

HOUSE No. 5469

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, June 2, 2026.

The committee on Ways and Means, to whom was referred the message from Her Excellency the Governor submitting requests for making appropriations for the fiscal year 2026 to provide for supplementing certain existing appropriations and for responding to recent federal actions (House, No. 5050) reports, in part, recommending that the accompanying bill (House, No. 5469) ought to pass [Total Appropriation: \$1,000,000.00].

For the committee,

AARON MICHLEWITZ.

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Senate

9500-0030 To provide for certain costs associated with the implementation of this act, including costs associated with technology, records management systems and personnel in the senate.....\$250,000

House of Representatives

9600-0030 To provide for certain costs associated with the implementation of this act, including costs associated with technology, records management systems and personnel in the house of representatives.....\$250,000

Joint Legislative Expenses

9700-0030 To provide for certain costs associated with the implementation of this act, including costs associated with technology, records management systems and personnel for joint legislative operations.....\$250,000

SECTION 3. Chapter 3 of the General Laws is hereby amended by adding the following 2 sections:-

Section 76. (a) As used in this section, the following words shall, unless the context clearly requires otherwise, have the following meanings:

“Administrative functions”, any functions, other than constitutional functions, which shall be limited to: (i) the adoption of the official budget of either branch of the general court or of joint legislative operations beginning with fiscal year 2021; (ii) the commissioning and receipt of any official audit of either branch of the general court or of joint legislative operations beginning with fiscal year 2021; (iii) the expenditure of funds appropriated to either branch of

34 the general court or of joint legislative operations beginning with fiscal year 2021; and (iv) the
35 execution of any monetary settlement agreements entered into by either branch of the general
36 court with a member, officer or employee of the general court beginning with fiscal year 2021.

37 “Balance forward line item”, the line item so designated in the commonwealth’s official
38 accounting system administered by the office of the comptroller, consisting of funds
39 appropriated to the senate, house of representatives or joint legislative operations for a given
40 fiscal year, together with any amount remaining unspent at the close of that fiscal year that has
41 been authorized to be carried forward and made available for expenditure in a subsequent fiscal
42 year.

43 “Constitutional functions”, any functions, other than administrative functions, which shall
44 include, without limitation: (i) any function involving the exercise of legislative power, speech,
45 deliberation or judgment protected under Article XXI of the Declaration of Rights, including any
46 memoranda, notes, reports or other communications prepared by, or for, a member of the general
47 court in the course of the member’s official duties; (ii) any function expressly or impliedly
48 reserved to the general court, or either branch thereof, pursuant to the Constitution of the
49 Commonwealth, statute or rules established pursuant to the senate and house of representatives’
50 exclusive authority over their own rules and orders of proceeding under Article 7 of Section 2 of
51 Chapter 1 of Part the Second and Article 10 of Section 3 of Chapter 1 of Part the Second of the
52 Constitution of the Commonwealth; and (iii) any function directly or indirectly related to the
53 discharge of the constitutional privileges and duties of the senate or house of representatives.

54 “Joint legislative operations”, the administrative functions of the general court that are
55 funded through a separate appropriation distinct from the individual appropriations of the senate
56 and house of representatives and administered jointly by both branches.

57 “Monetary settlement agreement”, a final agreement to pay a claim to any current or
58 former member, officer or employee entered into by an official of the senate or house of
59 representatives duly authorized to bind the commonwealth in payment of a claim, whether the
60 agreement settles the claim prior to or after the institution of litigation, and reported to the
61 comptroller and coded as a monetary settlement or judgment payment in the accounting system
62 maintained by the comptroller pursuant to section 7 of chapter 7A.

63 “Official audit”, any final financial examination of the accounts or expenditures of a
64 branch of the general court or joint legislative operations conducted pursuant to the rules of the
65 senate, rules of the house of representatives or joint rules of the senate and house of
66 representatives.

