

HOUSE No. 2740

The Commonwealth of Massachusetts

PRESENTED BY:

David Paul Linsky and Alice Hanlon Peisch

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 promoting governmental efficiency.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>David Paul Linsky</i>	<i>5th Middlesex</i>	<i>1/17/2019</i>
<i>Alice Hanlon Peisch</i>	<i>14th Norfolk</i>	<i>1/17/2019</i>
<i>Carmine Lawrence Gentile</i>	<i>13th Middlesex</i>	<i>1/22/2019</i>
<i>Carolyn C. Dykema</i>	<i>8th Middlesex</i>	<i>1/25/2019</i>
<i>Maria Duaine Robinson</i>	<i>6th Middlesex</i>	<i>1/29/2019</i>
<i>Jack Patrick Lewis</i>	<i>7th Middlesex</i>	<i>1/29/2019</i>
<i>Jeffrey N. Roy</i>	<i>10th Norfolk</i>	<i>2/1/2019</i>
<i>Kay Khan</i>	<i>11th Middlesex</i>	<i>1/30/2019</i>

HOUSE No. 2740

By Representatives Linsky of Natick and Peisch of Wellesley, a petition (accompanied by bill, House, No. 2740) of David Paul Linsky, Alice Hanlon Peisch and others relative to open meeting law violation complaints. State Administration and Regulatory Oversight.

The Commonwealth of Massachusetts

In the One Hundred and Ninety-First General Court
(2019-2020)

An Act promoting governmental efficiency.

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. Paragraph (b) of Section 23 of Chapter 30A of the General Laws is hereby
2 amended by striking out said paragraph and inserting in place thereof the following paragraph:

3 (b) Complaints.

4 (1) Any individual may file a complaint with a public body alleging violation of the
5 Open Meeting Law, provided that the complaint:

6 (A) Reasonably describes the circumstances constituting the alleged violation;

7 (B) is filed with the public body within 20 business days of the date of the alleged
8 violation;

9 (C) includes electronic and postal mail contact information for the complainant; and

10 (D) is signed by the complainant either in ink or in compliance with Chapter 110G.

(2) Complaints shall be deemed received:

(A) if filed by electronic mail, on the business day of submission if submitted by 4:00 p.m., and otherwise on the next business day; or

(B) three days after mailing via first class postal mail.

(3) A public body must respond to a complaint not later than 14 business days after receipt thereof confirming receipt of the complaint and identifying any remedial action(s) taken or intended to be taken by the public body in response to the complaint; provided, however, that if a complainant files more than five complaints with the same public body within the same year of the body's operation, or a complaint is otherwise unduly burdensome, the public body may respond stating that the complaint is unduly burdensome and advising the complainant of the right to petition the attorney general pursuant to subparagraph (5) of this Section.

(4) Any remedial action(s) stated pursuant to subparagraph (3) of this Section shall not be admissible as evidence against the public body in any subsequent administrative or judicial proceeding related to the alleged violation.

(5) A complainant may petition the attorney general for:

(A) review of a response provided by the public body pursuant to subparagraph (3) of this Section, provided further that in response to such petition the attorney general may authorize an extension of time to the public body for the purpose of taking remedial action; or

(B) an order requiring the public body to respond to a complaint duly filed pursuant to subparagraph (1) of this Section, provided that any such petition may not be submitted until 20 business days after the public body received the complaint.

32 SECTION 2. Paragraph (c) of Section 23 of Chapter 30A of the General Laws is hereby
33 amended by striking out each instance of the word “complaint” and inserting in place thereof the
34 word “petition”.

35 SECTION 3. Section 10 of Chapter 66 of the General Laws is hereby amended by
36 striking out, in line 96, the words “and the requests are not intended for the broad dissemination
37 of information to the public about actual or alleged government activity,”.