HOUSE DOCKET, NO. 3313 FILED ON: 1/20/2017

HOUSE . . . . . No. 3355

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 relative to the open meeting law.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
Antonio F. D. Cabral	*13th Bristol*	*1/20/2017*

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HOUSE . . . . . No. 3355

By Mr. Cabral of New Bedford, a petition (accompanied by bill, House, No. 3355) of Antonio F. D. Cabral further regulating penalties for violations of open meeting laws. State Administration and Regulatory Oversight.

The Commonwealth of Massachusetts

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

An Act relative to 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. Amendment to Section 18. Section 18 of chapter 30A of the General Laws, as appearing in the 2014 Official Edition, is hereby amended by striking out, in lines 16-17, the words:-

"'Intentional Violation', an act or omission by a public body, or member thereof, in knowing violation of the open meeting law."

SECTION 2. Amendments to Section 23.

(a) Subsection (c) of section 23 of said chapter, as so appearing, is hereby amended by striking out, in lines 23-26, the words:-

"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.".

(b) Paragraph (7) of said section, as so appearing, is hereby amended by striking out paragraph (7) and inserting in place thereof the following paragraphs:-

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

(8) prescribe other appropriate action.".

(c) Subsection (f) of said section, as so appearing, is hereby amended by inserting after the last paragraph the following paragraphs:-

"Such order of notice 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 21 days of the date when such action is made public.

Any such order of notice 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 3 or more registered voters, such order of notice may also require the public body to reimburse said voters reasonable attorney's fees and court costs.

Such order of notice may also include a civil fine against the public body in an amount no greater than $1,000 for each meeting held in violation of this section and may also include a civil fine of not more than $200 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.”.

(d) Subsection (g) of said section is hereby amended by inserting after the word “body”, in line 87, the following words:-

“, or any member thereof,”.