

SENATE No. 8

Senate, January 21, 2015, – Text of the Senate Rules as adopted by the Senate as the permanent rules of the Senate for 2015-2016.

The Commonwealth of Massachusetts

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In the One Hundred and Eighty-Ninth General Court

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An Act Senate, January 21, 2015, – Text of the Senate Rules as adopted by the Senate as the permanent rules of the Senate for 2015-2016..

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

1 [As adopted by the Senate on January 21, 2015]

2 _____

3 [The dates under each rule indicate when the rule and its amendments were adopted.]

4 [The date 1817 denotes the time when the several rules against which it is placed were
5 first preserved. Previously to that year these rules are not to be found, although from the Senate
6 Journal it appears that they were printed.]

7 _____

8 THE PRESIDENT.

9 1. The President shall take the chair at the hour to which the Senate stands adjourned,
10 shall call the members to order, and, on the appearance of a quorum, shall proceed to business.

11 [1831; 1888.]

12 1A. Every formal session of the Senate may open with a prayer and shall open with a
13 recitation of the "Pledge of Allegiance to the Flag". [1989; 2015.]

14 2. The President shall preserve order and decorum, may speak to points of order in
15 preference to other members, and shall decide all questions of order subject to an appeal to the
16 Senate. The President shall rise to put a question, or to address the Senate, but may read sitting.
17 [1817; between 1821 and 1826; 1831; 1888.]

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

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

23 4A. The Senate President shall be elected by roll call on the Senate floor. This rule shall
24 not be suspended except by a vote of four-fifths of the members present and voting thereon. Rule
25 63 shall not apply to this case and no other rule shall supersede the requirement of four-fifths
26 vote to suspend this rule. [1993; 2002.]

27 4B. The Senate President, Majority Leader and the Minority Leader shall, upon
28 declaration of candidacy for any other state or federal elective office, relinquish said position.
29 [2003; 2015.]

30 5. In case of a vacancy in the office of President, or in case the President, or the member
31 appointed by the President to perform the duties of the chair, is absent at the hour to which the
32 Senate stands adjourned, the longest, continuously serving and eldest member present shall call

33 the Senate to order, and shall preside until a President, or Acting President, is elected by ballot or
34 by roll call vote as the Senate shall by majority vote determine, and such election shall be the
35 first business in order. [1831; 1885; 1888; 1971; 1985; 2003; 2013.]

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

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

46 5B. [Omitted in 2011.]

47 5C. Upon a vacancy in the Senate, with the exception of any vacancy that occurs after
48 April 1 in an even-numbered year, a date for a special election shall be rescheduled by the
49 President of the Senate within 20 days after the vacancy occurs and the proposed date of the
50 special election shall then be put before the members of the Senate for a vote. [2011]

51

52 CLERK.

53 6. The Clerk shall keep a journal of the proceedings of the Senate, and shall cause the
54 same to be presented daily. The Clerk shall, in the journal, make note of all questions of order,
55 and enter at length the decisions thereon. The Clerk shall insert in an appendix to the journal the
56 rules of the Senate and the joint rules of the 2 branches. During informal sessions, each Senator
57 shall have the opportunity to read into the journal, or cause to be printed in the journal, a
58 ceremonial speech not to exceed 650 words, provided an electronic copy of the remarks is
59 supplied to the Clerk. [1882; 1888; 2015.]

60 7. The Clerk, with the approval and direction of the President and the Committee on
61 Rules, shall prepare and cause to be presented each day a calendar of matters in order for
62 consideration. The calendar for a session shall be available to the members and the public at least
63 2 calendar days prior to the start of that session, except when formal sessions are held on
64 consecutive days. The calendar for any formal session on a day following a formal session shall
65 be available to the members and to the public as soon as practicable and, in any event, no later
66 than 2 hours prior to the start of that session. The presentation of a calendar may only be
67 suspended by a 2/3 vote of all members present and voting as determined by a call of the yeas
68 and nays. The calendar shall consist of at least 4 separate sections. One section shall contain
69 those matters for third reading and engrossment. No matters shall be considered for third reading
70 that do not appear on this section of the calendar without unanimous consent. One section shall
71 contain those matters held by the Senate committee on Bills in the Third Reading. One section
72 shall contain those matters appearing on the Senate Calendar for the first time. No matters shall
73 be considered for second reading that do not appear on this section of the calendar without
74 unanimous consent. One section shall contain those matters which shall be on the Senate
75 Calendar for the first time at the following formal session. No matters shall be considered for a

76 second reading at a formal session that were not on the Calendar for the previous formal session.
77 It shall be mandatory, however, that a bill or resolve ordered to third reading on one calendar day
78 shall appear on the calendar at the following formal session. The Clerk, with the approval and
79 direction of the President and the Committee on Rules, may prepare the calendar, with such
80 memoranda as the Clerk may deem necessary, in a form designed to provide complete
81 information and to properly facilitate the business of the Senate. When the presentation of the
82 calendar required under this rule is suspended under Rule 5A, a session shall be considered
83 informal and no matter shall be considered if a member at said session objects to its
84 consideration. [1882; 1888; 1945; 1971; 1974; 1985; 1991; 1993; 2015.]

85 7A. To better facilitate the business of the Senate, whenever possible, and
86 notwithstanding any rules to the contrary, during consideration of the new matters on the
87 calendar each day, the chair shall first declare a recess so that members may examine the items.
88 The chair shall then ask for passes on the second reading matters. Second reading matters with
89 amendments pending will automatically be considered separately. The chair shall direct the
90 Clerk to dispense with the reading of each title, but the journal for that day shall show that the
91 bills have been read a second time. The question shall then come on ordering those second
92 reading matters which have not been passed for debate to a third reading. Matters passed for
93 debate shall be considered on the second call.

