

*The Commonwealth of Massachusetts*



## ***LAWMAKING IN MASSACHUSETTS***

The responsibility for enacting laws in Massachusetts rests primarily with the state legislature, formally known as the General Court. It is divided into two branches: a 160-member House of Representatives and a 40-member Senate. The two legislative branches work concurrently on pending laws brought before them.

Lawmaking begins in the House or Senate Clerk's office where petitions, accompanied by bills, resolves, etc., are filed and recorded in a docket book. The clerks number the bills and assign them to appropriate joint committees. There are 26 of these committees, each responsible for studying the bills which pertain to a specific area (i.e., taxation, education, health care, insurance, etc.). Each committee is composed of six senators and eleven representatives, except the committees on [Economic Development and Emerging Technologies](#), [Health Care Finance](#) and [Transportation](#) which shall consist of seven members of the Senate and thirteen on the part of the House.

The standing committees schedule public hearings for the individual bills, which afford citizens, legislators and lobbyists the opportunity to express their views. Committee members meet at a later time in executive session\* to review the public testimony and discuss the merits of each bill before making their recommendations to the full membership of the House or Senate. The committee then issues its report, recommending that a bill "*ought to pass*", "*ought not to pass*" or "*as changed*" and the report is submitted to the Clerk's office.

NOTE: An "executive" session in the legislature is not private. The public may observe, but not participate in, these meetings.

The first reading of a favorably-reported bill is automatic and occurs when the committee's report appears in the Journal of the House or Senate Clerk. Matters not requiring reference to another Joint, House or Senate committee are, following the first reading, referred without debate to the Committee on Ethics and Rules (in the Senate) and to the Committee on Steering, Policy and Scheduling (in the House). Matters that relate to a city or town are automatically placed in the *Orders of the Day* (the *Calendar*) without debate, for a second reading in the both branches.

If a bill affects the finances of the Commonwealth, it is referred to the Senate or House Committee on Ways and Means after the first reading. If it affects the direct funding of health care related programs, the bill is referred to the Committee on Health Care Financing. Similarly, if a bill provides for the borrowing for new projects, and requires the Commonwealth to issue bonds for such purpose, shall, prior to its reference to the committee on Ways and Means, be referred to the committee on Bonding, Capital Expenditures and State Assets for report a on its relationship to the finances of the Commonwealth.

Adverse reports ("*ought not to pass*") are also referred to the Committee on Ethics and Rules\* in the Senate or placed without debate in the *Orders of the Day* for the next session of the House. Acceptance by either branch of an adverse report is considered the final rejection of the matter. However, an adverse report can be overturned. A member may move to substitute the bill for the report, and, if the motion to substitute carries, the matter is then given its first reading and follows the same procedure as if reported favorably by committee.

NOTE: The Committee on Ethics and Rules shall advise the Senate on the order of priorities of the matters referred to it, on the urgency for consideration of such matters, and on alternative methods responding to such matters.

After a bill takes its second reading, it is open to debate on amendments and motions. Following debate, a vote is taken and if the bill receives a favorable vote by the membership, it is ordered to a third reading and referred to the Committee on Bills in the Third Reading. This amounts to preliminary approval of the bill in that branch.

That committee examines technical points, as well as the legality and constitutionality of the measure, and ensures that it does not duplicate or contradict existing law. The committee then issues a report and returns the bill to the House or Senate for its third reading. At that time, legislators can further debate and amend the bill. Following the third reading, the body votes on "passing the bill to be engrossed."

The bill must then pass through three readings and engrossment in the second legislative branch. Should that occur, it is sent to the Legislative Engrossing Division where it is typed on special parchment in accordance with the General Laws.

However, if the second branch passes an *amended* version of the bill, the legislation returns to the original branch for a vote of concurrence in the amendment. If concurrence is rejected, a conference committee consisting of the three members from each legislative branch representing both political parties may be formed to affect a compromise piece of legislation. When a compromise is reached, the bill is sent to both legislative branches for their approval.

A vote "to enact" the bill, first in the House and later in the Senate, is the final step in the passage of a bill by the legislature.

