reference originated. [See also Joint Rule 5.]

A vote of a joint standing committee to give legislation a favorable or adverse report shall be conducted by a roll call upon request of 2 committee members present at the committee meeting. Such votes shall be recorded on appropriate forms that show all votes for and against the particular committee action. The records of all such roll calls shall be kept in the offices of the committee for the duration of the General Court during which said vote was recorded, and shall be available for public inspection upon reasonable notice and during regular office hours.

All committee members shall have an opportunity to sign a form accompanying a report of the committee signifying approval of, dissent or abstention from a report of a joint standing committee before the report is final or filed. No signature shall be valid unless the report to which the signature is affixed includes the substan¬tially complete text of the legislation being reported. [Amended Jan. 3, 1952; April 8, 1959; June 7, 1965; Jan. 7, 1971; March 11, 1974; June 3, 1985; Feb. 20, 2007.]

4A. In compliance with section 38A of chapter 3 of the General Laws, all joint committees of the General Court when reporting on bills referred to them shall include 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. Such fiscal note shall be filed electronically in the office of the clerk to which the report is being made, and shall be promptly made available on the official website of the General Court. [Adopted Jan. 15, 1973.]

5. Matters reported adversely by joint committees and the committees on Rules of the two branches, acting concurrently, may be recommitted to the same committees at the pleasure of the branch acting on the report, and bills or resolves may be recommitted in either branch. If a bill or resolve is laid aside in either branch for the reason that it is declared to be broader in its scope than the subject-matter upon which it is based, the subject-matter shall be recommitted to the committee. A concurrent vote shall, however, be necessary for recommittal, with instructions. After recommitment, report shall, in all cases, be made to the branch originating the recommitment. [Amended Feb. 2, 1891; April 11, 1935; Jan. 6, 1947; May 7, 19 53; March 26, 1963; Jan. 30, 1967; Jan. 7, 1971; March 11, 1974.]

6. Bills and resolves reported by joint committees shall be presented with spaces between the several sections and shall be made available to all members electronically and to the public via the Internet. [Amended Jan. 28, 1889; Jan. 9, 1941; Feb. 8, 1949; Feb. 12, 2009.]

Joint Petitions.

6A. A member of the Senate and a member of the House of Representatives may file a joint petition in either branch and shall endorse their name on the petition and a brief statement of the nature and object of the instrument and the reading of the instrument shall be dispensed with, unless specially ordered. The petition shall be filed in the office of the clerk of either the Senate or House of Representatives, depending on whether it is a 'Joint Senate/House Petition' or a 'Joint House/Senate Petition' but the Journal records in the Senate and House of Representatives shall carry both members' names as presenters of the petition. [Adopted Jan. 15, 1973.]

7. Whenever, upon any application for an act of incorporation or other legislation, the purpose for which such legislation is sought can be secured without detriment to the public interests by a general law or under existing laws, the committee to which the matter is referred shall report such general law, or 'ought not to pass'. [Amended Feb. 2, 1891; Feb. 7, 18 93; Jan. 7, 1971.]

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

7B. A petition, the operation of which is restricted to a particular city or town (and which does not affect the powers, duties, etc., of state departments, boards, commissions, etc., or which does not affect generally the laws of the Commonwealth) and which is not filed in conformity with Section 8 of Article LXXXIX of the Amendments to the Constitution shall, subsequent to the procedure required by Senate Rule 20 and House Rule 24, be reported adversely, unless it be on 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. A joint committee to which is inadvertently referred a petition or other subject of legislation the operation of which is restricted to a particular city or town and which is not in conformity with Section 8 of Article LXXXIX of the Amendments to the Constitution shall report a general law which applies alike to all cities, or to all towns, or to all cities and towns, or to a class of not fewer than 2; or shall report 'ought not

to pass', with the further endorsement that it 'would be unconstitutional to enact such special law'.

Any petition that subsequently conforms to Section 8 of Article LXXXIX of the Amendments to the Constitution after filing, which have followed the procedures set forth in Senate Rule 20 or House Rule 24, shall be forthwith reported from the committee on Rules and be referred by the Clerk to an appropriate committee. [Adopted Jan. 13, 1920. Amended Feb. 19 and Dec. 22, 1920; May 24, 1926; April 11, 1935; April 22, 1937; Jan. 12, 1939; Jan. 9, 1941; Jan. 15, 1945; Feb. 20, 1951; Jan. 30, 1967; Jan. 7 and Mar. 22, 1971 ; Jan. 15, 1973; March 14, 2013.]

