

# SENATE . . . . . No. 7

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## The Commonwealth of Massachusetts

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In the Year Two Thousand Thirteen  
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MASSACHUSETTES SENATE  
BOSTON, MA 02133

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THE PRESIDENT.

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

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

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

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

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

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

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

24           5. In case of a vacancy in the office of President, or in case the President, or the member  
25 appointed by the President to perform the duties of the chair, is absent at the hour to which the  
26 Senate stands adjourned, the eldest senior member present shall call the Senate to order, and  
27 shall preside until a President, or Acting President, is elected by ballot or by roll call vote as the  
28 Senate shall by majority vote determine, and such election shall be the first business in order.  
29 [1831; 1885; 1888; 1971; 1985; 2003.]

30           5A. In case of extreme emergency, the President of the Senate, may for a period not  
31 exceeding 2 days, in conformity with Article 6, Section II, Chapter 1 of the Constitution, cause a  
32 session of the Senate to be cancelled. Each member of the Senate insofar as is practicable shall  
33 be notified of such action. The President may also declare a session informal in nature, with prior  
34 notice given. Notice of such action shall be printed in the Journal of the Senate by the Clerk of  
35 the Senate and the printing of a calendar shall be suspended with reference to an informal session  
36 under this rule.

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

40           5B. [Omitted in 2011.]

41           5C. Upon a vacancy in the Senate, with the exception of any vacancy that occurs after  
42 April 1 in an even-numbered year, a date for a special election shall be rescheduled by the  
43 President of the Senate within 20 days after the vacancy occurs and the proposed date of the  
44 special election shall then be put before the members of the Senate for a vote. [2011]

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46           CLERK.

47           6. The Clerk shall keep a journal of the proceedings of the Senate, and shall cause the  
48 same to be presented daily. The Clerk shall, in the journal, make note of all questions of order,  
49 and enter at length the decisions thereon. The Clerk shall insert in an appendix to the journal the  
50 rules of the Senate and the joint rules of the 2 branches. [1882; 1888.]

51           7. The Clerk, with the approval and direction of the President and the Committee on  
52 Ethics and Rules, shall prepare and cause to be presented each day a calendar of matters in order  
53 for consideration. The calendar for a session shall be available to the members and the public at  
54 least 24 hours prior to the start of that session, except when formal sessions are held on  
55 consecutive days. The calendar for any formal session on a day following a formal session shall  
56 be available to the members and to the public at least 2 hours prior to the start of that session.  
57 The presentation of a calendar may only be suspended by a 2/3 vote of all members present and  
58 voting as determined by a call of the yeas and nays. The calendar shall consist of at least 4

59 separate sections. One section shall contain those matters for third reading and engrossment. No  
60 matters shall be considered for third reading that do not appear on this section of the calendar  
61 without unanimous consent. One section shall contain those matters held by the Senate  
62 committee on Bills in the Third Reading. One section shall contain those matters appearing on  
63 the Senate Calendar for the first time. No matters shall be considered for second reading that do  
64 not appear on this section of the calendar without unanimous consent. One section shall contain  
65 those matters which shall be on the Senate Calendar for the first time at the following formal  
66 session. No matters shall be considered for a second reading at a formal session that were not on  
67 the Calendar for the previous formal session. It shall be mandatory, however, that a bill or  
68 resolve ordered to third reading on one calendar day shall appear on the calendar at the following  
69 formal session. The Clerk, with the approval and direction of the President and the Committee on  
70 Ethics and Rules, may prepare the calendar, with such memoranda as the Clerk may deem  
71 necessary, in a form designed to provide complete information and to properly facilitate the  
72 business of the Senate. When the presentation of the calendar required under this rule is  
73 suspended under Rule 5A, a session shall be considered informal and no matter shall be  
74 considered if a member at said session objects to its consideration. [1882; 1888; 1945; 1971;  
75 1974; 1985; 1991, 1993.]

76           7A. To better facilitate the business of the Senate, whenever possible, and  
77 notwithstanding any rules to the contrary, during consideration of the new matters on the  
78 calendar each day, the chair shall first declare a recess so that members may examine the items.  
79 The chair shall then ask for passes on the second reading matters. Second reading matters with  
80 amendments pending will automatically be considered separately. The chair shall direct the  
81 Clerk to dispense with the reading of each title, but the journal for that day shall show that the  
82 bills have been read a second time. The question shall then come on ordering those second  
83 reading matters which have not been passed for debate to a third reading. Matters passed for  
84 debate shall be considered on the second call.

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

89           7B. The Clerk of the Senate shall be the official parliamentarian of the Senate. [1973.]

90           8. [Omitted in 1969.]

91           8A. The Clerk shall make a reasonable effort to make available on the official website of  
92 the General Court the results of all roll call votes not later than 48 hours after such vote is taken,  
93 not including quorum calls, in a manner easily identifiable, searchable and conspicuously  
94 located. The Clerk shall include the number of the roll call and the title of the matter voted upon.

95 This rule shall take effect not later than July 1, 2011 and shall apply to all roll call votes  
96 conducted during the 2011-2012 legislative session. [2007; 2011.]

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

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101 COUNSEL TO THE SENATE.

102 9A. The Counsel to the Senate and members of the staff of said Counsel shall not engage  
103 in the private practice of law during ordinary business hours while the Senate is in session. The  
104 Counsel to the Senate and the staff of said Counsel shall be available at all times for consultation  
105 with the President and members of the Senate in relation to matters pending before the Senate.  
106 [1976.]

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108 MEMBERS OF THE SENATE.

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

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

122 10A. No member, officer, or employee shall employ anyone from state funds who does  
123 not perform tasks which contribute to the work of the Senate and which are commensurate with  
124 the compensation received; and no officer or full time employee of the Senate shall engage in  
125 any outside business activity during regular business hours, whether the Senate is in session or  
126 not. No member of the Senate shall act on a matter before a committee or vote on any question in  
127 which the member's private right is immediately concerned, distinct from the public interest. All  
128 employees of the Senate are assumed to be full time unless their personnel record indicates  
129 otherwise. [1977.]