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

98 7B. The Clerk of the Senate shall be the official parliamentarian of the Senate. [1973.]

99 8. [Omitted in 1969.]

100 8A. The Clerk shall make available on the official website of the General Court the
101 results of all roll call votes not later than 48 hours after such vote is taken, not including quorum
102 calls, in a manner easily identifiable, searchable, and conspicuously located. The Clerk shall
103 include the number of the roll call and the title of the matter voted upon. This rule shall take
104 effect not later than May 1, 2013.

105 The Clerk shall as soon as practicable make available links to the roll calls, which include
106 the text of the amendment or matter voted on. [2007; 2011; 2013; 2015.]

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

110 _____

111 COUNSEL TO THE SENATE.

112 9A. The Counsel to the Senate and members of the staff of said Counsel shall not engage
113 in the private practice of law during ordinary business hours or while the Senate is in session.
114 The Counsel to the Senate and the staff of said Counsel shall be available at all times for
115 consultation with the President and members of the Senate in relation to matters pending before
116 the Senate and must at all times act in accordance with the conflict of interest law and the Rules
117 of Professional Conduct for Lawyers. The Senate Counsel and members of the Counsel's legal
118 staff shall not simultaneously serve as staff in any Senator's office. [1976; 2015.]

119

120 MEMBERS OF THE SENATE.

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

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

134 10A. No member, officer, or employee shall employ anyone from state funds who does
135 not perform tasks which contribute to the work of the Senate and which are commensurate with
136 the compensation received; and no officer or full time employee of the Senate shall engage in
137 any outside business activity during regular business hours, whether the Senate is in session or
138 not. No member of the Senate shall act on a matter before a committee or vote on any question in
139 which the member's private right is immediately concerned, distinct from the public interest. All

140 employees of the Senate are assumed to be full time unless their personnel record indicates
141 otherwise. [1977.]

142 10B. Interns and other temporary employees of the Senate, who are students at an
143 accredited educational institution and who are employed by the Senate for not more than 6
144 months, may receive compensation from an educational institution or other non-profit
145 organization under section 501(c)(3) of the Internal Revenue Code, according to that
146 organization's regular program of providing such compensation for temporary governmental or
147 public service employment. A temporary employee's Senate supervisor shall establish the
148 employee's total compensation, shall verify that the sum of the employee's state compensation,
149 if any, and any outside compensation that the employee is to receive under this rule would not
150 exceed this total compensation, and shall file the written terms of the employee's compensation
151 with the Senate Office of Human Resources, where it shall be available for public inspection.
152 [2003; 2013.]

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

155 11A. Each member of the Senate shall be assigned an office in the State House. Each
156 member shall have full authority to employ and dismiss personal and committee staff within
157 written guidelines developed by the Senate Committee on Rules. [1983; 1985; 1993; 2003;
158 2015.]

159 11B. No member of the Senate shall hold, for more than 8 consecutive years, the office of
160 President of the Senate. [1993; 2001.]

161 11C. The Committee on Rules shall ensure that each member of the Senate is able to
162 receive Internet electronic mail from members of the public. [2001; 2003; 2015.]

163 11D. The Committee on Ethics shall sponsor ethics training for members and staff within
164 90 days of the opening of the biennial session. [2009; 2015.]

165 _____

166 COMMITTEES.

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

168 A Committee on Bills in the Third Reading;

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

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

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

172 A Committee on Post Audit and Oversight;

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

174 A Committee on Ethics;

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

176 A Committee on Rules;

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

178 A Committee on Global Warming and Climate Change;

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

180 A Committee on Steering and Policy;

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

182 A Committee on Ways and Means;

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

184 A Committee on Intergovernmental Affairs;

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

186 A Committee on Redistricting;

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

188 A Committee on Personnel and Administration;

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

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

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

192 the hearing or session in conflict with the formal session. All recorded votes and by the

193 committees shall be posted on the website of the General Court as soon as practicable but no

194 later than 48 hours of the vote being taken; provided in the two weeks prior to the third

195 Wednesday in November which shall be considered the conclusion of all formal business of the

196 first annual session of the General Court or the two weeks prior to the last day of July of the

197 second annual session committees shall post all recorded votes as soon as practicable. [1831;

198 1836; 1840; 1844; 1847; 1863; 1864; 1870; 1876; 1882; 1885; 1886; 1888; 1891; 1896; 1897;
199 1920; 1937; 1939; 1941; 1945; 1946; 1957; 1960; 1963; 1965; 1969; 1971; 1972; 1982; 1989;
200 1991; 1993; 1995, 1997; 2003, 2005; 2007; 2009; 2011; 2015.]

201

202 12A. All violations of Rules and all questions of conduct of members, officers and
203 employees of the Senate shall be referred by order of the Senate to the committee on Ethics.
204 Such orders shall be as specific as circumstances allow. The committee shall also be empowered
205 to receive sworn written complaints or evidence regarding violations of Rules 10 and 10A. Until
206 a hearing, if any, is held, the contents of such complaints or evidence shall be considered
207 confidential information, unless the contents are already a matter of public record. If no hearing
208 is held, such contents may be made public by the committee in a final report. Breach of
209 confidentiality may itself be grounds for disciplinary action.

