HOUSE DOCKET, NO. 3092 FILED ON: 1/18/2013

HOUSE . . . . . No. 2908

The Commonwealth of Massachusetts

PRESENTED BY:

Daniel B. Winslow

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 passage of the accompanying:

An Act to enhance technology in civic engagement.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Daniel B. Winslow	*9th Norfolk*
Richard J. Ross	*Norfolk, Bristol and Middlesex*
Carolyn C. Dykema	*8th Middlesex*
Tom Sannicandro	*7th Middlesex*

HOUSE DOCKET, NO. 3092 FILED ON: 1/18/2013

HOUSE . . . . . No. 2908

By Mr. Winslow of Norfolk, a petition (accompanied by bill, House, No. 2908) of Daniel B. Winslow and others for legislation to enhance technology in civic engagement. State Administration and Regulatory Oversight.

The Commonwealth of Massachusetts

An Act to enhance technology in civic engagement.

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. Section 18 of chapter 30A, as most recently amended by chapter 454 of the Acts of 2010, is hereby amended by inserting, in line 7, after the word "meeting" the following word:- "materials".

SECTION 2. Said section 18 of chapter 30A, as so appearing, is hereby amended by striking, in line 17, the word "by" and inserting in place thereof the following words:- "at a gathering of".

SECTION 3. Said section 18, as so appearing, is hereby amended by inserting, in line 36, after the word "meeting" the following words: - "or a public internet discussion".

SECTION 4. Said section 18, as so appearing, is hereby amended by inserting after the definition of "Post Notice" the following definition:-

"Public Internet Discussion", a deliberation via the internet by a public body with respect to any matter within the body's jurisdiction and which the public can monitor via the internet.

SECTION 5. Section 20 of chapter 30A, as so appearing, is hereby amended by striking, in lines 1 and 2, subsection (a) and inserting in place thereof the following paragraph:-

(a) (1) Except as provided in Section 21, all meetings of a public body shall be open to the public.

(2) All public internet discussions shall be open to the public in that members of the public must be able to monitor the proceedings via the internet.

19 (3) No deliberations may take place except at (i) “Meetings”; (ii) “Public Internet
20 Discussions”; or (iii) gatherings that meet exceptions (d) or (e) under the definition of
21 “Meeting” as defined by section 18.”

22 SECTION 6. Section 20 of chapter 30A, as so appearing, is hereby amended by striking
23 subsection (b) in its entirety and inserting in place thereof the following paragraph:-

24 (b) Except in an emergency, in addition to any notice otherwise required by law, a public
25 body shall post notice of every meeting and public internet discussion at least 48 hours prior to
26 the start of such meeting or public internet discussion, excluding Saturdays, Sundays and legal
27 holidays. In an emergency, a public body shall post notice as soon as reasonably possible prior to
28 such meeting or public internet discussion. Notice shall be printed in a legible, easily
29 understandable format and shall contain the date, time and place of such meeting and a listing of
30 topics that the chair reasonably anticipates will be discussed at the meeting.

31 (1) In the case of a public internet discussion held via an internet service such as a
32 discussion forum or a blog, it must be publicly accessible and the notice must include the URL
33 and any other information required to access the discussion.

34 (2) In the case of a public internet discussion based on the exchange of discrete messages,
35 it must be possible for the public to subscribe to receive the messages and the messages must be
36 available from a publicly accessible archive. The notice must include instructions for subscribing
37 to the messages and instructions for accessing them from the archive.

38 (3) In the case of a continuing public internet discussion, a notice that the public internet
39 discussion is continuing must be reposted at least once a month. This notice must include the
40 instructions for accessing the public internet discussion and must list the topics that the chair
41 reasonably anticipates will be discussed during the following month.

42 SECTION 7. Section 20 of chapter 30A, as so appearing, is hereby amended by inserting
43 after the word “meetings”, in each instance in which it appears in subsection (c) in lines 11
44 through 32, the following words:- “and public internet discussions”.

45 SECTION 8. Section 20 of chapter 30A, as so appearing, is hereby amended by striking
46 in subsection (d), in line 33, the word “The” and inserting in place thereof the following words:-
47 “In the case of a physical meeting, the”.

48 SECTION 9. Section 20 of chapter 30A, as so appearing, is hereby amended by inserting
49 in subsection (d), at the end thereof, the following paragraph:-

50 In the case of public internet discussions, there is no physical location and hence all
51 participants are participating remotely. The public must be offered the same access to see, read,
52 or hear the proceedings as the members of the public body have themselves.

53 SECTION 10. Section 22 of chapter 30A, as most recently amended by chapter 28 of the
54 Acts of 2009, is hereby amended by inserting in subsection (a), at the end thereof, the following
55 paragraph:-

56 All information exchanged during a public internet discussion must be captured and
57 maintained. Each message or statement must have an indication of the date and time it was made
58 and the person who made it.