

HOUSE No. 1704

The Commonwealth of Massachusetts

PRESENTED BY:

Jeffrey N. Roy

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 permit enhanced public access to deliberations of public bodies and to permit improved efficiency of public bodies.

PETITION OF:

| NAME: | DISTRICT/ADDRESS: | DATE ADDED: |
|--------------------------------|---------------------------------------|------------------|
| <i>Jeffrey N. Roy</i> | <i>10th Norfolk</i> | <i>1/19/2017</i> |
| <i>Karen E. Spilka</i> | <i>Second Middlesex and Norfolk</i> | <i>1/19/2017</i> |
| <i>Richard J. Ross</i> | <i>Norfolk, Bristol and Middlesex</i> | |
| <i>Josh S. Cutler</i> | <i>6th Plymouth</i> | |
| <i>Mike Connolly</i> | <i>26th Middlesex</i> | |
| <i>Brian Murray</i> | <i>10th Worcester</i> | |
| <i>Paul McMurtry</i> | <i>11th Norfolk</i> | |
| <i>Jennifer L. Flanagan</i> | <i>Worcester and Middlesex</i> | |
| <i>Shawn Dooley</i> | <i>9th Norfolk</i> | |
| <i>Bud Williams</i> | <i>11th Hampden</i> | |
| <i>Bruce J. Ayers</i> | <i>1st Norfolk</i> | <i>2/2/2017</i> |
| <i>James M. Cantwell</i> | <i>4th Plymouth</i> | <i>2/2/2017</i> |
| <i>William L. Crocker, Jr.</i> | <i>2nd Barnstable</i> | <i>2/3/2017</i> |
| <i>Marjorie C. Decker</i> | <i>25th Middlesex</i> | <i>2/2/2017</i> |
| <i>Paul R. Heroux</i> | <i>2nd Bristol</i> | <i>1/31/2017</i> |
| <i>Natalie Higgins</i> | <i>4th Worcester</i> | <i>1/31/2017</i> |
| <i>Russell E. Holmes</i> | <i>6th Suffolk</i> | <i>2/3/2017</i> |

| | | |
|------------------------|------------------------|------------------|
| <i>Mary S. Keefe</i> | <i>15th Worcester</i> | <i>2/2/2017</i> |
| <i>Jason M. Lewis</i> | <i>Fifth Middlesex</i> | <i>2/1/2017</i> |
| <i>James R. Miceli</i> | <i>19th Middlesex</i> | <i>2/3/2017</i> |
| <i>Frank I. Smizik</i> | <i>15th Norfolk</i> | <i>1/31/2017</i> |
| <i>Chris Walsh</i> | <i>6th Middlesex</i> | <i>2/3/2017</i> |

HOUSE No. 1704

By Mr. Roy of Franklin, a petition (accompanied by bill, House, No. 1704) of Jeffrey N. Roy and others for legislation to permit enhanced public access to public Internet deliberations of public bodies and to permit improved efficiency of public bodies. State Administration and Regulatory Oversight.

The Commonwealth of Massachusetts

**In the One Hundred and Ninetieth General Court
(2017-2018)**

An Act to permit enhanced public access to deliberations of public bodies and to permit improved efficiency of public bodies.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 The definition of “Deliberation” in Section 18 of Chapter 30A of the General Laws, as
2 appearing in the 2014 Official Edition, is hereby amended by inserting after the phrase
3 “procedural meeting”, the following word:- “materials”.

4 SECTION 2. The definition of “Meeting” in said Section 18 of said Chapter 30A, as so
5 appearing, is hereby further amended by striking out the word “by”, and inserting in place
6 thereof the following words:- “at a gathering of”.

7 SECTION 3. The definition of “Meeting” in said Section 18 of said Chapter 30A, as so
8 appearing, is hereby further amended by striking out the word “or” at the end of clause (d).

9 SECTION 4. The definition of “Meeting” in said Section 18 of said Chapter 30A, as so
10 appearing, is hereby further amended by striking out the word, “session.” at the end of clause (e)
11 and inserting in place thereof the following words, “session; or”.

12 SECTION 5. The definition of “Meeting” in said Section 18 of said Chapter 30A, as so
13 appearing, is hereby further amended by adding the following clause:-

14 (f) participation by members of a public body in a Public Internet Discussion.

15 SECTION 6. The definition of “Post Notice” in said Section 18 of said Chapter 30A, as
16 so appearing, is hereby amended by inserting after the word “meeting”, the following words: -
17 “or a public internet discussion”.

18 SECTION 7. Said Section 18 of said Chapter 30A, as so appearing, is hereby further
19 amended by inserting after the definition of “Post Notice” the following definition:-

20 “Public Internet Discussion”, a discussion via the Internet by members of a public body,
21 which may include matters within the body’s jurisdiction. All public Internet discussions shall be
22 set up so that the public can monitor the discussion among members of the public body. At the
23 discretion of the public body, a public Internet discussion may be set up so that some defined
24 subset of the public can also make statements in the public Internet discussion. Everyone making
25 statements in a public Internet discussion shall be authenticated, so that all statements can be
26 accurately attributed to the person making them. No votes or formal actions may be taken in a
27 public Internet discussion and there is no quorum requirement for a public Internet discussion.

