

HOUSE No. 2775

The Commonwealth of Massachusetts

PRESENTED BY:

Peter V. Kocot

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 updating the open meeting law.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Peter V. Kocot</i>	<i>1st Hampshire</i>
<i>Kenneth I. Gordon</i>	<i>21st Middlesex</i>
<i>Jonathan Hecht</i>	<i>29th Middlesex</i>
<i>Jason M. Lewis</i>	<i>Fifth Middlesex</i>
<i>Jay D. Livingstone</i>	<i>8th Suffolk</i>
<i>James M. Murphy</i>	<i>4th Norfolk</i>
<i>James J. O'Day</i>	<i>14th Worcester</i>
<i>Denise Provost</i>	<i>27th Middlesex</i>
<i>Benjamin Swan</i>	<i>11th Hampden</i>
<i>Timothy J. Toomey, Jr.</i>	<i>26th Middlesex</i>
<i>Chris Walsh</i>	<i>6th Middlesex</i>
<i>Donald H. Wong</i>	<i>9th Essex</i>
<i>Robert L. Hedlund</i>	<i>Plymouth and Norfolk</i>

HOUSE No. 2775

By Mr. Kocot of Northampton, a petition (accompanied by bill, House, No. 2775) of Peter V. Kocot and others relative to the open meeting law. State Administration and Regulatory Oversight.

The Commonwealth of Massachusetts

In the One Hundred and Eighty-Ninth General Court
(2015-2016)

An Act updating the open meeting law.

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. Section 18 of Chapter 30A of the General Laws, as appearing in the 2012
2 Official Edition, is hereby amended by striking subsection (e) and inserting in place thereof the
3 following:-

4 (e) A session of a town meeting convened under section 10 of chapter 39 which may
5 include the attendance and deliberation on matters being considered by town meeting by a
6 quorum of a public body at any such session.

7 SECTION 2. Paragraph 5 of subsection (b) of section 21 of said Chapter 30A, as so
8 appearing, is hereby amended by striking the figure “23” in line 82 and inserting in place thereof
9 the following figure:- “22”

10 SECTION 3. Section 18 of the Chapter 30A of the General Laws, as appearing in the
11 2012 Official Edition, is hereby amended by adding the following definition:-

12 “Exempt volunteer body,” a public body appointed by a municipal public body that
13 receives no compensation for said service, that only has jurisdiction to report, advise or
14 recommend action to other public bodies or municipal officials and that has been granted an
15 exemption from the open meeting law by a majority vote of the appointing authority. This shall
16 include groups that act in a strictly advisory capacity, search committees and screening
17 committees.

18 and said Section 18 of Chapter 30A of the General Laws is hereby further amended by
19 striking the definition of “public body” and replacing with the following:-

20 “Public body”, a multiple-member board, commission, committee or subcommittee
21 within the executive or legislative branch or within any county, district, city, region or town,
22 however created, elected, appointed or otherwise constituted, established to serve a public
23 purpose; provided, however, that the governing board of a local housing, redevelopment or other
24 similar authority shall be deemed a local public body; provided, further, that the governing board
25 or body of any other authority established by the general court to serve a public purpose in the
26 commonwealth or any part thereof shall be deemed a state public body; provided, further, that
27 “public body” shall not include the general court or the committees or recess commissions
28 thereof, bodies of the judicial branch, exempt volunteer bodies or bodies appointed by a
29 constitutional officer solely for the purpose of advising a constitutional officer and shall not
30 include the board of bank incorporation or the policyholders protective board; and provided
31 further, that a subcommittee shall include any multiple-member body created to advise or make
32 recommendations to a public body.

33 SECTION 4. Section 18 of Chapter 30A of the General Laws, as appearing in the 2012
34 Official Edition, is hereby amended by adding to the definition of “minutes”, the following:-

35 “The requirement for a written record may be satisfied by maintaining an audio or video
36 of the meeting prepared by an employee or agent of the municipality, along with the meeting
37 notice and agenda, certified by the Chair, Vice-Chair or Clerk of the public body or the designee
38 of the public body. Nothing shall prevent however a public body from having written minutes or
39 certifying portions of written minutes based on the audio or video recording.”

40 SECTION 5. Section 21A of Chapter 30A of the General Laws, is hereby amended by
41 adding after subsection (10) the following subsections:-

42 (11) To meet with an attorney to discuss matters covered by the attorney client privilege.

43 (12) To engage in strategy relative to and to conduct non-labor-related contract or license
44 negotiations.

45 (13) To engage in negotiation sessions with public or private parties.

46 (14) To negotiate real estate development agreements.

47 (15) To conduct periodic performance evaluations of managerial personnel within the
48 public body’s jurisdiction based on written evaluation

49 SECTION 6. Section 5A of Chapter 66 of the General Laws, as appearing in the 2012
50 Official Edition, is hereby amended by adding:-

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52 “The requirement for a record may be satisfied by maintaining an audio or video of the
53 meeting prepared by an employee or agent of the municipality, along with the meeting notice and
54 agenda, certified by the Chair, Vice-Chair or Clerk of the public body or the designee of the
55 public body. Nothing shall prevent however a public body from having written minutes or
56 certifying portions of written minutes based on the audio or video recording.”

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