

HOUSE No. 2019

Order (filed by Mr. Galvin of Canton) for the adoption of permanent House Rules for the 191st General Court governing the 2019-2020 legislative sessions (House, No. 2019). January 28, 2019.

The Commonwealth of Massachusetts

House of Representatives January 28, 2019.

**In the One Hundred and Ninety-First General Court
(2019-2020)**

1 *Ordered,* Ordered, That the rules of the House of Representatives for the years 2019-
2 2020 be adopted, as follows:

SPEAKER.

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

6 1A. The House shall not be called to order before the hour of ten o'clock A.M. nor meet
7 beyond the hour of nine o'clock P.M. At the hour of nine o'clock P.M., if the House is in session,
8 the Speaker shall interrupt the business then pending and shall, without debate, place before the
9 House the question on suspension of this rule which shall be decided by a majority of members
10 present and voting by a recorded yea and nay vote. If the vote is in the affirmative, said vote

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

17 [Adopted Jan. 12, 1983; Amended Jan. 11, 1985; Jan. 12, 1987; Jan. 14, 1997; May 16,
18 2000.]

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

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

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

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

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

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

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

39 [Amended Jan. 11, 1985.]

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

41 [Amended Jan. 11, 1985.]

42 4A. The Speaker shall appoint a Speaker pro Tempore. The Speaker pro Tempore shall
43 assist the Speaker in the coordination of policy development and the ceremonial functions of the
44 House and shall perform such duties assigned to them by the Speaker. Upon a vacancy in the
45 office of Speaker, the office of Speaker pro Tempore shall be considered vacant.

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

47 4B. (a) As used in this Rule, the following words shall have the following meanings:-

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

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

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

- (1) affiliating with or being employed by a firm, partnership, association, corporation or other entity that provides professional services involving a fiduciary relationship;
- (2) permitting their name to be used by such a firm, partnership, association, corporation or other entity;
- (3) receiving compensation for practicing a profession that involves a fiduciary relationship; or
- (4) serving as an officer or member of the board of an association, corporation or other entity.
- (c) The provisions of this rule shall take effect on August 1, 2017.

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

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

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

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

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

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

SCHEDULING.

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

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

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

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

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

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

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

118 The committee on Rules shall not be subject to the provisions of Rule 17A, but may meet in
119 private to discuss or consider the appointment, discipline or dismissal of any individual the
120 committee is authorized by law or rule to appoint, discipline or dismiss.

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

122 7C. The committee on Rules may consider and make recommendations designed to improve
123 and expedite the business and procedures of the House and its committees, and to recommend to
124 the House any amendments to the Rules deemed necessary; provided that a majority of the
125 members of the House present and voting shall be required to approve such recommendations.

126 The committee shall be privileged to report at any time.

127 [Adopted Jan. 14, 1997.]

128 7D. The Speaker shall, in consultation with the committee on Rules and the committee on
129 Steering, Policy and Scheduling, establish a committee scheduling system that would minimize
130 to the greatest extent possible scheduling conflicts for members of committees.

131 The Speaker shall determine a schedule for the House for each week relative to formal and
132 informal sessions and shall make such schedule available to the members in writing or by
133 electronic mail by 5pm on Friday of the preceding week; provided, however, that the Speaker
134 may make, notwithstanding the provisions of Rule 7A, changes in the schedules to facilitate the
135 business of the House in an efficient and timely fashion. The Speaker shall communicate notice

of any such scheduling change to the members in writing or by electronic mail as soon as practicable, and whenever possible, the Speaker shall provide such notice not less than twenty-four hours before the event so rescheduled is set to commence.

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

MONITORS.

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

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

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

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

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

In order to create a continuous flow of debate, each chairperson shall be responsible for reviewing the daily Calendar and providing advance notice to committee members in the respective divisions of all matters scheduled for consideration in the Orders of the Day. Said

156 committee chairpersons shall provide information to members of their committees on pending
157 legislation and other matters of business before the House.

158 In addition to the legislative duties, chairpersons shall oversee the physical appearance of the
159 Chamber and the various areas under the jurisdiction of the House of Representatives. Said
160 chairpersons shall be authorized to act as a committee and may meet at any time at the request of
161 at least two chairpersons. Said chairpersons, as a committee, shall be authorized to meet with the
162 appropriate agencies and historical commissions of the Commonwealth for the purpose of
163 requesting expeditious appraisals and necessary repairs and renovations to the interior and
164 exterior of the State House. The committee of chairpersons shall report directly to the Speaker
165 the results of all consultations.

166 [Adopted Jan. 14, 1997.]

167 **CLERK.**

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

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

175 10A. The Clerk shall be the official parliamentarian of the House of Representatives.

176 [Adopted Jan. 9, 1991.]

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

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

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

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

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

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

201 As soon as practicable whenever the Clerk prepares a Calendar or advance Calendar under
202 this rule, he also shall cause a true copy thereof to be posted on the Legislative Web Page that is
203 generally available to all members and their staff, and reasonably promptly thereafter he shall
204 cause the members and their staff to be notified of the same by way of electronic mail. [13.] (7.)

205 [Amended Jan. 12, 1983; Jan. 11, 1985; Jan. 12, 1987; May 5, 1993; Jan. 17, 1995; Jan. 24,
206 2001; Jan. 9, 2003; Jan. 26, 2005, Jan. 23, 2007.]

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

209 13A. The Clerk shall make available to all members electronically and, to the public via the
210 Internet, the text of all bills introduced and admitted for consideration in the House.

211 [Adopted, Feb. 11, 2009.]

212 **COUNSEL**

213 13B. (a) The House shall employ a full-time Counsel pursuant to section 51 of chapter 3 of the
214 General Laws. The committee on Rules shall appoint a qualified person to act as Counsel at such
215 compensation as the committee on Rules shall approve.

216 Counsel shall serve a term of two years from the date of appointment, unless the Counsel sooner
217 resigns, retires or is removed; provided, however, that the Counsel may only be removed: (i) for
218 misfeasance, malfeasance or nonfeasance, as determined by agreement of the Equal Employment
219 Opportunity Officer appointed pursuant to Rule 89 and the Director of Human Resources

220 appointed pursuant to Rule 90 and approved by a majority vote of the committee on Rules; or (ii)
221 by a majority roll call vote of the House.

222 Counsel may employ such legal and other assistants as may be necessary in the discharge of
223 Counsel's duties, subject to the approval of the committee on Rules, and may expend with like
224 approval such sums as may be necessary for the discharge of their duties.

225 (b) Counsel shall be the chief legal officer of the House and shall perform all duties generally
226 required of a counsel to an organization and specifically those required pursuant to any general
227 or special law, rule, regulation, or order of the House. Counsel shall provide legal and legislative
228 drafting services to all members regardless of party or seniority.

229 **MEMBERS.**

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

235 14A. [Adopted Feb. 11, 2009; Omitted Jan. 29, 2015.]

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

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

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

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

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

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

248 **ETHICS.**

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

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

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

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

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

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

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

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

271 If a majority appointed finds that any member, officer, or employee of the House has violated
272 any provision of Rule 16A, a majority appointed may, in the case of a member, recommend a
273 reprimand, censure, removal from position of authority, including leadership, chair or vice chair,
274 or expulsion; and in the case of an officer or employee, a majority appointed may recommend a
275 reprimand, suspension, or removal from employment.

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

279 Any member, officer, or employee of the House may request in writing from the House
280 committee on Ethics or from the Counsel to the House appointed pursuant to Rule 13B a

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

286 No member, officer or employee of the House shall be penalized in any manner for having
287 acted within the guidelines of a written advisory opinion from the House committee on Ethics or
288 from the Counsel to the House appointed pursuant to Rule 13B , provided that all pertinent facts
289 are stated in the request for an advisory opinion.

290 A written advisory opinion from the House committee on Ethics or from the Counsel to the
291 House appointed pursuant to Rule 13B shall be a defense in any proceeding arising from said
292 opinion or advice unless material facts were omitted or misstated by the person in the request of
293 the opinion.

294 The chair of the Ethics committee may convene the committee at any time.

295 The chair shall also convene the committee at the written request of at least 5 members of the
296 committee.

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

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

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

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

CODE OF ETHICS.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(16.) Members, officers and employees may utilize public resources to support charitable and community service activities consistent with the Conflict of Interest Law, G.L. c. 268A, pursuant to policies established by Committee on Personnel and Administration pursuant to Rule 90(h)(2).

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

16B. The Committee on Personnel and Administration shall develop and conduct an ethics law training program for every member, officer and employee of the House; provided further, that said training program shall include, without limitation, a review of the requirements and prohibitions of chapter 268A and chapter 268B of the General Laws, and the regulations of the State Ethics Commission, as they apply to legislators and legislative staff; and provided further, that said training program shall be offered no later than July 1 of the first biennial session of the General Court and shall be mandatory for all members, officers and employees.

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

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

COMMITTEES.

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

A committee on Rules;

(to consist of 15 members).

A committee on Ways and Means;

(to consist of 35 members).

A committee on Bills in the Third Reading;

383 (to consist of 3 members). A committee of each Floor Division;

384 (to consist of the members of each division).

385 A committee on Ethics;

386 (to consist of 11 members).

387 A committee on Personnel and Administration;

388 (to consist of 13 members).

389 A committee on Post Audit and Oversight;

390 (to consist of 11 members).

391 A committee on Steering, Policy and Scheduling;

392 (to consist of 11 members).

393 A committee on Bonding, Capital Expenditures and State Assets;

394 (to consist of 11 members).

395 A committee on Global Warming and Climate Change;

396 (to consist of 11 members).

397 A committee on Redistricting;

398 (to consist of 11 members).

399 A committee on Technology and Intergovernmental Affairs;

400 (to consist of 11 members).

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

403 [Amended March 6, 1979; Sept. 16, 1981; Jan. 11, 1985; Jan. 12, 1987; May 5, 1993; Oct. 6,
404 1993; May 23, 1996; Jan. 14, 1997; Jul. 17, 2003; Jan. 26, 2005, Feb. 11, 2009; Jan. 29, 2015.]

405 17A. (a) For the purposes of this rule, the following terms shall, unless the context clearly
406 requires otherwise, have the following meanings:

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

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

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

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

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

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

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

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

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

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

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

441 discussions may have a detrimental effect on the negotiating position of the Commonwealth or a
442 person, firm or corporation.

443 A member, officer or employee subject to an executive conference pursuant to clause (i) or
444 clause (ii) shall be notified in writing no less than 48 hours prior to the proposed executive
445 conference; provided, however, that upon agreement of the parties involved, the notification
446 requirements of clause (i) and clause (ii) may be waived. Upon request of the member, officer or
447 employee subject to an executive conference pursuant to clause (i) or clause (ii) the executive
448 conference shall be open to the public.

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

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

461 (e) Except pursuant to an emergency, a notice and agenda of every meeting of a committee
462 subject to this rule shall be filed with the Clerk of the House, publicly posted by the Clerk on the

bulletin board outside the Clerk's Office and in such other places as are designated in advance for such purpose by said Clerk, made available to all members electronically and made available to the public via the Internet at least forty-eight hours, including Saturdays, but not Sundays and legal holidays, prior to the time of such meeting and a list of the bills, petitions, and resolutions to be considered for a vote or other action by the committee. The notice shall include the date, time and place of such meeting. Such filing and posting shall be the responsibility of the committee scheduling such meeting. The notice and posting requirements shall not apply to executive conferences held pursuant to clause (i) or clause (ii) of part (c) of this rule unless the member, officer or employee subject to the executive conference requests that the executive conference be open to the public.

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

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

486 expense. Executive conferences conducted pursuant to clause (iii) or (iv) of part (c) of this rule
487 may be recorded at the discretion of the chair.

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

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

495 17B. Whenever any member of a House committee present at the committee meeting so
496 requests, the vote to give any legislation a favorable or adverse report shall be a recorded vote of
497 the full committee. Such votes shall be recorded on appropriate forms that show all votes for and
498 against the particular committee action; provided that votes may also be recorded in LAWS. The
499 record of all such roll calls shall be kept in the offices of the committee and shall be posted on
500 the website of the General Court within 48 hours of the vote for public inspection.

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

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

507 17C. There shall be a committee on Personnel and Administration on the part of the House
508 consisting of thirteen members.

509 Said committee shall discharge its duties pursuant to the Rules include Rules 16B and Rules 88
510 though Rule 100 and also be responsible for the allocation of office space as equitably as
511 possible among the various members and joint and standing committees on the part of the House
512 and their respective staff.

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

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

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

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

523 For each person who is employed or is to be employed by a joint or standing committee on
524 the part of the House, each committee chair shall nominate each such person and the House
525 members of the committee by a majority vote shall vote on whether to approve each said
526 nominee. The House members of the committee shall approve such persons whose character and

527 qualifications are acceptable to the majority of the House members of the committee and are in
528 accordance with the qualifications established by the Personnel and Administration committee.