130 10B. Interns and other temporary employees of the Senate, who are students at an  
131 accredited educational institution and who are employed by the Senate for not more than 6  
132 months, may receive compensation from an educational institution or other non-profit  
133 organization under section 501(c)(3) of the Internal Revenue Code, according to that  
134 organization's regular program of providing such compensation for temporary governmental or  
135 public service employment. A temporary employee's Senate supervisor shall establish the  
136 employee's total compensation, shall verify that the sum of the employee's state compensation,  
137 if any, and any outside compensation that the employee is to receive under this rule would not  
138 exceed this total compensation, and shall file the written terms of the employee's compensation  
139 with the Senate Office of Human Resources, where it shall be available for public inspection.  
140 [2003.]

141 11. No member shall be absent from the Senate without leave, unless there is a quorum  
142 without the member's presence. [1817.]

143 11A. Each member of the Senate shall be assigned an office in the State House. Each  
144 member shall have full authority to employ and dismiss personal and committee staff within  
145 written guidelines developed by the Senate Committee on Ethics and Rules. [1983; 1985; 1993;  
146 2003.]

147 11B. No member of the Senate shall hold, for more than 8 consecutive years, the office of  
148 President of the Senate. [1993; 2001.]

149 11C. The Committee on Ethics and Rules shall ensure that each member of the Senate is  
150 able to receive Internet electronic mail from members of the public. [2001; 2003.]

151 11D. The Committee on Ethics and Rules shall sponsor ethics training for members and  
152 staff within 90 days of the opening of the biennial session. [2009.]

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#### 154 COMMITTEES.

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

156 A Committee on Bills in the Third Reading;

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

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

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

160 A Committee on Post Audit and Oversight;

161 To consist of 7 members, 1 of whom shall be appointed by the Minority Leader.

162 A Committee on Ethics and Rules;  
163 To consist of 6 members, including 2 members appointed by the Minority Leader.  
164 A Committee on Global Warming and Climate Change;  
165 To consist of 6 members, 1 of whom shall be appointed by the Minority Leader.  
166 A Committee on Steering and Policy;  
167 To consist of 5 members, 1 of whom shall be appointed by the Minority Leader.  
168 A Committee on Ways and Means;  
169 To consist of 17 members, including 2 members appointed by the Minority Leader.

170 Committee hearings and executive sessions shall not be scheduled in conflict with formal  
171 sessions of the Senate unless the chair submits to the Clerk a written explanation for scheduling  
172 the hearing or session in conflict with the formal session. [1831; 1836; 1840; 1844; 1847; 1863;  
173 1864; 1870; 1876; 1882; 1885; 1886; 1888; 1891; 1896; 1897; 1920; 1937; 1939; 1941; 1945;  
174 1946; 1957; 1960; 1963; 1965; 1969; 1971; 1972; 1982; 1989; 1991; 1993; 1995; 1997; 2003,  
175 2005; 2007; 2009; 2011.]

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177 12A. All violations of Rules and all questions of conduct of members, officers and  
178 employees of the Senate shall be referred by order of the Senate to the committee on Ethics and  
179 Rules. Such orders shall be as specific as circumstances allow. The committee shall also be  
180 empowered to receive sworn written complaints or evidence regarding violations of Rules 10 and  
181 10A. Until a hearing, if any, is held, the contents of such complaints or evidence shall be  
182 considered confidential information, unless the contents are already a matter of public record. If  
183 no hearing is held, such contents may be made public by the committee in a final report. Breach  
184 of confidentiality may itself be grounds for disciplinary action.

185 Upon receipt of an order, a sworn written complaint filed under penalties of perjury, or  
186 upon receipt of evidence, the committee may investigate and take written or oral testimony on  
187 any matters specified in the order or covered by Rules 10 and 10A. A majority of committee  
188 members shall be present to receive sworn testimony unless a majority designates a lesser  
189 number to do so. In any case, at least 1 member of the committee shall be present to receive  
190 such testimony. Upon majority vote of the full Senate, the committee may require by summons  
191 the attendance and testimony of witnesses and the production of books and papers and such other  
192 records as said committee may deem relevant.

193 Said committee shall consider and may report to the Senate any recommendations  
194 regarding any infringement of the rules and all questions of conduct of members, officers and

195 employees referred to it. If after investigation the committee determines that there has been a  
196 violation of the rules, or other misconduct, the committee shall file a report with the Clerk of the  
197 Senate, including a recommendation for disciplinary action, including but not limited to: in the  
198 case of a member, reprimand, censure, temporary or permanent removal from committee  
199 chairmanship or other position of authority, suspension with or without pay, or expulsion; in the  
200 case of an officer or employee, reprimand, suspension or removal. Said report shall not prevent  
201 the Senate from taking any other action as it shall deem advisable and appropriate.

202           Nothing in this rule shall be construed to require the disclosure of any allegation that the  
203 committee deems frivolous or without merit.

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

207           The committee may, upon written request from a member, officer, or employee of the  
208 Senate, issue written advisory opinions on matters concerning Rules 10 and 10A. Such advisory  
209 opinions may be published, provided that the name of the person requesting the opinion, and any  
210 other identifying information shall not be included in the publication. The Senate may not  
211 penalize a member, officer or employee of the Senate for conduct satisfying the guidelines of an  
212 advisory opinion based on factually indistinguishable conduct.

