

HOUSE No. 2004

The Commonwealth of Massachusetts

In the Year Two Thousand Nine

An Act to clarify the meeting requirements for municipal boards ..

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

1 Chapter 39 of the General Laws is hereby amended by striking out Section 23D(a) and
2 replacing it with the following:

3 Notwithstanding any general or special law to the contrary, a member of any municipal
4 board, committee or commission when holding a public hearing shall not be disqualified from
5 voting in the matter solely due to that member’s absence from a single session of the hearing at
6 which testimony or other evidence is received, provided that, in a hearing extending over
7 multiple sessions, a member may miss up to, but no more than, one quarter of the total number of
8 sessions at which testimony or other evidence is received. Before any such vote, the member
9 shall certify in writing that he has examined all evidence received at the missed session or
10 sessions, which evidence shall include an audio or video recording of the missed session or a
11 transcript thereof. The written certification shall be part of the record of the hearing. Nothing in
12 this section shall change, replace, negate or otherwise supersede applicable quorum
13 requirements.