

Chapter
of the Acts of 2020

THE COMMONWEALTH OF MASSACHUSETTS

In the One Hundred and Ninety-First General Court

AN ACT RELATIVE TO MUNICIPAL GOVERNANCE DURING THE COVID-19 EMERGENCY.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to protect forthwith both public health and the viability of town meetings in the face of the state, national and global public health emergencies existing as a result of the COVID-19 pandemic, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public health and convenience.

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

SECTION 1. Subsection (a) of section 1 of chapter 45 of the acts of 2020 is hereby amended by striking out the words "May 30, 2020" and inserting in place thereof the following words:- June 30, 2020.

SECTION 2. Said subsection (a) of said section 1 of said chapter 45 is hereby further amended by striking out the words "June 30, 2020" and inserting in place thereof the following words:- August 1, 2020.

SECTION 3. Said chapter 45 is hereby further amended by inserting after said section 1 the following section:-

SECTION 1A. The select board, board of selectmen, town council or board of registrars may vote to eliminate a municipal caucus, scheduled to occur between March 23, 2020 and July 31, 2020, if such board concludes that holding the municipal caucus would constitute a threat to the public health and safety due to the 2019 novel coronavirus, also known as COVID-19. In any town that eliminates the municipal caucus, nomination papers shall be used to nominate candidates pursuant to sections 7 and 10 of chapter 53 of the General Laws; provided, however, that such nomination papers shall be signed by not fewer than 10 registered voters of the town; provided, however, that to the extent that the forty-ninth day prior to the date of the election has passed, nomination papers shall be made available immediately, and shall be returned to the office of the board of registrars for certification no later than the date designated by the town clerk, which shall be no earlier than 36 days and no later than 32 days prior to the date of the election; provided further, that candidates shall be notified if their names will be placed on the ballot on the next business day after the deadline for filing, and the time for filing withdrawals and objections shall expire at 5:00 p.m. on the following business day.

select board or board of selectmen of the town call for a representative town meeting to be held through remote participation, including, but not limited to, by means of a video or telephone conferencing platform. Such a request by the moderator to the select board or board of selectmen shall be in writing and shall include, but shall not be limited to: (i) the moderator's determination and request to hold a town meeting through remote participation in accordance with this section; (ii) the video or telephone conferencing platform the moderator has determined to use to hold the town meeting; (iii) confirmation that the moderator has consulted with the local disability commission or coordinator for federal Americans with Disabilities Act compliance; and (iv) a certification by the moderator that: (A) the moderator has tested the video or telephone conferencing platform; and (B) the platform satisfactorily enables the town meeting to be conducted in substantially the same manner as if the meeting occurred in person at a physical location and in accordance with the operational and functional requirements set forth in this section.

A video or telephone conference platform used by a town meeting for remote participation under this section shall, at minimum, provide for the ability for: (i) the moderator, town meeting members, town officials and any other interested members of the public to identify and hear the moderator and each town meeting member who attends and participates in the remotely-held town meeting, as well as any other individuals who participate in the remotely-held town meeting; (ii) the ability to determine whether a quorum is present; (iii) a town meeting member, town official or other individual to request recognition by the moderator without prior authorization; provided, however, that to the extent technologically feasible, the request is visible or audible to the public in real time and upon review of the recording of the town meeting proceedings, preserved according to subsection (h); (iv) the moderator to determine when a town meeting member wishes to be recognized to speak, make a motion, raise a point of order or object to a request for unanimous consent; (v) the moderator to recognize a town meeting member, town official or other individual to speak and to enable that person to speak; (vi) the ability to conduct a roll call vote; (vii) any interested members of the public to access the meeting remotely for purposes of witnessing the deliberations and actions taken at the town meeting; and (viii) the town meeting to be recorded. Registered voters residing in the town wishing to participate in a remote town meeting conducted pursuant to this section shall submit a request to participate to the town clerk not less than 48 hours in advance of the town meeting. Upon receipt of the request and verification of the requester's voter registration status, the clerk shall provide to the requester instructions for participating in the remote town meeting.

(b) Not later than 10 business days following receipt of a written request by the moderator for remote participation at a town meeting pursuant

(e) Not later than 5 business days after a vote of the select board or board of selectmen to approve the request of the moderator to hold a town meeting remotely pursuant to subsection (c) or (d), the town clerk shall submit certified copies of the vote of the select board or board of selectmen and the written request of the moderator to the attorney general.

(f) Prior to taking up any business at a representative town meeting held through remote participation under this section, the town meeting members present and voting at the meeting shall vote on whether or not to commence business at the town meeting remotely by means of the chosen video or telephone conferencing platform. If the town meeting votes to continue conducting the town meeting remotely, then the town meeting shall proceed by remote participation to address the articles included in the warrant. If the town meeting does not vote to continue conducting the town meeting remotely, then the town meeting shall be adjourned to the date, time and place specified in the notice or warrant under subsection (c) or (d). If no date, time and place has been specified in the notice or warrant, the town meeting shall immediately be dissolved without taking any votes on any other matters and the select board or board of selectmen may call the town meeting pursuant to a new warrant that provides for the town meeting to be held in person at a physical location in accordance with said section 10 of said chapter 39, all other applicable laws and provisions of the town charter and by-laws.

(g) Any roll call vote taken at a representative town meeting held through remote participation pursuant to this section shall be taken by any means that the moderator determines accurately and securely records the votes of those entitled to vote at the meeting, including, but not limited to, roll call vote, electronic voting, voting by ballot, voting by phone or any combination thereof. The vote of each town meeting member on a roll call vote shall be recorded and kept with the minutes of the town meeting.