213           At least 3 members shall sign all recommendations and reports of the committee.

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

219           12B. The committee on Steering and Policy shall meet from time to time at the call of the  
220 chair for the purpose of assisting the President and the Senate in identifying the major matters  
221 which require consideration by the General Court during the pending session and to advise the  
222 President and the Senate on the relative priority of such matters, the relative urgency for  
223 consideration by the General Court of such matters, and alternative methods of responding to  
224 such matters by the General Court, and to assist on scheduling legislative matters for their even  
225 distribution throughout the legislative year. [2009].

226           12B ½ . The Committee on Ethics and Rules may initiate legislation consistent with  
227 Senate Rule 19, but no bill shall be initiated over the objection of the Senate Chair of the  
228 appropriate committee. The Committee shall report on what date prior to adjournment of the last  
229 formal session the matter shall be considered by the Senate. In the case of bills removed from  
230 study and referred to the Committee on Ethics and Rules, the bills may be subject to amendments

231 by the committee as well as reports by the committee that the bills ought to pass or ought not to  
232 pass. This rule shall apply only to bills that have no state fiscal impact. [1983; 1985; 1986; 1991;  
233 1993; 1999; 2003; 2005.]

234 12C. [Omitted in 1995.]

235 12D. The President of the Senate, the Majority leader and the Minority leader shall  
236 review applications for each member's staff and committee operating requirements and allocate  
237 office space. [1993; 2003.]

238 13. (a) Unless the Senate shall otherwise specially order, the President shall nominate a  
239 candidate for chair of each standing committee, joint standing committee or special committee  
240 and the vice-chair and the assistant vice-chair of the Senate Committee on Ways and Means. The  
241 President may also nominate the majority floor leader, assistant majority floor leader, majority  
242 whip, the assistant majority whip and a President pro tempore. The President pro tempore shall  
243 assist the President in the coordination of policy development and the ceremonial functions of  
244 the Senate and shall perform such duties as assigned by the President. The minority party floor  
245 leader may nominate not more than 3 persons to minority party floor leadership positions. Such  
246 nominations shall require ratification by a majority vote by the respective party caucus. The vote  
247 shall be by voice vote, roll call or secret ballot, as the majority vote of the caucus shall  
248 determine. In the event a nomination is rejected by such caucus another nomination may be made  
249 by the person designated in this rule to make the initial nomination which shall be subject to  
250 ratification in the same manner. In the case of the election by the Senate of a committee by  
251 ballot, the member having the highest number of votes shall act as chairman. The second named  
252 member shall be vice-chairman.

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

264 (c) A vacancy in any position which is regulated by this rule shall be filled in the same  
265 manner as provided in this rule for the original appointment. Any person in a position which is  
266 regulated by this rule shall be subject to removal only by a majority vote of the respective party



267 caucus by voice vote, roll call or secret ballot as the majority vote of the caucus shall determine.  
268 [1817; between 1821 and 1826; 1831; 1888; 1973; 1983; 1985; 1991; 2003.]

269 13A. All motions or orders authorizing committees of the Senate to travel or to employ  
270 stenographers, all propositions involving special investigations by committees of the Senate and  
271 all motions or orders providing that information be transmitted to the Senate shall be referred  
272 without debate to the Committee on Ethics and Rules, who shall report thereon, recommending  
273 what action should be taken. All other motions that create main questions, except those that  
274 relate to privilege, to procedure and kindred matters, or to the subjects referred to in Joint Rules  
275 29 and 30, shall also be referred without debate to the Committee on Ethics and Rules and be  
276 treated in like manner.

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

283 13B. The President of the Senate may call a caucus at any time at which either the  
284 President or a designated member of the majority leadership shall preside unless otherwise voted  
285 by a majority of the caucus. The President shall honor the request of the Minority Leader at any  
286 time while the Senate is in session, to call a minority caucus at which the Minority Leader shall  
287 preside or a designated member of the minority leadership, unless otherwise voted by a majority  
288 of the caucus.

289 A caucus shall also be called if 25 per cent or more of a party's membership requests the  
290 calling of a caucus. Such request shall be made to the Senate President or Minority Leader. In  
291 the instance of such a caucus being called, said caucus may consider any subject matter,  
292 including but not limited to resolutions, motions or other means of ascertaining the sense of party  
293 members on any subject. When the Senate recesses to allow a caucus, the Senate President or  
294 presiding officer shall inform the members from the rostrum of a time certain for reconvention.  
295 [1985; 1993.]

296 13C. The Senate Committee on Ethics and Rules shall provide for periodic audits of  
297 Senate financial accounts to be conducted by a certified public accountant experienced in  
298 auditing governmental entities. A copy of any such audit shall be filed with the Senate Clerk and  
299 copies shall be made available upon request by any member of the Senate or the general public.  
300 [1985; 2003.]

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

303 15. No legislation affecting the rights of individuals or the rights of a private or municipal  
304 corporation, otherwise than as it affects generally the people of the whole Commonwealth or the  
305 people of the city or town to which it specifically applies, shall be proposed or introduced except  
306 by a petition, nor shall any bill or resolve embodying such legislation be reported by a  
307 committee, except upon a petition duly referred, nor shall such a bill or resolve be reported by a  
308 committee, whether on an original reference or on a recommitment with instructions to hear the  
309 parties, until it is made to appear to the satisfaction of the committee that proper notice of the  
310 proposed legislation has been given by public advertisement or otherwise to all parties interested,  
311 without expense to the Commonwealth, or until evidence satisfactory to the committee is  
312 produced that all parties interested have in writing waived notice. A committee reporting  
313 adversely for want of proper notice or of a waiver thereof shall set forth this fact in its report, and  
314 no bill or resolve shall be in order as a substitute for, or amendment of, such report. Objection to  
315 the violation of this rule may be taken at any stage prior to that of third reading. [1870; 1871;  
316 1885; 1890; 1921; 1939; 1945; 1971.]