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

532 (1) engage in any work other than legislative business during business hours unless pursuant
533 to the pro-bono service policy or charitable and community service activity policy established by
534 the committee on Personnel and Administration pursuant to Rule 90(h)(2); and

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

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

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

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

543 17D. [Omitted Jan. 26, 2005.]

544 17E. [Omitted Jan. 26, 2005.]

545 17F. [Omitted Jan. 26, 2005.]

546 17G. The committee on Bonding, Capital Expenditures and State Assets shall review all
547 legislation providing for the giving, loaning or pledging of the credit of the Commonwealth (see
548 Article LXII of the Amendments to the Constitution, as amended by Article LXXXIV). Said
549 committee shall be responsible for evaluating such legislation and determining the
550 appropriateness of enacting legislation containing increased bond authorizations for the
551 Commonwealth. The committee shall periodically review and hold open public hearings,
552 accepting oral and written testimony on the status of the bonds and notes of the Commonwealth,
553 including (1) general obligation debt; (2) dedicated income tax debt; and (3) special obligation
554 debt. The committee shall also, in its continuing study of the state's bonding practices, review the
555 Commonwealth's liabilities relative to (a) state-supported debt; (b) state-guaranteed debt; and (3)
556 indirect obligations.

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

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

567 The committee on Bonding, Capital Expenditures and State Assets shall be authorized to
568 conduct hearings relative to the statutory authority of the executive branch and the Treasurer and
569 Receiver-General in the issuance and sale of bonds and notes and the expenditure of capital
570 funds by the various agencies and authorities of the Commonwealth. The committee shall
571 determine whether such laws, administrative regulations and programs are being implemented in
572 accordance with the intent of the General Court. The committee shall be authorized to make
573 recommendations for statutory changes and changes in the Constitution which would grant
574 discretion to the General Court over the allotment and expenditure of funds authorized by capital
575 appropriations.

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

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

583 [Adopted Feb. 11, 2009.]

584 18. The Speaker shall appoint, and may recommend the removal of, the Speaker pro
585 Tempore, the Majority Floor Leader, Assistant Majority Floor Leader and two Second Assistant
586 Majority Floor Leaders. The Minority Leader shall appoint, and may recommend the removal of,
587 the Assistant Minority Floor Leader, Second Assistant Minority Floor Leader, and two Third
588 Assistant Minority Floor Leaders, Ranking minority member of Ways and Means, Assistant

589 Ranking minority member of the Ways and Means committee, Ranking minority member of the
590 committee on Rules, Ranking minority member of the committee on Financial Services, Ranking
591 minority member of the committee on Health Care Financing, Ranking minority member of the
592 committee on the Judiciary, Ranking minority member of the committee on Bonding, Capital
593 Expenditures, and State Assets, Ranking minority member of the committee on Public Safety
594 and Homeland Security, Ranking minority member of the committee on Transportation and
595 Ranking minority member of the committee on Economic Development and Emerging
596 Technologies. The Minority Leader shall be that member of the minority party who is selected
597 for that position by the members of their party.

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

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

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

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

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

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

622 [Amended Jan. 16, 1979; Nov. 17, 1983; Jan. 11, 1985; Jan. 9, 1991; Jan. 14, 1997; Jan. 23,
623 2007; Feb. 11, 2009; Jan 23, 2013; Jan. 29, 2015; Feb. 19, 2015.]

624 18A. There shall be 1 member of the minority party on all committees of conference and 1 on
625 the committee on Bills in the Third Reading. On all other standing and joint committees, the
626 percent of minority party membership shall be at least equal to the percent of minority party
627 membership in the House of Representatives as of the first day of the session; provided, further,
628 that where such percentage results in a fraction of a number, the fraction shall be rounded off to
629 the nearest whole; provided, however, that the minority party shall under no circumstances have
630 less than 4 members on the committee on Ethics, 4 on the committee on Personnel and
631 Administration, 3 on the committee on Rules and 7 on the committee on Ways and Means. In no

632 case shall minority party representation be less than 2 members on all other standing and joint
633 committees.

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

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

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

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

650 18B. All votes on ratification by the caucus required by these rules shall be by written ballot
651 and shall require a majority of those present and voting; provided, however, that if a motion to
652 ratify the appointments by acclamation is made and seconded, no written ballot shall be required.

653 [Adopted Jan. 11, 1985.]

654 18C. [Adopted, Jan. 11, 1985, Omitted Jan. 24, 2001.]

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

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

660 19A. The majority party and minority party shall establish caucus rules that shall dictate the
661 procedures of each caucus.

662 19B. Any member caucus or group of members organized around a common legislative agenda
663 that utilizes House resources, including staff time, shall register with the House Committee on
664 Rules as a Legislative Member Organization, unless it is a party caucus. The chair of the House
665 Committee on Rules shall notify the Clerk of the House of any Legislative Member Organization
666 registering with the Committee and shall maintain a list of all Legislative Member Organizations.

667 Registration shall include the name of the Legislative Member Organization, its statement of
668 purpose, identification of its officers, and a certification signed by its chair that any state
669 resources used for the purposes of the Legislative Member Organization shall be not be used for
670 any partisan political end.

671 A Legislative Member Organization may not include a non-legislator. Senators may belong to
672 the Legislative Member Organization, but in order to use House resources at least one House
673 member shall be an officer of the Legislative Member Organization. A Legislative Member
674 Organization may, without limitation, sponsor informational or educational events, may invite

675 outside speakers and groups to make presentations to the members of the Legislative Member
676 Organization and others, and may distribute any report, analysis, or other research material
677 prepared by others provided that the identity of the person or organization authoring the work is
678 fully disclosed.

679 A member's official stationery may list his or her membership in a Legislative Member
680 Organization.

681 A Legislative Member Organization may accept contributions or gifts exclusively for public
682 purposes, provided that the contribution or gift is directed to the House for use by the Legislative
683 Member Organization, and any funds are held in a dedicated account and financial accounting is
684 managed by the House Business Office. No gifts accepted by a Legislative Member Organization
685 shall be used for salaries of employees of the House. If a Legislative Member Organization
686 wishes to accept contributions or gifts of goods or services valued at \$50 or more from private
687 organizations or individuals said contribution or gift shall be approved by Counsel appointed
688 pursuant to Rule 13B.

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

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

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

694 20A. Notwithstanding the provisions of Rule 33A, amendments to the General Appropriation
695 Bill shall be filed with the Clerk of the House in a format to be determined by the Clerk by 5

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

707 Before the main question on the General Appropriation Bill is placed before the House, an
708 amendment may be postponed or withdrawn at the request of the primary sponsor of the
709 amendment or postponed by the committee on Ways and Means; provided, that further
710 consideration of any amendment so postponed shall take place immediately subsequent to
711 consideration of the amendments within the particular subject-matter to which the postponed
712 amendment was assigned according to the provisions of paragraph one of said rule; provided,
713 that if more than one amendment is so postponed, subsequent consideration of said amendments
714 shall be in the order determined by the committee on Ways and Means; provided further, an
715 amendment so postponed shall not be subsequently considered outside of its assigned subject-
716 matter; and provided further, that notwithstanding the provisions of Rule 33A, amendments
717 submitted to the Clerk shall be in a format to be determined by the Speaker in consultation with
718 said Clerk and shall include an original copy only; and provided further, that perfecting or

719 substitute amendments, including, but not limited to an amendment consolidating more than one
720 amendment, may be submitted by the committee on Ways and Means during consideration of the
721 subject category to which the amendment or amendments were assigned; provided, however, that
722 an amendment may be removed from the consolidated amendment at the request of the sponsor
723 of said amendment for the purpose of it being offered as a further amendment to the consolidated
724 amendment.

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

727 20B. When the General Appropriation Bill is reported by the committee on Ways and Means, it
728 shall be made available to all members electronically and to the public via the Internet in a
729 format to be determined by the Speaker in consultation with the Clerk. The committee on Ways
730 and Means shall provide the membership with a copy of its proposed text of said General
731 Appropriation Bill, and an executive summary which shall include a list of outside sections, and
732 a short summary of each outside section prior to full House consideration of such bill. When the
733 House considers said General Appropriation Bill, it shall be read a second time and forthwith
734 ordered to a third reading without any amendments. The bill shall be immediately read a third
735 time and then be open to amendments as previously determined by the House.

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

737 21. Whenever the committee on Ways and Means reports an appropriation bill or capital
738 outlay bill, it shall make available to the members a report which includes an explanation of any
739 increase or decrease of five percent or more which results in an increase or decrease of one
740 million dollars or more for any item for which the Governor has made a recommendation, and an

741 explanation for the deletion of an item recommended by the Governor, and for the addition of an
742 item for which the Governor has made no recommendation. [25A.] (27A.)

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

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

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

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

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

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

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

23. Bills and resolves prepared for final passage shall be certified by the Clerk of the House, after comparison, to be the same as the bills or resolves passed to be engrossed; and if found to be properly prepared, the Clerk shall so endorse on the envelope thereof; and the question on enactment or final passage or adopting an emergency preamble shall be taken thereon, without further reading, unless specifically ordered.

When a bill prepared for final passage contains an emergency preamble or when it provides for the borrowing of money by the Commonwealth and comes within the provisions of Section 3 of Article LXII of the Amendments to the Constitution, or provides for the giving, loaning or pledging of the credit of the Commonwealth and comes within the provisions of Section 1 of Article LXII (as amended by Article LXXXIV) of the Amendments to the Constitution, or

provides, upon recommendation of the Governor, for a special law relating to an individual city or town and comes within the provisions of clause (2) of Section 8 of Article LXXXIX of the Amendments to the Constitution, or provides for environmental protection within the provisions of Article XLIX as amended by Article XCVII, the Clerk shall plainly indicate the fact on the envelope thereof. [27.] (34.) [See Rule 40.]

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

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

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

24. (1) Petitions, recommendations and reports of state officials, departments, commissions including legislative commissions, and boards, special reports including legislation initiated by the Committee on Ethics Pursuant to Rule 16, legislation initiated by the committee on Bonding, Capital Expenditures and State Assets pursuant to Rule 17G and reports of special committees and commissions including legislative commissions, shall be filed with the Clerk in a format to be determined by said Clerk, who shall, unless they are subject to other provisions of these rules or the rules of the two branches, refer them, with the approval of the Speaker, to the appropriate

805 committees, subject to such change of reference as the House may make. The reading of all such
806 documents may be dispensed with, but they shall be entered in the Journal of the same or the
807 next legislative day after such reference except as provided in Joint Rule 13.

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

813 (b) A resolution for adoption by the House only or a resolution for joint adoption shall
814 only be considered for adoption in the House if the resolution meets the criteria set forth in this
815 rule.

816 (c) A resolution shall consist of: (i) no more than 5 clauses beginning with the word
817 “WHEREAS”, which shall contain statements of facts or opinions; and (ii) no more than 2
818 clauses beginning with the word “RESOLVED”.

819 (d) A resolution shall recognize, honor, commend, celebrate or commemorate a momentous
820 achievement, special occasion or significant event or date; provided, however, that the following
821 resolutions shall not be considered for adoption:

822 (i) a resolution recognizing, honoring, commending, celebrating or commemorating the birthday
823 of a person under the age of 80;

824 (ii) a resolution recognizing, honoring, commending, celebrating or commemorating a wedding
825 anniversary of a married couple of less than 50 years,

826 (iii) a resolution recognizing, honoring, commending, celebrating or commemorating an
827 anniversary of an organization of less than 20 years;

828 (iv) a resolution recognizing, honoring, commending, celebrating or commemorating a class
829 reunion;

830 (v) a resolution recognizing, honoring, commending, celebrating or commemorating a for-profit
831 organization;

832 (iv) a resolution proclaiming certain days, weeks or months;

833 (vii) a resolution that includes a statement of policy or ideology.

834 (e) Suspension of this rule shall require unanimous consent of the members present.

835 (3) Petitions and other papers so filed which are subject to the provisions of Joint Rule 7A,
836 7B, or 9 shall be referred by the Clerk to the committee on Rules. Petitions and other papers so
837 filed, which are subject to the provisions of the second paragraph of Joint Rule 12, shall, prior to
838 the procedure required by said rule, be referred by the Clerk to the committee on Rules. The
839 reading of all such papers may be dispensed with, but they shall be entered in the Journal of the
840 same or the next legislative day after such reference.

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

844 (5) Recommendations and special reports of state officials, departments, commissions and
845 boards, reports of special committees and commissions, bills and resolves accompanying
846 petitions, recommendations and reports, and resolutions shall be made available under the

847 direction of the Clerk, who may cause to be made available, with the approval of the Speaker,
848 any other documents filed as herein provided.

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

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

858 (8) Debate upon the suspension of this rule shall be limited to 10 minutes, 3 minutes for each
859 member, and the Speaker shall recognize the member presenting the order, resolution or petition
860 first; provided, however, that suspension of this rule shall require unanimous consent of the
861 members present. Any order, except such order that would amend the Rules of the House,
862 resolution or petition referred to the committee on Rules after the question of suspension of this
863 rule has been negatived, or any order, resolution or petition filed after the beginning of the
864 session and referred to the committee on Rules, shall not be discharged from said committee
865 except by unanimous consent of the House. Motions to discharge the committee on Rules shall
866 be subject to the provisions of paragraph 2 of Rule 28. [28.] (20.) [See Rules 36 and 85.]