(h) A representative town meeting held remotely pursuant to this section shall be recorded and the recording shall be preserved and made publicly available on the town's website for not less than 90 days after the conclusion of the remote town meeting.

(i) All actions taken during a remote town meeting held pursuant to this section are hereby ratified, validated and confirmed to the same extent as if the town meeting had been conducted in person and such actions are in accordance with all other applicable laws, charter provisions, ordinances and by-laws.

SECTION 9. Notwithstanding section 9 of chapter 39 of the General Laws or any other general or special law, charter provision, ordinance or by-law to the contrary, in order to address the disruptions caused by the 2019 novel coronavirus, also known as COVID-19, during the governor's March 10, 2020 declaration of a state of emergency, a select board or board of selectmen, in consultation with and with the approval of the town moderator, may vote to

annual budget for fiscal year 2021 to the city council within 170 days as required by the first paragraph of said section 32 of said chapter 44, the time periods and deadlines set forth in said section 32 of said chapter 44 for the mayor and city council to act on the annual budget shall be extended until 60 days after the termination of the governor's March 10, 2020 declaration of the state of emergency; provided, however, that within 30 days after the termination of the declaration of emergency or on July 31, 2020, whichever is earlier, the mayor shall submit to the city council the annual budget for fiscal year 2021 for the purposes of said section 32 of said chapter 44 and the time periods and deadlines set forth in said section 32 of said chapter 44 shall, if not inconsistent with this section, otherwise thereafter apply; and provided further, that notwithstanding said section 32 of said chapter 44 to the contrary, the mayor may submit to the city council a continuing appropriation budget for the city on a month-by-month basis for a period not to exceed 3 months if the city has not approved an annual budget for fiscal year 2021 by June 30, 2020, as a result of the outbreak of COVID-19 and the governor's March 10, 2020 declaration of a state of emergency.

SECTION 12. (a)(1) Notwithstanding sections 52 and 56 of chapter 41 of the General Laws, a city or town may approve a payment for the period beginning on or after March 10, 2020 through the remainder of fiscal year 2020 on an existing service contract for school or education-related services entered into by the school committee or a service contract renegotiated or modified by the school committee in order to maintain the availability of and access to the services secured under the underlying contract between the parties; provided, that: (i) the underlying service contract was in effect before March 10, 2020 and the service contractor was unable to perform services under the contract as a result of the disruptions caused by the outbreak of the 2019 novel coronavirus, also known as COVID-19 and effects of the governor's March 10, 2020 declaration of a state of emergency; and (ii) there are sufficient unencumbered available funds remaining for such payment in the appropriation for the purpose.

(2) Before any payment, the service contractor shall present to the approving authorities set forth in subsections (b) and (c), a sworn statement reporting grants, discounted loans or other financial support that the service contractor has received from a state, federal or local government as a result of the outbreak of COVID-19 or, if the service contractor has not received any such grants, discounted loans or other financial support, affirming that the service contractor has not received, and shall not receive thereafter, any such grants, discounted loans or other financial support. If the service contractor reports it has received grants, discounted loans or other financial support from a state, federal or local government, the payments to the service contractor made pursuant to this section and section 13 shall not exceed the total amount to which the service contractor is eligible under the service

discounted loans or other financial support and the sworn statement shall include an attestation that the payment is not in excess of that amount.

(b) The payment set forth in subsection (a) shall be approved by the regional school committee and a business manager, assistant superintendent for business or other employee with title of similar import and responsibilities as those of a town accountant.

(c) This section shall not apply to tuitions and rates set by the bureau of purchased services within the operational services division pursuant to section 22N of chapter 7 of the General Laws, which are set and are non-negotiable for fiscal year 2020.

SECTION 14. (a) For purposes of this section, "emergency educator license" shall mean a license issued by the commissioner of elementary and secondary education pursuant to subsection (b) and subject to the provisions of this section.

(b) Notwithstanding section 38G of chapter 71 of the General Laws or any other general or special law to the contrary, in order to address disruptions caused by the outbreak of the 2019 novel coronavirus, also known as COVID-19, or the governor's March 10, 2020 declaration of a state of emergency, the commissioner of elementary and secondary education may issue emergency educator licenses to individuals upon application to the commissioner. The commissioner may issue emergency educator licenses during the period of the state of emergency and for a period of 180 days after the termination of the state of emergency. An emergency educator license shall be valid through June 30, 2021 or a different time specified by the commissioner, unless the commissioner suspends or revokes it for cause, pursuant to standards and procedures that shall be established by the board of elementary and secondary education.

(c) To be eligible to receive an emergency educator license, an individual must possess a bachelor's degree and must have been prevented from completing the testing, demonstration of subject matter knowledge, coursework or program requirements for an educator license as a result of the outbreak of COVID-19 or the March 10, 2020 declaration of a state of emergency. Emergency educator licenses shall be available only to individuals seeking their first Massachusetts academic and vocational teacher, specialist teacher, administrator or professional support personnel license. Individuals shall identify the field and level of the license sought in their application to the commissioner. If the regulations of the board of elementary and secondary education require an underlying educator license, the emergency educator license shall be available in that field only to individuals who hold the underlying license.

(d) Service of an employee under an emergency educator license shall not be counted as service in acquiring professional teacher status or other rights under section 41 of chapter 71 of the General Laws; provided, however, that if

House of Representatives, June 4, 2020.

Bill passed to be enacted,

Paul D. Tonato, Speaker.

In Senate, June 4, 2020.

Bill passed to be enacted,

Bill U. Frank, President.

June 5, 2020.

Approved,

at *5* o'clock and *23* minutes, *P*. M.

Charles D. Baker
Governor.