SENATE . . . . . No. 3200

The Commonwealth of Massachusetts

In the One Hundred and Ninety-Fourth General Court
(2025-2026)

SENATE, July 22, 2026.

The committee on Senate Ways and Means to whom was referred the House Bill promoting transparency and public access in state government (House, No. 5469); reports, recommending that the same ought to pass with an amendment striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 3200. (Direct Appropriations: $1,000,000.00)

For the committee,
Michael J. Rodrigues

SENATE . . . . . No. 3200

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(2025-2026)

SECTION 1. To provide for certain unanticipated obligations of the commonwealth, to provide for an alteration of purpose for current appropriations and to meet certain requirements of law, the sums set forth in section 2 are hereby appropriated from the General Fund, unless specifically designated otherwise, for the several purposes and subject to the conditions specified in this act, and subject to laws regulating the disbursement of public funds for the fiscal year ending June 30, 2027.

SECTION 2.

EXECUTIVE

0411-0030 To provide for certain costs associated with the implementation of this act, including costs associated with technology, records management systems and personnel in the office of the governor……..……$250,000

LEGISLATURE

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. Section 7 of chapter 4 of the General Laws is hereby amended by striking out, in line 275, as appearing in the 2024 Official Edition, the word “sixty-six” and inserting in place thereof the following words:- 66; provided, however, that public records of the general court shall be limited solely to legislative records, as defined in section 22 of said chapter 66, and access thereto shall be available solely as provided in said section 22 of said chapter 66.

SECTION 4. Section 6A of chapter 66 of the General Laws, as so appearing, is hereby amended by adding the following 2 subsections:-

(g) The office of the governor shall designate at least 1 employee as a records access officer and shall otherwise comply with this chapter; provided, however, that in addition to withholding from disclosure materials or data falling within the exemptions established in clause

Twenty-sixth of section 7 of chapter 4, the office of the governor may withhold communications, memoranda, drafts or other documents relating to developing policy positions.

(h) Notwithstanding subsections (a) to (g), inclusive, requests for access to public records directed to the general court, and legislative records access officers thereof, shall comply with this chapter as provided under section 22.

SECTION 5. Section 10 of said chapter 66, as so appearing, is hereby amended by adding the following subsection:-

(g) A legislative records access officer appointed pursuant to section 22 shall comply with requests for public records by providing access to legislative records as provided in said section 22.

SECTION 6. Section 18 of said chapter 66, as so appearing, is hereby amended by adding the following sentence:- Access to public records of the general court under this chapter shall be available solely as provided in section 22.

SECTION 7. Said chapter 66 is hereby further amended by adding the following section:-

Section 22. (a) As used in this section, the following words shall have the following meanings unless the context clearly requires otherwise:

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

(i) all: (A) legislation; (B) resolutions; (C) bill summaries; (D) fiscal notes; and (E) amendments filed with the clerks of the senate or house of representatives, including the names of the primary sponsors and a list of the names of all petitioners;

(ii) published notices of committee hearings, the record of attendance of members at such hearings in accordance with joint rules of the senate and house of representatives and the recording and transcript of any hearing, when available;

(iii) written testimony solicited and received by a committee, subject to committee rules regarding the disclosure of sensitive information or information that may jeopardize the health, wellness or safety of the testifier or others;

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

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

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

(vii) daily legislative session calendars and orders of the day;

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

(ix) finalized senate and house of representatives leadership assignments, committee assignments, office assignments and legislator contact information;

(x) published manuals or formal written policies of the senate or the house of representatives regarding employment, training and administrative operations prepared by the office of human resources of the senate or the house of representatives;

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

(xii) reports required by law to be submitted to the general court, any committee thereof or the clerks of the senate or house of representatives;

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

(xiv) the final report of any audit conducted pursuant to the rules of the senate or house of representatives;

(xv) written disclosures submitted by a member of the senate or house of representatives to the clerks of the senate or house of representatives required under chapter 268A;

(xvi) names, public office addresses, job titles and salaries of members, officers and employees, as maintained by the office of human resources of the senate or house of representatives;

(xvii) procurements and contracts for goods and services, unless such procurement or contract is specifically or by necessary implication exempted from disclosure by law or rule or the disclosure of which would unduly impair present or future contract awards;

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

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

(b)(1) The senate and the house of representatives shall each appoint a legislative records access officer for their respective branch to provide access to legislative records pursuant to this section. Each legislative records access officer shall coordinate the respective branch's response to requests for access to legislative records and shall facilitate the resolution of such requests by the timely and thorough production of legislative records. Each legislative records access officer shall:

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

(ii) assist the respective branch in preserving legislative records in accordance with this section and rules of the respective branch;

(iii) prepare guidelines that enable a person seeking access to legislative records to make informed requests regarding the availability of such legislative records electronically or otherwise; provided, however, that such guidelines shall: (A) be updated periodically; (B) include the categorical list of legislative records, as specified in subsection (a); and (C) be posted on the official website of the general court; and

(iv) prepare guidelines for the identification and processing of requests that are frivolous, designed to harass or seek records that may contain confidential information not suitable for

dissemination; provided, however, that such guidelines shall describe the criteria by which such requests shall be identified, the procedures and timeframe by which they shall be reviewed and any steps taken to protect personal information prior to production; provided further, that such guidelines shall be updated periodically and shall be posted on the official website of the general court.

