

**HOUSE . . . . . No. 2786**

---

**The Commonwealth of Massachusetts**

PRESENTED BY:

*Antonio F. D. Cabral*

*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 to improve the open meeting law..

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Antonio F. D. Cabral</i>	<i>13th Bristol</i>	<i>1/14/2013</i>
<i>Denise Provost</i>	<i>27th Middlesex</i>	

**HOUSE . . . . . No. 2786**

By Mr. Cabral of New Bedford, a petition (accompanied by bill, House, No. 2786) of Antonio F. D. Cabral and Denise Provost relative to the open meeting law. State Administration and Regulatory Oversight.

[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE HOUSE, NO. 1734 OF 2011-2012.]

**The Commonwealth of Massachusetts**

**In the Year Two Thousand Thirteen**

An Act to improve 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 18 of chapter 30A of the Massachusetts General Laws as appearing  
2 in the 2010 official edition and amended by chapter 28 of the acts of 2009 is hereby amended by  
3 deleting the following:-

4 (d) Intentional Violation – Any act or omission by a public body, or any member thereof,  
5 in knowing violation of the open meeting law.

6 SECTION 2: Section 23(c) of said chapter is hereby amended by deleting the following:-

7 Following a determination that a violation has occurred, the attorney general shall  
8 determine whether the public body, 1 or more of the members, or both, are responsible and  
9 whether the violation was intentional or unintentional.

10 And in subsection (c)(4), the following:

11 SECTION 3: Section 23(c)(7) of said chapter is hereby amended by deleting the  
12 following:-

13 (7) prescribe other appropriate action.

14 And replacing it with the following:-

15 (7) reprimanding a member or members of a public body, said reprimand to be a public  
16 record; or

17 (8) prescribe other appropriate action.

18 SECTION 4: Section 23(f) of said chapter is hereby amended by inserting at the end:-

19 Such order may invalidate any action taken at any meeting at which any provision of this  
20 section has been violated, provided that such complaint is filed within twenty-one days of the  
21 date when such action is made public.

22 Any such order may also, when appropriate, require the records of any such meeting to  
23 be made public, unless it shall have been determined by such justice that the maintenance of  
24 secrecy with respect to such records is authorized. The remedy created hereby is not exclusive,  
25 but shall be in addition to every other available remedy. Such order may also include  
26 reinstatement without loss of compensation, seniority, tenure or other benefits for any employee  
27 discharged at a meeting or hearing held in violation of the provisions of this section. In an action  
28 brought by three or more registered voters, such order may also require the public body to  
29 reimburse said voters reasonable attorney's fees and court costs.

30 Such order may also include a civil fine against the public body in an amount no greater  
31 than one thousand dollars for each meeting held in violation of this section and/or a civil fine of  
32 not more than two hundred dollars for each violation against any individual member of a public  
33 body who has already been fined pursuant to this section or received a reprimand pursuant to  
34 section 23(c)(7). A fine shall not be imposed against any member of the public body who is  
35 recorded in opposition to the act that is found to be in violation of the open meeting law. A  
36 penalty against an individual member shall not be reimbursable with public funds.

37 SECTION 5: Section 23(g) of said chapter is hereby amended by adding after "body" the  
38 first time it appears the following:-

39 It shall be a defense to the imposition of a penalty that the public body or any member  
40 thereof, after full disclosure, acted in good faith compliance with the advice of the public body's  
41 legal counsel.