7C. The approval vote required to file a petition, the operation of which is restricted to a particular city or town under Section 8 of Article LXXXIX of the Amendments to the Constitution of the Commonwealth, shall be valid for 2 years, regardless of any intervening action that may be taken by any legislative committee or either branch of the General Court. [Adopted, Mar. 14, 2013.]

Notice to Parties Interested.

8. 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 Com¬monwealth 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 due to lack proper notice or of a waiver of proper notice shall so state 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 the third reading. [Adopted Feb. 7, 1890. Amended Dec. 22, 1920 ; Jan. 12, 1939 ; Jan. 15, 1945; Jan. 7, 1971.]

9. A petition for the incorporation of a city or town, for the annexation of 1 municipality to another, for the consolidation of 2 or more municipalities or for the division of an existing municipality, or for the incorporation or revival of a railroad, street railway, elevated railroad, canal, telephone, telegraph, water, gas, electric light, power or other public service corporation, for the amendment, alteration or extension of the charter or corporate powers or privileges, or for the change of name, of any such company, whether specially incorporated or organized under the General Laws, or for authority to take water for a water supply, or relative to building structures in or over navigable or tide waters, shall be placed on file, and not referred to a committee, unless the petitioner has given the notice and followed the procedure required by section 5 of chapter 3 of the General Laws. But if, no objection being raised, any such petition is referred to a committee without such required notice or procedure, the committee shall forthwith report adversely, setting forth as the reason for such report failure to comply with the law, unless evidence satisfactory to the committee is produced that all parties interested have in writing waived notice. In case a bill or resolve is reported upon such a petition, after proof of such waiver of notice, this fact shall be set forth in the report of the committee. When an adverse report is made by a committee, on account of failure to give the required notice, no bill or resolve shall be substituted for such report, nor shall such report be recommitted or referred to another committee.

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

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

Limit of Time allowed for Reports of Committees.

10. All joint committees and the committees on Rules of the two branches, acting concurrently, shall make final report not later than the first Wednesday in February of the second annual session of the General Court on all matters referred to them before the first day of the second annual session and within 30 days on all matters referred to them on and after the first day of the second annual session of the General Court except that the committee on Health Care Financing shall make final report not later than the last Wednesday of March of the second annual session on all matters referred to them on or before the fourth Wednesday of February and within 30 days on all matters referred to it after the fourth Wednesday in February of the second annual session of the General Court. When the time within which said committees are required to report has expired, all matters upon which no report has then been made shall forthwith be reported by the chairman of the committee on the part of the branch in which they were respectively introduced, with an adverse recommendation under this rule. If the chairman fails to make such report by the end of the legislative day next following the expiration date, all matters remaining unreported shall be placed in the Orders of the Day by the Clerk of the branch in which the matter was originally filed with an adverse report under this rule. Matters which have been referred under Joint Rule 29, upon which the chairmen of the committees on Rules fail to make a report, shall be placed by the respective Clerks in the Orders of the Day of the branch in which the subject matter was referred to said committees. Committees to whom are referred subjects of legislation may combine petitions of similar subject matter, or other forms of legislation of similar subject matter, into 1 adverse report, and the report on the petition shall be that said petitions or other forms of legislation 'ought NOT to pass,' and if the report is accepted, all the matters contained in the report shall be disposed of. However, petitions upon which an adverse report is accepted in only 1 branch may not be combined with other subjects of legislation upon which adverse reports must be accepted, in concurrence. This rule shall not apply to petitions referred to the committees on Rules of the two branches, acting concurrently, under the second paragraph of Joint Rule 12. This rule shall not be rescinded, amended or suspended, except by a concurrent vote of four-fifths of the members of each branch present and voting thereon. Notwithstanding Joint Rule 30, this rule shall not be rescinded, amended or suspended more than 3 times except by unanimous consent. [Amended Feb. 2, 1891; Jan. 25, 1894; Jan. 16, 1903; Jan. 20, 1904; Dec. 22, 1920; April 17, 1925; Jan. 12, 1939; Jan. 15, 1945; Jan. 6, 1947; May 7, 1953; Jan. 27, 1955; Jan. 30, 1967; Jan. 7, 1971; Feb. 4, 1974, June 12, 1995; July 17, 2003; Feb. 20, 2007; Feb. 12, 2009.]