210 Upon receipt of an order, a sworn written complaint filed under penalties of perjury, or
211 upon receipt of evidence, the committee may investigate and take written or oral testimony on
212 any matters specified in the order or covered by Rules 10 and 10A. A majority of committee
213 members shall be present to receive sworn testimony unless a majority designates a lesser
214 number to do so. In any case, at least 1 member of the committee shall be present to receive such
215 testimony. Upon majority vote of the full Senate, the committee may require by summons the
216 attendance and testimony of witnesses and the production of books and papers and such other
217 records as said committee may deem relevant. All testimony before the committee shall be
218 recorded or transcribed and such recordings and transcriptions must be made available to all
219 members of the committee.

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

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

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

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

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

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

247 12B. The committee on Steering and Policy shall meet from time to time at the call of the
248 chair for the purpose of assisting the President and the Senate in identifying the major matters
249 which require consideration by the General Court during the pending session and to advise the
250 President and the Senate on the relative priority of such matters, the relative urgency for
251 consideration by the General Court of such matters, and alternative methods of responding to
252 such matters by the General Court, and to assist on scheduling legislative matters for their even
253 distribution throughout the legislative year. [2009].

254 12B ½ . The Committee on = Rules may initiate legislation consistent with Senate Rule
255 19, but no bill shall be initiated over the objection of the Senate Chair of the appropriate
256 committee. The Committee shall report on what date prior to adjournment of the last formal
257 session the matter shall be considered by the Senate. In the case of bills removed from study and
258 referred to the Committee on Rules, the bills may be subject to amendments by the committee as
259 well as reports by the committee that the bills ought to pass or ought not to pass. This rule shall
260 apply only to bills that have no state fiscal impact. [1983; 1985; 1986; 1991; 1993; 1999; 2003;
261 2005; 2015.]

262 12C. [Omitted in 1995.]

263 12D. The President of the Senate, the Majority leader and the Minority leader shall
264 review applications for each member's staff and committee operating requirements and allocate
265 office space. [1993; 2003.]

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

281 (b) Except as provided above or unless the Senate shall otherwise specially order,
282 committees shall be appointed by the President, with exception of the chair whose nomination
283 and ratification shall be governed by paragraph (a). The President shall in making such
284 appointments give consideration to representation of both the majority and minority parties
285 relative to their respective representation in the Senate and in any event shall reserve at least 2

286 positions on the Senate Committee on Ways and Means and at least 1 position upon each
287 standing or special committee for a Senate member of the minority party and appointments to
288 such positions shall be made by the Senate minority party leader. For the purposes of this rule
289 and rule 56, the term “minority party” shall mean the political party of those members of the
290 Senate who, in the aggregate, constitute the second largest group of members of the Senate
291 affiliated with a political party.

292 (c) A vacancy in any position which is regulated by this rule shall be filled in the same
293 manner as provided in this rule for the original appointment. Any person in a position which is
294 regulated by this rule shall be subject to removal only by a majority vote of the respective party
295 caucus by voice vote, roll call or secret ballot as the majority vote of the caucus shall determine.
296 [1817; between 1821 and 1826; 1831; 1888; 1973; 1983; 1985; 1991; 2003; 2015.]

297 13A. All motions or orders authorizing committees of the Senate to travel or to employ
298 stenographers, all propositions involving special investigations by committees of the Senate and
299 all motions or orders providing that information be transmitted to the Senate shall be referred
300 without debate to the Committee on Rules, who shall report thereon, recommending what action
301 should be taken. All other motions that create main questions, except those that relate to
302 privilege, to procedure and kindred matters, or to the subjects referred to in Joint Rules 29 and
303 30, shall also be referred without debate to the Committee on Rules and be treated in like
304 manner.

305 The Committee on Rules may originate and report special orders for the scheduling and
306 consideration of matters on the floor of the Senate. When reported such orders may be amended
307 by a two-thirds vote of the members present and voting, and shall be subject to approval by a

308 majority of the members of the Senate present and voting. Debate on the question on adoption of
309 such orders shall be limited to 30 minutes. Such orders shall not be subject to reconsideration.
310 [1904; 1913; 1921; 1953; 2003; 2015.]

311 13B. The President of the Senate may call a caucus at any time at which either the
312 President or a designated member of the majority leadership shall preside unless otherwise voted
313 by a majority of the caucus. The President shall honor the request of the Minority Leader at any
314 time while the Senate is in session, to call a minority caucus at which the Minority Leader shall
315 preside or a designated member of the minority leadership, unless otherwise voted by a majority
316 of the caucus.

317 A caucus shall also be called if 25 per cent or more of a party's membership requests the
318 calling of a caucus. Such request shall be made to the Senate President or Minority Leader. In
319 the instance of such a caucus being called, said caucus may consider any subject matter,
320 including but not limited to resolutions, motions or other means of ascertaining the sense of party
321 members on any subject. When the Senate recesses to allow a caucus, the Senate President or
322 presiding officer shall inform the members from the rostrum of a time certain for reconvention.
323 [1985; 1993.]

324 13C. The Senate Committee on Rules shall provide for an annual fiscal year audit of
325 Senate financial accounts to be conducted by a certified public accountant experienced in
326 auditing governmental entities. The audit is not limited too, but shall examine all senate
327 accounts. The clerk shall notify the members when the audit is available. A copy of the audit
328 shall be filed with the Senate Clerk and the State Auditor, copies shall be made available upon

329 request by any member of the Senate or the general public and posted on the general court
330 website. [1985; 2003; 2015.]

