

HOUSE No. XXX

Filed by Mr. Galvin of Canton. April 29, 2020.

The Commonwealth of Massachusetts



House of Representatives, April XX, 2020.

**In the One Hundred and Ninety-First General Court
(2019-2020)**

Whereas, on January 30, 2020, the World Health Organization designated the Coronavirus Disease 2019, hereinafter COVID-19, outbreak as a Public Health Emergency of International Concern; and

Whereas, COVID-19 is a highly contagious, and at times fatal, respiratory disease;

Whereas, on March 10, 2020, pursuant to Executive Order No. 591, the Governor declared a state of emergency in the Commonwealth to respond to the COVID-19 outbreak; and

Whereas, on March 11, 2020, the COVID-19 outbreak was characterized as a pandemic by the World Health Organization; and

Whereas, on March 23, 2020, the Governor issued COVID-19 Order No. 13, *Assuring Continued Operation of Essential Services in the Commonwealth, Closing Certain Workplaces, and Prohibiting Gatherings of More than 10 People* ordering all non-essential workplaces and facilities closed and prohibiting public and private gatherings of more than 10 people through April 7, 2020; and

Whereas, on March 27, 2020 the President of the United States declared that beginning on January 20, 2020 and continuing a major disaster exists in the Commonwealth of Massachusetts and ordered Federal assistance to supplement Commonwealth, tribal, and local recovery efforts in areas of the Commonwealth affected by the COVID-19 pandemic; and

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Whereas, on March 31, 2020, the Governor issued COVID-19 Order No. 21, *Extending the Closing of Certain Workplaces and the Prohibition on Gatherings of More than 10 People* through May 4, 2020; and

Whereas, pursuant to Article XXX of Part the First of the Constitution of the Commonwealth, Executive Order No. 591, COVID-19 Order No. 13 and COVID-19 Order No. 21 do not apply to the General Court; and

Whereas, at the direction of the Governor, the Department of Public Health issued a stay at home advisory on March 23, 2020, urging all residents of the Commonwealth to limit activities outside of the home and to practice social distancing at all times to limit the spread of this highly contagious and potentially deadly virus; and

Whereas, the worldwide outbreak of COVID-19 and the effects of its extreme risk of person-to-person transmission significantly affect the life and health of Members, officers and employees, as well as the economy, and is a disaster that impacts the health, security, safety and convenience of the public; and

Whereas, the House of Representatives concurs with the Governor's declaration of a state of emergency and a public health emergency as a result of the COVID-19 pandemic; and

Whereas, Article X of the Amendments to the Constitution of the Commonwealth requires that the General Court assemble for the political year on the first Wednesday in January and also authorizes the General Court to assemble "at such other times as they shall judge necessary"; and

Whereas, Article XXII of Part the First of the Constitution of the Commonwealth, advises that the General Court "ought frequently to assemble for the redress of grievances, for correcting, strengthening and confirming the laws, and for making new laws, as the common good may require"; and

Whereas, pursuant to Article X of the Amendments to the Constitution of the Commonwealth, the General Court assembled for the 2020 political year on January 1, 2020; and

Whereas, pursuant to Article XXXIII of the Amendments to the Constitution of the Commonwealth, a majority of the Members of the House of Representatives are required to establish a quorum for the transaction of business; and

Whereas, it is critical for the House of Representatives to continue to meet to take additional steps to respond to, and mitigate the spread of, COVID-19 to protect the health, security, safety and convenience the people of the Commonwealth; and

Whereas, the House of Representatives must, consistent with the guidance of federal and state public health authorities, complete its business in a manner that will ensure the safety of its Members, officers and employees; and

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Whereas, pursuant to Article 10 of Section 3 of Chapter 1 of Part the Second of the Constitution of the Commonwealth, the House of Representatives has the exclusive constitutional authority to settle the rules and orders of proceeding in the House of Representatives; and

Whereas, the House of Representatives exercised its exclusive constitutional authority to settle the rules and orders of proceeding in the House of Representatives for the 191st General Court pursuant to Article 10 of Section 3 of Chapter 1 of Part the Second of the Constitution of the Commonwealth on January 30, 2019, hereinafter the standing rules; now therefore be it

Ordered, That, the House of Representatives hereby declares that a state of emergency exists within the House of Representatives; and be it further

