

SENATE No. 252

The Commonwealth of Massachusetts

PRESENTED BY:

Eric P. Lesser

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 bill:

An Act establishing the Commission of Inquiry on the Commonwealth of Massachusetts' response to and recovery from the COVID-19 crisis.

PETITION OF:

NAME:

Eric P. Lesser

DISTRICT/ADDRESS:

First Hampden and Hampshire

SENATE No. 252

By Mr. Lesser, a petition (accompanied by bill, Senate, No. 252) of Eric P. Lesser for legislation to establish the Commission of Inquiry on the Commonwealth of Massachusetts’ response to and recovery from the COVID-19 crisis. Covid-19 and Emergency Preparedness and Management.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Second General Court
(2021-2022)**

An Act establishing the Commission of Inquiry on the Commonwealth of Massachusetts’ response to and recovery from the COVID-19 crisis.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. (a) Notwithstanding any general or special law to the contrary, there shall
2 be a special commission known as the Commission of Inquiry on the Commonwealth of
3 Massachusetts’ Response to and Recovery from the COVID-19 Crisis, established to conduct a
4 rigorous and comprehensive review of the Commonwealth’s COVID-19 response and
5 subsequent recovery in Massachusetts and make recommendations on how the Commonwealth
6 can be better prepared for future crises in order to better protect Massachusetts residents.

7 (b) The purposes of the commission are to (i) examine the facts and circumstances
8 relating to the emergence and spread of COVID-19 in Massachusetts; (ii) evaluate
9 Massachusetts’ preparation and response to COVID-19; (iii) evaluate measures adopted to
10 contain the virus, including the economic impacts of social distancing practices and stay-at-home
11 directives; (iv) evaluate measures such as school and business closures, and disruptions of access
12 to child care; (v) evaluate the disparate impacts of COVID-19 on different communities and

13 populations, including racial and ethnic minorities; (vi) evaluate the protocols, procedures, and
14 treatment practices in nursing homes and long-term care facilities throughout the state, including
15 the Soldiers' Homes in Holyoke and Chelsea; (vii) evaluate the public outreach policies used by
16 the executive branch to protect the health of individuals, families and communities, and their
17 effectiveness to inform and reach Massachusetts residents; and (viii) report on its findings,
18 conclusions, and recommendations for corrective measures that can be taken to prevent, prepare
19 for, respond to, and mitigate the effects of future epidemics and pandemics in Massachusetts.

20 (c) The commission shall (i) investigate the facts and circumstances related to the
21 outbreak and spread of COVID-19 in Massachusetts and the response by the state with respect to
22 any relevant legislation, regulation, plan, policy, or executive order; (ii) investigate the
23 efficiency, effectiveness, equity and transparency of the use of state funds and relief programs to
24 address COVID-19, including through federal agencies, state and local government entities,
25 financial institutions and other private businesses, grants, loans, investments or other means; (iii)
26 investigate the preparedness for and response to COVID-19, including the planning for and
27 implementation of testing, containment, mitigation, contact tracing activities, and the acquisition
28 and distribution of protective equipment and medical supplies; (iv) investigate the economic and
29 social impact of COVID-19 on individuals, communities, small businesses, health care
30 providers, the state, and local government entities; (v) investigate any disparate impacts of
31 COVID-19 on different communities and populations, including racial and ethnic minorities,
32 senior citizens, and other vulnerable or historically disadvantaged populations; (vi) investigate
33 the use and public health impact, effectiveness, and social and economic cost of social distancing
34 practices, stay-at-home directives, school and business closures, disruptions to childcare, and
35 other measures adopted to contain the virus; (vii) review the efficacy of public outreach to

36 inform and protect Massachusetts residents; (viii) investigate any disparate impacts in nursing
37 homes and long-term care facilities in the state; and (ix) identify lessons learned from the
38 outbreak and from the response by the state, including the coordination, management, policies,
39 procedures, public outreach, and actions of federal, state and local governments and non-
40 governmental entities in preparing for, detecting, preventing, and responding to COVID-19. The
41 commission shall make publicly available a report containing its findings, conclusions, and
42 recommendations.

43 (d) The commission shall consist of 7 members: 1 person who shall be appointed by the
44 governor; 1 person who shall be appointed by the Massachusetts attorney general; 1 person who
45 shall be appointed by the state treasurer; 1 person who shall be appointed by the secretary of the
46 commonwealth; 1 person who shall be appointed by the state auditor; 1 person who shall be
47 appointed by the senate president; and 1 person who shall be appointed by the speaker of the
48 house. The chair of the commission shall be appointed by a majority vote of the members.
49 Individuals appointed to the commission shall be Massachusetts residents with extensive
50 experience and significant expertise in professions such as: economics; labor and workforce
51 development; business and finance; public health; medicine, including epidemiology; healthcare;
52 civil rights; law and governmental service; and emergency preparedness, response, and
53 management. The composition of the committee shall, to the fullest extent possible, consist of a
54 mixture of experts from all the professions listed above.

55 The nonpartisan commission shall be comprised of individuals who can look at the
56 totality of the state's response impartially, without fear or favor, regardless of party or interests
57 involved. An individual appointed to the commission may not be a current elected official, an
58 employee of state or local government, a registered lobbyist, or an employee of a trade

59 association or special interest group whose purpose is to lobby at the state level or otherwise
60 influence governmental policymaking. Appointments to the commission shall be made not later
61 than 30 days after the effective date of this act.

62 (e) The commission shall furnish reasonable staff and other support for the work of the
63 commission. Members shall not receive compensation for their service but may receive
64 reimbursement for reasonable expenses incurred in carrying out their responsibilities as members
65 of the commission.

66 (f) The commission may meet as appropriate, but not less than 4 times in different
67 geographic regions of the commonwealth and shall accept input from the public via not less than
68 two public hearings, as well as solicit expert testimony from individuals identified by the
69 commission. The public hearings shall be conducted in person unless such in-person meetings
70 would pose a health risk or significant practical challenges.

71 (g) The commission shall have the power to issue subpoenas to compel the attendance of
72 witnesses and the production of documents, papers, books, records and other evidence relating to
73 any matter under investigation. The commission shall have the power to administer oaths and
74 affirmations to persons whose testimony is required. The commission may select and contract
75 with independent consultants to assist with leading and managing public hearings, collecting and
76 analyzing data and information, completing a final report and any other activity to achieve the
77 goals of the commission.

78 (h) The commission shall, following the completion of the required meetings and
79 hearings, file a report of its findings, analysis, and recommendations to the clerks of the house of
80 representatives and senate. The commission shall convene its first meeting not later than 45 days

81 following the effective date of this act. The commission shall submit its final report and its
82 recommendations not later than six months following the effective date of this act. The final
83 report must be made publicly available in both electronic and paper format.