317 16. When the object of an application, by petition can be secured under existing laws, or,  
318 without detriment to the public interests, by a general law, the committee to whom the matter is  
319 referred shall report, ought not to pass, or a general law, as the case may be. The committee may  
320 report a special law on matters referred to it upon (1) a petition filed or approved by the voters of  
321 a city or town, or the mayor and city council, or other legislative body, of a city, or the town  
322 meeting of a town, with respect to a law relating to that city or town; (2) a recommendation by  
323 the Governor; and (3) matters relating to erecting and constituting metropolitan or regional  
324 entities, embracing any 2 or more cities and towns, or establishing with other than existing city  
325 or town boundaries, for any general or special public purpose or purposes. [1882; 1885; 1888;  
326 1891; 1893; 1967; 1971; 1973.]

327 16A. Reports of committees recommending that a matter be placed in a study shall be  
328 reported to the Senate if the matter being reported into a study was originally filed in the Senate.  
329 Matters which have been recommitted to a committee in session shall be reported to the branch  
330 originating the recommitment. [2002.]

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## 332 FORMS OF BILLS AND RESOLVES.

333 17. Bills, resolves, resolutions and orders shall be prepared under supervision of the  
334 Counsel to the Senate. Bills, resolves, resolutions and orders founded upon petition shall be  
335 presented in an electronic format as prescribed by the Clerk, who shall then prepare such  
336 electronically filed documents for printing on official paper. Any petition which presents a bill,  
337 resolve, resolution or order that was before the General Court in the legislative session preceding  
338 that for which it is presented shall be designated as a “refiled petition” by the presenting  
339 member, together with reference to the number assigned such matter in the preceding legislative

340 session. Bills amending existing laws shall not provide for striking words from, or inserting  
341 words in, such laws, unless such course is the best calculated to show clearly the subject and  
342 nature of the amendment. No repealed law and no law which has expired by limitation, and no  
343 part of any such law, shall be re-enacted by reference merely. [1844; 1857; 1880; 1882; 1885;  
344 1888; 1889; 1947; 1972; 1985, 2001, 2006.]

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346 INTRODUCTION OF BUSINESS.

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

351 18A. In the event that identical legislation is filed based upon petition, by members of the  
352 Senate, the Clerk of the Senate may make every effort to consolidate the petitions.

353 The Clerk shall include the name of each petitioner; such names shall be placed on the  
354 consolidated petition in the order in which the original petitions were filed with the Clerk.  
355 [1984.]

356 19. All motions contemplating legislation shall be founded upon petition, except as  
357 provided in Joint Rule 3A and except that the committee on Ways and Means and the Committee  
358 on Ethics and Rules under Rule 12B may report a bill or other form of legislation that is not  
359 founded upon petition. Committees to whom messages from the Governor, reports of state  
360 officers, boards, commissions, and others authorized to report to the legislature shall be referred,  
361 may report by bill or otherwise such legislation as may be germane to the subject-matter referred  
362 to them. [1858; 1888; 1891; 1893; 1973; 1999; 2003; 2005.]

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

369 Provided, that petitions and other papers so filed, or papers received from the House,  
370 which are subject to Joint Rules 7A, 7B or 9, shall be referred by the Clerk to the Committee on  
371 Ethics and Rules. Petitions and other papers so filed which are subject to the second paragraph of  
372 Joint Rule 12 shall be referred by the Clerk to the Committees on Rules of the two branches,  
373 acting concurrently. The reading of all such documents may be dispensed with, but they shall be

374 entered in the journal of the same or the next legislative day after such reference, except as  
375 provided in Joint Rule 13.

376 All orders intended for adoption shall be deposited with the Clerk. If the orders relate to  
377 questions of privilege or to procedure and kindred matters, they shall be laid before the Senate by  
378 the President as soon as possible. If they relate to other subjects, except as provided in rule 13A  
379 or in Joint Rules 29 and 30, they shall be inspected by the Committee on Ethics and Rules and  
380 laid before the Senate not later than the fourth legislative day succeeding the day of their deposit  
381 with the committee.

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

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

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

393 The Senate may at any time by order make any other disposition of petitions in the hands  
394 of the Clerk. [1891; 1893; 1894; 1916; 1921; 1925; 1927; 1933; 1939; 1945; 1953; 1963; 1967;  
395 1971; 1973; 1985; 1999; 2003; 2005.]

396 20A. The Clerk shall make available on the Internet the text of all bills introduced in the  
397 Senate. [2001.]

398 21. [Omitted in 1943.]

399 22. [Omitted in 1949.]

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

403 24. The consideration of any order proposed for adoption, or of any motion to suspend  
404 Senate Rule 15, or Joint Rules 8, 9 or 12, shall be postponed without question to the day after  
405 that on which the order is proposed or request made, if any member asks such postponement.  
406 The consideration of any motion to lay a matter on the table or to take a matter from the table  
407 shall be postponed without question to the day after that on which the motion is made (except

408 during the last 7 calendar days of formal business under Joint Rule 12A). [1885; 1891; 1971;  
409 1973; 1983, 1997; 1999.]

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

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412 COURSE OF PROCEEDINGS.

413 26. Bills and resolves from the House, after they are read a first time, shall be referred to  
414 a committee of the Senate, unless they have been reported by a joint committee or substituted for  
415 the report of a joint committee. Bills and resolves reported in the Senate, and bills and resolves  
416 from the House reported by joint committees or substituted for the reports of joint committees  
417 shall, after they have been read once, be referred to the Committee on Ethics and Rules, except  
418 as otherwise provided by Senate Rule 27. Any matter reported in the Senate or received from the  
419 House concerning or restricted to a particular city or town which has received the approval of the  
420 voters of the city or town or of the town meeting shall appear on the calendar for the next session  
421 for a second reading notwithstanding any other provisions of this rule. Bills introduced by  
422 initiative petition, when reported in the Senate or received from the House, shall be referred to  
423 the Committee on Ethics and Rules. Resolutions received from the House, or reported in the  
424 Senate, shall be referred to the Committee on Ethics and Rules. Bills and Resolves under Senate  
425 Rule 27, when reported, shall be referred to the Committee on Ethics and Rules. All reports of  
426 the Committee on Ethics and Rules shall be placed in the Orders of the Day for the next session  
427 unless such matter is assigned for special consideration by said committee as provided for under  
428 Senate Rule 12B. [1825; 1885; 1888; 1890; 1891; 1897; 1945; 1985; 1993; 1999; 2005.]