867 [Amended April 27, 1981; Jan. 9, 1989; Jan. 9, 1991; Jan. 26, 2005; Feb. 11, 2009; Jan. 29,
868 2015.]

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

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

881 [Amended Feb. 11, 2009.]

882 27. With the exception of matters referred to the committee on Rules under the provisions of
883 paragraph (3) of Rule 24, committees shall report on all matters referred to them. The committee
884 on Ways and Means shall report the General Appropriation Bill not later than the second
885 Wednesday of May; and provided further that said committee shall make available to the
886 members all data compiled for justification of budgetary recommendations in all appropriation
887 bills. [33.]

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

889 27A. [Omitted Jan. 23, 2007.]

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

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

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

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

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

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

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

927 (8) This rule shall not be suspended unless by unanimous consent of the members present.
928 (27C, 32A.)

929 [Amended Jan. 12, 1981; April 27, 1981; Jan. 12, 1983; Nov. 17, 1983; Jan. 11, 1985; Jan. 9,
930 1989; Jan. 9, 1991; Jan. 24, 2001; Jan. 9, 2003; Jan. 26, 2005, Jan. 23, 2007; Jan. 29, 2015.]

931 28A. The committee on Bills in the Third Reading shall report on a legislative matter not later
932 than 45 days following the day the matter was referred to it. The Clerk shall indicate on the

933 Calendar entry of every matter before the Committee on Bills in the Third Reading the date that
934 said matter was referred to said committee.

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

936 **REGULAR COURSE OF PROCEEDINGS.**

937 *Petitions.*

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

940 [Amended Jan. 11, 1985.]

941 Motions Contemplating Legislation, etc.

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

943 The committee on Ways and Means may originate and report appropriation bills as provided
944 in Rule 20. Messages from the Governor shall, unless otherwise ordered, be referred to the
945 appropriate committee, which may report by bill or otherwise thereon. A similar disposition
946 shall, unless otherwise ordered, be made of reports by state officers and committees authorized to
947 report to the Legislature, and similar action may be had thereon.

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

952 [Amended Jan. 24, 2001.]

953

Bills and Resolves.

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

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

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

966 32A. [Omitted Jan. 26, 2005.]

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

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

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

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

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

985 33A. Copies of all bills shall be available, in a format to be determined by the Speaker in
986 consultation with the Clerk, to all members of the House and the public at least 24 hours in
987 advance of consideration by the House.

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

994 [Adopted Nov. 17, 1983; Amended Nov. 28, 1984; Jan. 12, 1987; Jan. 9, 1991; Jan. 17,
995 1995]; Jan. 9, 2003; Jan. 26, 2005, Jan. 23, 2007; Jan. 29, 2015.]

996 33B. [Omitted Jan. 26, 2005.]

997 33C. [Omitted Jan. 26, 2005.]

998 33D. [Omitted Jan. 26, 2005.]

999 33E. No consolidated amendment offered by the committee on Ways and Means shall be
1000 considered by the House until the expiration of at least 30 minutes after the consolidated
1001 amendment shall have been first filed with the Clerk and made available to the members. This
1002 rule shall not be suspended unless by unanimous consent of the members present.

1003 [Added Feb. 4, 2010; Amended Jan. 29, 2015.]

1004 33F. No consolidated amendment shall be adopted except by a roll call vote.

1005 [Added February 2, 2017.]

1006 34. Bills from the Senate, after their first reading, shall be referred to a committee of the House.
1007 [45.] (26.)

1008 [Amended Jan. 26, 1999.]

1009 35. Amendments proposed by the Senate, and sent back to the House for concurrence, shall
1010 be referred to the committee on Bills in Third Reading, provided that the journal shall reflect the
1011 referral; and provided further that subsequent to a report from said committee, the amendments
1012 shall be considered forthwith. [46.] (36.)

1013 [Amended April 18, 1979; Jan. 12, 1981; Jan. 26, 2005, Jan. 23, 2007; Jan. 23, 2013.]

1014 36. No bill shall be proposed or introduced unless received from the Senate, reported by a
1015 committee, or moved as an amendment to the report of a committee. [47.] (36.)

1016 37. Bills, resolves and other papers that have been, or, under the rules or usage of the House,
1017 are to be made available in a format to be determined by the Speaker in consultation with the
1018 Clerk, shall be read by their titles only, unless the full reading is requested by vote of a majority
1019 of those members present and voting.

1020 [Amended Jan. 9, 2003, Amended, Jan. 23, 2007.] [48.] (29.)

1021 38. When a bill, resolve, order, petition or memorial has been finally rejected or disposed of
1022 by the House, no measure substantially the same shall be introduced by any committee or
1023 member during the same session. This rule shall not be suspended unless by unanimous consent
1024 of the members present. [49.] (54.)

1025 39. No bill shall be passed to be engrossed without having been read on three separate
1026 legislative days. [51.] (28.)

1027 [Amended Jan. 11, 1985.]

1028 40. No engrossed bill shall be amended, except by striking out the enacting clause. A motion
1029 to strike out the enacting clause of a bill shall be received when the bill is before the House for
1030 enactment. If the bill contains an emergency preamble, a motion to suspend this rule may be
1031 received before the adoption of the emergency preamble and, if suspended, the amendment may
1032 contain a new emergency preamble. This rule shall not apply to a bill or resolve returned by the
1033 Governor with a recommendation of amendment in accordance with the provisions of Article

1034 LVI of the Amendments to the Constitution; nor shall it apply to amendments of engrossed bills
1035 proposed by the Senate and sent to the House for concurrence, which amendments shall be
1036 subject to the provisions of Rule 35, provided, however, that an affirmative vote on a motion to
1037 suspend this rule shall be required in order to offer an amendment to such an engrossed bill when
1038 the question before the House is on adoption of an emergency preamble, re-enactment or
1039 enactment, as the case may be. [53.] (49.)

1040 [Amended, Jan. 23, 2007; Jan. 20, 2011; Jan. 23, 2013; Jan. 29, 2015.]

1041 41. Bills received from the Senate and bills reported favorably by committees, when not
1042 referred to another standing committee of the House, shall, prior to being placed in the Orders of
1043 the Day, be referred to the committee on Steering, Policy and Scheduling. Resolutions received
1044 from and adopted by the Senate, or reported in the House by committees, shall, if proposed for
1045 joint adoption, be referred to said committee on Steering, Policy and Scheduling. [56.] (26.)

1046 [Amended Jan. 14, 1997; Jan. 26, 1999.]

1047 42. Reports of committees, not by bill or resolve, including orders if proposed for joint
1048 adoption, after they are received from the Senate, or made in the House, as the case may be,
1049 shall, unless subject to the provisions of any other House or joint rules, be referred to the
1050 committee on Steering, Policy and Scheduling; provided that the report of a committee asking to
1051 be discharged from further consideration of a subject, and recommending that it be referred or
1052 recommitted to another committee, or a report of a committee recommending that a matter be
1053 placed on file, shall be immediately considered. Reports of committees on proposals for
1054 amendments to the Constitution shall be dealt with in accordance with the provisions of Joint
1055 Rule 23. [57.] (36.)

1056 [Amended Jan. 14, 1997; Jan. 29, 2015.]

1057 42A. The Clerk shall, prior to 3 o'clock P.M., on the day preceding a session, make available
1058 by electronic communication or other means, a list of all reports of the committee on Steering,
1059 Policy and Scheduling, asking to be discharged from further consideration of subjects, and
1060 recommending that the subjects be referred to other committees.

1061 [Adopted Jan. 26, 2005; Amended Jan. 29, 2015.]

1062 43. Bills ordered to a third reading shall be placed in the Orders of the Day for the next day
1063 for such reading. [58.] (32.)

1064 *Special Rules Affecting the Course of Proceedings.*

1065 44. The Speaker may designate when an informal session of the House shall be held provided
1066 said Speaker gives notice of such informal session at a prior session of the House. The Speaker
1067 may, in cases of emergency, cancel a session or declare any session of the House to be an
1068 informal session. At an informal session the House shall only consider reports of committees,
1069 papers from the Senate, bills for enactment or resolves for final passage, bills containing
1070 emergency preambles and the matters in the Orders of the Day. Motions to reconsider moved at
1071 such informal session shall be placed in the Orders of the Day for the succeeding day, and no
1072 new business shall be entertained, except by unanimous consent.

1073 Formal debate, or the taking of the sense of the House by yeas and nays shall not be
1074 conducted during such informal session.

1075 Upon the receipt of a petition signed by at least a majority of the members elected to the
1076 House, so requesting, the Speaker shall, when the House is meeting in informal session under the

1077 provisions of Joint Rule 12A, designate a formal session, to be held within seven days of said
1078 receipt, for the purpose of considering the question of passage of a bill, notwithstanding the
1079 objections of the Governor, returned pursuant to Article 2, Section 1, Clause 1, Part 2 of the
1080 Massachusetts Constitution. This rule shall not be suspended unless by unanimous consent of the
1081 members present. [59.] (5A.)

1082 [Amended Jan. 11, 1985; Jan. 12, 1987; Jan. 17, 1995; Jan. 14, 1997; Jan. 24, 2001; Jan. 9,
1083 2003; Feb. 11, 2009.]

1084 45. After entering upon the consideration of the Orders of the Day, the House shall proceed
1085 with them in regular course as follows: Matters not giving rise to a motion or debate shall first be
1086 disposed of in the order in which they stand in the Calendar; after which the matters that were
1087 passed over shall be considered in like order and disposed. The provisions of this paragraph shall
1088 not be suspended unless by unanimous consent of the members present.

1089 Notwithstanding the provisions of this rule, during consideration of the Orders of the Day, the
1090 committee on Ways and Means and the committee on Bills in the Third Reading may present
1091 matters for consideration of the House after approval of two-thirds of the members present and
1092 voting, without debate. [59.] (37.) [See Rule 47.]

1093 [Amended Jan. 12, 1981; Jan. 12, 1983; Feb. 11, 2009.]

1094 46. When the House does not finish the consideration of the Orders of the Day, those which
1095 had not been acted upon shall be the Orders of the Day for the next and each succeeding day
1096 until disposed of, and shall be entered in the Calendar, without change in their order, to precede
1097 matters added under Rule 7A; provided, however, that all other matters shall be listed in
1098 numerical order by Calendar item.

1099 The unfinished business in which the House was engaged at the time of adjournment shall
1100 have the preference in the Orders of the Day for the next day. [60.] (35.)

1101 [Amended Jan. 12, 1987; Jan. 26, 1999.]

1102 47. No matter which has been duly placed in the Orders of the Day shall be discharged
1103 therefrom, or considered out of the regular course. [61.] (38.) [See Rule 45.]

1104 *Voting.*

1105 48. Members desiring to be excused from voting shall make application to that effect before
1106 the division of the House or the taking of the yeas and nays is begun. Such application may be
1107 accompanied by a brief statement of reasons by the member. The Clerk shall, prior to the first
1108 roll call of the sitting, announce the name of any member who has informed him/her to not call
1109 their name or lock their voting station. The Clerk shall also announce prior to any subsequent
1110 roll call of the sitting the name of any member who had informed their to not call their name or
1111 lock their voting station since the taking of the immediately preceding roll call.

1112 A member absent from the House for a formal session period of a day or longer shall notify the
1113 Clerk in writing of the intended absence. A member absent during a formal session for an
1114 extended period or for the remainder of the session shall notify the Clerk in person. The Clerk
1115 shall provide a written notice to any such absent member.

1116 The Clerk shall disable the voting station of any such member notifying the Clerk of an absence
1117 pursuant to this Rule. The Clerk shall also disable the voting station of any member failing to
1118 answer the first non-quorum roll call of a legislative sitting; provided, however, that the Clerk

1119 shall reactivate the voting station upon receiving notification of the member's return to the House
1120 Chamber. ([64.] (57.)

1121 [Amended Feb. 11, 2009.]

1122 49. If the presence of a quorum is doubted, a count of the House shall be made. When a yea
1123 and nay vote is taken, the members, with the exception of the Speaker, shall vote only from their
1124 seats. A member who has been appointed by the Speaker to perform the duties of the Chair, or a
1125 person who has been elected Speaker pro tempore, may designate some member or a court
1126 officer to cast a vote for him/her on any vote taken on the electronic voting system while such
1127 member is presiding. Said designated member performing the duties of the Chair, or Speaker pro
1128 tempore, may, if the Speaker is in the State House, cast a vote for the Speaker. The Speaker
1129 shall state the pending question before opening the system for voting.

1130 The Speaker may direct the Clerk to cast a vote for a member who is in the House Chamber,
1131 but who is unable to vote due to a malfunction of their voting station or inability to open their
1132 voting station.