Following enactment, the bill goes to the governor, who may sign the bill into law, allow it to become law without signing it (if the governor holds the bill for ten days without taking any action while the legislature is in session, it becomes law without his or her signature), veto it, or return it to the legislature with recommended changes. If the legislature has concluded its yearly session, and the governor does not sign the bill within ten days, it dies. This is referred to as a "pocket veto." This ten-day period includes Sundays and holidays, even if they fall on the tenth day, and it begins the day after the legislation is laid on the governor's desk.

A bill signed by the governor, or passed by two-thirds of both branches over his veto, becomes a law. It is usually effective in ninety days. The day after the governor signs the bill is considered to

be the first day, and each succeeding day, including Sundays and holidays is counted until the ninetieth.

Laws considered "emergency" in nature take effect immediately upon signing if the legislature has voted to attach an "emergency preamble" to the bill. Adoption of the preamble requires a two-thirds standing vote of the membership.

The governor may also declare an act to be an emergency law and make it effective at once. A special act takes effect thirty days from the day it is signed, unless it contains a provision to make it effective immediately.

### **The Legislative Process: Accessible to All**

The workings of the legislature are accessible to you as a citizen of Massachusetts. You are strongly encouraged to observe the proceedings at the State House.

### **Observing a committee hearing**

Call the House Clerk's office at 722-2356 or the Senate Clerk's office at 722-1276, visit the General Court's web site at [www.mass.gov/legis](http://www.mass.gov/legis) or check the newspapers for the schedules of public hearings on legislative proposals.

Upon arrival at the State House, go to the Legislative Documents Division (Room 428), where you can obtain a copy of the *Daily List of Legislative Committee Hearings*. It contains a list of bills upon which testimony will be heard on that day. Bills concerning the same general subject are usually grouped together and heard at a single hearing.

Copies of bills under consideration may be secured by visiting the General Court's web site at [www.mass.gov/legis](http://www.mass.gov/legis) or by going to the Legislative Documents Division, Room 428 or in the hearing room itself on the day the matter is to be heard.

Most hearings are informal. Visitors are allowed to enter and leave the hearing room at any time during the proceedings.

The Senate or House chairperson conducts the hearing on matters before joint committees. Bills are generally discussed in the order of their appearance in the *Daily List*. Customarily, the testimony of the proponents is presented first, followed by that of the opponents. Legislators and constitutional officers are permitted to speak out of turn.

The hearing ends following completion of testimony on the bills under consideration. Later, the members meet in executive session to discuss the bill as described earlier.

### **Observing the House or Senate in Session**

The House of Representatives and the Senate generally meet weekdays. Informal sessions (sessions without a calendar) generally start at 11:00 A.M.; formal sessions (sessions with a printed calendar) start at 1:00 P.M. Formal sessions of the House are broadcast live on local television (Channel 44).

Public galleries for observing the activity within the chambers are located on the fourth floor and visitors are permitted to enter and leave freely.

The presiding officers in each chamber are elected by the full membership of the respective branches at the beginning of each biennial session of the legislature. The presiding officer in the House is the Speaker of the House; in the Senate, the presiding officer is the Senate President. The presiding officer first takes up matters which are not listed in the *Calendar*, such as reconsideration or enactment of bills, and adoption of resolutions and orders. The body then proceeds to those matters listed in the *Orders of the Day*. Informal, or non-*Calendar* sessions consider only non-controversial matters.

You may obtain the *Calendar* for the House or Senate sessions from the General Court's website at [www.mass.gov/legis](http://www.mass.gov/legis) or from the Legislative Documents Division, Room 428. This document will enable you to follow the proceedings of the legislative session.

The clerk of each branch reads each bill by title before any action is taken on it. The clerk's staff records the proceedings of each session. Any member desiring to debate a specific item on the *Calendar* calls out "pass" when the item is read by the clerk. The item is then "passed" for debate.

After all non-controversial items are disposed of, the "passed" items are taken up.

Debate on a bill may occur during the second and third readings. The clerk identifies the bill by title before debate is allowed to begin. Following the conclusion of debate, a vote is taken.

When a vote is taken on a bill, the presiding officer in each branch calls, "all those in favor, say 'aye'; opposed 'nay'." He or she then interprets the consensus of the membership. A member doubting that ruling may request a standing vote or a roll call. The latter is ordered if at least twenty members of the House support it. In the Senate, the yeas and nays shall be taken whenever one-fifth of the members present or by a number of members equal to the total number of members of the minority party rise in support of such a vote.

