

*The Commonwealth of Massachusetts*

**REPORT OF THE  
COMMITTEES ON RULES  
OF THE  
TWO BRANCHES, ACTING CONCURRENTLY,  
RELATIVE TO  
RECOMMENDED RULES CHANGES  
TO FACILITATE THE  
BUSINESS OF THE GENERAL COURT**

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June 28, 1972.

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In a continuing effort to modernize procedures in the General Court system of Massachusetts the members of the committees on Rules of the two branches, acting concurrently have been meeting frequently during this session and have in our opinion prepared some recommendations together with the necessary rule changes which should, to a large degree, accomplish some much needed improvements which will begin to stem the overwhelming tide of paper work and cost which threatens to engulf the members of the General Court, the staff personnel, and most importantly of all, the taxpayer.

The thrust of the changes tend toward three basic areas.

1. Petitions may be filed until five o'clock P.M. on the second Wednesday in January during the first annual session of the General Court, that is in the odd numbered year. Petitions filed subsequent to that date and for the remainder of the two years of the General Court will be considered as late filed petitions and a four-fifths vote will be required by both branches in order that said petitions be admitted and referred to appropriate committees. This of course does not apply to petitions which are filed in compliance with the laws of the Commonwealth such as those matters relating to home rule and filed in accordance with the provisions of article 89 of the amendments of the Constitution. Such a change in the rule should dramatically reduce the number of matters to be considered by the General Court and, of course, will eliminate the large number of duplicate petitions always filed during the second session of the same General Court. The percentage of refiles is very high. Inasmuch as from six hundred to two thousand copies of every measure filed must be printed, this in turn, means that the printing costs are considerably higher than if duplications and refiles were discontinued. This change in the rules will also insure that more time can be dedicated by

the membership to the pressing matters filed for consideration by the General Court. In no way does such a change deprive any member or any individual of his right to petition the legislature. It simply means that as a continuing body, the General Court of Massachusetts will consider matters only once during the two year period, unless of course an issue is of major importance, then it may be filed in compliance with Joint Rule 12 and admitted under suspension of the rules.

2. The second major area of change is in relation to the so called "carry over" provision for committees. Under the new rules, joint committees will have until the second Wednesday of February of the second annual session of the same General Court (in the even numbered year) within which to make report on matters referred to them. Subsequent to that date committees will be granted 20 legislative days exclusive of Saturdays, Sundays, and holidays within which to consider and report on late filed petitions and other subjects of legislation. However, joint committees during the second year will have until the second Wednesday of April to make report on departmental recommendations filed in accordance with provisions of the General Laws, and similar accommodations will be provided for matters filed under Constitutional provisions. As is the case under the present rules structure a joint committee may be discharged from consideration of a matter pending before it and it is the intention of the rules committees that, unlike present procedure, either branch be afforded the opportunity to discharge committees of matters which have been filed in their respective branches. Matters which are retained by joint committees during the recess between the first and second sessions of the same General Court may of course be studied and the committee will then be prepared, it is our hope, to make a quick report on such matters at the

beginning of the second annual session of the same General Court. All business which is pending before the General Court at the end of the first annual and any special sessions occurring in the odd numbered years shall be resumed at the commencement of the second annual session of the same General Court in the same manner as if prorogation or dissolution of the General Court had not taken place. It might be advisable at this time to cite portions of a ruling rendered by the Massachusetts Supreme Court back on July 8, 1935 and we quote in part, "The official life of each branch of the General Court has been lengthened to two years instead of being limited to a single year as it was before the adoption of article 64 of the amendments. The provision of that article to the affect that the General Court shall assemble every year does not break the continuity of its existence as a legislative body. It simply prescribes two sessions for each General Court. In this particular each branch of the General Court resembles the House of Representatives of the Congress of the United States which although required to assemble at least once in every year is a single continuous legislative body for the two years for which its members are chosen." Committees of course will be strengthened as a result of such a rules change. It is a matter of fact that the committee system is now, and always was intended to be, the backbone of our legislative structure. A strong committee system allows for greater participation by all the members and provides information necessary for proper and intelligent debate and discussion on the floor. The fact still remains that the leadership with the authority to appoint committee members still has the authority to remove committee members. Committee members would be appointed on a two year basis.

