HOUSE DOCKET, NO. 2179 FILED ON: 1/15/2015

HOUSE . . . . . No. 2715

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:
Antonio F. D. Cabral	*13th Bristol*	*1/15/2015*
Jason M. Lewis	*Fifth Middlesex*	*11/26/2019*
Peter V. Kocot	*1st Hampshire*	*11/26/2019*
Chris Walsh	*6th Middlesex*	*11/26/2019*

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HOUSE . . . . . No. 2715

By Mr. Cabral of New Bedford, a petition (accompanied by bill, House, No. 2715) of Antonio F. D. Cabral and others relative to the open meeting law. State Administration and Regulatory Oversight.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. *2786* OF 2013-2014.]

The Commonwealth of Massachusetts

In the One Hundred and Eighty-Ninth General Court
(2015-2016)

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:

SECTION 1: Section 18 of chapter 30A of the Massachusetts General Laws as appearing in the 2012 official edition and amended by chapter 28 of the acts of 2009 is hereby amended by deleting the following:-

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

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

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

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

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

(7) prescribe other appropriate action.

And replacing it with the following:-

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

(8) prescribe other appropriate action.

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

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

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

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

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

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