In the Senate, roll call votes are conducted orally. Each member's name is read and the vote recorded, with the results tallied by the clerk. An electronic voting system is used in the House. There, each representative is assigned a desk with a roll call box, which is connected electronically to the roll call boards\* in the front of the House chamber. During the vote, a member presses either a "yea" or a "nay" button on his or her desk corresponding respectively to either a green or red light beside the member's name on the roll call board.

NOTE: The roll call board on the left side of the chamber contains the names of the majority membership, beginning with members of the leadership. The remaining party members are listed below in alphabetical order continuing onto the board on the right side of the chamber. Members of the minority party leadership and their members follow.

When the vote is completed, a tally is shown at the top of the boards, beneath the number of the bill upon which the vote was taken.

### **Participating in the Legislative Process.**

Massachusetts citizens are permitted and encouraged to take an active role in the lawmaking process of the state legislature. It is a good idea for a person who feels strongly about an issue to present his or her ideas to a representative or senator. That person may discover that those concerns have already been formulated into a bill which is awaiting legislative action. If not, the citizen is allowed to file legislation addressing the subject. Massachusetts is one of the few states to allow its citizens to do so. This access is called the "right of free petition."

Although it is not mandatory that a representative or senator sponsor a citizen's bill, the rules of the House and Senate provide that a petition must be endorsed for presentation by a member before it can be considered by the General Court. Obtaining the support of individual legislators, then, is most advisable.

Due to the new rules established to allow the carry over of legislation from the first to the second year of a term of the General Court, legislation must be filed in either the House or Senate Clerk's prior to five o'clock on the second Wednesday of January of the first annual session of the General Court . Legislation filed subsequent to the filing deadline would thus be subject to Joint Rule 12 and would require approval by the committees on Rules of the Two Branches. Only matters filed by the Governor and matters that have local approval of a city or town would be exempt from the joint rule provision.

When a bill is filed, it is recorded in a docket book in the Clerk's office. The book provides the name of the legislator filing the bill, the names of the petitioners, the subject matter of the bill and the number the bill has been given for the legislative session. The books are especially useful when one is trying to locate various pieces of legislation of a similar nature. Pending legislation from the first term is now carried over into the second term (effective with the 1995-1996 session of the General Court).

The petitioner may want to contact other petitioners whose legislation addresses the same issue as the one in which he or she is interested. Working cooperatively rather than independently can increase the impact of the proponents' arguments.

A petitioner should be well-prepared before testifying at a public hearing. Well-organized, well-researched presentations and statements naturally have a positive influence on committee members. If unable to attend a public hearing, a petitioner should prepare written testimony which can be accepted by a committee before the scheduled hearing.

Petitioners should prepare a summary of the planned testimony and make a number of copies for distribution to committee members, staff members and any media representatives present. This allows members to make notes on the testimony while the petitioner is speaking. If the petitioner is serving as a spokesperson for a group, he or she should mention that to the committee prior to testifying. Very often, only written testimony is accepted on refiled bills.

At the conclusion of the presentation, committee members may request further information or clarification. After all testimony is heard, the hearing is complete and the committee will meet, in

executive session, either that day or at a later time, to decide whether to issue a favorable or unfavorable report.

The committee report is crucial to the survival of a bill, since the recommendations of all committee reports are generally followed by the legislature.

"Money" bills (bills imposing a tax) must be first reported in the House. Following the first reading of such a bill it is referred to the House Committee on Ways and Means for further study. Ways and Means issues a report which is sent to the House; the bill is then read a second time and continues through the legislative process. The same procedure is followed when the bill reaches the Senate.

Petitioners should remain in contact with the Clerk's office or the appropriate committee to determine when the bill will receive a reading before the full body. Petitioners should also try to attend that legislative session so that they can encourage support of legislators to speak in favor of the bill. If the bill survives the debate at the second reading, a vote will be taken on "ordering the bill to a third reading," and the process continues as described earlier.

As the bill continues through the legislative process, the petitioner should work to convince legislators to support it. The survival of any bill depends on continued favorable votes in both branches of the legislature.

If the bill is engrossed in both branches, it is sent to the House and then to the Senate for a "vote to enact" the bill. Enactment is usually a formality but it does represent the final passage of a bill by the legislature.

The last step in the process is action by the governor. Letter-writing campaigns, telegrams and e-mail are often utilized to acquaint the governor with citizen support or opposition.