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

333 15. No legislation affecting the rights of individuals or the rights of a private or municipal
334 corporation, otherwise than as it affects generally the people of the whole Commonwealth or the
335 people of the city or town to which it specifically applies, shall be proposed or introduced except
336 by a petition, nor shall any bill or resolve embodying such legislation be reported by a
337 committee, except upon a petition duly referred, nor shall such a bill or resolve be reported by a
338 committee, whether on an original reference or on a recommittal with instructions to hear the
339 parties, until it is made to appear to the satisfaction of the committee that proper notice of the
340 proposed legislation has been given by public advertisement or otherwise to all parties interested,
341 without expense to the Commonwealth, or until evidence satisfactory to the committee is
342 produced that all parties interested have in writing waived notice. A committee reporting
343 adversely for want of proper notice or of a waiver thereof shall set forth this fact in its report, and
344 no bill or resolve shall be in order as a substitute for, or amendment of, such report. Objection to
345 the violation of this rule may be taken at any stage prior to that of third reading. [1870; 1871;
346 1885; 1890; 1921; 1939; 1945; 1971.]

347 16. When the object of an application, by petition can be secured under existing laws, or,
348 without detriment to the public interests, by a general law, the committee to whom the matter is
349 referred shall report, ought not to pass, or a general law, as the case may be. The committee may
350 report a special law on matters referred to it upon (1) a petition filed or approved by the voters of

351 a city or town, or the mayor and city council, or other legislative body, of a city, or the town
352 meeting of a town, with respect to a law relating to that city or town; (2) a recommendation by
353 the Governor; and (3) matters relating to erecting and constituting metropolitan or regional
354 entities, embracing any 2 or more cities and towns, or establishing with other than existing city
355 or town boundaries, for any general or special public purpose or purposes. [1882; 1885; 1888;
356 1891; 1893; 1967; 1971; 1973.]

357 16A. Reports of committees recommending that a matter be placed in a study shall be
358 reported to the Senate if the matter being reported into a study was originally filed in the Senate.
359 Matters which have been recommitted to a committee in session shall be reported to the branch
360 originating the recommitment. [2002.]

361

362 FORMS OF BILLS AND RESOLVES.

363 17. Bills, resolves, resolutions and orders shall be prepared under supervision of the
364 Counsel to the Senate. Bills, resolves, resolutions and orders founded upon petition shall be
365 presented in an electronic format as prescribed by the Clerk, who shall then prepare such
366 electronically filed documents for printing on official paper. Any petition which presents a bill,
367 resolve, resolution or order that was before the General Court in the legislative session preceding
368 that for which it is presented shall be designated as a “refiled petition” by the presenting
369 member, together with reference to the number assigned such matter in the preceding legislative
370 session. No repealed law and no law which has expired by limitation, and no part of any such
371 law, shall be re-enacted by reference merely. [1844; 1857; 1880; 1882; 1885; 1888; 1889; 1947;
372 1972; 1985, 2001, 2006; 2015.]

373

374 INTRODUCTION OF BUSINESS.

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

379 18A. In the event that identical legislation is filed based upon petition, by members of the
380 Senate, the Clerk of the Senate may make every effort to consolidate the petitions.

381 The Clerk shall include the name of each petitioner; such names shall be placed on the
382 consolidated petition in the order in which the original petitions were filed with the Clerk.
383 [1984.]

384 19. All motions contemplating legislation shall be founded upon petition, except as
385 provided in Joint Rule 3A and except that the committee on Ways and Means and the Committee
386 on Rules under Rule 12B may report a bill or other form of legislation that is not founded upon
387 petition. Committees to whom messages from the Governor, reports of state officers, boards,
388 commissions, and others authorized to report to the legislature shall be referred, may report by
389 bill or otherwise such legislation as may be germane to the subject-matter referred to them.
390 [1858; 1888; 1891; 1893; 1973; 1999; 2003; 2005; 2015.]

391 20. All petitions for legislation accompanied by bills or resolves embodying the subject-
392 matter prayed for, which are intended for presentation or introduction to the Senate, reports of
393 state officials, departments, commissions and boards, and reports of special committees and

394 commissions shall be filed with the Clerk, who shall, unless they are subject to other rules or of
395 the rules of the 2 branches, refer them, with the approval and direction of the President, to the
396 appropriate committees, subject to such change of reference as the Senate may make.

397 Provided, that petitions and other papers so filed, or papers received from the House,
398 which are subject to Joint Rules 7A, 7B or 9, shall be referred by the Clerk to the Committee on
399 Rules. Petitions and other papers so filed which are subject to the second paragraph of Joint Rule
400 12 shall be referred by the Clerk to the Committees on Rules of the two branches, acting
401 concurrently. The reading of all such documents may be dispensed with, but they shall be
402 entered in the journal of the same or the next legislative day after such reference, except as
403 provided in Joint Rule 13.

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

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

413 Special reports of state officials, departments, commissions and boards, reports of special
414 committees and commissions, bills and resolves accompanying petitions and reports, and
415 resolutions, shall be printed on order of the President, and under the direction of the Clerk. They

416 shall retain, during all subsequent stages, their original numbers and shall also bear such new
417 numbers as may be necessary.

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

421 The Senate may at any time by order make any other disposition of petitions in the hands
422 of the Clerk. [1891; 1893; 1894; 1916; 1921; 1925; 1927; 1933; 1939; 1945; 1953; 1963; 1967;
423 1971; 1973; 1985; 1999; 2003; 2005; 2015.]

424 20A. The Clerk shall make available on the Internet the text of all bills introduced in the
425 Senate and all late file petitions accompanied by legislation. The bill text for any bill for which
426 there was a vote on the Senate floor must be made available to the public online within 24 hours
427 of the session in which that vote occurred, excepting bills passed in consecutive sessions. [2001;
428 2015.]

429 21. [Omitted in 1943.]

430 22. [Omitted in 1949.]