Ordered, That, the House of Representatives does hereby exercise its exclusive constitutional authority to settle the rules and orders of proceeding in the House of Representatives pursuant to Article 10 of Section 3 of Chapter 1 of Part the Second of the Constitution of the Commonwealth by establishing, in addition to the standing rules, the following temporary emergency rules for the operation of the House of Representatives, notwithstanding any provision of the standing rules to the contrary, for the duration of the state of emergency within the House of Representatives:

**Temporary Emergency Rules
for the Operation of the House of Representatives**

Emergency Rule 1. As used in Temporary Emergency Rules 1 through 20, inclusive, the following terms shall have the following meanings:-

“Clerk”, the Clerk of the House of Representatives.

“Formal session”, a formal session of the House during a declared state of emergency within the House.

“House”, the House of Representatives.

“House Chamber”, the House Chamber within the Massachusetts State House in Boston or the location to which the House at its previous formal or informal session adjourned to meet.

“Member”, a Member of the House of Representatives for the 191st General Court.

“Monitor”, one of the Members appointed by the Speaker pursuant to Standing Rule 8.

“Participating remotely” or “remotely present”, participating by telephone, teleconference, video conference or other means.

“Present”, a Member either physically present in the House Chamber for a formal session or remotely present, and participating in a formal session.

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“Quorum”, eighty-one Members participating in a formal session.

“Speaker”, the Speaker of the House or the Member presiding at the formal session of the House after being appointed by the Speaker to perform the duties of the Chair pursuant to Standing Rule 5.

“Standing rules”, rules and orders of proceeding for the 191st Session General Court adopted by the House on January 30, 2019.

Emergency Rule 2. (a)(1) During the state of emergency within the House, the House may assemble in a formal session with Members participating remotely. Members participating remotely in a formal session may vote on any question or other matter before the House. Members participating remotely in a formal session shall be considered present and in attendance at the formal session for all purposes, including for purposes of determining a quorum pursuant to Article XXXIII of the Amendments to the Constitution of the Commonwealth or any standing rules.

(2) A Member participating remotely in a formal session shall have the same privileges, rights and responsibilities as if the Member were physically present in the House Chamber, including the right, privilege and responsibility to cast votes on all questions or other matters brought to a vote.

(3) The Speaker shall provide to all Members via electronic mail by 5:00 P.M. on Friday of the week preceding the formal session in which Members may be participating remotely, the mode of participation to be used by Members participating remotely and specific instructions for each Member on how to join the session and participate remotely.

(4) At the commencement of a formal session, the Speaker shall take the Chair at the hour to which the House stands adjourned, call the House to order and immediately order a quorum roll call.

(5) (i) The House shall not be called to order before the hour of 10:00 A.M. nor meet beyond the hour of midnight unless by unanimous consent of the Members present.

(ii) All votes taken on the enactment of any bill during any formal session where Members are participating remotely shall be by roll call vote.

(6) The Clerk shall prepare a Journal for the House for any formal session of the House held during the state of emergency within the House. The Journal for the House may reflect that the formal session was convened pursuant to emergency rules, but shall not deviate in any substantive manner from the Journal of the House required to be prepared by the Clerk pursuant to Standing Rule 10. The Journal of the House for any formal session of the House held during the state of emergency within the House shall not specify which Members participated remotely.

(b)(1) The Speaker shall preside from within the House Chamber over any formal session of the House where any Member is participating remotely. The Minority Leader, Chair of the

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committee on Ways and Means, Ranking Minority Member of the committee on Ways and Means, the House Chair and Ranking Minority Member of the joint committee from which any bill being debated at the formal session has been reported, or their designees, and the division monitors may also be physically present. All other Members are strongly encouraged to participate remotely in a formal session.

(2) Officers and employees essential to the conduct of the formal session may be present in the House Chamber during a formal session with the express authorization of the Speaker in consultation with the Minority Leader. No officer or employee shall be physically present in the House Chamber unless deemed essential to the conduct of the formal session by the Speaker.

(3) All Members, officers and employees physically present in the House Chamber during a formal session shall maintain social or physical distancing and shall undertake any other mitigation measures ordered by the Speaker. Court Officers shall strictly enforce social or physical distancing by and between Members, officers and employees in and around the House Chamber, including a 6-foot buffer zone between any Members, officers and employees physically present in the House Chamber. Any Member, officer or employee in violation of the House's social or physical distancing protocol shall be removed from the House Chamber.

