

SJC-13909

Request for Advisory Opinion

The Massachusetts Senate has asked the Justices:

1. Does Initiative Petition 25-37, "Initiative Petition for an Act to Reform and Regulate Legislative Stipends" (petition) -- which has been filed and certified in accordance with Article XL VIII, The Initiative, Part II, Section 3 of the Amendments to the Constitution of the Commonwealth ("art. 48"), seeking passage of legislation entitled "An Act to reform and regulate legislative stipends," and which is pending before the General Court -- violate art. 48 by making changes to internal legislative procedures that are within the constitutional unicameral powers of the Senate, thus failing to propose a law, where:

a. The petition reshapes and codifies existing legislative rules on how and when bills are heard and reported out of legislative committees, setting specific procedures for bill hearings and reporting;

b. The petition assigns additional duties to the Clerks of the House of Representatives and Senate, who are officers of those bodies and whose duties are set by internal rule by the respective bodies;

c. The petition makes the rate of pay for Senators dependent, in part, on "compliance" by the House of Representatives with the petition's procedural requirements, thus interfering with the independence of both bodies; or where

d. The petition supplants and codifies existing legislative rules on compensation, ensuring that members of the House of Representatives and members of the Senate are compensated differently?

2. If the answer to question 1 and all its subparts is in the negative, does the petition, if enacted, intrude on the Senate's ability to set its own rules of proceedings in violation of Part II, Chapter 1, Section 2, Article VII of the Constitution of the Commonwealth, where:

a. The petition reshapes and codifies existing legislative rules on how and when bills are heard and reported out of legislative committees, setting specific procedures for bill hearings and reporting;

b. The petition assigns additional duties to the Clerks of the House of Representatives and Senate, who are officers of those bodies and whose duties are set by internal rule by the respective bodies;

c. The petition makes the rate of pay for Senators dependent, in part, on "compliance" by the House of Representatives with the petition's procedural requirements, thus interfering with the independence of both bodies; or where

d. The petition supplants and codifies existing legislative rules on compensation, ensuring that members of the House of Representatives and members of the Senate are compensated differently?

Briefs may be filed on or before April 3, 2026.