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

434 24. The consideration of any order proposed for adoption, or of any motion to suspend
435 Senate Rule 15, or Joint Rules 8, 9 or 12, shall be postponed without question to the day after
436 that on which the order is proposed or request made, if any member asks such postponement.

437 The consideration of any motion to lay a matter on the table or to take a matter from the table
438 shall be postponed without question to the day after that on which the motion is made (except
439 during the last 7 calendar days of formal business under Joint Rule 12A). [1885; 1891; 1971;
440 1973; 1983, 1997; 1999.]

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

442

443 COURSE OF PROCEEDINGS.

444 26. Bills and resolves from the House, after they are read a first time, shall be referred to
445 a committee of the Senate, unless they have been reported by a joint committee or substituted for
446 the report of a joint committee. Bills and resolves reported in the Senate, and bills and resolves
447 from the House reported by joint committees or substituted for the reports of joint committees
448 shall, after they have been read once, be referred to the Committee on Rules, except as otherwise
449 provided by Senate Rule 27. Any matter reported in the Senate or received from the House
450 concerning or restricted to a particular city or town which has received the approval of the voters
451 of the city or town or of the town meeting shall appear on the calendar for the next session for a
452 second reading notwithstanding any other provisions of this rule. Bills introduced by initiative
453 petition, when reported in the Senate or received from the House, shall be referred to the
454 Committee on Rules. Resolutions received from the House, or reported in the Senate, shall be
455 referred to the Committee on Rules. Bills and Resolves under Senate Rule 27, when reported,
456 shall be referred to the Committee on Rules. All reports of the Committee on Rules shall be
457 placed in the Orders of the Day for the next session unless such matter is assigned for special

458 consideration by said committee as provided for under Senate Rule 12B. [1825; 1885; 1888;
459 1890; 1891; 1897; 1945; 1985; 1993; 1999; 2005; 2015.]

460 26A. [Omitted in 2005].

461 26B. [Omitted in 2005].

462 26C. There shall be appointed a standing committee on Bonding, Capital Expenditures
463 and State Assets consisting of 6 members. Said committee shall review all legislation providing
464 for the giving, loaning or pledging of the credit of the Commonwealth (see Article LXII of the
465 Amendments to the Constitution, as amended by Article LXXXIV). Said committee shall be
466 responsible for evaluating such legislation and determining the appropriateness of enacting
467 legislation containing increased bond authorizations for the Commonwealth.

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

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

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

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

489 Any bill providing for the giving, loaning or pledging of the credit of the Commonwealth,
490 except for the general appropriations bill or other appropriations bill addressed in Senate Rule
491 27A, shall, prior to its reference to the committee on Ways and Means, be referred to the
492 committee on Bonding, Capital Expenditures and State Assets for report on its relationship to the
493 finances of the Commonwealth, irrespective of any conflicting committee referral to the House
494 of Representatives.

495 In compliance with section 38A of chapter 3 of the General Laws, the Committee on
496 Bonding, Capital Expenditures and State Assets shall include with the bill a fiscal note prepared
497 under section 3A of chapter 29 of the General Laws, showing the estimated cost or the fiscal
498 effect of the proposed legislation if, in the opinion of said committee, such cost exceeds
499 \$100,000.

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

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

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

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

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

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

528 The committee on Ways and Means shall provide a copy of its proposed text of any bills
529 or resolves involving public money, or a grant of public property, to a committee member, upon
530 request, before such bill or resolve is reported to the Senate for consideration. [1871; 1882; 1887;
531 1888; 1889; 1896; 1921; 1941; 1946; 1947; 1953; 1963; 1967; 1968; 1971; 1995; 1999; 2015.]

532 27A. When the general appropriations bill is reported by the Senate Committee on Ways
533 and Means the following information shall be made available:- (a) a prior year's appropriation,
534 (b) the recommendation, if any, of the Governor, (c) the amount approved by the House, and (d)
535 the amount recommended by the Senate Committee on Ways and Means. The committee shall
536 identify with its recommendations for the general appropriations bill all of the tax and non-tax
537 revenues on which its spending recommendations are premised. The committee shall present
538 these revenues by type and by the department or agency responsible for collecting them.

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

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

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

566 business day before Senate consideration of the bill. Each amendment shall contain a 1-sentence
567 descriptive title. The Clerk shall make a list of amendments available to the membership at least
568 24 hours prior to the consideration of such bill. Such list shall identify the member sponsoring
569 the amendment and include the 1-sentence descriptive title. The sponsoring member shall make
570 available at such member's office a copy and a detailed summary of the amendment.

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

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

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

580 27B. [Omitted in 1999.]

581 27C. With the exception of appropriation bills and capital outlay bills, the Committee on
582 Ways and Means and the Committee on Rules may be discharged from the further consideration
583 of matters referred to them under the following procedure. The consideration of a motion to
584 discharge such committees from further consideration of a certain matter shall be postponed
585 without question to the day after that on which the motion is made. Such motion shall require a
586 majority vote of the members present and voting for adoption, if made after the expiration of 45
587 calendar days after referral to said committees, but shall require a vote of two-thirds of the

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

591 In addition to the above procedure, the Committee on Ways and Means shall be
592 discharged from further consideration of a certain matter upon the written petition of a majority
593 of the members of such committee presented to the chairman after 45 calendar days following
594 referral of the matter to said committee. When directed to discharge a certain matter under this
595 rule said committees shall either report or be discharged of said matter within 5 legislative days
596 of the vote or petition calling for such discharge. A petition discharged under this rule shall be
597 considered as favorably reported and the matter accompanying said petition shall be designated
598 as “discharged”, and shall be placed in the Orders of the Day for the next day for a second
599 reading or question on adoption, as the case may be, unless subject to Senate Rule 27. [1983;
600 1985; 2003; 2015.]