1133 Except in the case of a vote to ascertain the presence of a quorum, if a member is prevented
1134 from voting personally using the electronic voting system because of physical disability, said
1135 member shall, if present in the State House, be excused from so voting and the Speaker shall
1136 assign a court officer to cast said member's vote so long as said physical disability continues;
1137 provided that the Speaker shall announce the action of the Chair to the membership prior to
1138 assigning a court officer to cast the member's vote and provided further that the Speaker shall
1139 announce the action to the membership the first time a vote is cast for that member on each
1140 successive day. [65.]

1141 [Amended April 18, 1979; Jan. 12, 1987; Jan. 9, 1991; Jan. 9, 2003; Jan. 20, 2011; Feb. 11,
1142 2009.]

1143 50. When a question is put, the sense of the House shall be taken by the voices of the
1144 members, and the Speaker shall first announce the vote as it appears to the Speaker by the sound.
1145 If the Speaker is unable to decide by the sound of the voices, or if the announcement made
1146 thereupon is doubted by a member rising in their place for that purpose, the Speaker shall order a
1147 division of the number voting in the affirmative and in the negative, without further debate upon
1148 the question. [66.] (55.)

1149 [Amended Jan. 11, 1985; Feb. 11, 2009.]

1150 51. When a return by division of the members voting in the affirmative and in the negative is
1151 ordered, the members for or against the question, when called on by the Speaker, shall rise in
1152 their places, and stand until they are counted. If, upon the taking of such a vote, the presence of a
1153 quorum is doubted, a count of the House shall be had, and if a quorum is present the vote shall
1154 stand. [67.]

1155 52. The sense of the House shall be taken by yeas and nays whenever required by ten percent
1156 of the members elected. The Speaker shall, after waiting up to an interval of twelve minutes,
1157 state the pending question and, after opening the electronic voting system, instruct the members
1158 to vote for not less than two minutes and no more than twenty-two minutes, the Speaker shall
1159 close said system and cause totals to be displayed and a record made of how each member
1160 present voted; provided, that if at any time during said voting period any standing, joint or
1161 conference committee is meeting in public or executive sessions, the Speaker shall leave the
1162 electronic voting machine open for not less than 5 minutes.

1163 Any member desiring to be recorded as being "present" when a yea and nay vote is taken on
1164 the electronic roll call system shall so notify the Clerk in person after said vote is ordered and
1165 before the vote is announced.

1166 In the event the electronic voting system is not in operating order, the roll of the House shall
1167 be called in alphabetical order; provided, however, that no member shall be allowed to vote or to
1168 answer "present" who was not on the floor before the vote is declared; provided, however, that a
1169 member, who was in the State House on a previous roll call, may be recorded by reporting to the
1170 Clerk within five minutes after such vote is closed, unless objection is made thereto and it is
1171 seconded; and provided further that the presiding officer shall not, for said purpose, interrupt the
1172 member who is speaking on the floor; provided, however, that such request may be announced to
1173 the House subsequent to the five minutes. The Speaker shall not entertain any requests beyond
1174 said five minute period. Once the voting has begun it shall not be interrupted except for the
1175 purpose of questioning the validity of a member's vote before the result is announced. Except as
1176 heretofore provided, any member who shall vote or attempt to vote for another member or any
1177 person not a member who votes or attempts to vote for a member, or any member or other person
1178 who willfully tampers with or attempts to impair or destroy in any manner whatsoever the voting
1179 equipment used by the House, or change the records thereon shall be punished in such manner as
1180 the House determines; and provided further, that such a violation shall be reported to the Ethics
1181 Committee. [68.] (56, 57.)

1182 [Amended Jan. 12, 1983; Jan. 11, 1985; Jan. 12, 1987; Jan. 9, 1991; Jan. 24, 2001; Jan. 9,
1183 2003; Jan. 26, 2005; Feb. 11, 2009; Jan 20, 2011.]

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

[Amended Jan. 26, 1999.]

Reconsideration.

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

1206 [Amended Jan. 12, 1981, Jan. 23, 2007.]

1207 55. When a motion for reconsideration is decided, that decision shall not be reconsidered, and
1208 no question shall be twice reconsidered; nor shall any vote be reconsidered upon any of the
1209 following motions:

1210 to recess,

1211 to adjourn,

1212 on sustaining a ruling of the Chair,

1213 to close debate at a specified time,

1214 to postpone if voted in the negative,

1215 to discharge or direct a committee to report,

1216 to commit or recommit,

1217 for second or subsequent legislative days,

1218 for the previous question, or

1219 for suspension of rules.

1220 This rule shall not be suspended unless by unanimous consent of the members present. [71.]

1221 (53.)

1222 [Amended Jan. 12, 1981; Jan. 12, 1983; Jan. 9, 1991.]

1223 56. Debate on motions to reconsider shall be limited to fifteen minutes, and no member shall
1224 occupy more than three minutes, but on a motion to reconsider a vote upon any subsidiary or
1225 incidental question, debate shall be limited to ten minutes, and no member shall occupy more
1226 than three minutes.

1227 If the House has voted to close debate on any question, a motion to reconsider said question
1228 shall be decided without debate. [72.] (52.)

1229 [Amended Jan. 12, 1981; Jan. 12, 1987.]

1230 **RULES OF DEBATE.**

1231 57. Every member, when about to speak, shall rise and respectfully address the Speaker and
1232 shall confine himself/herself to the question under debate. [73.] (39.)

1233 [Amended Jan. 11, 1985.]

1234 58. Every member while speaking shall avoid personalities; and shall sit down when finished.

1235 No member shall speak out of their place without leave of the Speaker. [73.] (39.)

1236 When two or more members rise at the same time, the Speaker shall name the member
1237 entitled to the floor, preferring one who rises in their place to one who does not. [74.] (40.)

1238 [Amended Jan. 11, 1985.]

1239 59. If a member repeatedly violates any of the rules of the House, or disrupts the orderly
1240 procedure of the House, the Speaker, after warning the member of such violations, shall call the
1241 member to order, and order that member to take their seat. A member so called to order shall lose
1242 the right to speak on the pending subject-matter but shall not be debarred from voting. A member

1243 so called to order shall remain seated until the House begins consideration of another subject-
1244 matter or unless the Speaker earlier returns to the member their rights to the floor.

1245 If a member so called to order refuses to immediately take their seat, the Speaker shall
1246 immediately name that member, who shall be escorted from the Chamber under escort of the
1247 Sergeant-at-Arms. The matter shall thereupon, on motion, be referred to a special committee of
1248 three to be appointed by the Speaker. Said special committee shall make a report to the House of
1249 its recommendations, which report shall be read and accepted.

1250 Having been named, a member shall not be allowed to resume their seat until said member
1251 has complied with the recommendations of the committee as accepted by the House.

1252 If, after a member is seated or named, the action of the Speaker is appealed, the House shall
1253 decide the case by a majority vote of the members present and voting, but if there is no
1254 immediate appeal, the decision of the Speaker shall be conclusive.

1255 [Amended Jan. 12, 1981; Jan. 11, 1985; Feb. 11, 2009.]

1256 60. No member shall interrupt another while speaking except by rising to a point of order, to a
1257 question of personal privilege, to doubt the presence of a quorum, or to ask the person speaking
1258 to yield.

1259 Members may rise to explain matters personal to them by leave of the presiding officer, but
1260 shall not discuss pending questions in such explanations.

1261 Questions of personal privilege shall be limited to questions affecting the rights, reputation, and
1262 conduct of the member in their representative capacities.

1263 Members may rise to ask questions of parliamentary inquiry concerning the pending matter by
1264 leave of the presiding officer, but shall not debate the pending questions. [75.] (42.)

1265 [Amended Jan. 12, 1981; Feb. 11, 2009.]

1266 61. No member shall speak more than once to the prevention of those who have not spoken
1267 and desire to speak on the same question.

1268 This prohibition shall not apply to those members designated by the committee or committees
1269 reporting the bill.

1270 No member shall occupy more than thirty minutes at a time while speaking on any question
1271 where debate is unlimited.

1272 Unless the operation of another rule provides to the contrary (such as previous question,
1273 limitation of debate, etc.), no member shall be prohibited from speaking more than once on any
1274 question when no other member who has not spoken is seeking recognition by the Chair. [76.]
1275 (41.)

1276 *Motions.*

1277 62. Every motion shall be reduced to writing, if the Speaker so directs. [77.] (44.)

1278 63. A motion need not be seconded, except an appeal from the decision of the Chair, and may
1279 be withdrawn by the mover if no objection is made. [78.] (44.)

1280 [Amended Jan. 12, 1981.]

1281 Limit of Debate.

1282 64. A motion to recess or adjourn shall always be first in order, and shall be decided without
1283 debate; and on the motions to close debate at a specified time, to postpone to a time certain, to
1284 commit or recommit, not exceeding ten minutes shall be allowed for debate, and no member
1285 shall speak more than three minutes. On the motion to discharge any committee, or on a motion
1286 directing any committee to report matters before it, not exceeding fifteen minutes shall be
1287 allowed for debate, and no member shall speak more than three minutes.

1288 If the main motion is undebatable, any subsidiary or incidental motion made relating to it
1289 shall also be decided without debate. [79.] (52.) [See Rules 56 and 83.]

1290 [Amended Jan. 12, 1981.]

1291 64A. Debate on the question on adoption of orders for second and subsequent legislative days
1292 shall be limited to ten minutes, and no member shall speak more than three minutes. After
1293 entering into a second or subsequent legislative day, the House shall immediately proceed to
1294 consideration of engrossed bills, reports of committees, papers from the Senate or the Orders of
1295 the Day. This rule shall not be suspended unless by unanimous consent of the members present.

1296 [Adopted Jan. 12, 1983.]

1297 65. When a question is before the House, until it is disposed of, the Speaker shall receive no
1298 motion that does not relate to the same, except the motion to recess or adjourn or some other
1299 motion that has precedence either by express rule of the House, or because it is privileged in its
1300 nature; and the Speaker shall receive no motion relating to the same, except,—

1301 for the previous question,

1302 to close debate at a specified time,

1303 to postpone to a time certain,

1304 to commit (or recommit),

1305 to amend, See Rules 66, 67 and 68

1306 See Rules 64, 69 and 70

1307 See Rules 64 and 70

1308 See Rules 64 and 71

1309 See Rules 72, 73, 74 and 75

1310 — which several motions shall have precedence in the order in which they are arranged in
1311 this rule. [80.] (46.)

1312 [Amended Jan. 11, 1985.]

1313 *Previous Question.*

1314 66. Any member may call for the previous question on the main question.

1315 The previous question shall be put in the following form: "Shall the main question be now
1316 put?" and all debate on the main question shall be suspended until the previous question is
1317 decided.

1318 The adoption of the previous question shall require the affirmative vote of two-thirds of the
1319 members present and voting and shall put an end to all debate, and bring the House to direct vote
1320 upon pending amendments, if any, in their regular order, and then upon the main question.

1321 A motion to reconsider the vote on any of the pending amendments shall be decided without
1322 debate. [81.]

1323 [Amended Jan. 12, 1981.]

1324 67. Any member may call for the previous question on any pending amendment.

1325 The previous question shall be put in the following form: "Shall the question on adoption of
1326 the amendment be now put?" and all debate shall be suspended until the previous question is
1327 decided.

1328 The adoption of the previous question on a pending amendment shall require the affirmative
1329 vote of two-thirds of the members present and voting and shall put an end to all debate and bring
1330 the House to a direct vote upon the pending amendment.

1331 A motion to reconsider the vote on the pending amendment shall be decided without debate.

1332 [Amended Jan. 12, 1981.]

1333 68. The previous question shall be decided without debate.

1334 *Motion to Close Debate at a Specified Time.*

1335 69. Debate may be closed at any time not less than thirty minutes from the adoption of a
1336 motion to that effect. This rule shall not be suspended unless by unanimous consent of the
1337 members present. [85.] (47.)

1338 Motion to Postpone to a Time Certain.

1339 70. When a motion is made to postpone to a time certain, and different times are proposed,
1340 the question shall first be taken on the most remote time; and the time shall be determined before
1341 the question is put on postponement, which may then be rejected if the House sees fit. [87.] (51.)

1342 *Motion to Commit.*

1343 71. When a motion is made to commit, and different committees are proposed, the question
1344 shall be taken in the following order:

1345 a standing committee of the House,

1346 a select committee of the House,

1347 a joint standing committee,

1348 a joint selected committee;

1349 and a subject may be recommitted to the same committee or to another committee at the
1350 pleasure of the House. [88.] (48.)

1351 *Motion to Amend.*

1352 72. A motion to amend an amendment may be received; but no amendment in the third degree
1353 shall be allowed. This rule shall not be suspended unless by unanimous consent of the members
1354 present. [89.]

1355 [Amended Jan. 12, 1983.]

1356 73. No motion or proposition on a subject different from that under consideration shall be
1357 admitted under color of amendment. This rule shall not be suspended unless by unanimous
1358 consent of the members present. [90.] (50.)

1359 [Amended Jan. 12, 1987.]

