

SENATE No. 1823

The Commonwealth of Massachusetts

PRESENTED BY:

Cynthia Stone Creem

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 modernizing procedures for boards and commissions.

PETITION OF:

NAME:

Cynthia Stone Creem

DISTRICT/ADDRESS:

First Middlesex and Norfolk

SENATE No. 1823

By Ms. Creem, a petition (accompanied by bill, Senate, No. 1823) of Cynthia Stone Creem for legislation to modernize procedures for boards and commissions. State Administration and Regulatory Oversight.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. 1688 OF 2017-2018.]

The Commonwealth of Massachusetts

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

An Act modernizing procedures for boards and commissions.

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 2A of Chapter 4 of the General Laws, as so appearing in the 2016
2 official edition, is hereby amended by striking out Section 2A in its entirety and inserting in
3 place thereof the following new language:-

4 Unless otherwise provided, the provisions of this section shall apply to each special
5 commission established to make an investigation and study of any matter.

6 If it is provided that members of the senate and house of representatives shall be
7 members of such commission, such members shall be designated by the president of the senate
8 and the speaker of the house of representatives, respectively.

9 Such commission (1) shall be provided with quarters in the state house or elsewhere; (2)
10 may expend for expenses and for expert, legal, clerical and other assistance such sums as may be
11 appropriated therefor; (3) may travel within the commonwealth; (4) may hold hearings; (5) shall
12 report to the general court the results of its investigation and study and its recommendations, if
13 any, together with drafts of legislation necessary to carry its recommendations into effect by
14 filing the same with the clerk of either branch; and (6) may report from time to time but shall file
15 its final report not later than the last Wednesday in January in the following year, if it is
16 established, continued, or revived and continued, in an odd-numbered year, or not later than the
17 last Wednesday in December in the same year, if it is established, continued, or revived and
18 continued in an even-numbered year.

19 Appointments to a special commission shall be reported to the boards and commissions
20 office of the Commonwealth within 30 days of appointment as well as the appointed member's
21 appointing authority, and shall reference the date at which such term of appointment ends. The
22 boards and commissions office shall, within 30 days thereafter, make this information publicly
23 available online. Changes in commission appointments shall be reported within 30 days to the
24 boards and commissions office.

25 Private or executive meetings of each special commission shall be open to the public
26 unless a majority of the members of such commission shall vote otherwise. A notice of each such
27 meeting shall be filed with the clerk of either branch, and the notice or a copy thereof, along with
28 the agenda, shall be publicly posted in the office of such clerk at least twenty-four hours prior to
29 such meeting, excluding Saturdays, Sundays, and legal holidays.

30 If such commission is continued, or revived and continued, it shall continue to exercise
31 and perform all the rights, powers and duties previously conferred or imposed on it.

32 A special commission established to make an investigation and study of any matter shall
33 automatically be dissolved sixty days after submission of its final report to the recipients
34 designated in its enabling statute. Such commissions may seek extensions of reporting deadlines
35 through their appropriate enabling authority if additional time is needed to complete and submit
36 their final report.

37 SECTION 2: Chapter 4 of the General Laws, as so appearing in the 2016 official edition,
38 is hereby amended by inserting the following new section:-

39 Section 2B: Meeting agendas for open meetings of all commissions shall be filed with the
40 clerk of either branch not less than 48 hours prior to the meeting or concurrently with the
41 meeting notice. The commission shall be responsible for making the agenda publicly available
42 online; provided, however, that the commission may designate the clerk of either branch as the
43 party responsible for making such information publicly available online. Meeting minutes from
44 commission meetings must be approved at the next subsequent meeting of the commission at
45 which a quorum is present. The boards and commissions office shall be required to establish and
46 maintain a website that allows the public at no cost to search for and obtain copies of the minutes
47 of open meetings held by each commission. Minutes shall be posted on this website within 30
48 days after the commission has approved such minutes.

49 SECTION 3: Chapter 4 of the general laws, as so appearing in the 2016 official edition, is
50 hereby amended by inserting the following new section:-

51 Section 2C: If the appointing authority for a seat on a commission, created either by
52 statute or executive order, makes a written finding that the authority is unable, within 90 days
53 after the creation of the commission or the development of the vacant seat, to locate any person
54 in the Commonwealth who meets the requirements for such seat and who is also willing and
55 suitable to serve, the appointing authority may be permitted to appoint a person for the seat who
56 meets only some of the requirements enumerated in the enabling statute or executive order.

57 SECTION 4: Chapter 4 of the general laws, as so appearing in the 2016 official edition, is
58 hereby amended by inserting the following new section:-

59 Section 2D: The boards and commissions office shall, on an annual basis, compile a list
60 of active commissions that includes each commission's members and each member's appointing
61 authority, commissions which have been dissolved, and commissions which need additional
62 appointments.