601 27D. A Senate bill may be co-sponsored, electronically, at any time during the 2-year
602 legislative session until debate on the bill begins. [2015]

603 28. No bill or resolve shall pass to be engrossed without 3 readings on 3 several days.
604 [1817; 1836; 1841; 1859; 1878; 1881; 1882; 1885.]

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

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

610 and if it has been read more than once it shall be placed in the Orders of the Day for the next day,
611 pending the question on ordering to a third reading, or engrossment, as the case may be. [1817;
612 1836; 1841; 1859; 1878; 1881; 1882; 1885; 1897; 1921; 1939; 1945; 1971.]

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

627 31A. Upon recommendation of the Committee on Rules, the Senate may by order require
628 that all amendments to a designated bill be filed with the Clerk not later than 1 day before
629 consideration of the bill by the Senate. Such amendments shall be presented in the calendar and
630 shall not be subject to Rule 31. [1997; 2003; 2015.]

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

633 32A. (1) The Senate Committee on Bills in the Third Reading may be discharged from
634 the further consideration of matters referred to it pursuant to the following procedure:

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

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

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

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

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

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

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

655 32B. [Omitted in 1995.]

656 33. Bills and resolves when ordered to a third reading, and bills and resolves amended
657 subsequently to their third reading unless the amendment was reported by the Committee on
658 Bills in the Third Reading, shall be referred forthwith to that committee, which shall examine
659 and correct them, to avoid repetitions and unconstitutional provisions, and to ensure accuracy in
660 the text and references, and consistency with the language of existing statutes, and to give effect
661 to section 52 of chapter 3 of the General Laws; but any change in the sense of legal effect, or any
662 material change in construction shall be reported to the Senate as an amendment. The committee
663 may consolidate into 1 bill any 2 or more related bills referred to it, whenever legislation may be
664 simplified by such consolidation. Resolutions received from and adopted by the House or
665 introduced or reported into the Senate, after they are read and before they are adopted, and
666 amendments of bills, resolves and resolutions adopted by the House and sent to the Senate for
667 concurrence, shall also be referred, in like manner, to the Committee on Bills in the Third
668 Reading. When a bill, resolve or resolution has been so referred, no further action shall be taken
669 until the committee has reported on the bill, resolve or resolution. If a bill or resolve referred to
670 the Committee on Bills in the Third Reading contains an emergency preamble, changes the
671 compensation paid to the members of the General Court, provides for the borrowing of money by
672 the Commonwealth and comes within Section 3 of Article LXII of the Amendments to the
673 Constitution, provides for the giving, loaning or pledging of the credit of the Commonwealth and
674 comes within Section 1 of Article LXII (as amended by Article LXXXIV) of the Amendments

675 to the Constitution, or provides, upon recommendation of the Governor, for a special law relating
676 to an individual city or town and comes within clause (2) of Section 8 of Article LXXXIX of the
677 Amendments to the Constitution, the committee shall plainly indicate the fact. [1817; 1836;
678 1882; 1888; 1890; 1891; 1914; 1919; 1925; 1927; 1929; 1945; 1965; 1967; 1983.]

679 33A. All legislative matters receiving a Senate number shall be presented and made
680 available to all the members of the Senate and to the public at least 24 hours in advance of
681 consideration by the Senate.

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

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

686 34. Bills and resolves prepared for final passage shall be certified by the Senate Clerk and
687 Parliamentarian, after comparison, to be the same as the bills or resolves passed to be engrossed;
688 and if found to be properly prepared, the Clerk shall so endorse on the envelope of the bill or
689 resolve; and the question on enactment or final passage or adopting an emergency preamble shall
690 be taken on the bill or resolve, without further reading, unless specifically ordered. When a bill
691 or resolve prepared for final passage contains an emergency preamble, changes the compensation
692 paid to members of the General Court, provides for the borrowing of money by the
693 Commonwealth and comes within Section 3 of Article LXII of the Amendments to the
694 Constitution, provides for the giving, loaning or pledging of the credit of the Commonwealth and
695 comes within Section 1 of Article LXII (as amended by Article LXXXIV) of the Amendments to
696 the Constitution, or provides, upon recommendation of the Governor, for a special law relating to

697 an individual city or town and comes within clause (2) of Section 8 of Article LXXXIX of the
698 Amendments to the Constitution, the Clerk shall plainly indicate the fact. [1817; 1831; 1882;
699 1888; 1914; 1919; 1965; 1967; 1971; 1983.]

700

701 ORDERS OF THE DAY.

702 35. The unfinished business in which the Senate was engaged at the time of the last
703 adjournment shall have preference in the Orders of the Day next after motions to reconsider.
704 [1830; 1870.]

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

715 Reports of committees on proposals for amendment of the Constitution shall be dealt
716 with in accordance with Joint Rule 23. [1845; 1853; 1888; 1891; 1919; 1947; 1953; 1965; 1968;
717 1971; 1985; 1995; 2005; 2015.]

718 37. After entering upon the consideration of the Orders of the Day, the Senate shall
719 proceed with them in regular course, as follows: Matters not giving rise to a motion or debate
720 shall first be disposed of in the order in which they stand in the calendar; then the matters that
721 were passed over shall be considered and disposed of in like order. [1817; 1836; 1841; 1859;
722 1878; 1882; 1885.]

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

725 38A. The Senate shall not continue in session beyond the hour of 8 p.m. This rule shall
726 not be suspended unless two-thirds of the members present and voting consent to such
727 suspension on a recorded yea and nay vote. [1983; 2005.]