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

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

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

(2) If a legislative records access officer does not intend to permit inspection or furnish a copy of a requested record, or if the magnitude or difficulty of the request, including requests subject to the guidelines prepared pursuant to clause (iv) of paragraph (1) of subsection (b), or of multiple requests from the same requestor, unduly burdens their responsibilities such that they are unable to permit inspection or furnish a copy of a requested record within the timeframe under paragraph (1), the legislative records access officer shall inform the requestor in writing not later than 10 business days after the initial receipt of the request for legislative records. The written response shall be made via first class or electronic mail and shall, as applicable:

(i) confirm receipt of the request;

(ii) identify any legislative records sought that are not within their possession, custody or control of their respective branch;

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

(iv) identify any legislative records that the legislative records access officer intends to withhold pursuant to paragraph (1) of subsection (e) and provide the specific reasons for such

withholding; provided, however, that nothing in the written response shall limit the legislative records access officer's ability to redact or withhold written testimony in accordance with this section;

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

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

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

(viii) include a statement informing the requestor of the right to file a request for reconsideration pursuant to paragraph (2) of subsection (e).

(e)(1) A legislative records access officer may withhold records, in whole or in part, if: (i) the record sought does not constitute a legislative record as defined in subsection (a); (ii) disclosure would be inconsistent with Article XXI of the Declaration of Rights of the Constitution of the Commonwealth; or (iii) denial of document production is otherwise consistent with the provisions of this section. A legislative records access officer may further withhold or redact any portion of a legislative record that falls within the exemptions established

in clause Twenty-sixth of section 7 of chapter 4. A written denial shall be provided to the requestor and shall state with specificity the ground or grounds upon which the denial is based.

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

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

(4) The committee on rules of each branch may, on its own initiative, review a final determination of the legislative records access officer and, by majority vote of the committee, reverse or modify such determination; provided, however, that if the record pertains to a joint committee or a joint document of the general court, the joint committee on rules may review the matter jointly. The committee on rules of each branch and the joint committee on rules may, in connection with any such review, solicit or accept written submissions from the requestor and from the legislative records access officer. If the committee reverses or modifies a final determination, the legislative records access officer shall provide the legislative record or records in accordance with the decision by the committee. If the committee on rules fails to act within 30 business days of receipt of a final determination, or if within 30 business days issues a decision confirming the final determination of the legislative records access officer, the determination of

the legislative records access officer shall be deemed final for the purposes of initiating judicial review pursuant to paragraph (5).

(5) A requestor aggrieved by a determination that has become final pursuant to paragraph (4) may obtain judicial review of such determination, but only as provided in this paragraph; provided, however, that any such action shall be brought only in Suffolk superior court where:

(i) the aggrieved requestor shall file a petition for review in the nature of certiorari in Suffolk superior court within 60 days of written notice from the legislative records access officer that the determination has become final;

(ii) the petition shall name the legislative records access officer who issued the determination as the sole defendant, in the officer's official capacity, and the petition shall be served upon either the counsel to the senate or the counsel to the house of representatives, depending on which chamber employs the legislative records access officer; provided, however, that such service shall be only by electronic, registered or certified mail at the counsel's business address;

(iii) the requestor's petition shall allege with specificity the alleged substantial errors of law contained in the final determination;

(iv) the legislative records access officer shall, by way of answer, file an administrative record consisting of copies of the request, the initial response, the request for reconsideration, the final determination, any written submissions solicited or accepted by the committee on rules and any determination issued by the committee on rules;

(v) review in the nature of certiorari shall be conducted by the court without a jury and shall be confined to the administrative record; provided, however, that no discovery shall be permitted; provided further, that the court may examine a withheld record in camera and any record so examined shall be impounded and shall not, by reason of such examination, be made available to the requestor or the public;

(vi) the court shall have jurisdiction only to find that the final determination did, or did not, contain substantial errors of law; provided, however, that the court shall not have jurisdiction to issue injunctive or declaratory relief or other equitable relief, or relief in the nature of mandamus, nor award costs, fees or damages against the legislative records access officer, except pursuant to section 6F of chapter 231.

(6) Notwithstanding clause Twenty-Sixth of section 7 of chapter 4 or any general or special law to the contrary, the procedure set forth in this section shall constitute the sole and exclusive remedy for obtaining access to records of the general court and no other provision of this chapter or any other law providing for public access to public records shall apply to the general court or a branch, committee, member, officer, caucus or employee thereof.

SECTION 8. This act shall take effect on January 1, 2027 and apply to records made or received on or after January 6, 2027. Any record made or received before January 6, 2027 shall not be considered a legislative record under section 22 of chapter 66 of the General Laws; provided, however, that a legislative records access officer shall not be prohibited from assisting a requestor in accessing a record made or received before January 6, 2027 that is readily available and consistent with the records available under section 22 of chapter 66.