

Whereas, Initiative Petition 25-37 has been filed and certified, in accordance with Article XLVIII of the Amendments to the Constitution of the Commonwealth, seeking passage of legislation, House No. 5010 entitled “An Act to reform and regulate legislative stipends,” hereinafter referred to as “the petition,” which is pending before the General Court; and

Whereas, The petition purports to amend certain provisions of Chapter 3 of the General Laws, which currently govern additional regular compensation for members; that compensation is in addition to the base compensation calculated pursuant to Article CXVIII of the Amendments to the Constitution of the Commonwealth; and

Whereas, The petition purports to condition a member’s receipt of additional regular compensation on legislative “compliance” with a number of procedural requirements also set forth in the petition; and

Whereas, Senate, House and joint rules govern the same procedures set forth in the petition; and

Whereas, Grave doubt exists as to whether the petition fails to propose a law within the meaning of Article XLVIII, The Initiative, Part II, Section 3 of the Amendments to the Constitution of the Commonwealth by mandating changes to internal legislative procedures that are within the constitutional unicameral powers of the Senate and House of Representatives; and

Whereas, Grave doubt further exists as to whether the petition, if enacted, would violate and intrude upon the ability of the Senate and House of Representatives to set their own rules of proceedings; now therefore be it

Ordered, That the opinions of the Honorable Justices of the Supreme Judicial Court be required by the Senate on the following important questions of law:-

1. Does the petition—which has been filed and certified in accordance with Article XLVIII, The Initiative, Part II, Section 3 of the Amendments to the Constitution of the Commonwealth (“art. 48”), seeking passage of legislation entitled “An Act to reform and regulate legislative stipends,” and which is pending before the General Court—violate art. 48 by making changes to internal legislative procedures that are within the constitutional unicameral powers of the Senate, thus failing to propose a law, where:
 - a. The petition reshapes and codifies existing legislative rules on how and when bills are heard and reported out of legislative committees, setting specific procedures for bill hearings and reporting;

- b. The petition assigns additional duties to the Clerks of the House of Representatives and Senate, who are officers of those bodies and whose duties are set by internal rule by the respective bodies;
 - c. The petition makes the rate of pay for Senators dependent, in part, on “compliance” by the House of Representatives with the petition’s procedural requirements, thus interfering with the independence of both bodies; or where
 - d. The petition supplants and codifies existing legislative rules on compensation, ensuring that members of the House of Representatives and members of the Senate are compensated differently?
2. If the answer to question 1 and all its subparts is in the negative, does the petition, if enacted, intrude on the Senate’s ability to set its own rules of proceedings in violation of Part II, Chapter 1, Section 2, Article VII of the Constitution of the Commonwealth, where:
- a. The petition reshapes and codifies existing legislative rules on how and when bills are heard and reported out of legislative committees, setting specific procedures for bill hearings and reporting;
 - b. The petition assigns additional duties to the Clerks of the House of Representatives and Senate, who are officers of those bodies and whose duties are set by internal rule by the respective bodies;
 - c. The petition makes the rate of pay for Senators dependent, in part, on “compliance” by the House of Representatives with the petition’s procedural requirements, thus interfering with the independence of both bodies; or where
 - d. The petition supplants and codifies existing legislative rules on compensation, ensuring that members of the House of Representatives and members of the Senate are compensated differently?