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

Committees of Conference.

11. Committees of conference shall consist of 3 members on the part of each branch, one member of each branch being a member of the minority party, representing its vote; and their report, if agreed to by a majority of each committee, shall be made to the branch asking for the conference, and may be either accepted or rejected, but no other action shall be had, except through a new committee of conference.

Every committee of conference shall be appointed on or before July 17 of the second annual session of the General Court.

Committees of conference to whom are referred matters of difference in respect to bills or resolves, shall, after filing their reports, but before consideration by either branch, have the same approved or discharged by each committee on Bills in the Third Reading [Amended April 22, 1937; Feb. 12, 2009; Feb. 3, 2011; Mar. 14, 2013.]

11A. Committees of conference to whom are referred matters of difference in respect to appropriation bills, including capital outlay programs, shall, after filing their reports but before consideration by either branch have the same approved or discharged by each committee on Bills in the Third Reading.

Upon the appointment of a committee of conference to whom matters of difference in respect to any appropriation bill or in respect to any bill providing for capital outlay programs and projects are referred, the clerk of the branch requesting said committee of conference shall make available to members of the General Court a list of the matters in disagreement identified by item number and item purpose and showing the amount made available by each branch of the General Court, and any other matters in disagreement and the position of each of the said branches.

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

The committees on ways and means of each branch of the General Court shall assist such committee of conference in any and all matters necessary to the preparation and completion of its report. [Adopted July 30, 1974; Amended Oct. 3, 1983; Feb. 3, 2011; Mar. 14, 2013.]

11B. No report from a committee of conference shall be considered or acted upon by either branch until the calendar day following the day on which said report shall have been available to the public and to the members of the General Court. The committee shall file its report no later than 8 p.m. on the day preceding its consideration and the General Court shall not consider said report before 1 p.m. on the following day, except that a report from such committee of conference that it is unable to agree may be considered and acted upon at the time that such report is filed. [Adopted Oct. 3, 1983. Amended July 17, 2003; July 21 and September 20, 2005; Feb. 3, 2011.]

11C. Reports, other than those filed under Rule 11A, from a committee of conference shall, whenever practicable, be accompanied by a summary which shall be filed with the clerk. [Adopted Feb. 12, 2009; Feb. 3, 2011.]

11D. Upon the filing of a report by a committee of conference the clerk of the branch in which the committee of conference filed its report shall make the report and the summary of the report

available to all members electronically and to the public on the official website of the General Court by 9 p.m. on the day preceding its consideration. [Adopted Feb. 12, 2009; Feb. 3, 2011; Mar. 14, 2013.]

11E. Subsequent to the filing of a report of a committee of conference, an addendum may be submitted to the clerk of the branch in which the report had been filed. The addendum shall indicate that it contains only matters inadvertently omitted from or included in the report, and shall be signed by all of members of the House and Senate who had signed the conference committee report. The addendum shall be approved by both the Counsel to the House and the Counsel to the Senate. The addendum, having been approved by both the Counsel to the House and the Counsel to the Senate, shall be posted to the official website of the General Court immediately upon receipt by the clerk of the branch to which it was submitted. [Adopted Mar. 14, 2013.]

Limit of Time allowed for New Business.

12. Resolutions intended for adoption by both branches of the General Court, petitions, and all other subjects of legislation, shall be deposited with the Clerk of either branch prior to 5 p.m. on the third Friday in January of the first annual session of the General Court.

All such matters except messages from the Governor, reports required or authorized to be made to the General Court and petitions 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, for the enactment of a special law under Section 8 of Article LXXXIX of the Amendments to the Constitution and which do not affect the powers, duties, etc., of state departments, boards, commissions, etc., or which do not affect generally the laws of the Commonwealth deposited with the respective clerks subsequent to 5 p.m. on the third Friday of January of the first annual session of the General Court shall be referred by the Clerks to the committees on the Rules of the two branches, acting concurrently. No such matter shall be admitted for consideration except on report of the committees on Rules of the two branches, acting concurrently, and then upon approval of two-thirds of the members of each branch voting thereon. Matters upon which suspension of Joint Rule 12 has been negatived shall be placed on file.

