

By Ms. Pines, a petition (accompanied by bill, Senate, No. 1206) of Lois G. Pines, Paul J. Sheehy, Robert A. Durand, Augusto F. Grace, Michael J. Barrett and Joseph K. Mackey for legislation to require meetings of public bodies be accessible to the handicapped. State Administration.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Ninety.

AN ACT RELATING TO HANDICAPPED ACCESSIBILITY AND THE OPEN MEETING 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 23B of chapter 39 of the General Laws,
2 as appearing in the 1988 Official Edition, is hereby amended by
3 striking the first sentence and inserting in place thereof the
4 following sentence: — All meetings of a governmental body shall
5 be open and accessible to all members of the public and any person
6 shall be permitted to attend any meeting except as otherwise
7 provided by this section.

1 SECTION 2. Chapter 39 of the General Laws, as appearing in
2 the 1988 Official Edition, shall be amended by inserting after
3 section 23B the following section: —

4 Section 23B½. (a) All public bodies, in compliance with non-
5 discrimination on the basis of the handicap requirements of
6 Article CXIV of the Constitution of Massachusetts and applicable
7 federal nondiscrimination laws (29 USC 794) and to comply with
8 the public accommodations law sections 92A and 98 of
9 chapter 272, as appearing in the 1988 Official Edition, shall
10 develop a transition plan setting forth the necessary steps to insure
11 that all open meetings of said public bodies are readily accessible
12 to handicapped persons.

13 (b) The architectural access board shall, by September one,
14 nineteen hundred and ninety adopt a handicap accessibility of

15 meetings standard which includes provisions ensuring that the
16 meeting location is accessible to and usable by all handicapped
17 persons.

18 (c) This section does not require the public body to make each
19 of its existing facilities accessible to and usable by handicapped
20 persons so long as all meetings required to be open to the public
21 pursuant to the provisions of chapter thirty-nine, as appearing in
22 the 1988 Official Edition, are held in accessible facilities by the
23 dates specified in subsection (e).

24 (d) The public body may comply with the requirements of this
25 section through such means of reassignment of meetings to
26 accessible facilities, alteration of existing facilities or construction
27 of new facilities. The public body is not required to make
28 structural changes in existing facilities when other methods are
29 effective.

30 (e) The public body shall comply with the obligations
31 established under this section by July one, nineteen hundred
32 ninety-one, except that where structural changes in facilities are
33 necessary in order to comply with this section; such changes shall
34 be made by December thirty, nineteen hundred ninety-two, but
35 in any event as expeditiously as possible unless an extension is
36 granted by the architectural access board for good cause.

37 (f) Each municipal government and school district shall, with
38 the assistance of the architectural access board, complete a
39 transition plan covering the location of meetings for all public
40 bodies under their jurisdiction. By December thirty, nineteen
41 hundred ninety, each chief executive of each city or town and the
42 superintendent of schools will submit their transition plan to the
43 executive office of handicapped affairs for review and approval.
44 The executive office of handicapped affairs, assisted by the
45 architectural access board shall approve or modify the transition
46 plans, with the concurrence of the municipal government or
47 school district, by March thirty, nineteen hundred ninety-one.

SECTION 3. Section 11A½ of chapter 30A of the General
2 Laws, as appearing in the 1988 Official Edition, is hereby amended
3 by striking out the first sentence and inserting in place thereof the
4 following sentence: — All meetings of a governmental body shall
5 be open and accessible to all members of the public and any person

6 shall be permitted to attend any meeting except as otherwise
7 provided by this section.

1 SECTION 4. Chapter 30A of the General Laws, as appearing
2 in the 1988 Official Edition, is hereby amended by inserting after
3 section 11A¹/₂ the following section: —

4 Section 11A³/₄. (a) All public bodies, to comply with the non-
5 discrimination on the basis of handicap requirements of
6 Article CXIV of the Constitution of Massachusetts and applicable
7 federal nondiscrimination laws (29 USC 794) and to comply with
8 the public accommodations law, sections 92A and 98 of
9 chapter 272, as appearing in the 1988 Official Edition, shall
10 develop a transition plan setting forth the necessary steps to insure
11 that all open meetings of said public bodies are readily accessible
12 to handicapped persons.

13 (b) The architectural access board shall, by September one,
14 nineteen hundred ninety, adopt a handicap accessibility of
15 meetings standard that includes provisions ensuring that the
16 meeting location is accessible to and usable by all handicapped
17 persons.

18 (c) This section does not require the public body to make each
19 of its existing facilities accessible to and usable by handicapped
20 persons so long as all meetings required to be open to the public
21 pursuant to the provisions of chapter 39 are held in accessible
22 facilities by the dates specified in subsection (e).

23 (d) The public body may comply with the requirements of this
24 section through such means of reassignment of meetings to
25 accessible facilities, alteration of existing facilities or construction
26 of new facilities. The public body is not required to make
27 structural changes in existing facilities when other methods are
28 effective.

29 (e) The public body shall comply with the obligations
30 established under this section by July one, nineteen hundred
31 ninety-one, except that where structural changes in facilities are
32 necessary in order to comply with this section; such changes shall
33 be made by December thirty, nineteen hundred ninety-two, but
34 in any event as expeditiously as possible unless an extension is
35 granted by the state building commissioner for good cause.

36 (f) Each body of state government shall, with the assistance of

37 the architectural access board, complete a transition plan covering
38 the location of meetings for all public bodies under their juris-
39 diction. By December thirty, nineteen hundred and ninety, each
40 body will submit their transition plan to the office of handicapped
41 affairs for review and approval. The office of handicapped affairs,
42 assisted by the architectural access board, shall approve or modify
43 the transition plans with the concurrence of the body of state
44 government by March 30, 1991.