67 “Official budget”, the final spending plan utilized by a branch of the general court or joint
68 legislative operations for a given fiscal year and recorded and maintained in the branch’s internal
69 financial records.

70 “Records”, final records related to the administrative functions of either branch of the
71 general court or of joint legislative operations beginning with fiscal year 2021.

72 (b) Notwithstanding any general or special law to the contrary, and subject to the
73 limitations set forth in this section, the state auditor may audit the administrative functions of the
74 senate, house of representatives and joint legislative operations, which may consist of requests
75 for records and interviews as authorized by a presiding officer pursuant to paragraph (3) of

76 subsection (d). An audit conducted pursuant to this section shall be governed by the procedures
77 and requirements set forth in this section; provided, however, that to the extent that this section
78 does not address a particular aspect of audit procedure, the state auditor shall apply the standards
79 for audits of governmental organizations, programs, activities and functions published by the
80 Comptroller General of the United States; provided further, that the application of such standards
81 shall not be construed to expand the scope of the audit beyond administrative functions, to limit
82 any objection or remedy available under this section or to require any method of inquiry not
83 otherwise explicitly permitted under this section.

84 (c) A request to conduct an audit under this section shall be made in writing by the state
85 auditor to: (i) the presiding officer of the appropriate branch of the general court; (ii) both
86 presiding officers in the case of an audit of joint legislative operations; (iii) or to any member,
87 officer or employee that may be designated to receive such audit requests by either branch's
88 rules or the joint rules of the senate and house of representatives. The audit request shall specify,
89 with particularity, the audit objectives, the records sought and any interviews that the state
90 auditor anticipates requesting in connection with the audit.

91 (d)(1) A request for records in connection with an audit conducted pursuant to this
92 section shall identify the records sought, which shall be limited to the following:

- 93 (i) the official budget for the respective branch or joint legislative operations;
- 94 (ii) copies of any official audit of the respective branch or joint legislative operations;
- 95 (iii) a listing of all transactions related to the funds appropriated to the respective branch
96 or joint legislative operations, including, where possible, the balance forward line item; and

97 (iv) a listing of all monetary settlement agreements entered into by the respective branch.

98 (2) The presiding officer or their designee shall respond to a records request made
99 pursuant to this subsection within 60 days of receipt. The response shall: (i) provide the
100 requested records; (ii) provide a written explanation of why particular records are unavailable; or
101 (iii) identify the specific constitutional, statutory or other legal basis for declining to produce the
102 requested records.

103 (3) Prior to conducting an interview of a member, officer or employee of the general
104 court in connection with an audit conducted pursuant to this section, the state auditor shall
105 provide written notice to the presiding officer or their designee identifying: (i) the name of the
106 proposed interviewee; (ii) the subject matter of the proposed interview; and (iii) the specific
107 administrative function to which the proposed interview relates. The presiding officer or
108 designee shall respond to an interview request made pursuant to this paragraph within 30 days of
109 receipt. The response shall: (A) authorize the state auditor to conduct the proposed interview; (B)
110 authorize the state auditor to conduct the proposed interview subject to such conditions as may
111 be agreed upon; or (C) identify the specific constitutional, statutory or other legal basis for
112 declining the interview request.

113 (e) If the state auditor determines that records requested pursuant to paragraph (1) of
114 subsection (d) have not been produced or have been produced in a form that is insufficient to
115 accomplish the audit objectives, or that an interview requested pursuant to paragraph (3) of said
116 subsection (d) has been declined on grounds that the state auditor disputes, the state auditor shall
117 include in any audit report issued pursuant to this section a statement of dispute setting forth the
118 following:

119 (i) each record that was not produced under a request pursuant to paragraph (1) of
120 subsection (d) and the specific constitutional, statutory or other legal basis claimed pursuant to
121 paragraph (2) of said subsection (d);

122 (ii) each interview request that was declined and the specific constitutional, statutory or
123 other legal basis claimed pursuant to paragraph (3) of subsection (d); and

124 (iii) the state auditor's basis for disputing the objection identified in clause (i) and (ii) of
125 this subsection.