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

12A. All formal business of the first annual session of the General Court shall be concluded not later than the third Wednesday in November of that calendar year and all formal business of the second annual session shall be concluded not later than the last day of July of that calendar year.

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

Unfinished Business of the Session.

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

Papers to be deposited with the Clerks.

13. Information intended for presentation to the General Court by any Representative or Senator shall be deposited with the Clerk of the branch to which the member belongs; and all such information, unless they be subject to other rules or of the rules of the Senate or House, shall be referred by the Clerk, with the approval of the President or Speaker, to appropriate committees, subject to such changes as the Senate or House may make. The reading of information so referred may be dispensed with, but they shall, except as provided in these rules, be entered in the Journal of the same on the next legislative day after such reference.

A member may include a brief statement of intent with all papers intended for presentation to the General Court. Upon a favorable report by a joint standing committee, a committee may include a brief written statement of intent. Said statement shall be dated and shall include the scope of the matter presented for consideration; provided, however, this rule shall not be construed to require the presentation of such statement of intent under this rule. [Adopted Feb. 7, 1890. Amended Feb. 2, 1891; Feb. 7, 1893; Jan. 25, 1894; Dec. 22, 1920; May 25, 1923; Feb. 15, 1933; Jan. 12, 1971; June 3, 1985; Feb. 12, 2009.]

Dockets of Legislative Counsel and Agents.

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

Duties of the Clerk.

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

16. All papers, while on their passage between the 2 branches, may be under the signature of the respective Clerks, except as to the adopting of emergency preambles and the final passage of bills and resolves. Messages may be sent by such persons as each branch may direct. [Amended Feb. 21, 1919.]

17. After bills and resolves have passed both branches to be engrossed, they shall be in the charge of the Clerks of the 2 branches, who shall prepare the same for final passage in the manner prescribed by law; and when so prepared the same shall be delivered to the Clerk of the House of Representatives; and when the bills have been passed to be enacted or the resolves have been passed in the House, they shall, in like manner, be delivered to the Senate Clerk and Parliamentarian. If a bill or resolve contains an emergency preamble, it shall be delivered in like manner, to the Senate after the preamble has been adopted by the House of Representatives and before the bill or resolve is put upon its final passage in that branch. If the Senate concurs in

adopting the preamble, the bill or resolve shall be returned to the House to be there first put upon its final passage, under Joint Rule No. 22. [Amended Feb. 24, 1914; Feb. 21, 1919; Jan. 7, 1971.]

18. [Omitted in 1971.]

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

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

Presentation and Distribution of Documents.

21. The committees on Rules of the two branches, acting concurrently, may establish regulations for the distribution of bills, reports or other documents. Bills, reports or other documents shall be made available to members electronically and, except for petitions or other documents not assigned bill numbers, published on the Internet. The committees on Rules of the two branches, acting concurrently, may make such changes pertaining to the availability of bills, reports or other documents as they deem necessary for expediting the work of the legislature.

The Clerks of the House of Representatives and the Senate shall be responsible for publishing the journals of their respective chamber, the book Public Officers of Massachusetts, the committee book and any other publications per order of the committees on Rules. [Amended Jan. 8, 1886 ; Jan. 28, 1889 ; Jan. 27, 1911 ; Feb. 19, 1920 ; Jan. 6, 1947 ; Apr. 5, 19 67 ; Jan. 7, 1971; Feb. 12, 2009; Mar. 14, 2013.]

Emergency Measures.

22. The vote on the preamble of an emergency law, which under the requirements of Article XLVIII, as amended by Article LXVII of the Amendments of the Constitution shall, upon request of 2 members of the Senate or of 5 members of the House of Representatives, be taken by call of the yeas and nays, shall be had after the proposed law has been prepared for final passage; and neither branch shall vote on the enactment of a bill or on the passage of a resolve containing an emergency preamble until it has been determined whether the preamble shall remain or be eliminated. If the bill contains an emergency preamble, a motion to amend the bill may be received in either branch before the adoption of the emergency preamble, and the amendment may contain a new emergency preamble. If the 2 branches concur in adopting the preamble, the bill or resolve shall first be put upon its final passage in the House of Representatives. If either branch fails to adopt the preamble, notice of its action shall be sent to the other branch; and the bill or resolve, duly endorsed, shall again be prepared for final passage without the preamble and without any provision that the bill or the resolve shall take effect earlier than 90 days after it has become law. Procedure shall be otherwise under the joint rules and the rules of the Senate and the House of Representatives. [Adopted Feb. 21, 1919. Amended Jan. 30, 1923; Jan. 7, 1971; Feb. 20, 2007; Feb. 12, 2009.]