429 26A. [Omitted in 2005].

430 26B. [Omitted in 2005].

431 26C. There shall be appointed a standing committee on Bonding, Capital Expenditures  
432 and State Assets consisting of 6 members. Said committee shall review all legislation providing  
433 for the giving, loaning or pledging of the credit of the Commonwealth (see Article LXII of the  
434 Amendments to the Constitution, as amended by Article LXXXIV). Said committee shall be  
435 responsible for evaluating such legislation and determining the appropriateness of enacting  
436 legislation containing increased bond authorizations for the Commonwealth.

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

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

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

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

458 Any bill providing for the giving, loaning or pledging of the credit of the Commonwealth,  
459 except for the general appropriations bill or other appropriations bill addressed in Senate Rule  
460 27A, shall, prior to its reference to the committee on Ways and Means, be referred to the  
461 committee on Bonding, Capital Expenditures and State Assets for report on its relationship to the  
462 finances of the Commonwealth, irrespective of any conflicting committee referral to the House  
463 of Representatives.

464 In compliance with section 38A of chapter 3 of the General Laws, the Committee on  
465 Bonding, Capital Expenditures and State Assets shall include with the bill a fiscal note prepared  
466 under section 3A of chapter 29 of the General Laws, showing the estimated cost or the fiscal  
467 effect of the proposed legislation if, in the opinion of said committee, such cost exceeds  
468 \$100,000.

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

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

476 27. Bills and resolves involving public money, or a grant of public property, unless the  
477 subject-matter has been acted upon by the joint Committee on Ways and Means, shall, after the

478 first reading, be referred in course to the Senate Committee on Ways and Means, whose duty it  
479 shall be to report on their relation to the finances of the Commonwealth.

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

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

490 When requested by any member, prior to the engrossment of any such bill involving a  
491 capital expenditure for new projects, or an appropriation for repairs, or any legislation, the cost  
492 of which, in the opinion of the committee, can be ascertained in a timely manner, and which  
493 exceeds \$100,000, the chairman of the Committee on Ways and Means, or a member of said  
494 committee, shall verbally disclose during session the amount of public money which will be  
495 required to be expended to carry out the proposed legislation, together with an estimate of the  
496 cost of operation and maintenance for the first year if a new project is involved. [1871; 1882;  
497 1887; 1888; 1889; 1896; 1921; 1941; 1946; 1947; 1953; 1963; 1967; 1968; 1971; 1995; 1999.]

498 27A. When the general appropriations bill is reported by the Senate Committee on Ways  
499 and Means the following information shall be made available:- (a) a prior year's appropriation,  
500 (b) the recommendation, if any, of the Governor, (c) the amount approved by the House, and (d)  
501 the amount recommended by the Senate Committee on Ways and Means. The committee shall  
502 identify with its recommendations for the general appropriations bill all of the tax and non-tax  
503 revenues on which its spending recommendations are premised. The committee shall present  
504 these revenues by type and by the department or agency responsible for collecting them.

505 The committee on Ways and Means shall provide the membership with a copy of its  
506 proposed text of the general appropriations bill, and an executive summary which shall include a  
507 list of outside sections, and a short summary of each outside section not later than the fifth  
508 business day prior to full Senate consideration of such bill. When the Senate considers the  
509 general appropriation bill, the bill shall appear in the Orders of the Day for its second-reading.  
510 All amendments to the Ways and Means proposed text shall be second-reading amendments, but  
511 further amendments in the third-degree to such amendments shall be in order. After the bill as  
512 amended is ordered to a third reading, it shall be read a third time and the question shall then  
513 immediately be on passing it to be engrossed. No amendments shall be in order at the third  
514 reading of the bill unless recommended by the committee on Bills in the Third Reading. Each

515 member shall file any proposed amendments, including those relating to outside sections,  
516 electronically in a form determined by the Clerk, by the time established for that purpose by  
517 order of the Senate. Each amendment shall contain a 1-sentence descriptive title. The Clerk shall  
518 make a list of amendments available to the membership at least 24 hours prior to consideration of  
519 such bill. Such list shall identify the member sponsoring the amendment and include the 1-  
520 sentence descriptive title. The sponsoring member of an amendment, including further  
521 amendments in the third-degree, shall make available at such member's office a copy and a  
522 detailed summary of the amendment. The Clerk shall make available on the Internet the text of  
523 all amendments, including further amendments in the third-degree to such amendments.

524         The committee on Ways and Means shall provide the membership with a copy of its  
525 proposed text of any other appropriations bill, and an executive summary which shall include a  
526 list of outside sections, and a short summary of each outside section not later than the fourth  
527 business day prior to full Senate consideration of such bill. When the Senate considers such an  
528 appropriation bill, the Ways and Means proposed text shall be adopted and the bill shall be  
529 ordered to a third reading without other amendments. The bill shall be immediately read a third  
530 time and then be open to other amendments. Each member shall file any proposed amendments,  
531 including those relating to outside sections, with the Clerk not later than 5:00 p.m. of the third  
532 business day before Senate consideration of the bill. Each amendment shall contain a 1-sentence  
533 descriptive title. The Clerk shall make a list of amendments available to the membership at least  
534 24 hours prior to the consideration of such bill. Such list shall identify the member sponsoring  
535 the amendment and include the 1-sentence descriptive title. The sponsoring member shall make  
536 available at such member's office a copy and a detailed summary of the amendment.