126 (f)(1) Prior to issuing any audit report pursuant to this section, the state auditor shall
127 transmit a draft audit report to the respective presiding officer or designee. The presiding officer
128 or their designee may, within 60 days of receipt of the draft report, submit a written response to
129 the findings, conclusions and recommendations contained in the draft audit report. The state
130 auditor shall incorporate any such response in full and unedited as an appendix to the final audit
131 report. The state auditor shall transmit the final audit report, including any response submitted
132 pursuant to this subsection, to the respective presiding officer and clerk of the respective branch,
133 which shall be published on the official website of the general court.

134 (g) Notwithstanding any general or special law to the contrary, the exclusive remedy
135 available with respect to any dispute arising under this section shall be as set forth in subsection
136 (e). No court shall have jurisdiction to compel the production of records, to enforce any
137 interview request or to adjudicate any dispute arising under an audit conducted pursuant to this
138 section.

139 (h) Nothing in this section shall be construed to waive or alter the constitutional rights
140 and privileges of the senate, house of representatives, the general court or of any member thereof
141 under the Constitution of the Commonwealth.

142 Section 77. (a) As used in this section, the following words shall, unless the context
143 clearly requires otherwise, have the following meanings:

144 “Commercial purpose”, the sale or resale of any portion of a legislative record or the use
145 of information from the legislative record to advance the requester’s strategic business interests
146 in a manner that the requester can reasonably expect to make a profit; provided, however, that
147 “commercial purpose” shall not include gathering or reporting news, gathering information to
148 promote citizen oversight or further the understanding of the operations or activities of the
149 general court, or gathering information for academic, scientific, journalistic or public research or
150 education.

151 “Employee time”, the time required by employees or necessary vendors, including
152 outside legal counsel, technology and payroll consultants or others as needed.

153 “Legislative record”, any of the following final records made or received by the general
154 court or any branch, committee, member, officer or employee thereof; provided, however, that
155 “legislative record” shall not include records the disclosure of which would endanger the safety
156 or security of persons or property, including but not limited to building blueprints, floor plans,
157 security protocols and building access control information:

158 (i) all legislation, resolutions, summaries, fiscal notes and amendments filed with the
159 clerks of the senate or house of representatives, including the names of the primary sponsors and
160 a list of the names of all petitioners;

161 (ii) published notices of committee hearings, the record of attendance of members at such
162 hearings and the recording and transcript of any hearing when available;

163 (iii) written testimony, subject to committee rules regarding the disclosure of sensitive
164 personal information or information that may jeopardize the health, wellness or safety of the
165 testifier or others;

166 (iv) all recorded votes of a committee, including roll calls or electronic polls of each
167 member;

168 (v) committee reports on bills including favorable, adverse and extension reports and
169 study orders;

170 (vi) the rules and joint rules of the senate and house of representatives, and any orders to
171 adopt or amend such rules;

172 (vii) daily legislative session calendars and Orders of the Day;

173 (viii) the journals of the senate and house of representatives and all recorded votes,
174 including roll calls taken in a legislative session;

175 (ix) finalized senate and house of representatives leadership assignments, committee
176 assignments, office assignments, legislator contact information and legislative caucuses and their
177 members;

178 (x) any published manuals or formal written policies regarding employment, training and
179 administrative operations of the senate and house of representatives;

180 (xi) any communications to the clerks of the senate or house of representatives regarding
181 the official appointment of a legislative appointee to, or resignation or removal from, a
182 commission, board or task force;

183 (xii) any final or annual report required by law to be submitted to the general court, any
184 committee thereof or the clerks of the senate or house of representatives;

185 (xiii) any financial record provided to the office of the comptroller including but not
186 limited to, financial records relating to salaries of members, officers, temporary employees and
187 employees, operating expenditures and expenditures to vendors;

