

HOUSE No. 3117

The Commonwealth of Massachusetts

In the Year Two Thousand Nine

An Act relating to the public records 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 Section 7(26)(s) of chapter 4 of the General Laws is hereby repealed.

2 SECTION 2. Section 1F of chapter 164 shall be hereby amended by inserting after
3 clause (9) the following paragraph:-

4 “(10) Trade secrets or competitively-sensitive or other proprietary information provided
5 in the course of activities conducted by a governmental body as an energy supplier under a
6 license granted by the department of public utilities pursuant to this section, when such
7 governmental body determines that such disclosure will adversely affect its ability to conduct
8 business in relation to other entities making, selling or distributing electric power and energy
9 shall not be public subject to disclosure under chapter 66; provided, however, that this clause
10 shall not exempt a public entity from disclosure required of a private entity so licensed.”

11 Section 134 of chapter 164 shall be hereby amended by inserting clause (c) at the end of
12 the section containing the following language:-

13 “(c) Trade secrets or competitively-sensitive or other proprietary information provided in
14 the course of activities conducted as a municipal aggregator or by a cooperative consisting
15 of governmental entities organized pursuant to this section, when such municipal aggregator or
16 cooperative determines that such disclosure will adversely affect its ability to conduct business in
17 relation to other entities making, selling or distributing electric power and energy shall not be
18 public subject to disclosure under chapter 66; provided, however, that this clause shall not
19 exempt a public entity from disclosure required of a private entity so licensed.”

20 SECTION 3. Section 1 of chapter 303 of the General Laws, as so appearing, is hereby
21 amended by striking the following language:-

22 “; provided, further, that for any such contract determined to contain confidential
23 information under subclause (r) of section 7 of chapter 4, the governmental body shall
24 instead maintain a record of the procurement processes and awards for 6 years after the date of
25 the final payment. The governmental body shall make such records available to the inspector
26 general upon request; provided, however, that the inspector general shall not disclose said
27 information.”

28 And replacing the removed language with the following language:-

29 “; provided, further, that for any such contract determined to contain non-public
30 information under sections 1F and 134 of chapter 164, the governmental body shall
31 instead maintain a record of the procurement processes and awards for 6 years after the date of
32 the final payment. The governmental body shall make such records available to the inspector
33 general upon request; provided, however, that the inspector general shall not disclose said
34 information.”