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

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

542         27B. [Omitted in 1999.]

543         27C. With the exception of appropriation bills and capital outlay bills, the Committee on  
544 Ways and Means and the Committee on Ethics and Rules may be discharged from the further  
545 consideration of matters referred to them under the following procedure. The consideration of a  
546 motion to discharge such committees from further consideration of a certain matter shall be  
547 postponed without question to the day after that on which the motion is made. Such motion shall  
548 require a majority vote of the members present and voting for adoption, if made after the  
549 expiration of 45 calendar days after referral to said committees, but shall require a vote of two-  
550 thirds of the members present and voting, if made prior to the expiration of said 45 calendar days



551 after referral to said committees. On the motion to discharge such committees, not more than 15  
552 minutes shall be allowed for debate, and no member shall speak more than 3 minutes.

553 In addition to the above procedure, the Committee on Ways and Means shall be  
554 discharged from further consideration of a certain matter upon the written petition of a majority  
555 of the members of such committee presented to the chairman after 45 calendar days following  
556 referral of the matter to said committee. When directed to discharge a certain matter under this  
557 rule said committees shall either report or be discharged of said matter within 5 legislative days  
558 of the vote or petition calling for such discharge. A petition discharged under this rule shall be  
559 considered as favorably reported and the matter accompanying said petition shall be designated  
560 as “discharged”, and shall be placed in the Orders of the Day for the next day for a second  
561 reading or question on adoption, as the case may be, unless subject to Senate Rule 27. [1983;  
562 1985; 2003.]

563 28. No bill or resolve shall pass to be engrossed without 3 readings on 3 several days.  
564 [1817; 1836; 1841; 1859; 1878; 1881; 1882; 1885.]

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

567 30. If a committee to whom a bill or resolve is referred reports that the same ought not to  
568 pass, the question shall be "Shall this bill (or resolve) be rejected?" If the rejection is negatived,  
569 the bill or resolve, if it has been read but once, shall go to its second reading without a question;  
570 and if it has been read more than once it shall be placed in the Orders of the Day for the next day,  
571 pending the question on ordering to a third reading, or engrossment, as the case may be. [1817;  
572 1836; 1841; 1859; 1878; 1881; 1882; 1885; 1897; 1921; 1939; 1945; 1971.]

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

587           31A. Upon recommendation of the Committee on Ethics and Rules, the Senate may by  
588 order require that all amendments to a designated bill be filed with the Clerk not later than 1 day  
589 before consideration of the bill by the Senate. Such amendments shall be presented in the  
590 calendar and shall not be subject to Rule 31. [1997; 2003.]

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

593           32A. (1) The Senate Committee on Bills in the Third Reading may be discharged from  
594 the further consideration of matters referred to it pursuant to the following procedure:

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

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

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

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

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

609           (3) When either committee is directed to discharge a certain matter pursuant to this rule,  
610 such committee shall either report or be discharged of said matter within 5 legislative days of the  
611 vote calling for such discharge. A matter discharged under this rule shall be designated as  
612 “discharged” and the matter shall be placed in the Orders of the Day for the next sitting. On the  
613 motion to discharge such committee, not more than 15 minutes shall be allowed for debate and  
614 no member shall speak more than 3 minutes. [1985; 1987; 1989; 1993; 1995; 2005.]

615           32B. [Omitted in 1995.]

616           33. Bills and resolves when ordered to a third reading, and bills and resolves amended  
617 subsequently to their third reading unless the amendment was reported by the Committee on  
618 Bills in the Third Reading, shall be referred forthwith to that committee, which shall examine  
619 and correct them, to avoid repetitions and unconstitutional provisions, and to ensure accuracy in  
620 the text and references, and consistency with the language of existing statutes, and to give effect

621 to section 52 of chapter 3 of the General Laws; but any change in the sense of legal effect, or any  
622 material change in construction shall be reported to the Senate as an amendment. The committee  
623 may consolidate into 1 bill any 2 or more related bills referred to it, whenever legislation may be  
624 simplified by such consolidation. Resolutions received from and adopted by the House or  
625 introduced or reported into the Senate, after they are read and before they are adopted, and  
626 amendments of bills, resolves and resolutions adopted by the House and sent to the Senate for  
627 concurrence, shall also be referred, in like manner, to the Committee on Bills in the Third  
628 Reading. When a bill, resolve or resolution has been so referred, no further action shall be taken  
629 until the committee has reported on the bill, resolve or resolution. If a bill or resolve referred to  
630 the Committee on Bills in the Third Reading contains an emergency preamble, changes the  
631 compensation paid to the members of the General Court, provides for the borrowing of money by  
632 the Commonwealth and comes within Section 3 of Article LXII of the Amendments to the  
633 Constitution, provides for the giving, loaning or pledging of the credit of the Commonwealth and  
634 comes within Section 1 of Article LXII (as amended by Article LXXXIV) of the Amendments  
635 to the Constitution, or provides, upon recommendation of the Governor, for a special law relating  
636 to an individual city or town and comes within clause (2) of Section 8 of Article LXXXIX of the  
637 Amendments to the Constitution, the committee shall plainly indicate the fact. [1817; 1836;  
638 1882; 1888; 1890; 1891; 1914; 1919; 1925; 1927; 1929; 1945; 1965; 1967; 1983.]

639 33A. All legislative matters receiving a Senate number shall be presented and made  
640 available to all the members of the Senate and to the public at least 24 hours in advance of  
641 consideration by the Senate.

