

# HOUSE . . . . . No. 6826

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## The Commonwealth of Massachusetts

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HOUSE OF REPRESENTATIVES, November 17, 1983.

The committee on Rules, to whom was referred the Order relative to changes in the Rules of the House for the year nineteen hundred and eighty-four (House, No. 6757); and the Order relative to changes in the rules of the House (House, No. 6778), reports, in part, that the accompanying order (House, No. 6826) ought to be adopted [printed as amended].

For the committee,

THOMAS W. MCGEE.

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Reported by the committee on Rules, on part of House order No. 6757, on part of House order No. 6778, and as amended by the House, November 17.

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## The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Eighty-Three.

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1     *Ordered*, That the Rules of the House of Representatives be  
2 amended, as follows:

3     By inserting after Rule 17 the following two rules:

4     “17A. The following terms shall have the following meanings:

5     ‘*Deliberation*’, a verbal exchange between a quorum of mem-  
6 bers of a committee attempting to arrive at a decision on any  
7 public business within its jurisdiction.

8     ‘*Emergency*’, a sudden, generally unexpected occurrence or set  
9 of circumstances demanding immediate action.

10    ‘*Executive session*’, any meeting or part of a meeting of a com-  
11 mittee which is closed to certain persons for deliberation on certain  
12 matters.

13    ‘*Meeting*’, any corporal convening and deliberation of a commit-  
14 tee for which a quorum is required in order to make a decision at  
15 which any public policy matter over which the committee has  
16 supervision, control, jurisdiction or advisory power is discussed or  
17 considered; but shall not include any on site inspection of any  
18 project or program.

19    ‘*Quorum*’, a simple majority of a committee unless otherwise  
20 defined by constitution, rule or law applicable to such committee.  
21 A quorum shall be presumed to be present unless otherwise  
22 doubted.

23    All meetings of House standing committees, and special com-  
24 mittees of the House of Representatives, shall be open to the public  
25 and any person shall be permitted to attend any meeting except as  
26 otherwise provided by this section.

27    No quorum of a committee shall meet in private for the purpose

28 of deciding on deliberating toward a decision on any matter except  
29 as provided by this section.

30 No executive session shall be held until the committee has first  
31 convened in an open session for which notice has been given, the  
32 presiding officer having stated the authorized purpose of the execu-  
33 tive session, a majority of the members of the committee present  
34 have voted to go into executive session and the vote of each  
35 member recorded on a roll call vote and entered into the minutes,  
36 the presiding officer has stated before the executive session if the  
37 committee will reconvene after the executive session.

38 Nothing except the limitations contained in this rule shall be  
39 construed to prevent the committee from holding an executive  
40 session after an open meeting has been convened and after a  
41 recorded vote has been taken to hold an executive session. Execu-  
42 tive sessions may be held only for the following purposes:

43 (1) To discuss the reputation, character, physical condition or  
44 mental health rather than the professional competence of an indi-  
45 vidual, provided that the individual to be discussed in such execu-  
46 tive session has been notified in writing by the governmental body,  
47 at least forty-eight hours prior to the proposed executive session.  
48 Notification may be waived upon agreement of the parties.

49 A committee shall hold an open meeting if the individual in-  
50 volved requests that the meeting be open. If an executive session is  
51 held, such individual shall have the following rights:

52 (a) to be present at such executive session during discussions or  
53 considerations which involve that individual.

54 (b) to have counsel or a representative of his own choosing  
55 present and attending for the purpose of advising said individual  
56 and not for the purpose of active participation in said executive  
57 session.

58 (c) to speak in his own behalf.

59 (2) To consider the discipline or dismissal of, or to hear com-  
60 plaints or charges brought against, a public officer, employee, staff  
61 member, or individual, provided that the individual involved in  
62 such executive session has been notified in writing by the commit-  
63 tee at least forty-eight hours prior to the proposed executive ses-  
64 sion. Notification may be waived upon agreement of the parties. A  
65 committee shall hold an open meeting if the individual involved  
66 requests that the meeting be open. If an executive session is held,  
67 such individual shall have the following rights:



68 (a) to be present at such executive session during discussions or  
69 considerations which involve that individual.

70 (b) to have counsel or a representative of his own choosing  
71 present and attending for the purpose of advising said individual  
72 and not for the purpose of active participation in said executive  
73 session.

74 (c) to speak in his own behalf.

75 (3) To discuss strategy with respect to litigation if an open  
76 meeting may have a detrimental effect on the position of the  
77 committee.

78 (4) To consider the purchase, exchange, lease or value of real  
79 property, if such discussions may have a detrimental effect on the  
80 negotiating position of the commonwealth and a person, firm or  
81 corporation.

82 This rule shall not apply to any chance meeting or social meeting  
83 at which matters relating to official business are discussed so long  
84 as no final agreement is reached. No chance meeting or social  
85 meeting shall be used in circumvention of the spirit or requirements  
86 of this section to discuss or act upon a matter over which the  
87 committee has supervision, control, jurisdiction, or advisory  
88 power.

89 Except in an emergency, a notice and agenda of every meeting of  
90 a committee subject to this rule shall be filed with the Clerk of the  
91 House and publicly posted in such places as are designated in  
92 advance for such purpose by said Clerk, at least forty-eight hours,  
93 including Saturdays but not Sundays and legal holidays, prior to  
94 the time of such meeting. The notice shall be printed in easily  
95 readable type and shall include the date, time and place of such  
96 meeting. Such filing and posting shall be the responsibility of the  
97 officer calling such meetings.

