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
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
8  (b) The purposes of the commission are to (i) examine the facts and circumstances
9  relating to the emergence and spread of COVID-19 in Massachusetts; (ii) evaluate
10  Massachusetts’ preparation and response to COVID-19; (iii) evaluate measures adopted to
11  contain the virus, including the economic impacts of social distancing practices and stay-at-home
12  directives; (iv) evaluate measures such as school and business closures, and disruptions of access
13  to child care; (v) evaluate the disparate impacts of COVID-19 on different communities and
populations, including racial and ethnic minorities; (vi) evaluate the protocols, procedures, and
treatment practices in nursing homes and long-term care facilities throughout the state, including
the Soldiers’ Homes in Holyoke and Chelsea; (vii) evaluate the public outreach policies used by
the executive branch to protect the health of individuals, families and communities, and their
effectiveness to inform and reach Massachusetts residents; and (viii) report on its findings,
conclusions, and recommendations for corrective measures that can be taken to prevent, prepare
for, respond to, and mitigate the effects of future epidemics and pandemics in Massachusetts.

(c) The commission shall (i) investigate the facts and circumstances related to the
outbreak and spread of COVID-19 in Massachusetts and the response by the state with respect to
any relevant legislation, regulation, plan, policy, or executive order; (ii) investigate the
efficiency, effectiveness, equity and transparency of the use of state funds and relief programs to
address COVID-19, including through federal agencies, state and local government entities,
financial institutions and other private businesses, grants, loans, investments or other means; (iii)
investigate the preparedness for and response to COVID-19, including the planning for and
implementation of testing, containment, mitigation, contact tracing activities, and the acquisition
and distribution of protective equipment and medical supplies; (iv) investigate the economic and
social impact of COVID-19 on individuals, communities, small businesses, health care
providers, the state, and local government entities; (v) investigate any disparate impacts of
COVID-19 on different communities and populations, including racial and ethnic minorities,
senior citizens, and other vulnerable or historically disadvantaged populations; (vi) investigate
the use and public health impact, effectiveness, and social and economic cost of social distancing
practices, stay-at-home directives, school and business closures, disruptions to childcare, and
other measures adopted to contain the virus; (vii) review the efficacy of public outreach to
inform and protect Massachusetts residents; (viii) investigate any disparate impacts in nursing homes and long-term care facilities in the state; and (ix) identify lessons learned from the outbreak and from the response by the state, including the coordination, management, policies, procedures, public outreach, and actions of federal, state and local governments and non-governmental entities in preparing for, detecting, preventing, and responding to COVID-19. The commission shall make publicly available a report containing its findings, conclusions, and recommendations.

(d) The commission shall consist of 7 members: 1 person who shall be appointed by the governor; 1 person who shall be appointed by the Massachusetts attorney general; 1 person who shall be appointed by the state treasurer; 1 person who shall be appointed by the secretary of the commonwealth; 1 person who shall be appointed by the state auditor; 1 person who shall be appointed by the senate president; and 1 person who shall be appointed by the speaker of the house. The chair of the commission shall be appointed by a majority vote of the members.

Individuals appointed to the commission shall be Massachusetts residents with extensive experience and significant expertise in professions such as: economics; labor and workforce development; business and finance; public health; medicine, including epidemiology; healthcare; civil rights; law and governmental service; and emergency preparedness, response, and management. The composition of the committee shall, to the fullest extent possible, consist of a mixture of experts from all the professions listed above.

The nonpartisan commission shall be comprised of individuals who can look at the totality of the state’s response impartially, without fear or favor, regardless of party or interests involved. An individual appointed to the commission may not be a current elected official, an employee of state or local government, a registered lobbyist, or an employee of a trade
association or special interest group whose purpose is to lobby at the state level or otherwise influence governmental policymaking. Appointments to the commission shall be made not later than 30 days after the effective date of this act.

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

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

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

(h) The commission shall, following the completion of the required meetings and hearings, file a report of its findings, analysis, and recommendations to the clerks of the house of representatives and senate. The commission shall convene its first meeting not later than 45 days
following the effective date of this act. The commission shall submit its final report and its
recommendations not later than six months following the effective date of this act. The final
report must be made publicly available in both electronic and paper format.