188 (xiv) the final report of any audit conducted pursuant to the rules of the senate or house of
189 representatives, or by the state auditor pursuant to section 76;

190 (xv) any written disclosure submitted by a member of the senate or house of
191 representatives to the clerks of the senate or house of representatives required under chapter
192 268A;

193 (xvi) a list of news outlets and legislative reporters approved to use state house rooms and
194 facilities as members of the Massachusetts State House Press Association, Inc.; and

195 (xvii) electoral district maps approved by the general court and the associated geospatial
196 files in industry standard formats supported by the geographic information system used to create
197 the approved electoral district maps for the most recent redistricting cycle.

198 (b)(1) The senate and the house of representatives shall each appoint a legislative records
199 access officer for their respective branch. Each legislative records access officer shall coordinate
200 the respective branch's response to requests for access to legislative records and shall facilitate

201 the resolution of such requests by the timely and thorough production of legislative records. Each
202 legislative records access officer shall:

203 (i) assist persons seeking legislative records to identify the records sought;

204 (ii) assist the respective branch in preserving legislative records in accordance with this
205 section;

206 (iii) prepare guidelines that enable a person seeking access to legislative records to make
207 informed requests regarding the availability of such legislative records electronically or
208 otherwise; provided, that such guidelines shall be updated periodically and shall be posted on the
209 official website of the general court; and

210 (iv) prepare guidelines for the identification and processing of requests that are frivolous,
211 designed to harass or seek records that may contain sensitive personal information submitted by
212 members of the public in committee testimony; provided, that such guidelines shall describe the
213 criteria by which such requests shall be identified, the procedures and timeframe by which they
214 shall be reviewed and any steps taken to protect personal information prior to production;
215 provided further, that such guidelines shall be updated periodically and shall be posted on the
216 official website of the general court.

217 (2) The clerks of the senate and house of representatives shall post in a conspicuous
218 location at their offices and on the official website of the general court the name, title, business
219 address, business telephone number and business email address of the legislative records access
220 officer for the respective branch. The legislative records access officers shall provide records to
221 the public in accordance with this section.

222 (c) The legislative records access officer shall provide the legislative records to a
223 requestor by electronic means unless the record is not available in electronic form or the
224 requestor does not have the ability to receive or access the records in a usable electronic form.
225 The legislative records access officer shall, to the extent feasible, provide the legislative record in
226 the requestor's preferred format or, in the absence of a preferred format, in a searchable,
227 machine-readable format. The legislative records access officer shall not be required to create a
228 new legislative record in order to comply with a request; provided, that furnishing a segregable
229 portion of a legislative record shall not be deemed to be creation of a new record. If the
230 legislative record requested is available on a public website, the legislative records access officer
231 may furnish the legislative record by providing reasonable assistance in locating the requested
232 record on the public website.

233 (d)(1) A legislative records access officer appointed pursuant to subsection (b), or a
234 designee, shall at reasonable times and without unreasonable delay permit inspection or furnish a
235 copy of any legislative record, or any segregable portion of a legislative record, not later than 10
236 business days following the receipt of the request, provided that the request reasonably describes
237 the legislative record sought. A request for legislative records may be delivered to the legislative
238 records access officers by hand, via first class mail, via electronic mail or by any additional
239 means authorized by the legislative records access officer.

240 (2) If a legislative records access officer does not intend to permit inspection or furnish a
241 copy of a requested record, or the magnitude or difficulty of the request, including requests
242 subject to the guidelines prepared pursuant to clause (iv) of paragraph (1) of subsection (b), or of
243 multiple requests from the same requestor, unduly burdens their other responsibilities such that
244 they are unable to do so within the timeframe established in paragraph (1), the legislative records

245 access officer shall inform the requestor in writing not later than 10 business days after the initial
246 receipt of the request for legislative records. The written response shall be made via first class or
247 electronic mail and shall:

248 (i) confirm receipt of the request;

249 (ii) identify any legislative records sought that are not within their possession, custody or
250 control;