1360 73A. No motion to amend a report from the committee on Ways and Means or a report from
1361 the committee on Bills in the Third Reading, when such an amendment contains an expenditure
1362 of public money or an increase or decrease in taxes, shall be considered unless a brief
1363 explanation of the amendment is stated.

1364 [Adopted Jan. 17, 1995; Amended Jan. 26, 1999.]

1365 74. A question containing two or more propositions capable of division shall be divided
1366 whenever desired by any member, if the question includes points so distinct and separate that,
1367 one of them being taken away, the other will stand as a complete proposition. The motion to
1368 strike out and insert shall be considered as one proposition and therefore indivisible. The
1369 question on ordering a bill or resolve to a third reading, or to be engrossed, or to be enacted, or
1370 similar main motions shall be considered as indivisible under this rule. This rule shall not be
1371 suspended unless by unanimous consent of the members present. [91.] (45.)

1372 [Amended Jan. 12, 1983.]

1373 75. In filling blanks, the largest sum and longest time shall be put first. [92.] (51.) [See Rule
1374 70.]

1375 *Declaration of Recess.*

1376 76. The Speaker may declare a recess of 15 minutes duration, or less.

1377 [Amended Jan. 9, 1991; Jan. 29, 2015.]

1378 *Appeal.*

1379 77. No appeal from the decision of the Speaker shall be entertained unless it is seconded; and
1380 no other business shall be in order until the question on the appeal has been disposed of. Debate
1381 shall be limited to 15 minutes on the question of sustaining a ruling by the Chair, and no member
1382 shall occupy more than three minutes. [94.] (43A.) [See Rule 2.]

1383 [Amended Jan. 9, 1989; Jan. 29, 2015.]

1384 *Resolves.*

1385 78. Such of these rules as are applicable to bills, whether of the House or of the Senate, shall
1386 apply likewise to such resolves as require the concurrence of the Senate and approval by the
1387 Governor in order to become law and have force as such. [95.]

1388 *Seats.*

1389 79. (1) The desk on the right of the Speaker shall be assigned to the use of the Clerk and such
1390 persons as they may employ to assist said Clerk, and that on the left to the use of the chair and
1391 vice-chair of the committee on Bills in the Third Reading.

1392 (2) The Speaker shall assign members to vacant seats. The seat assigned to any member, other
1393 than seats assigned under paragraph (1) of this rule, shall be their seat for the year and for such
1394 additional years as said member may elect so long as service in the House remains continuous.
1395 An exchange of seats may be made with the approval of the Speaker. [98.]

1396 [Amended Jan. 11, 1985; May 5, 1993.]

1397 *Privilege of the Floor.*

1398 80. The following persons shall be entitled to admission to the House of Representatives,
1399 during the session thereof, to stand in an area designated by the Speaker in the rear of the
1400 Chamber, unless otherwise invited by said Speaker to occupy seats not numbered:

1401 (1) The Governor and the Lieutenant-Governor, members of the Executive Council, Secretary
1402 of the Commonwealth, Treasurer and Receiver-General, Auditor of the Commonwealth,
1403 Attorney-General, Librarian and Assistant Librarian;

1404 (2) The members of the Senate;

1405 (3) Authorized employees of the House and persons in the exercise of an official duty directly
1406 connected with the business of the House; or

1407 (4) Contestants for seats in the House, whose papers are in the hands of a special committee
1408 of the House, may be admitted, while their cases are pending, to seats to be assigned by the
1409 Speaker

1410 No other person shall be admitted to the floor during the session, except upon the permission
1411 of the Speaker.

1412 No legislative agent or counsel may be admitted to the floor of the House Chamber during a
1413 session unless that part of the session is ceremonial in nature in which no other legislative
1414 business is conducted.

1415 The legislative reporters shall be entitled to the privileges of the reporters' galleries.

1416 This rule shall not be suspended unless by unanimous consent of the members present. [99.] (60,
1417 61.)

1418 [Amended Jan. 9, 1991, Jan. 23, 2007.]

1419 *Representatives' Chamber and Adjoining Rooms.*

1420 81. (a) Use of the Representatives' Chamber members' corridor or adjoining rooms shall be
1421 for official business or educational purposes only and shall be subject to the approval of the
1422 Speaker or the committee on Rules. The provisions of this paragraph shall not apply if the
1423 purpose of admittance is to attend a meeting in an adjoining room to which members of the
1424 general public are allowed to attend.

1425 (b) No legislative agent or counsel shall be admitted to the members' corridor or adjoining
1426 rooms. No other person shall be admitted to the members' corridor or adjoining rooms, except
1427 persons entitled to the privileges of the floor of the House unless upon written invitation of a
1428 member bearing the name of the member and the person the member invites. Upon entering, the
1429 invitation shall be given to the court officer assigned to the area. The provisions of this paragraph
1430 shall not apply if the purpose of admittance is to attend a meeting in an adjoining room to which
1431 members of the general public are allowed to attend.

1432 (c) No person shall be admitted to the north gallery of the House except upon a card of the
1433 Speaker.

1434 (d) Subject to the approval and direction of the committee on Rules during the session and of
1435 the Speaker after prorogation, the use of the reporters' galleries of the House Chamber shall be

1436 under the control of the organization of legislative reporters known as the Massachusetts State
1437 House Press Association and the State House Broadcasters Association.

1438 (e) Every legislative reporter desiring admission to the reporters' galleries shall state in
1439 writing that they are not the agent or representative of any person or corporation interested in
1440 legislation before the General Court, and will not act as representative of any such person or
1441 corporation while retaining a place in the galleries; but nothing herein contained shall prevent
1442 such legislative reporter from engaging in other employment, provided such other employment is
1443 specifically approved by the committee on Rules and reported to the House.

1444 (f) All formal sessions of the House of Representatives shall be open to both commercial and
1445 public radio and television, except designated times during such sessions, as determined by the
1446 House, reserved for the consideration of non-controversial business which does not give rise to
1447 debate. The manner and conditions of such broadcasts shall be established by the Speaker.
1448 Television, radio or web-broadcasts may be prohibited on any given day by the Speaker.

1449 The Speaker may arrange for a limited number of remote connections at a location
1450 outside of the Representatives' Chamber for commercial and public radio and television to obtain
1451 audio and visual feeds of formal sessions being recorded or streamed by the House. Video or
1452 audio obtained from such feed shall be used only for reporting purposes. Access to the
1453 connections provided shall be on a first-come-first serve basis; provided, however, that
1454 commercial and public radio and television acquiring access shall be required to share the audio
1455 or video feeds with other any other commercial and public radio and television station seeking
1456 access. The manner and conditions of access shall be established by the Speaker with the
1457 approval of the House. Access may be prohibited by the Speaker with the approval of the House.

1458 Clauses (a) through (e) of this rule shall not be suspended unless by unanimous consent of the
1459 members present. [100.] (59.)

1460 [Amended April 18, 1979; Jan. 12, 1983; Jan. 12, 1987; Jan. 9, 1991; Jan. 26, 1999, Jan. 23,
1461 2007.]

1462 *Quorum.*

1463 82. Eighty-one members shall constitute a quorum for the organization of the House and the
1464 transaction of business. [See amendments to the Constitution, Art. XXXIII.]

1465 In the event that a quorum is not present, the presiding officer shall compel the attendance of
1466 a quorum. During the absence of a quorum, no other business may be transacted or motions
1467 entertained except a declaration of adjournment or a recess by the Speaker. [105.]

1468 [Amended Jan. 12, 1981; Jan. 14, 1997.]

1469 *Debate on Motions for Suspension of Rules.*

1470 83. The question of suspension of House Rules 45, 47, 56, 61, 64, 66, 67, 68, 69, 77 and 83
1471 shall be decided without debate. Debate upon the motion for the suspension of any other House
1472 rule, unless otherwise indicated, or any joint rule shall be limited to fifteen minutes and no
1473 member shall occupy more than three minutes. This rule shall not be suspended unless by
1474 unanimous consent of the members present. [102.] (52.)

1475 [Amended Jan. 12, 1981; Jan. 9, 1989.]

1476 84. Unless otherwise indicated, nothing in the House rules or joint rules shall be suspended,
1477 altered or repealed unless two-thirds of the members present and voting consent thereto. This
1478 rule shall not be suspended unless by unanimous consent of the members present. [103.] (63.)

1479 [Amended Jan. 12, 1981.]

1480 84A. The clerk may, due to technical limitations or upon exigent circumstances, elect to waive
1481 any requirement relative to the electronic availability and posting on the internet of any bills,
1482 resolves, summaries or other documents contained herein; provided, however, that if the clerk so
1483 waives any such requirement he shall make paper copies of the documents available to all
1484 members and the public within the limitation established for the electronic availability and
1485 posting on the internet of any bills, resolves, summaries or other documents contained herein.

1486 [Adopted Feb. 11, 2009.]

1487 *Reference to Committee on Rules.*

1488 85. All motions or orders authorizing committees of the House to travel or to employ
1489 stenographers, all propositions involving special investigations by committees of the House, all
1490 resolutions presented for adoption by the House only, and all motions and orders except those
1491 which relate to the procedure of the House or are privileged in their nature or are authorized by
1492 Rule 65, shall be referred without debate to the committee on Rules, which shall report thereon,
1493 recommending what action should be taken. The committee shall not recommend suspension of
1494 Joint Rule 9, unless evidence satisfactory to the committee is produced that the petitioners have
1495 previously given notice, by public advertisement or otherwise, equivalent to that required by
1496 Chapter 3 of the General Laws. [104.] (13A.)

1497 [Amended Jan. 29, 2015.]

1498 85A. The House Business Manager, with the approval of the Counsel appointed pursuant to
1499 Rule 13B, shall provide that outside, independent audits of House financial accounts be
1500 conducted for each fiscal year upon receipt of the fiscal year end appropriation activity with
1501 balance report from the comptroller of the Commonwealth. The audit shall be conducted in
1502 accordance with auditing standards generally accepted in the United States of America and the
1503 standards applicable to financial audits contained in Government Auditing Standards, issued by
1504 the Comptroller General of the United States. The House Business Manager shall provide the
1505 independent auditor with requested documents for such audit. A copy of such audit shall be filed
1506 with the Clerk of the House and said copies shall be made available to the members and the
1507 general public upon request. The procurement of an independent auditor pursuant to this rule
1508 shall not be subject to rule 87.

1509 [Adopted Jan. 11, 1985, Amended Jan. 20, 2011.]

1510 *Parliamentary Practice.*

1511 86. The rules of parliamentary practice shall govern the House in all cases to which they are
1512 applicable, and in which they are not inconsistent with these rules or the joint rules of the two
1513 branches. (62.)

1514 *Procurement.*

1515 87. (a) All procurements for goods or services shall be completed by the House Business
1516 Manager.

1517 (b) All procurements for goods or services shall, to the extent practicable, be made pursuant to a
1518 statewide procurement contract established by the operational services division.

1519 (c) Upon certification by the House Business Manager that a necessary procurement cannot be
1520 made using a statewide procurement contract established by the operational services division, the
1521 House Business Manager may procure the required goods or services pursuant to the following:

1522 (i) for a procurement of a supply or service in an amount of less than \$10,000, the House
1523 Business Manager shall use sound business practices;

1524 (ii) for a procurement of a supply or service in an amount of \$10,000, but less than \$100,000,
1525 the House Business Manager shall seek written or oral quotations from no fewer than 3 persons
1526 customarily providing such supply or service. The House Business Manager shall record the
1527 names and addresses of all persons from whom quotations were sought, the names of the persons
1528 submitting quotations and the date and amount of each quotation. The House Business Manager
1529 shall award the contract to the responsible person whose quotation offers the needed quality of
1530 supply or service and which represents the best value for the House;

1531 (iii) for a procurement of a supply or service in an amount exceeding \$100,000, the House
1532 Business Manager shall seek proposals through a competitive bid process established by the
1533 Counsel appointed pursuant Rule 13B, referred to in this rule as “Counsel” ; provided, however,
1534 that the Counsel shall file the competitive bid process with the Clerk of the House no later than
1535 March 31 of the first year of the session.

1536 (d) Notwithstanding subsection (a) and (b), all procurements for legal consulting services and
1537 legal resources shall be handled exclusively by Counsel in compliance with the provisions of this
1538 rule..

1539 (e) The House Business Manager shall maintain a file on each contract not executed using a
1540 statewide procurement contract established by the operational services division and in excess of
1541 \$10,000 and shall include in such file a copy of all documents constituting the agreement for
1542 goods and services and all documents evidencing compliance with this rule. The House Business
1543 Manager shall make the file available for inspection within said office by members of the House
1544 for at least 3 years from the date of final payment under the contract; provided, however, that the
1545 Business Manager, in consultation with Counsel, shall redact from said file any information
1546 which (i) is legally privileged; (ii) is proprietary; (iii) is related to individual members or House
1547 personnel; or (iv) is otherwise protected by state or federal law.