Emergency Rule 3. (a) For purposes of this emergency rule, "bill or resolve" shall mean any bill or resolve, other than the General Appropriation Bill for Fiscal Year 2021.

(b)(1) Any bill or resolve to be considered by the House at a formal session shall be available to all Members electronically and to the public via the Internet in a format to be determined by the Speaker in consultation with the Clerk no later than 12:00 P.M. the day prior to consideration thereof by the House in a formal session.

(2) When the House considers any bill or resolve, it shall be read a second time and forthwith ordered to a third reading without any amendments. The bill or resolve shall be immediately referred to the committee on Bills in the Third Reading and upon being read a third time shall then be open to amendments.

(c)(1) Notwithstanding Standing Rule 33A, amendments to any bill or resolve to be considered by the House at a formal session shall be filed with the Clerk in a format to be determined by the Clerk by 5:00 P.M. on the day the bill is made available to the Members pursuant to subsection (b). The Clerk shall print each amendment so filed and such printed copy shall be considered to be the official amendment for that bill.

(2) Notwithstanding Standing Rule 33A, the committee on Ways and Means may direct the Clerk to categorize, with the assistance of the committee, the subject-matter of amendments to any bill or resolve to be considered at a formal session and arrange such amendments for consideration sequentially by subject as appearing in the bill or resolve or as otherwise determined by the committee.

(3) Before the main question on any bill or resolve is placed before the House, an amendment may be postponed or withdrawn at the request of the primary sponsor of the amendment or

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postponed by the committee on Ways and Means. In the event that the committee on Ways and Means directs the Clerk to categorize amendments pursuant to paragraph (2), further consideration of any amendment so postponed shall take place immediately subsequent to consideration of the amendments within the particular subject-matter to which the postponed amendment was assigned pursuant to paragraph (2); provided, that if more than 1 amendment is so postponed, subsequent consideration of said amendments shall be in the order determined by the committee on Ways and Means; and provided further, an amendment so postponed shall not be subsequently considered outside of its assigned subject-matter. The committee on Ways and Means may submit perfecting or substitute amendments for any bill or resolve to be considered by the House at a formal session, including, but not limited to, an amendment consolidating more than 1 amendment; provided, however, that an amendment may be removed from a consolidated amendment at the request of the primary sponsor of said amendment for the purpose of it being offered as an amendment in the first degree to the bill under consideration.

(4) Except for consolidated amendments or perfecting amendments offered by the committee on Ways and Means pursuant to paragraph (3), no proposition on a subject different from the amendment under consideration shall be admitted under color of a further amendment to the bill being considered by the House.

(5) Any amendment may be removed from a consolidated amendment offered pursuant to paragraph (3) by the primary sponsor of the amendment. Any such amendment so removed from a consolidated amendment shall be offered as an amendment to the bill being considered by the House, to be acted upon in the first degree before action is taken on the consolidated amendment, except that any amendment so removed from the consolidated amendment may be moved by the committee on Ways and Means from 1 subject category to any category not yet disposed of in consideration of the resolve or bill.

(6) Notwithstanding Standing Rule 74, consolidated amendments offered pursuant to paragraph (3) may not be divided.

(7) Any amendment not complying with this emergency rule shall be considered withdrawn.

Emergency Rule 4. (a) Standing Rules 20, 20A, 20B and 21 shall apply to the General Appropriation Bill for Fiscal Year 2021 considered by the House during a formal session unless said standing rules conflict with this rule; in which case this rule shall control.

(b) Amendments to the General Appropriation Bill for Fiscal Year 2021 shall be properly filed with the Clerk in an electronic format to be determined by the Clerk as directed by the Speaker; provided that the Clerk shall notify by electronic communication the primary sponsor of each amendment of the receipt of such amendment and the number assigned by said Clerk to the amendment; provided further, that the Clerk shall print each amendment so filed electronically and such printed copy shall be considered to be the official amendment for that bill.

