HOUSE DOCKET, NO. 3242 FILED ON: 1/21/2011

HOUSE . . . . . No. 3061

The Commonwealth of Massachusetts

PRESENTED BY:

Angelo M. Scaccia

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 relating to the public records law.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Angelo M. Scaccia	*14th Suffolk*
William F. Galvin	*Secretary of the Commonwealth*

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HOUSE . . . . . No. 3061

By Mr. Scaccia of Boston, a petition (accompanied by bill, House, No. 3061) of Angelo M. Scaccia and William F. Galvin relative to consumer protection and public utility law. Telecommunications, Utilities and Energy.

The Commonwealth of Massachusetts

In the Year Two Thousand Eleven

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:

SECTION 1. Section 7(26)(s) of chapter 4 of the General Laws is hereby repealed.

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

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

SECTION 3. Section 134 of chapter 164 shall be hereby amended by inserting at the end of the section the following paragraph:-

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 of
15 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
17 business in relation to other entities making, selling or distributing electric power and energy
18 shall not be public subject to disclosure under chapter 66; provided, however, that this clause
19 shall not exempt a public entity from disclosure required of a private entity so licensed.”

20 SECTION 4. 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 instead
24 maintain a record of the procurement processes and awards for 6 years after the date of the final
25 payment. The governmental body shall make such records available to the inspector general
26 upon request; provided, however, that the inspector general shall not disclose said information.”

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

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