1548 (f) Whenever the time required to comply with a requirement of this rule would endanger the
1549 health, safety or convenience of the members, staff or visitors to the House of Representatives,
1550 the House Business Manager may make an emergency procurement without satisfying the
1551 requirements of this rule; provided, however, that both the House Business Manager and Counsel
1552 certify in writing: (i) that an emergency exists and explain the nature thereof; (ii) that said
1553 emergency procurement is limited to only supplies or services necessary to meet the emergency;
1554 (iii) that said emergency procurement conforms to the requirements of this rule to the extent
1555 practicable under the circumstances; and (iv) shall include each contractor's name, the amount
1556 and the type of each contract, the supplies or services provided under each contract, and (vii) the
1557 basis for determining the need for an emergency procurement. Such certification shall be filed
1558 with the Clerk of the House prior to an emergency procurement. [Adopted Jan. 20, 2011,
1559 Amended Jan. 23, 2013; Jan. 29, 2015; Feb. 19, 2015.]

1560 *Professional Standards and Conduct*

1561 88. (a) As used in Rules 88 to 99, inclusive, the following terms shall, unless the context
1562 clearly requires otherwise, have the following meanings:-

1563 "Authorized party", a party authorized to receive a complaint of harassment or retaliation
1564 pursuant to Rule 93.

1565 "Counsel", Legal Counsel to the House appointed pursuant to Rule 13B.

1566 "Director", the Director of Human Resources appointed pursuant to Rule 90.

1567 "Discriminatory harassment", verbal or physical conduct that:

1568 (1) demeans, stereotypes, or shows hostility or aversion toward an individual or group because
1569 of the individual's race, color, religion, national origin, sex, ancestry, sexual orientation, age,
1570 disability status, genetic information, gender identity, active military personnel status,
1571 transgender status or membership in any other protected class and;

1572 (2) (i) has the purpose or effect of creating an intimidating, hostile, humiliating or offensive
1573 working environment;

1574 (ii) has the purpose or effect of unreasonably interfering with a member, officer, intern or
1575 employee's work performance or official duties; or

1576 (iii) otherwise adversely affects a member, officer, intern or employee's employment
1577 opportunities or ability to fulfill their official duties or conduct business before the House.

1578 "EEO Officer", the Equal Employment Opportunity Officer appointed pursuant to Rule 89.

1579 "Harassment", discriminatory harassment or sexual harassment engaged in by a member, officer,
1580 intern or employee of the House or by a third party.

1581 "Sexual harassment", sexual advances, requests for sexual favors and verbal or physical conduct
1582 of a sexual nature when:

1583 (1) submission to or rejection of such advances, requests or conduct is made either explicitly or
1584 implicitly a term or condition of employment or as a basis for employment decisions, or as a
1585 term, condition or basis for the support of certain policy objectives, political aspirations or
1586 business before the House; or

1587 (2) such advances, requests or conduct have the purpose or effect of unreasonably interfering
1588 with a member, officer, intern or employee's work performance or official duties by creating an
1589 intimidating, hostile, humiliating or sexually offensive work environment.

1590 Under this definition, direct or implied requests for sexual favors in exchange for actual or
1591 promised (i) employment benefits such as favorable reviews, salary increases, promotions,
1592 increased benefits or continued employment or (ii) support for certain policy objectives, political
1593 aspirations or business before the House, shall constitute sexual harassment.

1594 The definition of sexual harassment is broad and may include other sexually oriented conduct,
1595 whether or not it is intended to violate this Rule, that is unwelcome and has the effect of creating
1596 a workplace environment that is hostile, offensive, intimidating or humiliating to a member,
1597 officer, intern or employee of the same or different gender, or those who do not identify as
1598 gender binary.

1599 "Supervisor", a member, officer or employee having direct authority or oversight over one or
1600 more employees.

1601 "Third party", any person visiting the House of Representatives, or conducting official business
1602 or work with any member, officer or employee of the House.

1603 (b) The House is committed to providing fair and equal opportunity for employment and
1604 advancement to all employees and applicants.

1605 It is our policy and practice to assign, promote and compensate employees on the basis of
1606 qualifications, merit, and competence. Employment practices shall not be influenced nor
1607 affected by virtue of an applicant's or employee's race, color, religion, national origin, sex,
1608 ancestry, sexual orientation, age, disability status, genetic information, gender identity, active
1609 military personnel status, transgender status or membership in any other protected class.

1610 This policy governs all aspects of recruiting, hiring, training, on-the-job treatment, promotion,
1611 transfer, discharge and all other terms and conditions of employment.

1612 Without limiting the applicability of the foregoing, the House is committed to creating and
1613 maintaining a work environment in which all members, officers, interns and employees of the
1614 House, and all third parties, are treated with respect and free from any form of harassment,
1615 including harassment based on an individual's membership in any protected class. To that end,
1616 the House will not tolerate harassment of any kind by any member, officer, intern, employee or
1617 third party in the workplace or otherwise in connection with the official duties or employment
1618 responsibilities of a member, officer, third party, intern or employee. Any individual who
1619 believes that they may have been the object of harassment, or any individual who witnesses
1620 something they think may be harassment, is strongly encouraged to report that information to an
1621 authorized party.

1622 The House shall promote the safety and respectful treatment of all members, officers, interns and
1623 employees of the House, and all third parties, by establishing uniform procedures for making and
1624 receiving complaints of harassment and initiating, conducting and concluding investigations into
1625 complaints of harassment.

1626 A violation of this policy will subject the member, officer, employee or intern to discipline
1627 pursuant to Rule 95 and Rule 96.

1628 (c) (1) Discriminatory harassment may include, but is not limited to, the following conduct:

1629 (i) epithets, slurs, insults or negative stereotyping related to the protected classes;

1630 (ii) acts or jokes that are hostile or demeaning with regard to the protected classes;

1631 (iii) threatening, intimidating or hostile acts that relate to the protected classes;

1632 (iv) displays of written or graphic material that demean, ridicule or show hostility toward an
1633 individual or group because of membership in a protected class, including material circulated or
1634 displayed in the workplace, including District Offices, such as on an employee's desk or
1635 workspace, or on House equipment or bulletin boards, including but not limited to House-issued
1636 computers, laptops and personal device assistants;

1637 (v) verbal or non-verbal innuendo, and micro-aggressions; and

1638 (vi) other conduct that falls within the definition of discriminatory harassment set forth above.

1639 (2) Sexual harassment includes, but is not limited to, the following conduct:

1640 (i) gender-based bullying, including bullying based on transgender or non-gender binary status;

- 1641 (ii) attempts to coerce an unwilling person into a sexual relationship;
- 1642 (iii) repeatedly subjecting a person to unwelcome sexual or romantic attention;
- 1643 (iv) punishing a person's refusal to comply with a request for sexual conduct; and
- 1644 (v) conditioning a benefit on submitting to sexual advances.
- 1645 (3) Conduct that, if unwelcome, and depending upon the totality of the circumstances, including
- 1646 the severity of the conduct and its pervasiveness, may constitute sexual harassment includes, but
- 1647 is not limited to, the following:
- 1648 (i) unwelcome sexual advances, flirtations or propositions, whether they involve physical
- 1649 touching or not;
- 1650 (ii) sexual "kidding," epithets, jokes, written or oral references to sexual conduct;
- 1651 (iii) gossip regarding one's sex life;
- 1652 (iv) comment on a person's body or an individual's sexual activity, deficiencies, or prowess;
- 1653 (v) displaying sexually suggestive objects, pictures, posters or cartoons;
- 1654 (vi) unwelcome leering or staring at a person;
- 1655 (vii) sexual gestures and suggestive or insulting sounds, such as whistling or comments with
- 1656 sexual content or meaning;
- 1657 (viii) uninvited physical contact, such as touching, hugging, purposely brushing against the body,
- 1658 patting or pinching;
- 1659 (ix) indecent exposure;

1660 (x) inquiries into one's sexual experiences;

1661 (xi) discussion of one's sexual activities;

1662 (xii) sexual emails; and

1663 (xiii) sexting, or sexual messages or images posted on social media, for example, texts, instant
1664 messages, Facebook posts, tweets, Snapchat, Instagram or blog entries.

1665 (d) No member, officer or employee of the House shall retaliate, including against a member,
1666 officer, intern, or employee of the House who has complained about harassment or participated
1667 in an investigation into an allegation of harassment or retaliation. Any person who believes that
1668 they may have been the subject of retaliation for having complained of harassment or retaliation,
1669 or for having participated in an investigation related to an allegation of harassment or retaliation,
1670 is strongly encouraged to report that information to an authorized party. [Adopted Mar. 15,
1671 2018.]

1672 89. (a) The House shall employ a full-time Equal Employment Opportunity Officer. The
1673 committee on Rules shall appoint a qualified person with expertise in harassment prevention,
1674 conduct of investigations, and identifying barriers to equal employment opportunity to act as the
1675 EEO Officer at such compensation as the committee on Rules shall approve.

1676 The EEO Officer shall serve a term of two years from the date of appointment, unless the EEO
1677 Officer sooner resigns, retires or is removed; provided, however, that the EEO Officer may only
1678 be removed: (i) for misfeasance, malfeasance or nonfeasance, as determined by agreement of
1679 Counsel and the Director, and approved by a majority vote of the committee on Rules; or (ii) by
1680 a majority roll call vote of the House.

1681 The EEO Officer may employ such assistants as may be necessary in the discharge of the EEO
1682 Officer's duties, subject to the approval of the committee on Rules, and may expend with like
1683 approval such sums as may be necessary for the discharge of their duties.

1684 (b) The EEO Officer shall receive, review and investigate all complaints alleging a violation of
1685 Rule 88, the House Anti-Harassment Policy, or the House Equal Employment Policy, including,
1686 but not limited to complaints alleging harassment or retaliation. Complaints shall be received,
1687 reviewed and investigated pursuant to Rules 93 to 96, inclusive.

1688 The EEO Officer shall develop and implement written policies and procedures for receiving,
1689 investigating, resolving and maintaining records of complaints against members, officers, interns
1690 or employees of the House, or against third parties, made in accordance with Rules 93 to 98,
1691 inclusive.

1692 (c) (1) The EEO Officer, in conjunction with the committee on Personnel and Administration
1693 and the Director, shall provide for training of members. Members shall be required to complete
1694 training within 30 days of being sworn in and annually thereafter. Training shall be in-person
1695 and shall include, without limitation, instruction on: (i) House equal employment policies,
1696 including the complaint and investigation process; (ii) workplace harassment specifically,
1697 including techniques for bystander intervention and other best practices; (iii) prohibition on
1698 retaliation; (iv) best management practices; (v) professionalism and respect; and (vi) practices for
1699 monitoring the workplace for issues and identifying risk factors. Each member shall make a
1700 signed, written acknowledgement of the member's completion of the training, which shall be
1701 retained by the EEO Officer.

(2) The EEO Officer, in conjunction with the committee on Personnel and Administration and the Director, shall provide for training for all appointed officers and employees. Appointed officers and employees shall be required to complete training within 30 days of initial hire or appointment and annually thereafter. Training shall be in person and shall include, without limitation, instruction on (i) House equal employment policies, including the complaint and investigation process; (ii) workplace harassment specifically, including techniques for bystander intervention and other best practices; (iii) prohibition on retaliation; and (iv) professionalism and respect.

Separate trainings shall be held for those appointed officers and employees who are supervisors and those appointed officers and employees who are not supervisors. The content of the training shall be tailored appropriately to the recipients. Supervisors shall be specifically trained on best management practices.

Each appointed officer and employee shall make a signed, written acknowledgement of their completion of the training, which shall be retained by the EEO Officer, who shall provide a copy to the Director to be maintained in their personnel file.

(3) The EEO Officer shall provide for appropriate additional training to members, officers or employees at any time that the EEO Officer deems necessary or appropriate, including upon the request of a member, officer or employee.

(4) The EEO Officer, in conjunction with the Director, shall provide for training for interns during the intern orientation process. The training shall include without limitation, instruction on: (i) House equal employment policies, including the complaint and investigation process; (ii) workplace harassment specifically, including techniques for bystander intervention and other

1724 best practices; (iii) prohibition on retaliation; and (iv) professionalism and respect. Each intern
1725 shall make a signed, written acknowledgement of the intern's completion of the training, which
1726 shall be retained by the EEO Officer, who shall provide a copy to the Director to be maintained
1727 in the Director's records.

1728 (d) The EEO Officer shall develop practices and procedures for auditing House offices, including
1729 random audits, to ensure the maintenance of best practices. Audits may include interviews and
1730 in-office observation. All members, officers, interns and employees shall comply with a request
1731 from the EEO Officer to conduct an audit. [Adopted Mar. 15, 2018.]

1732 90. (a) The House shall employ a full-time Director of Human Resources. The committee on
1733 Rules shall appoint a qualified person to act as the Director at such compensation as the
1734 committee on Rules shall approve.

1735 The Director shall serve a term of two years from the date of appointment, unless the Director
1736 sooner resigns, retires or is removed; provided, however, that the Director may only be removed:
1737 (i) for misfeasance, malfeasance or nonfeasance, as determined by agreement of the EEO Officer
1738 and Counsel and approved by a majority vote of the committee on Rules; or (ii) by a majority
1739 roll call vote of the House.