(c) Notwithstanding Standing Rule 20B, any amendment to the General Appropriation Bill for Fiscal Year 2021 relative to enhancing or reducing revenue shall be considered prior to the third reading of said bill to be in order, and all other amendments to the General

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Appropriation Bill for Fiscal Year 2021 shall be considered subsequent to the third reading of said bill.

(d) Except for consolidated amendments or perfecting amendments offered by the committee on Ways and Means, no proposition on a subject different from the amendment under consideration shall be admitted under color of a further amendment to the General Appropriation Bill for Fiscal Year 2021.

(e) No amendment to the General Appropriation Bill for Fiscal Year 2021: (i) that amends or notwithstands sections 2DDDD through 2EEEE, inclusive, of chapter 29 of the General Laws, (ii) that amends or notwithstands chapter 23K of the General Laws, except for subclause (j) of clause (2) of section 59 of said chapter 23K and section 63 of said chapter 23K, or (iii) that amends or notwithstands chapter 194 of the acts of 2011, except for section 95 of said chapter 194.

(f) Notwithstanding Standing Rule 20A, any amendment may be removed from the consolidated amendment by the primary sponsor of the amendment. Any such amendment so removed from a consolidated amendment shall be offered as an amendment to the General Appropriation Bill for Fiscal Year 2021, to be acted upon in the first degree before action is taken on the consolidated amendment, except that any amendment so removed from the consolidated amendment may be moved by the committee on Ways and Means from 1 subject category to any category not yet disposed of in the General Appropriation Bill for Fiscal Year 2021.

(g) A consolidated amendment to the General Appropriation Bill for Fiscal Year 2021, offered by the committee on Ways and Means, shall contain a fiscal note indicating its total expenditures.

(h) Notwithstanding Standing Rule 74, consolidated amendments may not be divided.

(i) Any amendment to the General Appropriation Bill for Fiscal Year 2021 not complying with this emergency rule shall be considered withdrawn; provided that, in the case of the General Appropriation Bill for Fiscal Year 2021, any such amendments shall be published as part of the amendment list published by the committee on Ways and Means.

(j) Except as otherwise provided in this emergency rule, all amendments to the General Appropriation Bill for Fiscal Year 2021 shall be in compliance with Standing Rule 20A.

Emergency Rule 5. (a) A Member participating remotely may make any motion authorized pursuant to the standing rules, raise a point of order, raise a point of personal privilege, or raise a point of parliamentary inquiry. Members participating remotely shall notify their division monitor of their desire to make a motion, raise a point of order, raise a point of personal privilege or raise a point of parliamentary inquiry. The division monitor shall immediately notify the Speaker who shall recognize the Member seeking to make a motion, raise a point of order, raise a point of personal privilege or raise a point of parliamentary inquiry. No Member shall interrupt another Member while that Member is speaking, including to request that the Member speaking yield, except for the reasons authorized herein.

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(b) A vote on any motion made pursuant to subsection (a) shall be conducted by voice vote as prescribed by subsection (b) of Emergency Rule 7, unless the Constitution or the standing rules specifically require a roll call vote.

(c) A motion made by a Member participating remotely may be made and submitted by the division monitor for the floor division of the House wherein the seat assigned to said Member pursuant to Standing Rule 79 is located.

Emergency Rule 6. (a) A Member participating remotely wishing to speak on any question before the House shall notify the monitor for the floor division of the House wherein the seat assigned to said Member pursuant to Standing Rule 79 is located as follows:

(i) A Member wishing to speak on a bill, resolve or the General Appropriation Bill, or an amendment thereto, shall notify their floor division monitor no later than 10:00 A.M. on the day that the bill, resolve, General Appropriation Bill, or amendment thereto, is scheduled to be considered by the House. Said notification shall include: (1) the number of the bill, resolve General Appropriation Bill, or amendment thereto, that the Member wishes to speak to; and (2) whether the Member wishes to speak in favor of or in opposition to the bill, resolve, General Appropriation Bill, or amendment thereto.

(ii) A Member wishing to speak on a consolidated amendment shall notify their floor division monitor no later than 45 minutes after the consolidated amendment shall have been first filed with the Clerk and made available electronically to the Members. Said notification shall include: (1) the number or letter of the consolidated amendment the Member wishes to speak to; and (2) whether the Member wishes to speak in favor of or in opposition to the consolidated amendment.

