

SENATE No. 2756

Senate June 9, 2020 -- Report of the Committee on Rules (pursuant to Senate Rule 63) relative to emergency rules governing session for the Senate during the COVID-19 pandemic.

The Commonwealth of Massachusetts



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

1 WHEREAS, The outbreak of the 2019 novel coronavirus, also known as COVID-19, and
2 the governor’s March 10, 2020 declaration of a state of emergency require the Senate to convene
3 to take legislative action to ensure the welfare of the commonwealth; and
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5 WHEREAS, In light of the guidance of medical professionals, the governor and other
6 governmental officials and in order to provide for the public safety, including the safety of
7 members and staff, additional methods of voting and participation are necessary; and
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9 WHEREAS, The Senate, pursuant to Article VII of Section II of Chapter I of Part the
10 Second of the Constitution of the Commonwealth, has the power to determine its own rules of
11 proceedings; now, therefore be it
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13 *ORDERED*, That the Senate declares that a state of emergency continues to exist within
14 the Senate as a result of the outbreak of COVID-19; and be it further
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16 *ORDERED*, That the following provisions shall apply for the Senate for actions taken in
17 formal sessions:
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19 Section 1. (a) Notwithstanding Senate Rule 55, Senate Rule 57 or any other rule to the
20 contrary, a member may authorize the presiding officer to announce the member’s vote or record
21 the member’s presence in the Senate.
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23 (b) A member may authorize the presiding officer by submitting a letter to the Clerk that
24 specifies the member's exact instruction to the presiding officer on how to answer the question
25 for which the roll call is ordered and states that the presiding officer is authorized to announce
26 the member's vote or record the member's presence; provided, however, that a member may
27 alter or revoke this authorization by submitting a letter to the Clerk; provided further, that if a
28 member who has so authorized the presiding officer casts the member's own vote or records the
29 member's own presence, the member shall be considered to have revoked the authorization to
30 announce the member's vote or record the member's presence in the Senate. Upon receipt of a
31 member's letter authorizing the presiding officer or altering or revoking the authorization of the
32 presiding officer, the Clerk shall notify the President and the minority leader of the authorization,
33 alteration or revocation. The Clerk shall maintain an updated list of the authorizations, alterations
34 and revocations submitted or in effect under this order and shall make the list publicly available
35 in electronic form and available during any vote subject to this order.
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37 (c) The presiding officer shall answer the roll call on behalf of each member who has
38 authorized the presiding officer to announce the vote or record the presence of the member;
39 provided, however, that the presiding officer shall announce the vote or record the presence in
40 accordance with the member's exact instruction.
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42 (d) A letter under this section may be submitted to the Clerk electronically.
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44 Section 2. Notwithstanding Senate Rule 57 or any other rule to the contrary, a member
45 may be excused from voting personally in the Senate Chamber due to the risk of exposure to
46 COVID-19 and may record the member's vote on a question for which a roll call has been
47 ordered, record the member's presence or be counted on any procedural question remotely. The
48 President shall establish and provide members access to a telephone line or other electronic
49 means to record their vote or presence or to be counted, which shall be monitored by a court
50 officer and a member of the Clerk's staff. A court officer shall ascertain and announce any such
51 recordation on behalf of the member and a member of the Clerk's office shall verify the account.
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53 Section 3. A member who participates remotely pursuant to section 1 or section 2 shall be
54 counted for the purpose of establishing a quorum as required pursuant to Senate Rule 64 and
55 Article XXXIII of the Amendments to the Constitution of the Commonwealth.
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57 Section 4. No person shall be permitted in the Senate Chamber, the Senate Reading room,
58 the cloak room or the anterooms without an appropriate mask or other face covering that covers
59 the person's nose and mouth. The mask or other face covering shall cover the person's nose and
60 mouth at all times while in the Senate Chamber, the Senate Reading room, the cloak room or the
61 anterooms.
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63 Section 5. The presiding officer shall ensure that, while in the Senate Chamber, the
64 Senate Reading room, the cloak room or the anterooms, members and staff maintain appropriate
65 social distancing.
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67 Section 6. Notwithstanding Senate Rule 39, Senate Rule 57 or any other rule to the
68 contrary, a member may deliver remarks in the chamber not from the member’s designated place
69 and may vote from the chamber not from the member’s assigned seat; provided, however, that all
70 members aside from the President or presiding officer, the chair of the senate committee on ways
71 and means, the minority leader and any additional members designated by the President as
72 necessary to facilitate the efficient operation of the session, including, but not limited to, a chair
73 of relevant jurisdiction, shall be encouraged to participate remotely in session pursuant to section
74 1 or section 2 and refrain from entering the chamber except to deliver in-person remarks;
75 provided further, that such a member, prior to entering the Senate Chamber to deliver in-person
76 remarks, shall, to the extent feasible, coordinate such delivery of remarks by contacting a
77 staffperson designated by the President. The staffperson shall maintain a list of members who
78 would like to deliver remarks in the Senate Chamber and shall, to the extent feasible, post or
79 otherwise make available to members such list.
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81 Section 7. Only staff necessary to administer the session, including the court officers, the
82 President’s staff, the staff of the senate counsel, the staff of the Clerk, the minority leader’s staff,
83 the staff of the senate committee on ways and means and other staff as identified by the
84 President, shall be permitted in the Senate Chamber.
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86 Section 8. The President shall, to the extent feasible, provide members access to a
87 telephone line or other electronic means to allow them to speak in session and shall designate an
88 appropriate staffperson to coordinate participation in debate by any member who would like to
89 speak from outside the chamber. The staffperson shall maintain a list of members who would
90 like to speak for the presiding officer to recognize at the appropriate time. The list shall, to the
91 extent feasible, be posted or otherwise made known to members.
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93 Section 9. The presiding officer shall endeavor to ensure that the Senate’s proceedings
94 account for any delay or lag time that occurs due to the remote participation of members in the
95 session. The session shall be conducted at a pace that provides adequate timing and intervals to
96 allow for effective spontaneous responses by the members.