1740 (b) The Director may employ such assistants as may be necessary in the discharge of the
1741 Director's duties, subject to the approval of the committee on Rules, and may expend with like
1742 approval such sums as may be necessary for the discharge of their duties.

1743 (c) The Director shall develop and oversee standardized practices and procedures, which shall
1744 apply to all applications for employment. The practices and procedures shall include, but shall
1745 not be limited to: (i) a standard application for employment; (ii) mandatory background and

1746 reference checks, the results of which shall be reported by the Director to the applicant's
1747 prospective appointing authority; and (iii) a standard offer letter for each position within the
1748 House.

1749 (d) The Director shall develop and oversee standardized practices and procedures, which shall
1750 apply to all employees and appointed officers of the House. These practices and procedures shall
1751 include or address, without limitation: (i) regular meetings between the Director, the EEO
1752 Officer and employees who are supervisors, including an initial meeting within 14 days of the
1753 employee assuming such a role; (ii) guidelines for conducting employee performance reviews;
1754 (iii) a program of progressive discipline; and (iv) separations from employment including exit
1755 interviews for terminated employees.

1756 (e) The Director shall develop employee classifications, which shall include written job
1757 descriptions, salary ranges and schedules. The classifications shall be published in the employee
1758 and supervisor handbooks. The Director may develop a seniority system on which employee
1759 salaries may be based. A seniority system shall be published in the employee handbook.

1760 (f) The Director shall develop practices and procedures for receiving, investigating and
1761 resolving personnel complaints unrelated to Rule 88, the House Anti-Harassment Policy, or the
1762 House Equal Employment Policy.

1763 (g) The Director shall annually publish: (i) an Employee Handbook; and (ii) an Intern
1764 Handbook. Each handbook shall be developed with the advice and approval of the EEO Officer
1765 and Counsel, and shall be submitted to the committee on Personnel and Administration for
1766 review and approval at least 14 days prior to publication.

1767 The handbooks shall be available as follows:

1768 (i) the Director shall post both handbooks on the human resources web portal;

1769 (ii) the Director shall email an electronic copy of the Employee Handbook to each employee
1770 within 10 days of its publication and require that each employee sign a written acknowledgement
1771 of receipt and return such acknowledgement to the Director within 5 days;

1772 (iii) the Director shall email an electronic copy of the Employee Handbook to each new
1773 employee within 5 days of the employee's start date and require that the employee sign a written
1774 acknowledgement of receipt and return such acknowledgement to the Director within 5 days;

1775 (iv) the committee on Personnel and Administration shall provide an Intern Handbook to each
1776 intern on the first day of their internship. Upon receipt of the Intern Handbook the intern shall
1777 sign a written acknowledgement of receipt that day, which shall be maintained by the committee,
1778 with a copy sent to the Director;

1779 (v) hard copies of each handbook shall be available in the offices of the Director, the EEO
1780 Officer, Counsel and the Clerk;

1781 (vi) the Director shall cause electronic copies of each handbook to be downloaded onto the
1782 desktop of each House computer; and

1783 (vii) in formats accessible to all members, officers and employees.

1784 (h) (1) The Committee on Personnel and Administration, in consultation with the Director, shall
1785 develop policies to address individuals who provide services to the House in a volunteer capacity
1786 or otherwise without receiving compensation

1787 (2) The Committee on Personnel and Administration, in consultation with the Director and
1788 subject to the approval of Counsel, shall develop policies pro-bono service and charitable and

1789 community service activities by members, officers and employees of the House. [Adopted Mar.
1790 15, 2018.]

1791 91. The Director shall, in consultation with the EEO Officer, create and maintain an internal web
1792 portal for members, officers and employees. The web portal shall provide relevant information
1793 on human resource policies and procedures, including, without limitation, the Rules of the
1794 House, each handbook published by the Director, explanations of complaint and investigation
1795 procedures, contact information for the Director, the EEO Officer and Counsel, and training
1796 schedules. [Adopted Mar. 15, 2018.]

1797 92. (a) The House shall employ a full-time Director of Employee Engagement. The committee
1798 on Personnel and Administration shall appoint a qualified person to act as the Director of
1799 Employee Engagement at such compensation as the committee on Personnel and Administration
1800 shall approve.

1801 (b) The Director of Employee Engagement shall, in consultation with the Director of Human
1802 Resources: (i) develop methods for enhancing the skills and professional development of
1803 employees; and (ii) engage employees in roundtable discussions on issues of importance or
1804 concern.

1805 (c) The Director of Employee Engagement shall assist the committee on Personnel and
1806 Administration with duties as may be assigned by the committee or the Director of Human
1807 Resources. [Adopted Mar. 15, 2018.]

1808 93. (a) (1) A member who believes that they have been the object of harassment or retaliation,
1809 who witnesses harassment or retaliation, or who becomes aware of harassment or retaliation
1810 may make a complaint, either orally or in writing with the EEO Officer, Counsel, or the Director.

1811 Upon receipt of a complaint pursuant to this subsection, a recipient other than the EEO Officer
1812 shall forthwith provide a detailed account of the complaint to the EEO Officer for assessment
1813 pursuant to Rule 94.

1814 (2) An appointed officer, employee or intern of the House who believes that they have been
1815 the object of harassment or retaliation, who witnesses harassment or retaliation, or who becomes
1816 aware of harassment or retaliation may make a complaint, either orally or in writing, to any of
1817 the officer's, employee's or intern's supervisors, the Director, the EEO Officer or Counsel. Upon
1818 receipt of a complaint pursuant to this subsection, a recipient other than the EEO Officer shall
1819 forthwith provide a detailed account of the complaint to the EEO Officer for assessment pursuant
1820 to Rule 94.

1821 (3) A third party who believes that they have been the object of harassment, or who witnesses
1822 harassment or retaliation may make a complaint, either orally or in writing, with the EEO
1823 Officer. Upon receipt of a complaint pursuant to this subsection, the EEO Officer shall assess
1824 the complaint pursuant to Rule 94.

1825 (b) The EEO Officer shall provide guidance for authorized parties who may receive
1826 complaints under subsection (a), both in the form of the training referenced in Rule 89 and
1827 otherwise. The guidance shall instruct authorized parties on the proper way to receive
1828 complaints and to advise complainants on issues including, but not limited to, confidentiality,
1829 prohibition on retaliation and the availability of additional resources and avenues for action for
1830 the complainant, including possible criminal action where appropriate.

(c) If a complaint, made pursuant to subsection (a), is against the EEO Officer or an employee appointed by the EEO Officer, the recipient of the complaint shall notify Counsel, who shall, in consultation with the Director, investigate the complaint pursuant to Rules 94 to 96, inclusive.

(d) If, based on the nature and circumstances of the complaint, the EEO Officer believes that they cannot objectively assess or investigate a complaint made pursuant to subsection (a) the EEO Officer shall refer the matter to Counsel who shall assume responsibility for the assessment or investigation or refer the complaint to outside counsel for investigation. The EEO Officer shall consult with Counsel to establish guidelines used to identify matters that should be referred to Counsel or outside counsel pursuant to this subsection. [Adopted Mar. 15, 2018.]

94. (a)(1) All complaints alleging harassment or retaliation by or against a member, officer, intern or employee of the House, or by or against a third party, received by any member, officer or employee of the House, shall be immediately referred to the EEO Officer for assessment.

(2) Upon receiving a complaint alleging harassment or retaliation by or against a member, officer or employee of the House, or by or against a third party, the EEO Officer shall promptly undertake an assessment to determine whether the complaint is plausible and requires investigation. Such assessment shall be completed within two weeks from the date of receiving a complaint.

Upon a determination by the EEO Officer that a complaint is plausible and requires investigation, the EEO Officer shall commence an investigation of the complaint.

Upon a determination by the EEO Officer that a complaint is not plausible and does not require investigation, the EEO Officer shall submit a report to Counsel and the Director describing the complaint and the EEO Officer's basis for determining that the complaint lacked plausibility and

1853 did not require investigation. If either Counsel or the Director objects to the EEO Officer's
1854 determination, the EEO Officer shall commence an investigation of the complaint.

1855 (b) The EEO Officer shall assess complaints and conduct investigations pursuant to written
1856 policies and procedures, which shall be established by the EEO Officer pursuant to Rule 98 and
1857 published on the human resources web portal. The policies and procedures shall ensure that all
1858 assessments, investigations and reports are confidential to the fullest extent practicable under the
1859 circumstances and shall include, without limitation, the following: trauma-informed techniques;
1860 mechanisms for investigating complaints made by witnesses or third parties; standards for
1861 collecting and maintaining evidence; consideration of interim measures; and methods to tailor
1862 each investigation to the specific needs of the complainant and particular circumstances of the
1863 complaint.

1864 (c) The EEO Officer shall complete investigations within 90 days; provided, that the EEO
1865 Officer may extend the investigation in extraordinary circumstances. The EEO Officer shall
1866 regularly, but no less frequently than every 2 weeks, update the complainant on the status of the
1867 investigation. If the EEO Officer believes that interim measures are warranted to protect
1868 complainants during the investigation, then the EEO shall recommend such measures to the
1869 appropriate supervisory individual or body.

1870 (d) Upon the conclusion of an investigation, the EEO Officer shall prepare a report summarizing
1871 the complaint, the EEO Officer's investigation, findings and recommendations, if any, for
1872 disciplinary, remedial or preventative action, or any combination thereof. [Adopted Mar. 15,
1873 2018.]

1874 95. (a) (1) If after completion of an investigation pursuant to Rule 94, the EEO Officer
1875 determines that a member has violated Rule 88, the EEO Officer shall recommend disciplinary,
1876 remedial or preventative action, or any combination thereof, as is appropriate and proportional
1877 under the circumstances, subject to the limitations set forth in paragraphs (2) and (3).

1878 (2) Where the EEO Officer's action recommended pursuant to paragraph (1) does not include
1879 reprimand, censure, removal from position as a chair or other position of authority, or expulsion,
1880 prior to imposing such action the EEO Officer shall notify the member of the action and provide
1881 the member with a copy of the EEO Officer's report. The member may, within 10 days of
1882 receiving notice, request in writing that the Speaker and Minority Leader appoint a special
1883 committee pursuant to Rule 96 to review the findings and recommendations of the EEO Officer.
1884 Upon receipt of said request, the Speaker and Minority Leader shall convene a special committee
1885 pursuant to Rule 96.

1886 If the member fails to request the appointment of a special committee pursuant to Rule 96 within
1887 10 days, the EEO Officer shall implement the recommended action.

1888 (3) If the action recommended pursuant to subsection (a) includes reprimand, censure, removal
1889 from position as a chair or other position of authority, or expulsion, the EEO Officer shall
1890 request that the Speaker and Minority Leader convene a special committee pursuant to Rule 96
1891 to review the findings and recommendations of the EEO Officer. Upon receipt of said request
1892 from the EEO Officer, the Speaker and Minority Leader shall appoint a special committee
1893 pursuant to Rule 96.

1894 (4) Upon the request for a special committee made by the EEO Officer or a member pursuant to
1895 this subsection, the EEO Officer shall provide the Speaker and Minority Leader with a copy of
1896 the EEO Officer's report.

1897 (b) (1) If after completion of an investigation pursuant to Rule 94 the EEO Officer concludes that
1898 an appointed officer, intern or employee has violated Rule 88, the EEO Officer shall notify the
1899 appointing authority for the appointed officer, intern or employee and recommend and
1900 implement remedial, preventative or disciplinary action, or any combination thereof, as is
1901 appropriate and proportional under the circumstances, subject to the limitations set forth in
1902 paragraph (2). Notwithstanding Rule 97, the appointing authority may inform any other
1903 supervisors of the appointed officer, intern or employee of the remedial, preventative or
1904 disciplinary action if the appointing authority believes that sharing such information is necessary
1905 for maintaining proper supervision of the appointed officer, intern or employee.

1906 (2) If after completion of an investigation pursuant to Rule 94 the EEO Officer concludes that an
1907 appointed officer, intern or employee has violated Rule 88 and the EEO Officer's action
1908 recommended pursuant to paragraph (1) includes termination of employment or internship, the
1909 EEO Officer shall forward the recommendation, with all supporting documentation, to Counsel
1910 for review and approval. Counsel shall have two business days to review the EEO Officer's
1911 recommendation. If Counsel approves the recommendation, Counsel shall notify the EEO
1912 Officer and the Director and the Director shall immediately terminate the individual's
1913 employment or internship. If Counsel rejects the EEO Officer's recommendation, he shall notify
1914 the EEO Officer and the Speaker and the Speaker shall determine the action to be implemented.
1915 [Adopted Mar. 15, 2018.]