(iii) A Member wishing to speak on a conference committee report filed pursuant to Joint Rule 11B shall notify their floor division monitor no later than 10:00 A.M. on the day the conference committee report is scheduled to be considered by the House. Said notification shall include: (1) the bill number of the conference committee report; and (2) whether the Member wishes to speak in favor of, or in opposition to the report. The provisions of this paragraph shall be inoperative if the conference committee report is filed later than 8:00 P.M. on the day preceding its consideration by the House.

(b) The monitor for each division shall prepare a list of Members of their division notifying the monitor of said Member's desire to speak in favor of a question before the House and a list of Members of their division notifying the monitor of said Member's desire to speak in opposition to a question before the House. Each list shall be arranged in order of the time the monitor received the notification with the notification received the earliest being first.

(c) Upon completion of the lists required pursuant to subsection (b), the monitors for each division shall transmit the lists to the Speaker and the Minority Leader. The Speaker shall combine the lists received from each of the division monitors and, in consultation with the Minority Leader, shall prepare a consolidated list of Members notifying their monitor of the Member's desire to speak in favor of a question before the House and a consolidated list of

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Members of their division notifying the monitor of said Member's desire to speak in opposition to a question before the House.

(d) The Speaker shall distribute the lists compiled pursuant to subsection (c) to all Members electronically prior to the commencement of the formal session. The Speaker shall distribute the list compiled pursuant to subsection (a)(ii) as soon as practicable upon completion.

(e) The consolidated lists prepared by the Speaker pursuant to subsection (c) and distributed to the membership pursuant to subsection (d) shall be the order in which Members are recognized during the debate of the respective question. In recognizing Members from said lists, the Speaker shall, to the extent practicable, alternate between Members wishing to speak in favor of the question and Members wishing to speak in opposition to the question.

(f) A Member participating remotely may, in lieu of speaking on a bill, resolve, amendment, consolidated amendment or a conference committee report, submit written remarks in favor of, or in opposition to, any bill, resolve, amendment, consolidated amendment or conference committee report to the Clerk before the adjournment of the formal session in which said bill, resolve, amendment, consolidated amendment or conference committee report was considered by the House. Said remarks shall be transmitted to the Clerk electronically in a format prescribed by the Clerk. The Clerk shall include any remarks submitted by a Member participating remotely pursuant to this section in the Journal of the House required to be kept by the Clerk pursuant to Standing Rule 10 and Emergency Rule 2.

Emergency Rule 7. (a) Notwithstanding Standing Rules 50 through 52, inclusive, during a formal session where Members are participating remotely a vote on any question shall be by either a voice vote of the Members present and voting pursuant to subsection (b) or a roll call vote of the Members present and voting pursuant to subsection (c). Any question that would require a standing vote under the Standing Rules shall be decided by a voice vote of the Members present and voting pursuant to subsection (b).

(b) When a question is put, the sense of the House shall be taken by the voices of the Members, and the Speaker shall first announce the vote as it appears to the Speaker by the sound. If the Speaker is unable to decide by the sound of the voices, or if the announcement made thereupon is doubted by a Member, the Speaker shall order the division monitors to ascertain the number of Members within in their division voting in the affirmative and the number of Members within in their division voting in the negative, without further debate upon the question. Any Member participating remotely who desires to vote in the negative shall notify the monitor for the floor division of the House wherein the seat assigned to said Member pursuant to Standing Rule 79 is located. A Member participating remotely who does not notify their respective division monitor of their desire to vote in the negative shall be deemed to have voted in the affirmative. The division monitors shall report the total vote of their division count to the Speaker. After receiving the reports of the total vote counts from each of the division monitors, the Speaker shall tally said votes and then announce the vote.

(c) The sense of the House shall be taken by yeas and nays whenever required by 25 percent of the Members elected or when required pursuant to the Constitution of the Commonwealth. The

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Speaker shall state the pending question and shall order the division monitors to commence the roll call of the Members. The division monitors shall call the roll of the Members assigned to said division in alphabetical order. The division monitors shall record the votes of each Member on a form prescribed by the Clerk. Upon completion of the roll call, the division monitors shall sign the form upon which the roll call for their division was recorded and submit the completed form to the Clerk. The Clerk shall tally the votes of the Members of each division and shall enter the votes into the electronic roll call machine. Upon completion of the tally and the entry of the votes into the electronic roll call machine, the Clerk shall notify the Speaker that the vote has been completed. Upon instruction from the Speaker, the Clerk shall display the tally of the vote on the 2 monitors in the House Chamber. The Speaker shall then announce the vote.

