

# SENATE . . . . . No. 1985

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## The Commonwealth of Massachusetts

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In the Year Two Thousand Fourteen  
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SENATE, Thursday, January 23, 2014

The committee on State Administration and Regulatory Oversight to whom was referred the petition (accompanied by bill, Senate, No. 1458) of William N. Brownsberger for legislation relative to local commissions on disability,- reports the accompanying bill (Senate, No. 1985).

For the committee,  
Kenneth J. Donnelly

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**The Commonwealth of Massachusetts**

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**In the Year Two Thousand Fourteen**  
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An Act relative to local commissions on disability.

*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. Chapter 30A of the General Laws, as appearing in the 2012 Official  
2 Edition, is hereby amended by striking out section 20 and inserting in place thereof the following  
3 section:-

4           Section 20. (a) Except as provided in section 21, all meetings of a public body shall be  
5 open to the public.

6           (b) Except in an emergency, in addition to any notice otherwise required by law, a public  
7 body shall post notice of every meeting at least 48 hours prior to such meeting, excluding  
8 Saturdays, Sundays and legal holidays. In an emergency, a public body shall post notice as soon  
9 as reasonably possible prior to such meeting. Notice shall be printed in a legible, easily  
10 understandable format and shall contain the date, time and place of such meeting and a listing of  
11 topics that the chair reasonably anticipates will be discussed at the meeting.

12 (c) For meetings of a local public body, notice shall be filed with the municipal clerk and  
13 posted in a manner conspicuously visible to the public at all hours in or on the municipal  
14 building in which the clerk's office is located.

15 For meetings of a regional or district public body, notice shall be filed and posted in each  
16 city or town within the region or district in the manner prescribed for local public bodies. For  
17 meetings of a regional school district, the secretary of the regional school district committee shall  
18 be considered to be its clerk and shall file notice with the clerk of each city or town within such  
19 district and shall post the notice in the manner prescribed for local public bodies. For meetings of  
20 a county public body, notice shall be filed in the office of the county commissioners and a copy  
21 of the notice shall be publicly posted in a manner conspicuously visible to the public at all hours  
22 in such place or places as the county commissioners shall designate for the purpose.

23 For meetings of a state public body, notice shall be filed with the attorney general by  
24 posting on a website in accordance with procedures established for this purpose and a duplicate  
25 copy of the notice shall be filed with the regulations division in the state secretary's office.

26 The attorney general shall have the authority to prescribe or approve alternative methods  
27 of notice where the attorney general determines such alternative will afford more effective notice  
28 to the public.

29 (d) The attorney general may by regulation or letter ruling, authorize remote participation  
30 by members of a public body not present at the meeting location; provided, however, that the  
31 absent members and all persons present at the meeting location are clearly audible to each other;  
32 and provided, further, that a quorum of the body, including the chair, are present at the meeting

33 location. Such authorized members may vote and shall not be deemed absent for the purposes of  
34 section 23D of chapter 39.

35 (e) A local commission on disability may by majority vote of the commissioners at a  
36 regular meeting permit remote participation applicable to a specific meeting or generally to all of  
37 the commission's meetings; provided, however, that the commission shall comply with all other  
38 requirements of law and regulation.

39 (f) After notifying the chair of the public body, any person may make a video or audio  
40 recording of an open session of a meeting of a public body, or may transmit the meeting through  
41 any medium, subject to reasonable requirements of the chair as to the number, placement and  
42 operation of equipment used so as not to interfere with the conduct of the meeting. At the  
43 beginning of the meeting the chair shall inform other attendees of any such recordings.

44 (g) No person shall address a meeting of a public body without permission of the chair,  
45 and all persons shall, at the request of the chair, be silent. No person shall disrupt the proceedings  
46 of a meeting of a public body. If, after clear warning from the chair, a person continues to disrupt  
47 the proceedings, the chair may order the person to withdraw from the meeting and if the person  
48 does not withdraw, the chair may authorize a constable or other officer to remove the person  
49 from the meeting.

50 (h) Within 2 weeks of qualification for office, all persons serving on a public body shall  
51 certify, on a form prescribed by the attorney general, the receipt of a copy of the open meeting  
52 law, regulations promulgated pursuant to section 25 and a copy of the educational materials  
53 prepared by the attorney general explaining the open meeting law and its application pursuant to  
54 section 19. Unless otherwise directed or approved by the attorney general, the appointing

55 authority, city or town clerk or the executive director or other appropriate administrator of a state  
56 or regional body, or their designees, shall obtain such certification from each person upon  
57 entering service and shall retain it subject to the applicable records retention schedule where the  
58 body maintains its official records. The certification shall be evidence that the member of a  
59 public body has read and understands the requirements of the open meeting law and the  
60 consequences of violating it.