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

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

646 34. Bills and resolves prepared for final passage shall be certified by the Senate Clerk and  
647 Parliamentarian, after comparison, to be the same as the bills or resolves passed to be engrossed;  
648 and if found to be properly prepared, the Clerk shall so endorse on the envelope of the bill or  
649 resolve; and the question on enactment or final passage or adopting an emergency preamble shall  
650 be taken on the bill or resolve, without further reading, unless specifically ordered. When a bill  
651 or resolve prepared for final passage contains an emergency preamble, changes the compensation  
652 paid to members of the General Court, provides for the borrowing of money by the  
653 Commonwealth and comes within Section 3 of Article LXII of the Amendments to the  
654 Constitution, provides for the giving, loaning or pledging of the credit of the Commonwealth and  
655 comes within Section 1 of Article LXII (as amended by Article LXXXIV) of the Amendments to  
656 the Constitution, or provides, upon recommendation of the Governor, for a special law relating to  
657 an individual city or town and comes within clause (2) of Section 8 of Article LXXXIX of the

658 Amendments to the Constitution, the Clerk shall plainly indicate the fact. [1817; 1831; 1882;  
659 1888; 1914; 1919; 1965; 1967; 1971; 1983.]

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661 ORDERS OF THE DAY.

662 35. The unfinished business in which the Senate was engaged at the time of the last  
663 adjournment shall have preference in the Orders of the Day next after motions to reconsider.  
664 [1830; 1870.]

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

675 Reports of committees on proposals for amendment of the Constitution shall be dealt  
676 with in accordance with Joint Rule 23. [1845; 1853; 1888; 1891; 1919; 1947; 1953; 1965; 1968;  
677 1971; 1985; 1995; 2005.]

678 37. After entering upon the consideration of the Orders of the Day, the Senate shall  
679 proceed with them in regular course, as follows: Matters not giving rise to a motion or debate  
680 shall first be disposed of in the order in which they stand in the calendar; then the matters that  
681 were passed over shall be considered and disposed of in like order. [1817; 1836; 1841; 1859;  
682 1878; 1882; 1885.]

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

685 38A. The Senate shall not continue in session beyond the hour of 8 p.m. This rule shall  
686 not be suspended unless two-thirds of the members present and voting consent to such  
687 suspension on a recorded yea and nay vote. [1983; 2005.]

688 38A 1/2. The Senate shall not continue in session beyond midnight. This rule shall not be  
689 suspended unless two-thirds of the members present and voting consent to such suspension on a  
690 recorded yea and nay vote. [2005.]

691 38B. Debate and consideration on the general appropriation bill shall begin at 10 a.m. and  
692 shall be the only matter placed on the calendar for that day. [1985.]

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694 RULES OF DEBATE.

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

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

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

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

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

705 43A. No appeal from a decision of the President shall be entertained unless it is  
706 seconded; and the question on the appeal shall be disposed of forthwith. [1973.]

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708 MOTIONS.

709 44. Any motion shall be reduced to writing if the President so directs. A motion need not  
710 be seconded and may be withdrawn by the mover if no objection is made. [1817; 1844; 1871;  
711 1888.]

712 44A. [Omitted in 2011.]

713 45. An amendment to any measure filed for debate with the Clerk containing 2 or more  
714 propositions, capable of division, shall be divided whenever desired by any member. When a  
715 motion to strike out and insert is thus divided, the failure of the motion to strike out shall not  
716 preclude amendment; or, if the motion to strike out prevails, the matter proposed to be inserted  
717 shall be open to amendment before the question is taken on inserting it. [1817; 1841; 1888.]

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

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

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

724 (3) To postpone to a day certain;

725 (4) To commit (or recommit);

726 (5) To amend;

727 (6) To postpone indefinitely.

728 These motions shall have preference in the order in which they stand. [Between 1821 and  
729 1826; 1831; 1844; 1870; 1882; 1885; 1888; 1921; 1939; 1945; 1971.]

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

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

735 (1) A standing committee of the Senate;

736 (2) A special committee of the Senate;

737 (3) A joint standing committee of the 2 branches;

738 (4) A joint special committee of the 2 branches. [1884; 1888.]

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

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

746 51. [Omitted in 2011.]

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

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

751 On a motion to reconsider, not more than 30 minutes shall be allowed for debate, and no  
752 member shall speak more than 5 minutes; but on a motion to reconsider a vote upon any  
753 subsidiary, incidental or dependent question debate shall be limited to 10 minutes, and no  
754 member shall speak more than 3 minutes.

755 On a motion to suspend any of the joint rules or Senate rules debate shall be limited to 15  
756 minutes, and no member shall speak more than 3 minutes. [1817; 1859; 1870; 1874; 1882; 1885;  
757 1937; 1941.]

758 52A. The Senate President or presiding officer of the Senate may not declare that the  
759 Senate is in recess for more than 30 minutes, without informing the members from the rostrum of  
760 a time certain for reconvention. [1993.]

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762 RECONSIDERATION.

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

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

778 \_\_\_\_\_

779 REJECTED MEASURES.

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

784 \_\_\_\_\_

785 VOTING.

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

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

794 Other business of the Senate may be taken up during the 10 minute period. At the end of  
795 the 10 minute interval, the President shall state the question to be roll called and then direct the  
796 Clerk to begin the call. If, before the vote is taken, a member states to the Senate that such  
797 member has paired with another member and how each would vote on the pending question, the  
798 fact shall be entered on the journal immediately after the record of the yeas and nays, and such  
799 member shall be excused from voting. If, after the yeas and nays have been ordered, an advanced  
800 notice of at least 60 minutes is given by the President, the President may set a time certain for the  
801 vote to be taken and the 10 minute waiting period above prescribed may be waived. [1817; 1852;  
802 1888; 1971; 1972, 1997.]