(d) If a Member doubts the presence of a quorum, the Speaker shall order the division monitors to ascertain the number of Members within in their divisions who are present. Any Member confirmed by the division monitor to be participating remotely shall be considered present. The division monitors shall report the total number of Members present to the Speaker. After receiving the reports of the total number of Members present from each of the division monitors, the Speaker shall tally the numbers and then announce the number of Members present. If, after tallying the numbers from each of the division monitors a quorum is not present, the Speaker shall order a roll call vote pursuant to subsection (c).

(e) The call for yeas and nays shall be decided without debate. If the yeas and nays have been ordered before the question is put, the proceedings under subsection (b) shall be omitted.

(f) Except as heretofore provided, any Member who shall vote or attempt to vote for another Member or any person not a Member who votes or attempts to vote for a Member, or any Member or other person who willfully tampers with or attempts to impair or destroy in any manner whatsoever the voting equipment used by the House, or change the records thereon shall be punished in such manner as the House determines; and provided further, that such a violation shall be reported to the committee on Ethics.

Emergency Rule 8. No consolidated amendment to any bill offered by the committee on Ways and Means shall be considered by the House until the expiration of at least 30 minutes after the consolidated amendment shall have been first filed with the Clerk and made available electronically to the Members. This rule shall not be suspended unless by unanimous consent of the Members present.

Emergency Rule 9. No consolidated amendment to any bill offered by the committee on Ways and Means shall be adopted except by a roll call vote.

Emergency Rule 10. Notwithstanding any standing rule to the contrary, with the approval of the Speaker, a Member, officer or employee may take photographs and videos of, and in, the House Chamber provided said photographs or videos are to facilitate the remote participation in the formal session by a Member.

Emergency Rule 11. Notwithstanding any standing rule to the contrary, no Member except the Member carrying the report of the committee, participating in a formal session shall be

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recognized more than once on any question before the House without unanimous consent and no Member shall be recognized on any question before the House for more than 10 minutes without unanimous consent.

Emergency Rule 12. Notwithstanding any standing rule to the contrary, any formal session where Members are participating remotely shall be webcast live on the General Court website. Audio or video recordings of all such sessions shall be made available to the public on the General Court website. All House sessions conducted by electronic means shall be broadcast on House television.

Emergency Rule 13. Notwithstanding any standing rule to the contrary, no technical failure that breaks the remote connection of a Member or Members of the House of Representatives participating remotely in a formal session shall invalidate any action taken by the House of Representatives.

Emergency Rule 14. Notwithstanding Standing Rule 49, Members participating remotely may vote in a quorum roll call.

Emergency Rule 15. Notwithstanding Standing Rule 27, the committee on Ways and Means shall report the General Appropriation Bill by July 1, 2020.

Emergency Rule 16. Standing Rule 1A, Standing Rule 80 and Standing Rule 82 are hereby waived for the duration of the emergency.

Emergency Rule 17. Except as otherwise indicated, Emergency Rules 1 through 20, inclusive, shall not be suspended unless by a 2/3 vote of the Members present and voting. Debate upon a motion for the suspension of Emergency Rules 1 through 20, inclusive, shall be limited to 15 minutes and no Member shall speak for more than 3 minutes.

Emergency Rule 18. The provisions of any standing or emergency rules pertaining to procedures of the House may be suspended and alternative procedures may be used if said alternative methods are approved by a 2/3 majority of the committee on Rules and approved, in writing, by the Speaker and the Minority Leader. The Clerk shall enter any such approvals in the House Journal for the formal session required to be kept by the Clerk pursuant to Standing Rule 10 and Emergency Rule 20.

Emergency Rule 19. Except to the extent that they conflict with Emergency Rules 1 through 20, inclusive, the standing rules shall remain in full force and effect.

Emergency Rule 20. Emergency Rules 1 through 20, inclusive, shall remain effective until a majority of the House adopts an Order declaring the state of emergency within the House has ceased or until 11:59 P.M. on January 5, 2021.