251 (iii) identify any other legislative records access officer that may be in possession,
252 custody or control of the legislative record sought, if known;

253 (iv) identify any legislative records that the legislative records access officer intends to
254 withhold pursuant to paragraph (1) of subsection (f), and provide the specific reasons for such
255 withholding; provided, that nothing in the written response shall limit the legislative records
256 access officer's ability to redact or withhold written testimony in accordance with this section;

257 (v) identify any legislative records that the legislative records access officer intends to
258 produce, and provide a detailed statement describing why the magnitude or difficulty of the
259 request unduly burdens the other responsibilities of the legislative records access officer and
260 therefore requires additional time to produce the legislative records sought;

261 (vi) identify a reasonable timeframe in which the legislative records access officer shall
262 produce the legislative records sought; provided, that the timeframe shall not exceed 30 business
263 days following the initial receipt of the request for records; and provided further, that the
264 requestor may voluntarily agree to a response date beyond this timeframe;

265 (vii) suggest a reasonable modification of the scope of the request or offer to assist the
266 requestor to modify the scope of the request if doing so would enable the legislative records
267 access officer to produce records sought more efficiently and affordably;

268 (viii) include an itemized, good faith estimate of any fees that may be charged to produce
269 the records; and

270 (ix) include a statement informing the requestor of the right to file a request for
271 reconsideration pursuant to paragraph (2) of subsection (f).

272 (e)(1) A legislative records access officer may assess a reasonable fee for the production
273 of a legislative record except those legislative records that are freely available for public
274 inspection; provided, however that a legislative records access officer shall not charge a fee for a
275 legislative record unless the legislative records access officer responded to the requestor within
276 10 business days under subsection (d). The reasonable fee shall not exceed the actual cost of
277 reproducing the record. Unless expressly provided for otherwise, the fee shall be determined in
278 accordance with the following:

279 (i) the actual cost of any storage device or material provided to a person in response to a
280 request for records may be included as part of the fee, but the fee assessed for standard black and
281 white paper copies or printouts of records shall not exceed 5 cents per page, for both single and
282 double-sided black and white copies or printouts;

283 (ii) if the legislative records access officer is required to devote more than 4 hours of
284 employee time to search for, compile, segregate, redact or reproduce the record or records
285 requested, the legislative records access officer may also include as part of the fee an hourly rate
286 equal to or less than the hourly rate attributed to the lowest paid employee who has the necessary

287 skill required to search for, compile, segregate, redact or reproduce a requested record, but the
288 fee: (A) shall not be more than \$25 per hour; (B) shall not be assessed for the first 4 hours of
289 work performed; and (C) shall not be assessed for time spent segregating or redacting records
290 unless such segregation or redaction is required by law or the rules of the senate, the rules of the
291 house of representatives, the joint rules of the senate and house of representatives or the rules of
292 a committee thereof;

293 (iii) the legislative records access officer may approve a fee for time spent segregating or
294 redacting, or a fee in excess of \$25 per hour, if the legislative records access officer determines
295 that: (A) the request is for a commercial purpose; or (B) the fee represents an actual and good
296 faith effort by the legislative records access officer to comply with the request, the fee is
297 necessary such that the request could not have been prudently completed without the redaction,
298 segregation or fee in excess of \$25 per hour, the amount of the fee is reasonable and the fee is
299 not designed to limit, deter or prevent access to requested legislative records;

300 (iv) the legislative records access officer may deny records requests from a requester who
301 has failed to compensate the senate or house of representatives for previously produced records,
302 in which case the legislative records access officer shall provide a written notification to the
303 requester detailing the reasons behind the denial, including an itemized list of any balances
304 attributed to previously produced records;

305 (v) a legislative records access officer may not require the requester to specify the
306 purpose for a request, except to determine whether the records are requested for a commercial
307 purpose or whether to grant a request for a fee waiver; and

308 (vi) the legislative records access officer may waive or reduce the amount of any fee
309 charged under this subsection upon a showing that disclosure of a requested record is in the
310 public interest because it is likely to contribute significantly to public understanding of the
311 operations or activities of the general court and is not primarily in the commercial interest of the
312 requestor, or upon a showing that the requestor lacks the financial ability to pay the full amount
313 of the reasonable fee.