803 57. Whenever a question is taken by yeas and nays, the Clerk shall call the names of all  
804 members, except the President, in alphabetical order, and every member present shall answer to  
805 such member's name, unless excused before the vote was taken. Except in the case of a vote to  
806 ascertain the presence of a quorum, if a member present in the State House is prevented from  
807 voting personally in the Senate Chamber at the member's assigned seat because of physical  
808 disability, that member may be excused from so voting by the President, who shall assign a court  
809 officer to answer the roll call on behalf of the member so long as the disability continues;  
810 provided, however, that the President shall announce the action of the Chair to the membership  
811 prior to assigning a court officer to cast the member's vote; and provided further, that the  
812 President shall announce the action to the membership the first time a vote is cast for that  
813 member on each successive day that the member is absent from the chamber because of the  
814 disability. No member shall be permitted to vote after the decision is announced from the Chair.  
815 [1837; 1844; 2008.]

816 57A. [Omitted in 2011.]

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818 ELECTIONS BY BALLOT.



819           58. In all elections by ballot a time shall be assigned for such election, at least 1 day prior  
820 to such election, except in case of an election of President or President pro tempore, under Rule  
821 5. [1831; 1891.]

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823           REPORTERS' GALLERY.

824           59. The use of the reporters' gallery of the Senate Chamber shall be subject to the  
825 approval and direction of the Committee on Ethics and Rules during the session and of the  
826 President after prorogation. Except in the reporter's official capacity as a reporter, no reporter  
827 who is entitled to the privileges of the reporters' gallery shall seek to influence the action of the  
828 Senate or any member, nor shall such person approach a member to seek to influence such  
829 member in any place from which legislative agents are excluded by Rule 61. Every legislative  
830 reporter desiring admission to the reporters' gallery of the Senate Chamber shall state in writing  
831 that such reporter is not the agent or representative of any person or corporation interested in  
832 legislation before the General Court and will not act as representative of any such person or  
833 corporation while such reporter retains a place in the gallery; but nothing in this rule shall  
834 prevent such legislative reporter from engaging in other employment, provided such other  
835 employment is specifically approved by the Committee on Ethics and Rules and reported to the  
836 Senate. [1847; 1911; 1914; 1925; 1989; 2003.]

837           59A. Formal sessions of the Senate shall be made accessible to electronic media,  
838 including television, radio and the Internet. The manner, conditions and extent of such access  
839 shall be established by the Committee on Ethics and Rules.

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

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

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

853 Prior to permanent arrangements being entered into for the broadcast of formal Senate  
854 sessions, any television carrier, who wishes to broadcast any formal Senate session shall make  
855 application to the committee on Ethics and Rules to do so, approval of which shall not be  
856 unreasonably withheld. Any carrier may make arrangements to utilize a pool feed to be provided  
857 under guidelines and conditions set forth by the committee on Ethics and Rules. [1989, 2001;  
858 2003; 2007.]

859 59B. The Clerk of the Senate shall deliver a copy of each broadcast Senate session to the  
860 Majority Floor Leader and the Minority Floor Leader not later than 24 hours after such session  
861 has ended.

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

864 59C. The electronic feed that provides the broadcast coverage of the Senate sessions shall  
865 be available to any media outlet. [2002.]

866 59D. (1) The President shall make available to each member of the Senate a copy of the  
867 contract for the broadcast of the Senate formal sessions.

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

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

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

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

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

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880 THE SENATE CHAMBER AND ADJOINING ROOMS

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

883 61.No person, except members of the legislative and executive departments of the state  
884 government, persons in the exercise of an official duty directly connected with the business of

885 the Senate, and reporters who are afforded press privileges by the Senate President, shall, unless  
886 invited by the President, be admitted to the floor of the Senate Chamber or to the Senate Reading  
887 room or to the corridor between the Senate Reading room and the Senate Chamber during the  
888 sessions of the Senate, or during the half hour preceding or succeeding said sessions, nor to the  
889 Senate reading room, cloak room or anterooms on any day when a session of the Senate is held,  
890 except upon written invitation bearing the name of the person it is desired to invite and the name  
891 of the Senator extending the invitation, which invitation shall be surrendered when the person  
892 enters one of the otherwise restricted areas.

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

896           No legislative agent shall be admitted to the floor of the Senate Chamber. On any day  
897 when a session of the Senate is held, no legislative agent shall be admitted to the Senate Reading  
898 room, the cloak room, the Senate corridor or anterooms and no person, except members of the  
899 legislative and executive departments of the state government and persons in the exercise of an  
900 official duty directly connected with the business of the Senate shall be permitted to loiter in the  
901 Reading room, the cloak room, the Senate corridor or anterooms at any time. Smoking shall not  
902 be permitted in the Senate Reading room, the cloak room or the anterooms. [1870; 1875; 1886;  
903 1891; 1895; 1896; 1897; 1898; 1907; 1909; 1914; 1916; 1925; 1989.]

904           61A. No person shall be allowed to smoke on the floor of the Senate. [1985.]

905           61B. No person shall talk on a cellular telephone or other mobile electronic device in the  
906 Senate Chamber while the Senate is in session. [2003.]

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908           PARLIAMENTARY PRACTICE.

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

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913           ALTERATIONS, SUSPENSION OR REPEAL OF RULES.

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

918 vote of the Senate shall be required to approve such recommendations. [1817; 1841; 1848; 1882;  
919 1888; 1891; 1893; 1899; 1953; 1973; 2003.]

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

922           65. The Senate shall meet not later than the fourth Friday following the convening of the  
923 first annual session of a General Court for the purpose of adopting permanent rules of the Senate.  
924 [1991; 2007.]

925           66. [Omitted in 1997.]

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

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929           REVIEW PAST SENATE PROCEDURE

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

932           This commission shall consist of 3 members: the Senate President pro tempore; the  
933 majority leader; and the minority leader; and shall examine and compare the current rules and  
934 practices of the Massachusetts State Senate with the body's historic rules and practices. This  
935 examination and comparison may include, but not be limited to, matters of decorum, attendance,  
936 dress and schedule.

937           The commission shall report its findings and recommendations by September 1 of every  
938 even numbered year.

STANLEY C. ROSENBERG,  
*[Sponsor Title]*