3. The third objective of the rules changes is the formation of a division

for the preparation of legislative documents, such division to be known as the "Bill Drafting Division". There is no doubt in the minds of individuals concerned with the General Court and its proper function, that the counsels to the Senate and to the House of Representatives do a good job in drafting legislation. However, not all bills, resolves and the like are prepared by the counsels, and in order to bring these matters into conformity, in order that they be prepared in such a way that they may merely be rendered to the printers for offset printing, in order to avoid duplication of filings, a "Bill Drafting Division" would be established under the provisions of a new rule 17A. It shall be the responsibility of said division to prepare properly, in compliance with the rules of the Senate and of the House of Representatives and of the Joint Rules, all matters to be filed with, and considered by the General Court. It is the intention of the Rules Committees that the Division utilize the expertise of the various committees in the preparation of matters and that the final approval of such matters be made by the counsel to the Senate and the counsel to the House of Representatives acting jointly, in compliance with such rules and regulations as may be established by the committees on Rules. It is the hope and intention of the committees on Rules that the matters be prepared in such a way that they go right into the data processing memory bank and may be recalled almost instantaneously by title, by subject matter, by the name of the individual so filing said legislation, or even by paragraphs or pages of said legislation. In this manner it would be possible to recall a certain subject matter and rather than have twenty or thirty similar petitions filed, one could be filed and signed by twenty or thirty members. This in no way of course would reduce the right of an individual member to file his own petition.

We will, of course have to expand our data processing facilities in order to carry more numbers during the continuation of the two year period and to provide additional facilities to the members and public which it is not possible to provide with the limited facilities we now share.

Numerous other changes will be necessitated as a result of the major changes in the rules but they will be mostly technical in nature.

It must also be borne in mind that rules are adopted for a two year period, that is for the life of the General Court, and that rules may be altered, suspended or rescinded at any time during the session, in most instances by a two-thirds vote when so moved by a member; on a majority vote when recommended by the committees on Rules; and on a majority vote by the full body before the permanent rules are adopted. Therefore, it is a comparatively simple process to correct and update our rules. However, there is no doubt in the minds of this committee and I think in the minds of all of those who have business with the General Court that such changes are necessary in order, as was previously stated, to update our procedures and most importantly of all to eliminate the monstrous burden of paper work and to reduce the cost factor insofar as the public taxpayer is concerned.

The following rules changes (see Appendix A) constitute our recommendations.

Appendix A

By inserting after Joint Rule 4 (as printed in the Manual), the following new rule:- "Joint Rule 4A In compliance with the provisions of section 38A of chapter 3 of the General Laws, all joint committees of the General Court when reporting on bills referred to them shall include therewith a fiscal note prepared in accordance with the provisions of section 3A of chapter 29 of the General Laws, showing the estimated cost or the fiscal effect of the proposed legislation, if, in the opinion of said committee, such cost exceeds the sum of one hundred thousand dollars.'";

By inserting after Joint Rule 7B (as printed in the Manual), the following new rule:- "Joint Rule 7C. All business which is pending before the General Court at the end of the first annual and any special sessions, occurring in the odd numbered year, shall be resumed at the commencement of the second annual session of the same General Court, in the even numbered year, in the same manner, as if prorogation or dissolution of the General Court had not taken place.'";

In Joint Rule 7A, by inserting before the word "reported", in line 13 (as printed in the Manual), the word "be";

In Joint Rule 9, inserting after the word "not", in line 15 (as printed in the Manual), the word "referred";

Striking out Joint Rule 10 (as printed in the Manual), and inserting in place thereof the following:- "Joint committees and the committees on Rules of the two branches, acting concurrently, shall make final report not later than the second Wednesday of February of the second annual session of the same General Court (in the even numbered year) on all matters referred to them

previously to the said date, and within twenty legislative days (Saturdays, Sundays and holidays excluded), on all matters referred to them after said date. Joint Committees shall, however, have until the second Wednesday of April of the second annual session, to make reports on departmental recommendations filed in accordance with provisions of the General Laws, and referred to them for consideration during the second year. When the time within which committees were required to report has expired, all matters remaining unreported shall be placed in the Orders of the Day by the Clerk of the branch in which the matter was originally filed with an adverse report under this rule. Matters which have been referred under the provisions of Joint Rule 29, upon which the chairmen of the committees on Rules fail to make a report shall be placed by the respective Clerks in the Orders of the Day of the branch in which the subject matter was referred to said committees. The provisions of this rule shall not apply to petitions referred to the committees on Rules of the two branches, acting concurrently, under the provisions of the second paragraph of Joint Rule 12. 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.'';

