

The Legislative Process in Massachusetts

Legislation may be filed by members of the House and Senate and by the Governor. The state constitution also allows citizens to ask their legislators to present bills “by request” (these bills do not necessarily have the support of the legislators who file them).

The annual general appropriation act, which originates in the Governor’s office, is filed in the House, which considers it first. “Money bills,” which raise revenue, cannot be considered by the Senate until approved by the House. With those exceptions, any other legislation may be considered first by either branch.

Bill Filing:

Under the [Joint Rules of the Legislature](#), the bill filing deadline for legislators is 5:00 p.m. on the third Friday in January of the first annual session of the General Court (legislative sessions begin in the odd-numbered year and end in the even numbered year). The Governor is permitted to file legislation at any time.

“Late files” (i.e. bills filed after the deadline) require a report of the committees on Rules of the two branches, acting concurrently, and then approval of two thirds of the members of each branch. In practice, the recommendations of the Rules committees are followed.

Once the bill is filed in the House or Senate Clerk’s office, the bill is given an initial number (a docket number) and is recorded in a docket book, which lists all bills as they are filed. The House Clerk and Senate Clerk then assign each bill a bill number and recommend the appropriate Joint Committee to hear the bill. Bills that originate in the House begin with “H” and those that originate in the Senate begin with “S.”

Joint Committee Hearing:

The list of current Joint Committees can be found [here](#). The Joint Committees must hold a hearing and issue a report on each bill before them. Hearings are open to the public and all interested parties may attend and address the committee. The committee chair may limit the time allowed to individual speakers and/or the time allowed for a particular matter.

Joint Committee Executive Session:

At some point after the Joint Committee hears a bill but not later Wednesday in February of the second year of the session, of a hearing, the committee holds an “executive session” to issue its recommendations. Executive sessions are open to the public, but only committee members may speak. The committee then issues a report to the Clerk’s office recommending that a bill “ought to pass,” (with or without an amendment adopted by the committee) “ought not to pass,” or given a study order.

A study order authorizes the Committee to sit during recess and study this measure and similar ones and file a narrative report of its findings. However, for the vast majority of bills sent to a study order, no further Committee activity takes place.

The Joint Committee may recommend a small number of changes to a bill; in these cases, the Committee’s amendments are attached to the bill and it retains its original bill number. More frequently, the Joint Committee will redraft the bill entirely and this new draft will be assigned a new bill number by the Clerk. Often the Committees will issue a redraft when it has considered several bills on a particular subject and then issues its own preferred version, which may combine provisions from multiple bills.

If a bill receives a favorable recommendation, the bill moves through the legislative process. This process is known as “Three Readings.”

Bill Readings:

First Reading—This is the first of three mandatory readings in each branch of the General Court. This reading is the account of the Committee Report delivered by the Clerk of the House or Senate. Once a bill receives a favorable report from a committee, it is usually sent to the Committee on Steering and Policy or, if it involves state finances, to the Ways and Means Committee first.

Second Reading—The Second Reading occurs when the bill is released from Steering and Policy or Ways and Means. It is then placed in the Orders of the Day. At this time, the floor of the chamber is opened for debate on the merits of the bill and proposed amendments. A favorable roll call vote or a voice vote is needed to send the bill to the Third Reading.

Third Reading—After a vote of approval for the bill’s second reading occurs, it is sent to the Committee on Bills in Third Reading to be reviewed. This committee checks the contents of the bill for legal technicalities and proper citations. After the bill is released by this committee it is read for the third and final time in the chamber where it may again be debated and amended.

Engrossment and Enactment:

Once released from the Committee on Third Reading, the bill is brought before the membership for debate and a vote on “passage of the bill to be engrossed.” Once the bill is engrossed, it is sent to the other chamber to repeat the Three Reading process and engrossment. If the House and Senate pass the exact same versions of a bill, a vote on enactment must occur in both chambers.

Conference Committee:

If there are differences between the House and Senate bills, both chambers must agree on one version; the measure can't progress to enactment until the same draft is approved by both chambers. This situation, which commonly arises with appropriations bills among others, requires the appointment of a conference committee. These are temporary bodies appointed to resolve differences in legislation between the two branches. Conference committees are appointed by the Speaker of the House and Senate President of both chambers and consist of three representatives and three senators, one of whom from each body must be from the minority party. .

The Governor:

Following enactment, the bill is sent to the Governor, who may act on the bill in a variety of ways. The Governor may:

1. Sign the bill. The bill becomes law after 90 days, unless it contains an emergency preamble, in which case it becomes law immediately.
2. Veto the bill. The bill is returned to the General Court with his/her reasons for the veto. The legislature may reconsider the bill and can override the veto by a 2/3rds vote in both chambers. The bill then becomes law without the Governor’s signature.
3. The Governor may choose not to sign the bill but let it become law anyway. This

occurs if he/she holds the bill for ten days during which time the legislature is in session. If the ten day period occurs when the Legislature has concluded its session, the Governor must sign the bill in order for it to become law (a rule known as the “pocket veto.”)

4. Return the bill to the General Court with recommendation for changes. This action also opens the bill to any additional amendments offered by members. The Legislature can consider the recommendation, but may return the bill without agreeing to the proposed changes. If so, the Governor must sign the bill as is, veto it, or let it become law without his signature. If the Legislature does not act on the Governor’s proposed amendments, the bill does not become law.

5. Line item veto. The Governor has this power only with respect to appropriations bills (including bond bills). He or she may veto or reduce the amount of one or more line-item appropriations or may veto outside sections. The vetoes are returned to the Legislature, which can override them with a 2/3rds majority in both chambers.

Any bills that are not passed by the conclusion of the two year legislative session are no longer under consideration and must be refiled in order to be considered during the next session.

Formal and Informal Sessions:

The Legislature can meet in either a formal or an informal session. Typically, informal sessions are held each Monday and Thursday, with formal sessions scheduled in addition to or in place of an informal session. The scheduling of informal and formal sessions in each branch is determined by the Speaker of the House and the President of the Senate.

In an informal session, no roll call votes are taken. Only non-controversial issues on which no legislator voices disagreement are considered and are approved by a voice vote. If any member objects, the matter or motion does not advance. While no attendance is taken, a handful of members usually attend the session in order to object, if necessary, including a representative of the minority party, a representative of the progressive caucus, and members who anticipate that their bills may be approved during the session.

A formal session considers and acts upon reports of committees, messages from the Governor, petitions, orders, enactments, papers from the other branch, matters in the Orders of the Day and any other issues where public debate occurs and roll call votes may be taken. Under the Joint Rules, in the first year of the session, formal sessions end on the third Wednesday in November, and in the second year of the session, they end on July 31.

Effective Date of Legislation:

In general, laws that are subject to the Amendment 48 of the State Constitution (which sets out the Initiative and Referendum process) become effective 90 days after the Governor's signature. Laws that are not subject to Amendment 48 become effective 30 days after the Governor’s signature. Days are counted in succession, including holidays and weekends, and acts become effective at 12:01 am on the 91st day (or the 31st day for laws not subject to Amendment 48).

Both the Governor and the Legislature (by a standing vote in each branch) can designate an act as an emergency to take effect immediately. If the Legislature does so (by way of an

emergency preamble), the law takes effect when the Governor signs it. If the Governor designates an act as an emergency, the law takes effect when the Governor's letter of emergency is received by the Secretary of State.

The Legislature can also specify a particular effective date for all or part of a law; for example, it can make an act effective two months or six months or one year after enactment.