After the bill is signed by the governor, it becomes law, usually effective in ninety days. However, there may be an "emergency preamble" attached to some laws, making them effective immediately, as explained earlier.

The process of bringing a bill to fruition as a law in Massachusetts is a long, often tedious, one. However, it is also very exciting and extremely worthwhile. It brings the average citizen of the Commonwealth much closer to state government. And, quite likely, if a petitioner is successful in gaining acceptance for the legislation, that law will be in existence long after he or she and all the legislators who passed it have departed from the scene.

#### *Glossary of Terms.*

##### *Act*

A bill that has been signed into law by the governor.

##### *Acts and Resolves*

A compilation of the bills and resolves enacted and passed by the legislature and signed by the governor. Bound in a volume on a yearly basis.

*Adjournment*

Termination of daily session.

*Adverse Report*

A committee recommendation that a matter "ought not to pass".

*Bill*

Document accompanying a petition, usually asking for legislative action of a permanent nature.

*Committee on Bills in the Third Reading*

A committee of three which is empowered to examine and correct bills and resolves prior to their final reading in the Senate or House, resolutions prior to their adoption, and amendments to bills, resolves and resolutions adopted by the other branch and before the body for concurrence.

*Concurrence*

Agreement by one branch with an action originating in the other branch.

*Conference Committee*

Committee consisting of three members from each body (one senator and one representative acting as chairmen) appointed by the legislative leaders to resolve differences between the two bodies with regard to specific matter. Failure of the committee to agree or failure of one body to accept the committee's recommendation results in the appointment of a new conference committee.

*Daily List*

List of committee hearings giving the committee, its matters, and the time and room number of each hearing.

*Emergency Preamble*

A preamble to a bill setting forth the facts constituting an emergency, and the statement that the law is necessary for the immediate preservation of the public peace, health, safety or convenience. Matters with emergency preambles become law immediately upon approval by the governor. Either the governor or the legislature may attach a preamble.

*Enactment*

Final passage of a bill by the House or Senate.

*Engrossed Bill or Resolve*

Final version of a bill or resolve before the House or Senate for final action after being typed on special parchment by the Legislative Engrossing Division and certified by the clerk.

*Favorable Report*

A committee recommendation that a matter "ought to pass". A matter takes its first reading at this time.

*Formal Session*

Meeting to consider and act upon reports of committees, messages from the governor, petitions, orders, enactments, papers from the other branch, matters in the *Orders of the Day*, and various other matters which may be controversial in nature and during which roll call votes may be taken.

*General Laws*

Legislative act applying generally to the Commonwealth and its citizens.

*House and Senate Rules*

Rules of order and procedure adopted by that branch at the beginning of each biennial session.

#### *Informal Sessions*

Meeting designated by the Speaker of the House and Senate President to consider reports of committees, enactments, papers from the other branch, amendments, matters in the *Orders of the Day*, and various other matters which are of a *non*-controversial nature. Any session may be declared an informal session with prior notice given, or in cases of an emergency.

#### *Initiative Petition*

Request by a specified number of voters to submit a constitutional amendment or law to the people for approval or rejection. The petition is introduced into the General Court if signed by a number of citizens equaling three percent of the entire vote for governor in the preceding gubernatorial election. If a proposed initiative law fails to pass the General Court, additional signatures are required to place it on the ballot. A proposed initiative constitutional amendment approved by at least one quarter of the General Court, sitting in joint sessions by two consecutively elected General Courts, can be placed on the ballot.

#### *Joint Committees*

Twenty-six committees, consisting of six senators and eleven representatives, responsible for holding public hearings and reporting on all legislative matters referred to them.

#### *Joint Rule 10*

Rule ordering that all matters referred to joint committees be reported out of committees by third Wednesday in March of the second annual session and within 30 days on all matters referred to them on and after the third Wednesday in February of the second annual session of the General Court.

#### *Joint Rule 33*

Rule allowing the alteration, suspension or rescision of joint rules by a concurrent 2/3 vote of members present and voting. Some rules are suspended only by a 4/5 vote and a very few by unanimous consent.

#### *Joint Rules*

Rules for the governing of the two bodies adopted by both branches.