728 38A 1/2. The Senate shall not continue in session beyond midnight. This rule shall not be
729 suspended unless two-thirds of the members present and voting consent to such suspension on a
730 recorded yea and nay vote. [2005.]

731 38B. Debate and consideration on the general appropriation bill shall begin at 10 a.m. and
732 shall be the only matter placed on the calendar for that day. [1985.]

733 _____

734 RULES OF DEBATE.

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

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

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

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

744 42A. A member referencing a report or study in debate must make said report or study
745 readily available either during or within a reasonable time after the debate if requested by
746 another member. [2015]43. After a question is put to vote no member shall speak to it. [1817.]

747 43A. No appeal from a decision of the President shall be entertained unless it is
748 seconded; and the question on the appeal shall be disposed of forthwith. [1973.]

749 _____

750 MOTIONS.

751 44. Any motion shall be reduced to writing if the President so directs. A motion need not
752 be seconded and may be withdrawn by the mover if no objection is made. [1817; 1844; 1871;
753 1888.]

754 44A. [Omitted in 2011.]

755 45. An amendment to any measure filed for debate with the Clerk containing 2 or more
756 propositions, capable of division, shall be divided whenever desired by any member. When a
757 motion to strike out and insert is thus divided, the failure of the motion to strike out shall not

758 preclude amendment; or, if the motion to strike out prevails, the matter proposed to be inserted
759 shall be open to amendment before the question is taken on inserting it. [1817; 1841; 1888.]

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

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

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

766 (3) To postpone to a day certain;

767 (4) To commit (or recommit);

768 (5) To amend;

769 (6) To postpone indefinitely.

770 These motions shall have preference in the order in which they stand. [Between 1821 and
771 1826; 1831; 1844; 1870; 1882; 1885; 1888; 1921; 1939; 1945; 1971.]

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

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

777 (1) A standing committee of the Senate;

778 (2) A special committee of the Senate;

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

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

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

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

788 51. [Omitted in 2011.]

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

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

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

797 On a motion to suspend any of the joint rules or Senate rules debate shall be limited to 15
798 minutes, and no member shall speak more than 3 minutes. [1817; 1859; 1870; 1874; 1882; 1885;
799 1937; 1941.]

800 52A. The Senate President or presiding officer of the Senate may not declare that the
801 Senate is in recess for more than 30 minutes, without informing the members from the rostrum of
802 a time certain for reconvention. [1993.]

803

804 RECONSIDERATION.

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

816 There shall be no reconsideration of the vote on the question on adjourning, for the yeas
817 and nays, on laying on the table or on taking from the table; and when a motion for

818 reconsideration has been decided, that decision shall not be reconsidered. [1817; between 1821
819 and 1826; 1858; 1885; 1888; 1891; 1902; 1946; 1999.]

820

821 REJECTED MEASURES.

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

826

827 VOTING.

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

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

836 Other business of the Senate may be taken up during the 10 minute period. At the end of
837 the 10 minute interval, the President shall state the question to be roll called and then direct the
838 Clerk to begin the call. If, before the vote is taken, a member states to the Senate that such

839 member has paired with another member and how each would vote on the pending question, the
840 fact shall be entered on the journal immediately after the record of the yeas and nays, and such
841 member shall be excused from voting. If, after the yeas and nays have been ordered, an advanced
842 notice of at least 60 minutes is given by the President, the President may set a time certain for the
843 vote to be taken and the 10 minute waiting period above prescribed may be waived. [1817; 1852;
844 1888; 1971; 1972, 1997.]

845 57. Whenever a question is taken by yeas and nays, the Clerk shall call the names of all
846 members, except the President, in alphabetical order, and every member present shall answer to
847 such member's name, unless excused before the vote was taken. Except in the case of a vote to
848 ascertain the presence of a quorum, if a member present in the State House is prevented from
849 voting personally in the Senate Chamber at the member's assigned seat because of disability, that
850 member may be excused from so voting by the President, who shall assign a court officer to
851 answer the roll call on behalf of the member so long as the disability continues; provided,
852 however, that the President shall announce the action of the Chair to the membership prior to
853 assigning a court officer to cast the member's vote; and provided further, that the President shall
854 announce the action to the membership the first time a vote is cast for that member on each
855 successive day that the member is absent from the chamber because of the disability. No member
856 shall be permitted to vote after the decision is announced from the Chair. [1837; 1844; 2008;
857 2015.]

858 57A. [Omitted in 2011.]

859

860 ELECTIONS BY BALLOT.

861 58. In all elections by ballot a time shall be assigned for such election, at least 1 day prior
862 to such election, except in case of an election of President or President pro tempore, under Rule
863 5. [1831; 1891.]

864

865 REPORTERS' GALLERY.

866 59. The use of the reporters' gallery of the Senate Chamber shall be subject to the
867 approval and direction of the Committee on Rules during the session and of the President after
868 prorogation. Except in the reporter's official capacity as a reporter, no reporter who is entitled to
869 the privileges of the reporters' gallery shall seek to influence the action of the Senate or any
870 member, nor shall such person approach a member to seek to influence such member in any
871 place from which legislative agents are excluded by Rule 61. Every legislative reporter desiring
872 admission to the reporters' gallery of the Senate Chamber shall state in writing that such reporter
873 is not the agent or representative of any person or corporation interested in legislation before the
874 General Court and will not act as representative of any such person or corporation while such
875 reporter retains a place in the gallery; but nothing in this rule shall prevent such legislative
876 reporter from engaging in other employment, provided such other employment is specifically
877 approved by the Committee on Rules and reported to the Senate. [1847; 1911; 1914; 1925; 1989;
878 2003; 2015.]