22A. Bills and resolves passed to be engrossed by both branches and before being transmitted by the clerks to the Legislative Engrossing Division shall be made available to the committees on Bills in the Third Reading of the two branches, acting jointly, who shall examine them to ensure accuracy in the text; that the legislation is correct as to form; that references to previous amendments to any particular law are correct and to ensure proper consistency with the language

of existing statutes. These committees, with the approval of the majority and minority leadership of both branches may make corrections which are not substantive in nature. The clerks of both branches shall be immediately notified, in writing, of any such changes. Errors discovered by the committees of a substantive nature shall be reported to the General Court, which in turn shall take appropriate action under its rules. Upon completion of examination and possible correction of any such bills and resolves, the bills and resolves shall be returned to the clerks, who in turn, shall transmit them to the Legislative Engrossing Division to be prepared for final passage.
[Adopted Sept. 16, 1971.]

Legislative Amendments to the Constitution.

23. All proposals for amendments to the Constitution referred to a joint committee on the first annual session of the General Court shall be reported by said committee not later than the last Wednesday of April in said year, and proposals for amendments to the Constitution referred to a joint committee subsequent to the last Wednesday in April of the first annual session shall be reported by said committee not later than the last Wednesday of April in the second session of the same General Court. The committee shall file its report, either recommending that the proposal ought to pass or ought not to pass, with any official papers in its possession that relate thereto, with the Clerk of the Senate. When the time within which said committees are required to report has expired, all matters upon which no report has been made shall forthwith be placed in the Journal of the respective branches, with an adverse report under this rule; and shall then be placed on file in the office of the Clerk of the Senate. For further information of the members of the Senate and House of Representatives, the respective Clerks shall also place all such matters under a separate heading in the Calendar of each branch, as soon as is practicable. In each branch the report shall be read and forthwith placed on file; and no further legislative action shall be taken on the measure unless consideration in joint session is called for by vote of either branch, under Section 2 of Part IV of Article XLVIII (as amended by Article LXXXI) of the Amendments to the Constitution. A joint committee to which is referred any recommendation for an amendment to the Constitution made by the Governor or contained in a report authorized to be made to the General Court may report on the recommendation a proposal for a legislative amendment, which shall be deemed to have been introduced by the member of the Senate who reports for the committee; and the procedure as regards reporting, filing and subsequent action shall be that provided for legislative amendments by this rule. Or the joint committee may report ought not to pass for the reason that no legislation is necessary or that the recommendation ought not to pass; and in such cases the usual procedure as regards similar reports by joint commit¬tees shall be followed. If such an adverse report is amended in the Senate by substituting a proposal for a legislative amendment, notice of the Senate's action shall be sent to the House and said proposal, together with the official papers relating to the subject, shall be in the custody of the Clerk of the Senate; and if said report is so amended in the House, the proposal, duly endorsed, together with the other papers, shall be sent to the Senate for its information and shall be kept in the custody of its Clerk. No further legislative action shall be taken in either branch on a proposal so substituted unless consideration in joint session is called for under the Constitution. If either branch calls for the consideration of any proposal in joint session, notice of its action shall be sent to the other branch; and it shall then be the duty of the Senate and the House of Representatives to arrange for the holding of the joint session not later than the second Wednesday in May. Subject to the requirements of the Constitution, joint sessions or continuances of joint sessions of the 2 branches to consider proposals for specific amendments to the Constitution, and all rules or procedures, shall be determined only by concurrent votes of the 2 branches. The rules relative to joint conventions shall apply to the joint sessions of the 2

houses. [Adopted Feb. 21, 1919. Amended March 30, 1921; April 11, 1935; Jan. 12, 1939; Jan. 15, 1945; Nov. 9, 1951; Jan. 15, 1973; July 1, 1974; Feb. 12, 2009.]

Executive Reorganization Plans.

