

HOUSE No. 5247

The Commonwealth of Massachusetts

PRESENTED BY:

William C. Galvin

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying order

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>William C. Galvin</i>	<i>6th Norfolk</i>	<i>1/5/2021</i>

HOUSE No. 5247

The Commonwealth of Massachusetts



House of Representatives,

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

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

3 Whereas, on March 10, 2020, the Governor declared a state of emergency in the Commonwealth
4 to respond to the COVID-19 outbreak; and

5 Whereas, on December 22, 2020, the Governor issued COVID-19 Order No. 59, Temporarily
6 Applying Further Capacity Restrictions to Statewide COVID-19 Safety Rules limiting the size of
7 indoor gatherings to 10 people and outdoor gatherings to 25 people; and

8 Whereas, pursuant to Article XXX of Part the First of the Constitution of the Commonwealth,
9 the Governor’s March 10, 2020 declaration of a state of emergency and COVID-19 Order No. 59
10 do not apply to the General Court; and

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

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

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

22 Whereas, Members of the House of Representatives are required to take and subscribe the oath
23 before the Governor and Governor’s Council pursuant to Article I of Chapter VI of Part the
24 Second of the Constitution of the Commonwealth; and

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

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

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

34 Whereas, the House of Representatives exercised its exclusive constitutional authority to settle
35 the rules and orders of proceeding in the House of Representatives for the 191st General Court
36 pursuant to Article X of Section 3 of Chapter 1 of Part the Second of the Constitution of the
37 Commonwealth on January 30, 2019, hereinafter the Standing Rules and May 4, 2020,
38 hereinafter the Emergency Rules; now therefore be it

39 Ordered, That, the House of Representatives hereby declares that a state of emergency continues
40 to exist within the House of Representatives; and be it further

41 Ordered, That, the House of Representatives does hereby exercise its exclusive constitutional
42 authority to settle the rules and orders of proceeding in the House of Representatives pursuant to
43 Article X of Section 3 of Chapter 1 of Part the Second of the Constitution of the Commonwealth
44 by amending the Emergency Rules, in Emergency Rule 1, by striking out the definition of
45 “Member” and inserting in place thereof the following 2 definitions:-

46 “Member,” a Member of the House of Representatives.

47 “Member-Elect”, a person elected to the House of Representatives for the 192nd General Court
48 at the biennial state election held on November 3, 2020.

49 And to further amend said Emergency Rules by striking out paragraphs (1) and (2) of subsection
50 (a) of Emergency Rule 2 and inserting in place thereof the following paragraphs:-

51 (1) During the state of emergency within the House, the House may assemble for any reason
52 with Members or Members-Elect participating remotely including, without limitation
53 assembling: (i) pursuant to Article X of the Amendments to the Constitution of the
54 Commonwealth; (ii) for purposes of taking and subscribing the oath before the governor and
55 council pursuant to Article I of Chapter VI of Part the Second of the Constitution of the
56 Commonwealth; or (iii) in a formal session. Members participating remotely may vote on any
57 question or other matter before the House. Members or Members-Elect participating remotely
58 shall be considered present and in attendance for all purposes, including for purposes of
59 determining a quorum pursuant to Article XXXIII of the Amendments to the Constitution of the
60 Commonwealth or any Standing Rules and for purposes of taking and subscribing the oath
61 before the governor and council pursuant to Article I of Chapter VI of Part the Second of the
62 Constitution of the Commonwealth.

63 (2) A Member participating remotely shall have the same privileges, rights and responsibilities as
64 if the Member were physically present in the House Chamber, including without limitation, the
65 right, privilege and responsibility to cast votes on all questions or other matters brought to a vote
66 and the ability to the take and subscribe the oath required pursuant to Article I of Chapter VI of
67 Part the Second of the Constitution of the Commonwealth.

68 A Member-Elect participating remotely shall have the same privileges, rights and responsibilities
69 as if the Member-Elect were physically present in the House Chamber, including without
70 limitation, the ability to the take and subscribe the oath required pursuant to Article I of Chapter
71 VI of Part the Second of the Constitution of the Commonwealth.

72 And to further amend said Emergency Rules by striking out Emergency Rule 20 and inserting in
73 place thereof the following:-

74 Emergency Rule 20. Emergency Rules 1 through 20, inclusive, shall remain effective until a
75 majority of the House adopts an Order declaring the state of emergency within the House has
76 ceased or until 11:59 P.M. on January 31, 2021.