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SENATE No. 12

The Commonwealth of Massachusetts

In the One Hundred and Ninety-First General Court

(2019-2020)

AN ORDER CONTAINING THE PROPOSED EMERGENCY RULES RECOMMENDED BY THE TEMPORARY COMMITTEE ON RULES TO BE ADOPTED AS THE EMERGENCY RULES GOVERNING THE 2021-2022 LEGISLATIVE SESSION.

WHEREAS, The outbreak of the 2019 novel coronavirus, also known as COVID-19, and the governor's March 10, 2020 declaration of a state of emergency require the Senate to convene to take legislative action to ensure the welfare of the commonwealth; and

WHEREAS, In light of the guidance of medical professionals, the governor and other governmental officials and in order to provide for the public safety, including the safety of members and staff, additional methods of voting and participation are necessary; and

WHEREAS, The Senate, pursuant to Article VII of Section II of Chapter I of Part the Second of the Constitution of the Commonwealth, has the power to determine its own rules of proceedings; now, therefore be it

ORDERED, That the Senate declares that a state of emergency continues to exist within the Senate as a result of the outbreak of COVID-19; and be it further

ORDERED, That the following provisions shall apply to Senate actions taken during the state of emergency:

Section 1. (a) Notwithstanding Senate Rule 55, Senate Rule 57 or any other rule to the contrary, a member may authorize the presiding officer to announce the member's vote or record the member's presence in the Senate.

(b) A member may authorize the presiding officer by submitting a letter to the Clerk that specifies the member's exact instruction to the presiding officer on how to answer the question for which the roll call is ordered and states that the presiding officer is authorized to announce the member's vote or record the member's presence; provided, however, that a member may alter or revoke this authorization by submitting a letter to the Clerk; provided further, that if a member who has so authorized the presiding officer casts the member's own vote or records the member's own presence, the member shall be considered to have revoked the authorization to announce the member's vote or record the member's presence in the Senate. Upon receipt of a member's letter authorizing the presiding officer or altering or revoking the authorization of the presiding officer, the Clerk shall notify the President and the minority leader of the authorization, alteration or revocation. The Clerk shall maintain an updated list of the authorizations, alterations and revocations submitted or in effect under this order and shall make the list publicly available in electronic form and available during any vote subject to this order.

(c) The presiding officer shall answer the roll call on behalf of each member who has authorized the presiding officer to announce the vote or record the presence of the member; provided, however, that the presiding officer shall announce the vote or record the presence in accordance with the member's exact instruction.

(d) A letter under this section may be submitted to the Clerk electronically.

Section 2. Notwithstanding Senate Rule 57 or any other rule to the contrary, a member may be excused from voting personally in the Senate Chamber due to the risk of exposure to COVID-19 and may record the member's vote on a question for which a roll call has been ordered, record the member's presence or be counted on any procedural question remotely. The President shall establish and provide members access to a telephone line or other electronic means to record their vote or presence or to be counted, which shall be monitored by a court officer and a member of the Clerk's staff. A court officer shall ascertain and announce any such recordation on behalf of the member and a member of the Clerk's office shall verify the account.

Section 3. A member who participates remotely pursuant to section 1 or section 2 shall be counted for the purpose of establishing a quorum as required pursuant to Senate Rule 64 and Article XXXIII of the Amendments to the Constitution of the Commonwealth.

Section 4. No person shall be permitted in the Senate Chamber, the Senate Reading room, the cloak room or the anterooms without an appropriate mask or other face covering that covers the person's nose and mouth. The mask or other face covering shall cover the person's nose and mouth at all times while in the Senate Chamber, the Senate Reading room, the cloak room or the anterooms.

Section 5. The presiding officer shall ensure that, while in the Senate Chamber, the Senate Reading room, the cloak room or the anterooms, members and staff maintain appropriate social distancing.

Section 6. Notwithstanding Senate Rule 39, Senate Rule 57 or any other rule to the contrary, a member may deliver remarks in the chamber not from the member's designated place and may vote from the chamber not from the member's assigned seat; provided, however, that all members aside from the President or presiding officer, the chair of the senate committee on ways and means, the minority leader and any additional members designated by the President as necessary to facilitate the efficient operation of the session, including, but not limited to, a chair of relevant jurisdiction, shall be encouraged to participate remotely in session pursuant to section 1 or section 2 and refrain from entering the chamber except to deliver in-person remarks; provided further, that such a member, prior to entering the Senate Chamber to deliver in-person remarks, shall, to the extent feasible, coordinate such delivery of remarks by contacting a staffperson designated by the President. The staffperson shall maintain a list of members who would like to deliver remarks in the Senate Chamber and shall, to the extent feasible, post or otherwise make available to members such list.

Section 7. Only staff necessary to administer the session, including the court officers, the President's staff, the staff of the senate counsel, the staff of the Clerk, the minority leader's staff, the staff of the senate committee on ways and means and other staff as identified by the President, shall be permitted in the Senate Chamber.

Section 8. The President shall, to the extent feasible, provide members access to a telephone line or other electronic means to allow them to speak in session and shall designate an appropriate staffperson to coordinate participation in debate by any member who would like to speak from outside the chamber. The staffperson shall maintain a list of members who would like to speak for the presiding officer to recognize at the appropriate time. The list shall, to the extent feasible, be posted or otherwise made known to members.

Section 9. Notwithstanding Senate Rule 7 or any other rule to the contrary, the Senate may adopt by order requirements for the process, formatting and timely filing of amendments, the redrafting of amendments and further amendments. Absent such an order, amendments to a bill, resolve, resolution or order shall be filed prior to the calling to order of the session at which the measure is to be considered; provided, however, that such measure has been available for amendment for not less than 48 hours; and provided further, redrafted amendments, further amendments and perfecting, technical or corrective amendments by the Committee on Ways and Means, the Committee on Rules, or the Committee on the Bills in the Third Reading shall be in order.

Section 10. The presiding officer shall endeavor to ensure that the Senate's proceedings account for any delay or lag time that occurs due to the remote participation of members in the session. The session shall be conducted at a pace that provides adequate timing and intervals to allow for effective spontaneous responses by the members.

Section 11. Notwithstanding Senate Rule 10C, 11D or 11F, required member, officer and staff trainings shall be provided, as feasible, to members, officers and staff remotely. Said remote trainings shall, if feasible, be provided within 90 days of the opening of the biennial session. Notwithstanding the forgoing, said trainings shall be provided in person in a timely manner upon the cessation of these emergency rules.

Section 12. Committees may solicit testimony in writing or conduct hearings remotely to satisfy the requirements of Senate Rule 12. Remote hearings shall be conducted on a platform that permits public participation and shall comply with the notice requirements of Rule 12 to the extent practicable. Chairs shall schedule hearings that offer remote participation through Legislative Information Services and the Sergeant-at-Arms and shall provide a list of those members of the public who wish to testify at least 24 hours in advance of the hearing to said offices. If public testimony is being solicited, either through a remote hearing or thought written testimony, the chair shall provide an agenda to the Clerk, which shall include an electronic mail address and a physical mail address for the submission of testimony in accordance with Senate Rule 12, and shall offer a reasonable amount of time to receive such written testimony. The agenda shall include the time and place of the remote hearing, if applicable. The Clerk shall publish the agenda on the official website of the General Court whenever practicable.

Section 13. Unless otherwise provided by subsequent order, this order shall expire on January 1, 2022 or upon the rescission of the state of emergency declared by the senate, whichever occurs first.

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