23A. Any reorganization plan, accompanied by a bill, submitted by the Governor under Article LXXXVII of the Amendments to the Constitution shall be referred by the Clerks of the Senate and the House, with the approval of the President and Speaker, to a joint standing committee within 5 days of the presentation of the reorganization plan.

Said committee, to which is referred any such reorganization plan, shall, as required by said Article, not later than 30 days after the presentation of such plan by the Governor, hold a public hearing on the reorganization plan; and shall not later than 10 days after such hearing report that it either approves or disapproves such plan.

When recommending action, the committee shall make, in each branch, a separate report of its recommendations, and shall file said report together with the committee's recommendations and the reasons for those recommendations, in writing. Majority and minority reports shall be signed by the members of said committee. Any official papers in the possession of said committee that relate thereto shall be filed with the Clerk of the Senate.

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

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

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

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

A motion to discharge any committee to which is referred or to which is recommitted a reorganization plan shall not be in order prior to the expiration of 40 days after the Governor's presentation of such plan. After the expiration of said 40 days, a motion to discharge a committee shall be decided by a majority vote of the branch in which the motion is made.

Unless disapproved by a majority vote of the members of either of the 2 branches of the General Court present and voting, the General Court not having prorogued within 60 days from the date of presentation by the Governor, the plan shall be approved and shall take effect as provided by Article LXXXVII of the Amendments to the Constitution.

Within 7 days of the expiration of the 60 days from the date of presentation of said plan by the Governor, unless the question has already been decided, the Clerks of the Senate and House of Representatives shall place the plan in the Orders of the Day; and no motions except the motions

to take a recess, to adjourn, and previous question, or to close debate at a specified time, shall be in order.

No such reorganization plan presented to the General Court shall be subject to change or amendment before expiration of such 60 days. [Adopted June 13, 1967; Amended March 27, 1969; June 12, 1995; Feb. 12, 2009.]

Joint Conventions.

24. The President of the Senate shall preside in Conventions of the 2 branches, and such Conventions shall be held in the Representatives' Chamber; the Senate Clerk and Parliamentarian shall be the Clerk of the Convention, and a record of the proceedings of the Convention shall be entered at large on the journals of both branches. [Amended Feb. 20, 2007.]

25. When an agreement has been made by the 2 branches to go into Convention, such agreement shall not be altered or annulled, except by concurrent vote, excepting that it shall be in order to recess the convention from time to time upon a majority vote of said convention. [Amended Jan. 7, 1971.]

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

Special Sessions.

26A. If written statements of 21 members of the Senate and 81 members of the House of Representatives, that in their opinion it is necessary that the General Court assemble in special session on a particular date and time specified in their statements during a recess of the General Court, are filed with their respective Clerks, such Clerks shall forthwith notify all the members of their respective branches to assemble at the State House in Boston, on said date at the time so specified. When so assembled, the first business to be taken up shall be the question of the necessity of so assembling, under Article I of Section I of Chapter I of Part the Second of the Constitution of the Commonwealth. If 21 members of the Senate and 81 members of the House of Representatives judge by vote taken by call of the yeas and nays that such assembling of the General Court is necessary, specifying in such vote the facts constituting such necessity, the General Court shall then complete its organization as a special session, proceed to the consideration of the suspension of Joint Rule 12A which if suspended by the required two-thirds of the members of both branches shall permit the General Court to proceed to the consideration of matters properly before it. Nothing in this rule shall prevent the General Court from assembling in any other constitutional manner when it judges necessary. [Adopted Aug. 7, 1939. Amended March 2, 1943; March 27, 19 69; May 5, 1979; July 17, 2003; July 21 and September 20, 2005.]

Joint Elections.

27. In all elections by joint ballot a time shall be assigned for such election at least 1 day previous to such election.

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

28. [Omitted March 28, 1972 .]

References to the Committees on Rules.

29. All motions and orders authorizing joint committees to travel or to employ stenographers, or authorizing joint committees or special commissions composed as a whole or in part of members of the General Court to make investigations or to file special reports, all propositions reported by joint committees which authorize investigations or special reports by joint committees or by special commissions composed as a whole or in part of members of the General Court, all motions or orders proposed for joint adoption which provide that information be transmitted to the General Court, and all matters referred under the second paragraph of Joint Rule 12, shall be referred without debate to the committees on Rules of the two branches acting concurrently, who shall report on the matter, under Joint Rule 10. All matters which have been referred under this rule shall, in each instance, be reported back into the branch making such reference. [Adopted Jan. 10, 1898. Amended Jan. 20, 1904; Jan. 28, 1913; Feb. 19 and Dec. 22, 1920; April 11, 1935; April 22, 1937; Jan. 27, 1955; Jan. 30, 1967; Oct. 18, 1971.]