879 59A. Formal sessions of the Senate shall be made accessible to electronic media,
880 including television, radio and the Internet. The manner, conditions and extent of such access
881 shall be established by the Committee on Rules.

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

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

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

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

900 59B. The Clerk of the Senate shall deliver a copy of each broadcast Senate session to the
901 Majority Floor Leader and the Minority Floor Leader not later than 24 hours after such session
902 has ended.

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

905 59C. The electronic feed that provides the broadcast coverage of the Senate sessions shall
906 be available to any media outlet. [2002.]

907 59D. (1) The President shall make available to each member of the Senate a copy of the
908 contract for the broadcast of the Senate formal sessions.

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

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

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

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

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

920

921 THE SENATE CHAMBER AND ADJOINING ROOMS

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

924 61.No person, except members of the legislative and executive departments of the state
925 government, persons in the exercise of an official duty directly connected with the business of
926 the Senate, and reporters who are afforded press privileges by the Senate President, shall, unless
927 invited by the President, be admitted to the floor of the Senate Chamber or to the Senate Reading
928 room or to the corridor between the Senate Reading room and the Senate Chamber during the
929 sessions of the Senate, or during the half hour preceding or succeeding said sessions, nor to the
930 Senate reading room, cloak room or anterooms on any day when a session of the Senate is held,
931 except upon written invitation bearing the name of the person it is desired to invite and the name
932 of the Senator extending the invitation, which invitation shall be surrendered when the person
933 enters one of the otherwise restricted areas.

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

937 No legislative agent shall be admitted to the floor of the Senate Chamber. On any day
938 when a session of the Senate is held, no legislative agent shall be admitted to the Senate Reading
939 room, the cloak room, the Senate corridor or anterooms and no person, except members of the
940 legislative and executive departments of the state government and persons in the exercise of an
941 official duty directly connected with the business of the Senate shall be permitted to loiter in the
942 Reading room, the cloak room, the Senate corridor or anterooms at any time. Smoking shall not

943 be permitted in the Senate Reading room, the cloak room or the anterooms. [1870; 1875; 1886;
944 1891; 1895; 1896; 1897; 1898; 1907; 1909; 1914; 1916; 1925; 1989.]

945 61A. No person shall be allowed to smoke on the floor of the Senate. [1985.]

946 61B. No person shall talk on a cellular telephone or other mobile electronic device in the
947 Senate Chamber while the Senate is in session. [2003; 2013.]

948

949 PARLIAMENTARY PRACTICE.

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

953 62A. [Renumbered in 2013 as Senate Rule 61B.]

954 62B. (a) The Chief Financial Officer of the Senate shall complete the procurement of all
955 goods and services for the Senate. Procurements for goods or services shall be made from the
956 statewide procurement list established by the operational services division, to the extent
957 practicable, as determined by the Chief Financial Officer. If the Chief Financial Officer
958 determines that a procurement cannot be made using the statewide procurement list established
959 by the operational services division, the Chief Financial Officer may procure the required goods
960 or services under subsections (b), (c) or (d).

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

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

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

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

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

982 (g) If, in the determination of the Chief Financial Officer, an emergency procurement of
983 greater than \$10,000 is necessary, the Chief Financial Officer may procure the goods or services
984 immediately and create and maintain a file explaining the nature of the emergency and the goods

985 or services that were procured as a result. The Chief Financial Officer shall document the goods
986 or services that were procured, the process used to procure the goods or services, the vendors that
987 were contacted and any other information relevant to the procurement, and make that
988 information available to members of the Senate during regular business hours, unless the
989 information is otherwise protected by state or federal law. [2013.]

990

991 ALTERATIONS, SUSPENSION OR REPEAL OF RULES.

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

997 Additionally a measure to repeal, change, add or otherwise modify a rule or rules of the
998 Senate may be proposed at any time by either 1/5 of the members or the number of minority
999 members, provided that such measure is presented to the clerk in the form of an order. Such
1000 order shall be referred immediately to the Committee on Rules, which shall report to the Senate
1001 on such order within 10 days of its referral to the committee. Such report shall be placed in the
1002 Orders of the Day for the next formal session for consideration by the Senate. [1817; 1841; 1848;
1003 1882; 1888; 1891; 1893; 1899; 1953; 1973; 2003; 2015.]

1004 64. Twenty-one members shall constitute a quorum for the organization of the Senate and
1005 the transaction of business. [See Amendments to the Constitution, Art. XXXIII.] [1973.]

1006 65. The Senate shall meet not later than the fourth Friday following the convening of the
1007 first annual session of a General Court for the purpose of adopting permanent rules of the Senate.
1008 [1991; 2007.]

1009 66. [Omitted in 1997.]

1010 67. The resignation of a Senator shall become effective within 14 days from submission
1011 of a letter of resignation or a letter of intent to resign to the Senate President's Office. [2007.]

1012 _____

1013 REVIEW PAST SENATE PROCEDURE

1014 68. The President shall establish a commission to examine past rules and practices of the
1015 Massachusetts State Senate.

1016 This commission shall consist of 3 members: the Senate President pro tempore or a
1017 designee; the majority leader or a designee; and the minority leader or a designee; and shall
1018 examine and compare the current rules and practices of the Massachusetts State Senate with the
1019 body's historic rules and practices. This examination and comparison may include, but not be
1020 limited to, matters of decorum, attendance, dress and schedule.

1021 The commission shall report its findings and recommendations by September 1 of every
1022 even numbered year. [2009; 2013.]