

From: [Massachusetts Municipal Association](#)
To: execsec@chilmarkma.gov
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Conversations Continue on Public Records Law Legislation

The controversial bill released in July that would rewrite the public records law remains in a legislative committee after the MMA and municipal officials from across the state spoke out about the high cost of complying with the plan and lack of balance in the enforcement provisions. Thank you for your quick action on the Alert we sent to you on July 16.

Since July, the MMA has met with proponents of the bill, legislators in both branches, and legislative staff to explain the impact on local government and talk about ways to update the law in a balanced manner that enhances access to public records while being workable and affordable at the local level. We know that you have communicated with your legislators and talked to them at local meetings. The MMA expects that the House and Senate will enact a public records bill before winter break begins in mid-November. Please remind your legislators about your concerns and the impact of the bill on your municipality.

As written, the bill before the House Ways and Means Committee [H. 3665] is not adequately balanced. The current draft would turn the public records law into an unfunded mandate on cities and towns, primarily by reducing fees that can be charged for complex and time-consuming record requests, and by imposing new costs related to procurement and additional administrative mandates on communities. The language could also impose unworkable new deadlines to comply with requests, and add a system of enforcement that would expose cities and towns to penalties and the payment of court costs even when communities have made a good faith effort to comply.

Please ask your legislators to make sure that any bill voted in either branch is balanced and fair by including the following protections for local taxpayers:

- 1. No unfunded mandates!** Please ask your legislators to make sure any new administrative requirements are minimized. And, critically, please ask that cities and towns can continue to be reimbursed a fair and reasonable fee for complying with record requests, particularly the increasing number of complex and labor-intensive requests. If communities cannot be adequately reimbursed for the cost of responding to requests, communities will be forced to cut funding from other parts of the budget or increase their reliance on the property tax. That's why state law (Proposition 2½) has placed a ban on new unfunded mandates.

2. **Enough time to comply!** Please ask your legislators to make sure the deadlines for compliance are workable and flexible enough to apply to requests ranging from the simple to the most complex and time-consuming.

3. **Fair enforcement!** Please ask your legislators to make sure that any penalties or provisions for attorney's fees or court costs are balanced and do not apply when a city or town is making a good faith effort to respond to requests. And please ask your legislators to make sure that there is good language to protect cities and towns from the increasing problem of harassing and frivolous requests.

Please Talk With Your Legislators Today



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