



The Commonwealth of Massachusetts
Office of the Senate Minority Leader
State House, Boston, MA 02133-1054

SENATOR BRUCE E. TARR
MINORITY LEADER

Memorandum

To: Senator Lovely, Chair of the Temporary Senate Rules Committee
From: Senator Tarr
Re: Proposed Changes to Senate Rules and Joint Rules

- **Senate Rules**

- **New Rule 5A1/4:**

- **Current Rule:** N/A
 - **Proposed Rule:** No formal sessions with or without a calendar within 24 hours of each other unless an emergency is declared by the Senate President. This rule can only be suspended by unanimous consent.

- **Rule 7A:**

- **Current:** Under Rule 7A during considerations of new matters on the calendar the Presiding Officer is required to declare a recess for members to examine the items
 - **Proposed Change:** Would require that the recess be at least 30 mins in length

- **Rule 13B:**

- **Current:** The President of the Senate is required to honor the request of the Minority Leader when calling for a minority caucus
 - **Proposed Change:** Would allow the Minority Leader or any member of the minority to call for a caucus

○ **Rule 24:**

- **Current:** Under Rule 24 making a motion to lay a matter on the table or take a matter from the table can be considered dilatory in the last 14 calendar days of formal business
- **Proposed Change:** The time frame would change from 14 calendar days to 7 calendar days

○ **Rule 27:**

- **Current Rule:** The committee on Ways and Means shall provide a copy of its proposed text of any bills or resolves involving public money, or a grant of public property, to a committee member, upon request, before such bill or resolve is reported to the Senate for consideration.
- **Proposed Change:** All Senate Ways and Means Committee Reports on bills of any kind shall be published online for public review.

○ **Rule 27A:**

- **Current:** Under Rule 27A members receive the Senate Ways and Means proposal for the budget, and executive summary no later than the 5th business day before consideration. Currently, at least 48 hours are provided to file amendments to the SWM proposed budget.
- **Proposed Changes:** 72 hours shall be provided to file amendments to the SWM proposed budget. The budget shall be posted electronically not less than 5 business days prior to the full senate consideration of the SWM proposed budget.

○ **Rule 31:**

- **Current:** Provides that a proposed amendment that would be printed in the calendar be placed in the Orders of the Day for the next day.
- **Proposed Change:** Upon a successful motion to have amendments to a matter be printed in the calendar, said matter

shall not be taken up for at least 24 hours. Currently, the Senate can have successive legislative days in the same day.

○ **Rule 33A:**

- **Current:** requires that all matters receiving a Senate number be presented and made available to the members of the Senate and to the Public at least 24 hours in advance of consideration by the Senate.
- **Proposed Change:** would increase that to at least 48 hours prior to any consideration by the Senate.

○ **Rule 38A ½:**

- **Current:** N/A, currently there is no rule for a vote to go past 10 pm.
- **Proposed Change: New Rule 38A ½:** would require the consent via roll call of two thirds of the members present and voting to proceed with Senate business beyond the hour of 10 PM.

○ **Rule 38A ¾:**

- **Current:** 38A ½, requires a two-thirds vote by a recorded yeas and nays to conduct Senate business beyond the hour of midnight.
- **Proposed Change: New Rule 38A ¾:** would require unanimous consent to proceed with Senate business beyond the hour of midnight, provided that this rule cannot be suspended without ¾ vote via roll call of the members present and voting.

○ **Rule 46:**

- **Current Rule:** This rule contains the motions that would receive preference to delay consideration of a matter that is under debate.
- **Proposed Change:** Adds a new motion which would be to have the amendments printed in the calendar.

○ **Rule 57D:**

- **Current Rule:** Relates to remote participation by members

- **Proposed Change:** Requiring members to use best efforts to be in the chamber

- **JOINT RULES RECCOMENDATIONS**

- **Rule 1D:**

- **Current Rule:** No executive session shall be held except upon extraordinary circumstances and only after the committee has first convened in an open session for which notice has been given, the presiding officer has stated the purpose of the executive session, a majority of the committee members present has voted to go into executive session, the vote of each member has been recorded on a roll call vote, and the presiding officer has stated before the executive session if the committee will reconvene after the executive session.
- **Proposed Change:** a 2/3 vote of all committee members must be made in order to enter into an executive session. Additionally, with regards to paragraph 2 of Rule 1D, adding at the end, “any such public testimony received by the committee that is readily capable of being reproduced shall be made available to the public upon request; provided, however, that the committee may redact such public testimony that includes sensitive personal information or information that may jeopardize the health, wellness or safety of an individual.”

- **Rule 1D (continued)**

- **Current Rule:** All joint standing committees, and special joint committees of the Senate and House of Representatives, shall notify the Sergeant-at-Arms of the time, place and agenda of all public hearings and executive sessions not less than 72 hours prior to the time of such meetings. If public testimony is being solicited, agendas shall include an electronic mail address and physical mail address for the submission of testimony. The Sergeant-at-Arms shall notify the clerk, who shall inform all members electronically and publish such information on the official website of the General Court whenever practicable.