28 SECTION 8. Section 20 of Chapter 30A, as so appearing, is hereby amended by striking
29 out subsection (a) in its entirety and inserting in place thereof the following subsection:-

30 (a) (1) Except as provided in Section 21, all meetings of a public body shall be
31 open to the public.

32 (2) All public Internet discussions shall be open to the public in that members of the
33 public must be able to monitor the proceedings via the Internet.

34 (3) No deliberations may take place except at

35 (i) Meetings,

36 (ii) Public Internet Discussions, or

37 (iii) gatherings that meet exceptions (d) or (e) under the definition of Meeting, as
38 defined in Section 18.

39 SECTION 9. Said Section 20 of Chapter 30A, as so appearing, is hereby further amended
40 by striking out subsection (b) in its entirety and inserting in place thereof the following
41 subsection:-

42 (b) Except in an emergency, in addition to any notice otherwise required by law, a public
43 body shall post notice of every meeting and public Internet discussion at least 48 hours prior to
44 the start of such meeting or public Internet discussion, excluding Saturdays, Sundays and legal
45 holidays. In an emergency, a public body shall post notice as soon as reasonably possible prior to
46 such meeting or public Internet discussion. Notice shall be printed in a legible, easily
47 understandable format and shall contain a listing of topics that the chair reasonably anticipates
48 will be discussed at the meeting or public Internet discussion.

49 (1) In the case of a meeting, the notice also shall contain the date, time and place of
50 the meeting.

51 (2) In the case of a public Internet discussion, the notice also shall contain the date
52 and time of the start of the public internet discussion and shall state whether the public is limited
53 to monitoring the discussion among members of the public body or whether some defined subset
54 of the public can also make statements in the public Internet discussion. If some defined subset
55 of the public can make statements in the public Internet discussion, the notice shall provide, or
56 direct readers to, directions for members of that subset to get authenticated so that they can make
57 statements in the public Internet discussion and their statements can be attributed accurately.

58 (3) In the case of a public Internet discussion held via an internet service such as a
59 computer-mediated discussion, conference, forum or blog, it shall be publicly accessible and the
60 notice shall include the URL (or URLs, if there are more than one) and any other information
61 required to access the discussion and its archive.

62 (4) In the case of a public Internet discussion based on the exchange of discrete
63 messages, it shall be possible for the public to subscribe to receive the messages and the
64 messages shall be available from a publicly accessible archive. The notice shall include
65 instructions for subscribing to the messages and instructions for accessing them from the archive.

66 (5) In the case of a continuing public Internet discussion, a notice that the public
67 Internet discussion is continuing shall be reposted at least once a month. This notice shall include
68 the instructions for accessing the public Internet discussion and its archive and shall list the
69 topics that the chair reasonably anticipates will be discussed during the following month.

70 SECTION 10. Said Section 20 of Chapter 30A, as so appearing, is hereby further
71 amended by inserting after the word “meetings”, in each instance in which it appears in
72 subsection (c), the following words:- “and public internet discussions”.

73 SECTION 11. Said Section 20 of Chapter 30A, as so appearing, is hereby further
74 amended by striking the word “The” at the beginning of subsection (d) and inserting in place
75 thereof the following words:- “In the case of a physical meeting, the”.

76 SECTION 12. Said Section 20 of Chapter 30A, as so appearing, is hereby further
77 amended by inserting in subsection (d), at the end thereof, the following sentences:- "In the case
78 of public Internet discussions, there is no concept of the physical location of the discussion.
79 Independent of participants’ physical locations, when they are participating in a public Internet
80 discussion, they are present at the discussion. The public must be offered the same access to see,
81 read, or hear the proceedings as the members of the public body have themselves.”

82 SECTION 13. Section 22 of Chapter 30A, as so appearing, is hereby amended by striking
83 out subsection (a) in its entirety and inserting in place thereof the following subsection:-

84 (a) (1) A public body shall create and maintain accurate minutes of all meetings,
85 including executive sessions, setting forth the date, time and place, the members present or
86 absent, a summary of the discussions on each subject, a list of documents and other exhibits used
87 at the meeting, the decisions made and the actions taken at each meeting, including the record of
88 all votes.

89 (2) All information exchanged during a public Internet discussion must be captured
90 and maintained and be freely accessible via the Internet. Each message or statement must have
91 an indication of the date and time it was made and the person who made it. All statements made
92 or opinions expressed in a public Internet discussion are made solely on behalf of the person
93 making the statement or expressing the opinion (independent of whether that person is a member
94 of the public body or the public at large), not on behalf of the public body.