1916 96. (a) Upon receipt of a request pursuant to Rule 95, the Speaker and Minority Leader shall
1917 confidentially convene a Special Committee on Professional Conduct, which shall consist of 7
1918 members, 5 of whom shall be appointed by the Speaker and 2 of whom shall be appointed by the
1919 Minority Leader. To the extent practicable, membership on the special committee shall be
1920 apportioned in a way that takes into account the nature of the complaint and the commitment of
1921 the House to providing fair and equal opportunity in employment. The Speaker shall appoint a
1922 member to serve as chair. No member who has declared their candidacy for any other local,
1923 state or federal office shall be appointed to a special committee. Upon appointment of members
1924 to the committee, the Speaker and Minority Leader shall notify the EEO Officer and the member
1925 who is the subject of the complaint of the identity of the members appointed. The existence of
1926 the committee and the identity of the members appointed to the committee shall otherwise
1927 remain confidential.

1928 (b) The EEO Officer shall provide the members of the special committee with all records
1929 relevant to the investigation. The special committee shall review all records and may further
1930 investigate, to the extent that it is necessary to resolve the complaint. The special committee
1931 may summon witnesses, administer oaths, take testimony and compel the production of books,
1932 papers, documents and other evidence in connection with its review.

1933 (c) In the case of a special committee convened under this section upon the request for a review
1934 by a member pursuant to paragraph (2) of subsection (a) of Rule 95, the committee shall
1935 determine whether the EEO Officer's intended action is proportional and appropriate under the
1936 circumstances. If a majority of the committee so finds, it shall order that the action
1937 recommended by EEO Officer be implemented, along with any additional disciplinary, remedial
1938 or preventative action, or any combination thereof, the committee determines to be proportional

1939 and appropriate under the circumstances, subject to the limitations set forth in subsection (d). If
1940 a majority of the committee finds that the intended action was not proportional or appropriate
1941 under the circumstances, it may make a new recommendation for disciplinary, remedial or
1942 preventative action, or any combination thereof, subject to the limitations set forth in said
1943 subsection (d). All determinations of the committee pursuant to this subsection shall be final.

1944 (d) (1) If a majority of the committee finds that a member has violated Rule 88, it may take any
1945 disciplinary, remedial or preventative action, or any combination thereof, as it determines to be
1946 proportional and appropriate under the circumstances; provided, however, that if the committee
1947 determines that reprimand, censure, removal from position as a chair or other position of
1948 authority, or expulsion is proportional and appropriate under the circumstances, it shall file a
1949 report with the Clerk recommending that the House vote to implement the disciplinary action.

1950 (2) Upon the filing of a report pursuant to paragraph (1), the Clerk shall promptly: (i) make the
1951 report available to all members electronically; (ii) cause the report to be posted on the website of
1952 the General Court; and (iii) place the matter in first position in the Orders of the Day for the next
1953 calendar day that the House is meeting; provided, however, that no business shall be conducted
1954 on that calendar day or any day thereafter until the question of acceptance or rejection of the
1955 special committee's recommendation for discipline is decided by a majority of the members
1956 voting and present by a recorded roll call vote. If a majority of the members vote to accept the
1957 recommendation for discipline, the member shall be disciplined in the manner so recommended.
1958 Unless a majority of the members vote to accept the report, the member shall not be disciplined.

1959 (3) All findings and determinations of the committee, including instances where the special
1960 committee does not file a report with the Clerk pursuant to paragraph (1), shall be reported to the

1961 EEO Officer and shall be final. The EEO Officer shall maintain confidential records of such
1962 findings and determinations, except that a report filed pursuant to paragraph (1) shall be public.

1963 [Adopted Mar. 15, 2018.]

1964 (e) The committee may consult with Counsel, the EEO Officer or the Director in discharging its
1965 duties pursuant to Rules 88 to 97, inclusive.

1966 97. (a) Any information obtained by a member or employee in their official capacity and relating
1967 to a complaint or investigation of harassment pursuant to Rules 93 to 96, inclusive, and any
1968 records of such information shall be confidential to the fullest extent possible. Confidentiality
1969 shall be specifically subject to subsections (b), (c), (d) and (e).

1970 (b) (1) The EEO Officer, in reviewing a complaint and conducting an investigation, shall keep
1971 the complaint confidential and shall not disclose the identity of the complainant or the person
1972 against whom the complaint is made or any other details of the complaint with any member or
1973 employee; provided, however, that the EEO Officer may share information to the extent
1974 necessary to interview witnesses or parties to the investigation or to consult with Counsel if the
1975 EEO Officer determines that such consultation is required in connection with the investigation.

1976 (2) In the case of a complaint against a staff person, the EEO Officer shall maintain
1977 confidentiality throughout their investigation and implement all remedial actions and discipline
1978 short of termination confidentially, without sharing the identity of the complainant or the person
1979 against whom the complaint is made or any other details of the complaint with any member or
1980 employee; provided, however, that the EEO Officer may share information to the extent
1981 necessary to implement any remedial actions or discipline or to consult with Counsel if the EEO
1982 Officer determines that such consultation is required in connection with the investigation. This

1983 paragraph shall not limit the EEO Officer's ability to transmit the resolution of a complaint,
1984 including any discipline resulting therefrom, to the Director for inclusion in the employee's
1985 personnel file.

1986 (3) In the case of a complaint against a staff person, where the EEO Officer recommends
1987 termination, the EEO Officer shall share information with Counsel for review. If Counsel and
1988 the EEO Officer disagree as to whether termination is the appropriate discipline, confidentiality
1989 shall only be expanded to the extent needed to inform the Office of the Speaker and reach a
1990 resolution.

1991 (4) In the case of a complaint against a member, the EEO officer shall maintain confidentiality
1992 throughout their investigation by: (i) not disclosing information to any member or employee who
1993 is not a witness or party to the investigation, except to consult with Counsel if the EEO Officer
1994 determines that such consultation is required in connection with the investigation; and (ii)
1995 confidentially recommending all remedial actions short of reprimand, censure, removal from
1996 position as a chair or other position of authority, or expulsion of a member. This paragraph shall
1997 not limit the EEO Officer's ability to: (i) share their report with the Office of the Speaker and the
1998 Minority Leader upon the request for a special committee pursuant to Rule 95; and (ii) share any
1999 records relevant to the investigation with the special committee convened pursuant to Rule 96;
2000 provided, that when sharing their report with the Office of the Speaker and the Minority Leader,
2001 the EEO Officer may use pseudonyms, redaction and other methods the EEO Officer considers
2002 appropriate to address the needs of a complainant or the circumstances of a complaint.

2003 (c) (1) The establishment of a special committee pursuant to Rule 96 shall be completely
2004 confidential, except that the Speaker and Minority Leader shall disclose the names of their

2005 respective appointments to the EEO Officer. The EEO Officer shall maintain a confidential
2006 record of the membership of each special committee that is convened.

2007 (2) All proceedings of a special committee convened pursuant to Rule 96 shall be confidential
2008 and members of the committee shall not share any information about the complaint and
2009 investigation for which the committee was convened with any other member or employee,
2010 including their own appointed staff; provided, however, that the committee may consult with
2011 Counsel if the chair of the committee determines that such consultation is required in connection
2012 with the investigation.

2013 (3) A special committee convened pursuant to Rule 96 shall implement all actions short of
2014 reprimand, censure, removal from position as a chair or other position of authority, or expulsion
2015 of a Member confidentially, except that the special committee shall submit a final report to the
2016 EEO Officer and may consult with Counsel if the chair of the committee determines that such
2017 consultation is required in connection with their recommended action. The committee's
2018 recommendation, if any, for reprimand, censure, removal from position as a chair or other
2019 position of authority, or expulsion of a member, shall be a public document; provided, however,
2020 that the committee may use pseudonyms to conceal the identity of the complainant if the
2021 circumstances of the complaint so warrant.

2022 (d) All authorized parties shall keep complaints confidential, except to share the complaint with
2023 the EEO Officer.

2024 (e) Nothing in this Rule shall limit the ability of the EEO Officer to share information with a
2025 complainant, to the extent appropriate, in order to properly conclude the complaint or
2026 investigation process. [Adopted Mar. 15, 2018.]

2027 98. The EEO Officer and the Director shall establish all policies, procedures and guidelines
2028 required by Rules 88 to 97, inclusive, and may develop supplemental policies, procedures and
2029 guidelines necessary to implement or enforce Rules 88 to 97, inclusive; provided, that no policy,
2030 procedure or guideline shall take effect without the prior review and written approval of Counsel
2031 and the committee on Personnel and Administration. Where appropriate, these policies,
2032 procedures and guidelines shall be included in the handbooks.

2033 The EEO Officer and the Director may consult with each other, Counsel, and the committee on
2034 Personnel and Administration to carry out the requirements of Rules 88 to 97, inclusive.

2035 [Adopted Mar. 15, 2018.]

2036 99. (a) Pending the appointment of an EEO Officer, a complaint alleging a violation of Rule 88
2037 by a member shall be referred directly to a Special Committee on Professional Conduct, which
2038 shall conduct itself pursuant to Rule 96 except as modified by this Rule.

2039 Pending the appointment of an EEO Officer and notwithstanding Rule 87 and utilizing sound
2040 business practices, the chair of a Special Committee on Professional Conduct convened pursuant
2041 to this Rule shall have the exclusive authority and discretion to retain outside legal and
2042 consulting experts, as the chair may deem appropriate to assist the chair and the committee with
2043 the investigation and evaluation of a complaint received by said committee.

2044 Counsel shall, at the request of the chair, assist the chair and the Special Committee on
2045 Professional Conduct with the investigation and evaluation of a complaint received by the
2046 committee. [Adopted Mar. 15, 2018.]

2047 (b) Pending the appointment of an EEO Officer pursuant to Rule 89, Counsel in conjunction with
2048 the Committee on Personnel and Administration and the Director, shall provide for the training
2049 required for all appointed officers, employees and interns pursuant to said Rule 89.

2050 100. (a) No member, officer or employee shall execute any agreement to settle any legal claim or
2051 potential legal claim by any current or former member, officer or employee unless said
2052 agreement is executed pursuant to this rule.

2053 (b) No member, officer or employee shall execute any agreement to settle any legal claim or
2054 potential legal claim brought by any current or former member, officer or employee without the
2055 approval of Counsel, the Director and the EEO Officer. Counsel, the Director and the EEO
2056 Officer shall each independently review the claim or potential legal claim brought by any current
2057 or former member, officer or employee and confirm that the claim or potential claim does not
2058 relate to sexual harassment or retaliation based on a claim of sexual harassment. Counsel, the
2059 Director and the EEO Officer shall not approve any settlement of a legal claim or potential legal
2060 claim brought by any current or former member, officer or employee pursuant to this subsection
2061 if Counsel, the Director or the EEO Officer reasonably believes such legal claim or potential
2062 legal claim relates to sexual harassment or retaliation based on a claim of sexual harassment.

2063 (c) No member, officer or employee shall execute any agreement to settle any legal claim or
2064 potential legal claim of sexual harassment, or retaliation based on a legal claim or potential legal
2065 claim of sexual harassment, by any current or former member, officer or employee unless said
2066 agreement is executed pursuant to this subsection.

2067 No member, officer or employee shall execute any agreement to settle a legal claim or potential
2068 legal claim of sexual harassment, or retaliation based on a legal claim or potential legal claim of
2069 sexual harassment, by any current or former member, officer or employee unless:

2070 1. the request to negotiate said agreement was initiated, in writing, by the person filing or eligible
2071 to file the legal claim or potential legal claim or a person legally authorized to represent that
2072 person;

2073 2. the person filing the legal claim or eligible to file the legal claim is given 15 days to review
2074 and consider the agreement;

2075 3. the duration of any non-disclosure or non-disparagement provision of the agreement to settle
2076 the legal claim or potential legal claim is for a finite period of time as agreed to by the parties;

2077 4. the agreement to settle the legal claim or potential legal claim specifically provides that no
2078 provision of the agreement, including any non-disclosure or non-disparagement provision of the
2079 agreement, shall preclude any party from participating in an investigation by Counsel, the
2080 Director, the EEO Officer, a Committee on Professional Conduct or any law enforcement
2081 agency; and

2082 5. the agreement is approved in writing by Counsel, the Director and the EEO Officer.

2083 (d) In the case of an agreement to settle any legal claim or potential legal claim of sexual
2084 harassment pursuant to this Rule by a member, the Speaker and Minority Leader shall appoint a
2085 Special Committee on Professional Conduct pursuant to Rule 96 to determine if the member
2086 shall be required to personally reimburse the House for all or part of the settlement amount.

2087 Upon a determination by the Special Committee that the member shall be required to personally

2088 reimburse the House for all or part of the settlement amount, it shall determine the amount to be
2089 reimbursed and immediately notify the member of that amount

2090 (e) Upon request of the party described in paragraph numbered 1 above or the complainant,
2091 Counsel shall waive any non-disclosure or non-disparagement provision of any agreement
2092 executed prior to the effective date of this Rule by the House and any current or former member,
2093 officer or employee, to allow said current or former member, officer or employee to report or
2094 discuss a claim of sexual harassment or retaliation based on sexual harassment. [Adopted Mar.
2095 15, 2018.]