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

Members.

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

Accommodations for Reporters.

32. Subject to the approval and direction of the committees on Rules of the two branches, acting concurrently, during the session, and of the President of the Senate and the Speaker of the House of Representatives after prorogation, the use of the rooms and facilities assigned to reporters in the State House shall be under the control of the organizations of legislative reporters known as the Massachusetts State House Press Association and the State House Broadcasters Association. No person shall be permitted to use such rooms or facilities who is not entitled to the privileges of the reporters' galleries of the Senate or of the House. Within 10 days after the General Court convenes the Massachusetts State House Press Association and the State House Broadcasters Association shall each transmit to the President of the Senate, the Speaker of the House of Representatives and the Sergeant-at-Arms a list of the legislative reporters with the principal publication or news service which each represents. [Adopted Jan. 27, 1911. Amended Feb. 24, 1914; Feb. 19, 1920; April 17, 1925; May 23, 1979; Feb. 12, 2009.]

Suspension of Rules.

33. Any joint rule except Rule 10 and Rule 30 may be altered, suspended or rescinded by a concurrent vote of two-thirds of the members of each branch present and voting thereon. [Amended Feb. 7, 1893. Adopted in revised form Jan. 9, 1899. Amended Jan. 16, 1903; Jan. 26, 2005.]

Audit of Accounts.

34. The committees on Rules of the two branches, acting concurrently, shall provide that an outside independent audit of joint financial accounts be conducted by a certified public accountant no less frequently that at the end of each second fiscal year. A copy of such audit shall be filed with the Clerks of the Senate and House of Representatives and made available for public inspection upon reasonable notice and during regular office hours. [Adopted May 30, 1985.]

35. The committees on Rules of the two branches, acting concurrently, shall reexamine the Joint Rules of the House and Senate as needed, but at least every 4 years, and shall report to each branch any recommendations it may have to facilitate the work of the respective branches and the joint standing committees. [Adopted June 12, 1995.]

Procurement.

36. (a) The House Business Manager and Chief Financial Officer of the Senate shall complete the procurement of all goods and services from the joint legislative account. 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 House Business Manager and the Chief Financial Officer of the Senate. If the Business Manager and the Chief Financial Officer determine that a procurement cannot be made using the statewide procurement list established by the operational services division, they 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 House Business Manager and the Chief Financial Officer of the Senate.

(c) If the House Business Manager and the Chief Financial Officer of the Senate seek 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, they shall seek quotations from not fewer than 3 persons providing such supply or service. The House Business Manager and the Chief Financial Officer of the Senate 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 House Business Manager and the Chief Financial Officer of the Senate 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 General Court.

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

(e) The House Business Manager and the Chief Financial Officer of the Senate 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 General Court during regular business hours unless the information is otherwise protected by state or federal law.

(f) Whenever the time required to comply with a requirement of this rule would endanger the health, safety or convenience of the members, staff or visitors to the House of Representatives or Senate the House Business Manager and Senate Chief Financial Officer may make an emergency procurement without satisfying the requirement of this rules; provided, however, that both the House and Senate Business Managers certify in writing that: (i) an emergency exists and explain the nature thereof; (ii) the emergency procurement is limited to only supplies or services necessary to meet the emergency; (iii) shall conform to the requirements of rule to the extent practicable under the circumstances; (iv) each contractor's name, (v) the amount and the type of each contract; (vi) the supplies or services provided under each contract; (vii) and basis for determining the need for an emergency procurement.

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

(h) If, in the determination of the House Business Manager and the Chief Financial Officer of the Senate, an emergency procurement of greater than $10,000 is necessary, the House Business Manager and the Chief Financial Officer of the Senate 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 House Business Manager and the Chief Financial Officer of the Senate 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 General Court during regular business hours, unless the information is otherwise protected by state or federal law. [Adopted Mar. 14, 2013.]