314 (f)(1) A legislative records access officer may withhold legislative records, in whole or in
315 part, on any of the following grounds: (i) the record sought does not constitute a legislative
316 record as defined in subsection (a); (ii) disclosure would be inconsistent with Article XXI of the
317 Declaration of Rights of the Constitution of the Commonwealth; or (iii) denial is otherwise
318 consistent with the provisions of this section. A written denial shall be provided to the requestor
319 and shall state with specificity the ground or grounds upon which the denial is based.

320 (2) A requestor aggrieved by a denial of access to legislative records under this section
321 may, within 30 days of receipt of the written denial, file a request for reconsideration with the
322 legislative records access officer of the relevant branch. The request for reconsideration shall set
323 forth, with specificity, the records sought, the grounds upon which the requestor disputes the
324 denial, and any reasons why the requestor believes the denial is inconsistent with this section.

325 (3) Upon receipt of a request for reconsideration, the legislative records access officer
326 shall, within 10 business days, provide a written final determination to the requestor, including a
327 statement of the reasons for their determination. A copy of the final determination shall be
328 transmitted to the committee on rules of the relevant branch.

329 (4) The committee on rules of each branch may, on its own initiative, review any final
330 determination of the legislative records access officer and, by majority vote of the committee,
331 reverse or modify such determination. The committee may, in connection with any such review,
332 solicit or accept written submissions from the requestor and from the legislative records access
333 officer. If the committee on rules fails to act within 30 days of receipt of a final determination,
334 the determination of the legislative records access officer shall be deemed final for the purposes
335 of initiating judicial review pursuant to paragraph (5).

336 (5) A requester aggrieved by a final determination of the legislative records access officer
337 may petition the supreme judicial court for review of such determination, and the court shall
338 have the original and exclusive jurisdiction to determine whether the withholding of a requested
339 legislative record is in conformity with this section. In any action filed by a requestor pursuant to
340 this section:

341 (i) the court shall, when feasible, expedite the proceeding;

342 (ii) the court shall determine the propriety of the determination of the legislative records
343 access officer de novo; and

344 (iii) a presumption shall exist that each legislative record sought is public and the burden
345 shall be on the legislative records access officer to prove, by a preponderance of the evidence,
346 that such legislative record or portion of the legislative record may be withheld in accordance
347 with this section.

348 (6) Notwithstanding clause Twenty-Sixth of section 7 of chapter 4 or any general or
349 special law to the contrary, this section shall constitute the sole and exclusive remedy for
350 obtaining access to records of the general court, and no provision of chapter 66 or any other law

351 providing for public access to records shall apply to the general court or to any record in the
352 custody or control of the general court.

353 SECTION 4. Clause Twenty-Sixth of section 7 of chapter 4 of the General Laws, as
354 appearing in the 2024 Official Edition, is hereby amended by inserting after the words “chapter
355 32”, in line 157, the following words:- or all such materials or data made or received by the
356 office of the governor on or after January 7, 2027,.

357 SECTION 5. Section 12 of chapter 11 of the General Laws, as so appearing, is hereby
358 amended by inserting after the word “itself”, in line 6, the following words:- pursuant to section
359 76 of chapter 3.

360 SECTION 6. Subsection (a) of section 6A of chapter 66 of the General Laws, as so
361 appearing, is hereby amended by striking out the third sentence and inserting in place thereof the
362 following sentence:- For the purposes of this chapter the term “agency” shall mean any entity,
363 other than a municipality, that is identified in clause Twenty-Sixth of section 7 of chapter 4 as
364 possessing “public records,” as defined therein, including the office of the governor.