#### *Lay on Table*

To temporarily lay aside the consideration of a specific bill, resolve, report, amendment or motion. If laid on the table, consideration is postponed until a subsequent motion taking the item off the table succeeds. A motion to lay on the table can be made only in the Senate.

#### *Legislative Record*

Numerical listing of all numbered matters filed for consideration by the General Court. Includes a brief description of the matter and its full legislative history.

#### [Massachusetts General Laws](#)

All of the laws of Massachusetts of a general and permanent nature as embodied in the Official Edition of the Massachusetts General Laws (which are updated on a monthly basis), together with all amending and related general statutes subsequently enacted down through the current session of the General Court.

#### *Money Bill*



A Bill that transfers money or property from the people to the Commonwealth, i.e., a bill that imposes a tax. These bills must be taken up in the House of Representatives first.

*Order*

Formal motion in writing, not requiring the governor's signature, which is temporary in nature and is used to establish investigative committees, to change rules and for other parliamentary actions.

*Orders of the Day (Calendar)*

Listing of most matters to be considered by the Senate and the House at each sitting.

*Outside Section*

A section of an appropriation bill that may deal with an existing line-item in an appropriation, but may also amend an existing law or create a *new* law

*Override*

To overturn the governor's veto by a 2/3 vote of the members present in both the House and Senate.

*Pairing of Votes*

Procedure allowed in the Senate only, whereby a member, before the vote is taken, announces to the Senate that he or she has paired his or her vote with an opposing vote of an absent member. The two votes do not affect the outcome of the final tally.

*Pass a Resolve*

Final passage of a resolve by the House or Senate.

*Petition*

A request describing the nature of the proposed legislation and the objects sought by it, signed by the petitioner, and accompanied by a draft of the bill or resolve embodying the legislation proposed.

*Pocket Veto*

A veto resulting from the governor's failure to sign a bill following prorogation or dissolution of the General Court. Because the session has ended, the bill will not automatically become law after ten days and the General Court has no opportunity to override the veto.

*Point of Order*

Challenge to the breach of order or rule.

*Proposal*

Document accompanying a petition introducing legislative amendments to the Constitution of the Commonwealth.

*Prorogation*

Termination of a legislative year by agreement of the governor and both legislative bodies.

*Quorum*

Twenty-one members in the Senate, eighty-one members in the House. Quorum is set by rule.

*Recess*

Temporary delay in proceedings.

*Reconsideration*

Motion to reconsider a vote on action previously taken. Any member may propose reconsideration and if the motion prevails, the matter is voted on again. Must be moved prior to entering upon the *Orders of the Day* on the next legislative session.

*Referendum Petition*

A petition signed by a specified number of voters to repeal a law enacted by the legislators, and requesting that the legislation be suspended until the vote is taken.

*Refile*

A petition similar to one which was presented to the General Court in a previous year.

*Report of Committees*

Recommendation on a legislative matter by the committee to which it was referred.

*Resolution*

Documents which may or may not accompany a petition expressing an opinion of the sentiment of one or both branches of the General Court, used for congratulations, for memorializing the Congress of the United States regarding public questions, etc. Resolutions do not require the governor's signature.

*Resolve*

Document accompanying a petition, usually asking for legislative action of a temporary or immediate nature; e.g., establishing temporary investigative commissions.

*Senate and House Journals*

Records of proceedings in each chamber for each legislative day, including matters considered, amendments offered and votes taken.

*Special Law*

Legislative act applying to a particular county, city, town or district, individual or group of individuals and not general in nature.

*Standing Committees*

Eight permanent committees in the Senate (Administration, Ethics and Rules, Ways and Means, Bills in Third Reading, Long-Term Debt and Capital Expenditures, Post Audit and Oversight, Science and Technology, Federal Financial Assistance and Steering and Policy) and twelve in the House (Rules, Ways and Means, Bills in Third Reading, Ethics, Long-Term Debt and Capital Expenditures, Homeland Security, Medicaid, Science and Technology, Post Audit and Oversight, Personnel and Administration, Steering Policy and Scheduling, Floor Division, ) which serve their respective legislative bodies separately.

*Substitution for an Adverse Report*

Procedure by which a committee's adverse report is overturned. The original or a new but very similar bill, resolve or resolution is substituted for the adverse report.

*Veto*

Governor's objection in writing to legislation enacted by the General Court. The legislation is returned to its branch of origin.