By inserting after Joint Rule 10, the following new rule:- '10A. It shall be in order, after the fourth Wednesday in April, during the first year of the session (in the odd numbered year), for a member to move to discharge a joint committee from further consideration of a matter pending before said committee, and if the matter is so discharged, it shall then be in order to move to substitute the Bill, Resolve, or other measure, for the petition, special report, etc. Members of the Senate may move to discharge Senate matters only, and members of the House of Representatives may move to

discharge House matters only, and a concurrent vote of the two branches shall not be necessary to discharge the committee.'';

Striking out Joint Rule 12 (as printed in the Manual), and inserting in place thereof the following:- "Limit of Time allowed for New Business. 12. Resolutions intended for adoption by both branches of the General Court, petitions, memorials, bills and resolves introduced on leave, and all other subjects of legislation, shall be deposited with the Clerk of either branch prior to five o'clock in the afternoon on the second Wednesday in January during the first annual session of the General Court, (in the odd numbered year).

All such matters (except messages from the Governor; reports required or authorized to be made to the Legislature, matters filed in compliance with the laws of the Commonwealth and petitions filed or approved by the voters of a city or town, or the mayor and city council, or other legislative body, of a city, or the town meeting of a town for the enactment of a special law in compliance with the requirements of Section 8 of Article LXXXIX of the Amendments to the Constitution) deposited with the respective clerks subsequent to five o'clock on the **second** Wednesday in January during the first annual session of the General Court (in the odd numbered year) shall be referred by the clerks to the committees on Rules of the two branches, acting concurrently, and shall remain in said committees unless approved by four-fifths of the members of both branches voting thereon. Matters upon which suspension of Joint Rule 12 has been negatived, shall be placed on file. This rule shall not apply to petitions in aid of, and remonstrances against, legislation already introduced and pending; nor shall it apply to a petition offered in place of a former one having in view the same object, upon which,

before reference to a committee, a report, recommending that the petition be placed on file was given because the same was not in proper form, provided that such subsequent petition is deposited with the Clerk of either branch within one week from the day on which such report was given. At any special session called under Rule 26A, however, matters relating to the facts constituting the necessity for convening such session shall, if otherwise admissible, be admitted as though filed seasonable in accordance with the first sentence of this rule. Any recommendations from the Governor shall be similarly considered. 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: provided, however, that, except by unanimous consent, it shall not be suspended with reference to a petition for legislation when such petition is not accompanied by a bill or a resolve embodying the legislation requested.'';

By inserting after Joint Rule 17 the following new rule:-

'Preparation of Legislative Documents.

17A. There shall be in the General Court, and under the jurisdiction of the committees on Rules of the two branches, acting concurrently, a 'BILL DRAFTING DIVISION'. It shall be the responsibility of said division to prepare properly, in compliance with the rules of the Senate and House of Representatives and of the Joint Rules, all matters to be filed with, and considered by the General Court. The Division shall, insofar as it is possible and practicable, avoid duplications of matters by maintaining a current index of all legislation drafted. The Division may utilize such expertese as the committees on Rules shall make available to it but the final approval of matters drafted shall be made by the Counsel to the Senate and the Counsel

to the House of Representatives, acting jointly, in compliance with such rules and regulations as may be established by the committees on Rules of the two branches, acting concurrently.'';

In Joint Rule 22, by striking out, in the fifth sentence, lines 27 to 29 (as printed in the Manual), the words "Or it may report that no legislation is necessary or that the recommendation should be referred to the next annual session" and inserting in place thereof the words "Or it may report that no legislation is necessary and, therefore, the recommendation should be 'placed on filed' or that the recommendation 'ought not to pass' ".

*Kim B. Hong*

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For the Senate.

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For the House of Representatives.

For the committees on Rules.

*N. L. P.*

