

HOUSE No. 3049

The Commonwealth of Massachusetts

In the Year Two Thousand Nine

An Act amending 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 23B of Chapter 39 of the General Laws, as appearing in the 2004
2 Official Edition, is hereby amended by inserting at the end of the second paragraph the
3 following sentences:-

4 Members of a governmental body may be counted as part of the quorum and participate
5 in a meeting of the body or sub-committee by means of a conference telephone or similar
6 communications equipment by means of which all persons participating in or present at the
7 meeting may simultaneously hear each other, and participation by these means shall constitute
8 presence in person at such a meeting. Members may transmit written documents that may be
9 referenced during the meeting by electronic or other commercially acceptable transmission.

10 SECTION 2. Sub-part (3) of Section 23B of chapter 39 is hereby amended by inserting
11 after the word “”bargaining” in the first line, the following words: non-labor related contractual
12 negotiations;

13 And inserting after the word “personnel” in the last line, the following words: , to
14 conduct strategy sessions for and negotiation sessions with public or private parties on non-labor
15 or personnel related contractual matters.

16 SECTION 3. Sub-part (8) of Section 23B of chapter 39 is hereby amended by inserting
17 the following sentence thereto:

18 “A governmental body which is the appointing authority for said position may designate
19 itself as the preliminary screening committee or subcommittee hereunder and may enter into
20 Executive Session as provided for herein.”

21 SECTION 4. Said section 23B is hereby amended by inserting after sub-part (9) the
22 following sub-part:- (10)To conduct periodic performance evaluations of managerial personnel
23 based on a written evaluation.

24 SECTION 5. Said section 23B is hereby amended by inserting after the words “social
25 meeting” in the first and second sentence in the 14th paragraph the following words:- or the
26 presence of a quorum of the members of a government body at an event or meeting of another
27 body