- **Proposed change:** notification with respect to joint standing committee meetings shall be made not less than 7 days prior to the time of such meetings.
- **Rule 3A:**
 - **Current Rule:** There are no provisions requiring joint committees to provide remote participation for committee hearings.
 - **Proposed Change:** Would require joint committee hearings to be made available on a platform that permits remote public participation from outside the hearing room through audio and video technology. This would mirror the language in Senate Rule 12.
- **Rule 4:**
 - **Current Rule:** All Committee members shall have an opportunity to sign a form accompanying a report of the committee signifying approval of, dissent of, or abstention from, a report of a joint standing committee before the report is final or filed.
 - **Proposed Change:** All joint committee votes shall be published electronically for public viewing.
- **Rule 7B (HOME RULE PETITION) :**
 - **Current Rule:** Any petition that subsequently conforms to Section 8 of Article LXXXIX of the Amendments to the Constitution after filing, which have followed the procedures set forth in Senate Rule 20 or House Rule 24, shall be forthwith reported from the committee on Rules and be referred by the Clerk to an appropriate committee.
 - **Proposed Changes:** any such initial action taken by a committee on a petition that conforms to Section 8 of Article LXXXIX of the Amendments to the Constitution after filing, which have followed the procedures set forth in Senate Rule 20 or House

Rule 24, shall be taken within 120 days of the referral of the bill to the Committee.

○ **Rule 10:**

- **Current Rule:** All joint committees and the committees on Rules of the two branches, acting concurrently, shall make final report not later than the first Wednesday in February of the second annual session of the General Court on all matters referred to them before the first day of the second annual session and within 30 days on all matters referred to them on and after the first day of the second annual session of the General Court except that the committee on Health Care Financing shall make final report not later than the last Wednesday of March of the second annual session on all matters referred to them on or before the fourth Wednesday of February and within 30 days on all matters referred to it after the fourth Wednesday in February of the second annual session of the General Court.
- **Proposed Changes:** Move Joint Rule 10 Day from the Second annual session of the general court to the first annual session of the general court in the third Wednesday of October.

○ **Rule 11:**

- **Current Rule:** Committees of conference shall consist of 3 members on the part of each branch, one member of each branch being a member of the minority party representing its vote; and their report, if agreed to by a majority of each committee, shall be made to the branch asking for the conference, and may be either accepted or rejected, but no other action shall be had, except through a new committee of conference.
- **Proposed Changes:** To the maximum feasible extent possible committees of conference shall meet in person and be inclusive of all committee members.

○ **Rule 11½:**

- **Current Rule:** N/A

- **Proposed Change:** A minority committee of conference report may be filed.
- **Rule 11B:**
 - **Current Rule:** No report from a committee of conference shall be considered or acted upon by either branch until the calendar day following the day on which said report shall have been available to the public and to the members of the General Court. The committee shall file its report no later than 8 p.m. on the day preceding its consideration and the General Court shall not consider said report before 1 p.m. on the following day, except that a report from such committee of conference that it is unable to agree may be considered and acted upon at the time that such report is filed.
 - **Proposed Change:** modify reporting requirements so that at least 48 hours occur between filing and the General Court taking up the report of the committee in question. Additionally, Conference Committee Reports must be filed by no later than 5:00pm.
- **Rule 11C:**
 - **Current Rule:** Reports, other than those filed under Rule 11A, from a committee of conference shall, whenever practicable, be accompanied by a summary which shall be filed with the clerk
 - **Proposed change:** strike the word practicable and replace with “to the maximum feasible extent” and add “section by section” prior to the word summary.
- **Rule 11D:**

- **Current Rule** Upon the filing of a report by a committee of conference the clerk of the branch in which the committee of conference filed its report shall make the report and the summary of the report available to all members electronically and to the public on the official website of the General Court by 9 p.m. on the day preceding its consideration.
 - **Proposed Changes:** all conference committee reports must be posted online for a minimum of 48 hours prior to being considered by the General Court.
- **Rule 12A:**
 - **Current Rule:** All formal business of the first annual session of the General Court shall be concluded not later than the third Wednesday in November of that calendar year and all formal business of the second annual session shall be concluded not later than the last day of July of that calendar year.
 - **Proposed Changes:** No reports of a committee of conference shall be considered by the General Court if filed within 72 hours of the end of formal session. This rule shall not be revoked, repealed, or suspended absent unanimous consent of all members voting.
- **Rule 30:**
 - **Current Rule:** All motions or orders extending the time within which joint committees and the committees on Rules of the two branches, acting concurrently, are required to report shall be referred without debate to the committees on Rules of the two branches, acting concurrently, who shall report recommending what action should be taken on the motion or order. Such extension shall be granted by a concurrent majority vote if recommended by the committees on Rules of the two branches, acting concurrently; but no such extension shall be granted, against the recommendation of the committees, except by a four-fifths vote of the members of each branch present and voting on the extension. This rule shall not be rescinded, amended or

suspended, except by a concurrent vote of four-fifths of the members of each branch present and voting thereon.

- **Proposed Changes:** Initial extension orders filed by a committee may not exceed 60 days in length.