

**HOUSE . . . . . No. 3061**

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The Commonwealth of Massachusetts

PRESENTED BY:

*Angelo M. Scaccia*

*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 relating to the public records law.

PETITION OF:

NAME:

*Angelo M. Scaccia*

*William F. Galvin*

DISTRICT/ADDRESS:

*14th Suffolk*

*Secretary of the Commonwealth*

**HOUSE . . . . . No. 3061**

By Mr. Scaccia of Boston, a petition (accompanied by bill, House, No. 3061) of Angelo M. Scaccia and William F. Galvin relative to consumer protection and public utility law. Telecommunications, Utilities and Energy.

**The Commonwealth of Massachusetts**

**In the Year Two Thousand Eleven**

An Act relating to the public records law.

*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 Section 7(26)(s) of chapter 4 of the General Laws is hereby repealed.

2 SECTION 2. Section 1F of chapter 164 shall be hereby amended by inserting after  
3 clause (9) the following paragraph:-

4 “(10) Trade secrets or competitively-sensitive or other proprietary information provided  
5 in the course of activities conducted by a governmental body as an energy supplier under a  
6 license granted by the department of public utilities pursuant to this section, when such  
7 governmental body determines that such disclosure will adversely affect its ability to conduct  
8 business in relation to other entities making, selling or distributing electric power and energy  
9 shall not be public subject to disclosure under chapter 66; provided, however, that this clause  
10 shall not exempt a public entity from disclosure required of a private entity so licensed.”

11 SECTION 3. Section 134 of chapter 164 shall be hereby amended by inserting at the end  
12 of the section the following paragraph:-

13           “(c) Trade secrets or competitively-sensitive or other proprietary information provided in  
14 the course of activities conducted as a municipal aggregator or by a cooperative consisting of  
15 governmental entities organized pursuant to this section, when such municipal aggregator or  
16 cooperative determines that such disclosure will adversely affect its ability to conduct  
17 business in relation to other entities making, selling or distributing electric power and energy  
18 shall not be public subject to disclosure under chapter 66; provided, however, that this clause  
19 shall not exempt a public entity from disclosure required of a private entity so licensed.”

20           SECTION 4. Section 1 of chapter 303 of the General Laws, as so appearing, is hereby  
21 amended by striking the following language:-

22           “; provided, further, that for any such contract determined to contain confidential  
23 information under subclause (r) of section 7 of chapter 4, the governmental body shall instead  
24 maintain a record of the procurement processes and awards for 6 years after the date of the final  
25 payment. The governmental body shall make such records available to the inspector general  
26 upon request; provided, however, that the inspector general shall not disclose said information.”

27           And replacing the removed language with the following language:-

28           “; provided, further, that for any such contract determined to contain non-public  
29 information under sections 1F and 134 of chapter 164, the governmental body shall  
30 instead maintain a record of the procurement processes and awards for 6 years after the date of  
31 the final payment. The governmental body shall make such records available to the inspector  
32 general upon request; provided, however, that the inspector general shall not disclose said  
33 information.”