98 A committee shall maintain accurate records of its meetings,  
99 setting forth the date, time, place, members present or absent and  
100 action taken at each meeting, including executive sessions. The  
101 records of each meeting shall become a public record and be  
102 available to the public; provided, however, that the records of any  
103 executive session may remain secret as long as publication may  
104 defeat the lawful purposes of the executive session, but no longer.  
105 All votes requested to be taken in executive sessions shall be  
106 recorded roll call votes and shall become a part of the record of said  
107 executive sessions.

108 A meeting of a committee may be recorded by a person in  
109 attendance by means of a tape recorder or any other means of sonic  
110 reproduction except when a meeting is held in executive session;  
111 provided, that such recording there is no active interference with  
112 the conduct of the meeting.

113 17B. Whenever any member of a House committee present at  
114 the committee meetings so requests, the vote to give any legislation  
115 a favorable or adverse report shall be a recorded vote of the full  
116 committee. Such votes shall be recorded on appropriate forms that  
117 show all votes for and against the particular committee action. The  
118 record of all such roll calls shall be kept in the offices of the  
119 committee and shall be available for public inspection.

120 No report of a House committee on any legislation shall be final  
121 until and unless those members of the committee present and  
122 voting on the prevailing side shall affix their signatures on such  
123 report, on appropriate forms, before the report is made to the  
124 House. No signatures shall be valid unless the report to which the  
125 signatures are affixed includes the complete text of the legislation  
126 being reported, including any amendments which have been  
127 adopted in the committee.”;

128 By inserting after Rule 18 the following two rules:

129 “19. A majority party caucus may be called by the Speaker or  
130 upon petition of twenty-five percent or more of the members of  
131 such majority party. A caucus may entertain resolutions, motions,  
132 or other means of ascertaining the sense of the party members on  
133 any subject.

134 Rule 19A. The majority party and minority party shall estab-  
135 lish caucus rules that shall dictate the procedures of each caucus.  
136 Caucus rules shall include but not be limited to any caucus rules  
137 established by the House rules.”;

138 By inserting after Rule 23 the following rule:

139 “23A. No bill, resolve, or order affecting the compensation or  
140 allowances of the members of the General court shall be finally  
141 acted upon by the House of Representatives except by a call of the  
142 yeas and nays; nor shall any such bill, resolve, or order be consid-  
143 ered for final passage after a date thirty days preceding the last date  
144 set by law for filing nomination papers with the local election  
145 authority for election to the General Court at the next biennial  
146 state election. Nor shall any bill relative to compensation take  
147 effect until the first year of the next biennium.”;

148 By striking out Rule 28 and inserting in place thereof the follow-  
149 ing rule:

150 "28. (1) With the exception of appropriation bills and capital  
151 outlay bills, motions directing the committee on Ways and Means  
152 or the committee on Counties on the part of the House to report  
153 certain matters to the House, or motions discharging said commit-  
154 tees from further consideration of certain matters, shall not be  
155 considered until the expiration of seven calendar days and shall  
156 require a majority vote of the members present and voting for  
157 adoption. Committees so directed to report shall file a report with  
158 the Clerk within four legislative days.

159 (2) The committee on Rules, except as provided in Rule 24 (2),  
160 and the committee on Bills in the Third Reading shall not be  
161 discharged from consideration of any measure or be directed to  
162 report on any measure within ten calendar days of its reference  
163 without the unanimous consent of the House, or after such ten day  
164 period except by a vote of a majority of the members present and  
165 voting thereon.

166 (3) Matters discharged under the provisions of this rule shall be  
167 placed in the Orders of the Day for the next sitting. Petitions  
168 discharged under the provisions of this rule shall be considered as  
169 favorably reported and the bill, resolve, resolution or order ac-  
170 companying such petitions shall be placed in the Orders of the Day  
171 for the next sitting.

172 (4) During the last week of the session the provisions of para-  
173 graphs (1) and (3) of this rule shall be inoperative.

174 (5) A second motion to discharge a matter from a committee or  
175 a second motion to direct a committee to report a matter shall not  
176 be entertained until the first such motion has been disposed of.

177 (6) As an alternative procedure to that provided under the  
178 provisions of this rule, the members of the House, may, by filing a  
179 petition signed by forty percent of the members elected to the  
180 House, discharge the committee on Counties on the part of the  
181 House, the House committee on Ways and Means, the House  
182 committee on Bills in the Third Reading, and the House committee  
183 on Rules from further consideration of a legislative matter.

184 Seven days following the filing of the petition with the House  
185 Clerk, the committee shall be discharged from further considera-  
186 tion of the legislative matter specified in the petition and the House



187 Clerk shall place the matter in the Orders of the Day for the next  
188 calendar day that the House is meeting.

189 (7) This rule shall not be suspended unless by unanimous con-  
190 sent of the members present.”; and

191 By inserting after Rule 33 the following rule;

192 “Rule 33A. Copies of all bills shall be available to all members  
193 of the House and the public at least twenty-four hours in advance  
194 of consideration by the House.

195 House members may consider a particular bill, copies of which  
196 are not available, only upon a roll call vote of two-thirds of the  
197 House members present and voting.

198 If the report of any legislative committee on any legislative bill  
199 filed in the House amends, rewrites or otherwise alters said bill, a  
200 printed or photostatted copy of the text of such amendment,  
201 rewrite or alteration shall be available to each member of the  
202 House at least twenty-four hours in advance of consideration by  
203 the House.

204 All amendments offered by members to any legislative matter in  
205 the House shall be considered chronologically as submitted to the  
206 Clerk of the House, except for an amendment in the second degree;  
207 provided that all of said amendments shall be clearly and legibly  
208 written, and double spaced and drafted in proper form.

209 All matters filed for the year nineteen hundred and eighty-five  
210 and thereafter containing any changes in a present law, or for a  
211 totally new law, shall be printed in either italics or shall be  
212 bracketed.

