HOUSE DOCKET, NO. 3248 FILED ON: 1/21/2011

HOUSE . . . . . No. 3041

The Commonwealth of Massachusetts

PRESENTED BY:

Angelo M. Scaccia

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act relative to the supervision of public records.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Angelo M. Scaccia	*14th Suffolk*
William F. Galvin	*Secretary of the Commonwealth*

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HOUSE . . . . . No. 3041

By Mr. Scaccia of Boston, a petition (accompanied by bill, House, No. 3041) of Angelo M. Scaccia and William F. Galvin relative to the supervision of public records. State Administration and Regulatory Oversight.

The Commonwealth of Massachusetts

In the Year Two Thousand Eleven

An Act relative to the supervision of public records.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

Section 1 of Chapter 66 of the General Laws, as appearing in the 2006 Official Edition, is hereby amended in line 11, by adding at the end thereof the following six paragraphs:— (a) The Secretary of the Commonwealth, supervisor of records, or any officer the Secretary so designates, in his discretion:— (1) may make such inquiry as he deems necessary to determine whether any person has violated any provision of this chapter or any regulation hereunder, or to aid in the enforcement of this chapter or in the prescribing of further regulations hereunder; (2) may require or permit any person to file a statement in writing, under oath or otherwise, as the Secretary, supervisor of records, or the officer designated by the Secretary determines, as to all the facts and circumstances concerning the matter to be investigated, and (3) may upon a finding that there has been a violation of this chapter, issue an order requiring the violator to comply with statutory requirements of said chapter, or the regulations promulgated by the supervisor of records pursuant to the authority granted in this chapter and take whatever action appropriate to

13 enforce such order including, but not limited to, initiating judicial action in a court of competent
14 jurisdiction on his own motion.

15 (b) For the purpose of any investigation or enforcement of any order issued under this
16 chapter, the Secretary, supervisor of records, or any officer designated by the Secretary may
17 administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence,
18 and require the production of any records, books, papers, correspondence, memoranda,
19 agreements, or other documents which the Secretary, supervisor of records, or the officer
20 designated by the Secretary deems relevant or material to an inquiry or the enforcement of an
21 order.

22 (c) In case of contumacy by a records custodian, or refusal to obey a subpoena issued to
23 any records custodian, the superior court for the county in which the records custodian is located,
24 upon application by the Secretary, supervisor of records, or any officer designated by the
25 Secretary, may issue to the records custodian an order requiring him to appear before the
26 Secretary, supervisor of records, or any officer designated by the Secretary, to produce the
27 records at issue or documentary evidence, if so ordered, or to give evidence touching the matter
28 under investigation or in question. Failure to obey the order of the court may be punished by the
29 court as a contempt of court.

30 (d) The Secretary of the Commonwealth or supervisor of records, shall, when necessary,
31 promulgate regulations governing the proceedings or appeals to be so conducted or heard.

32 (e) The Secretary, supervisor of records, or officer designated by the Secretary, may file
33 on his own motion a civil action in a court of competent jurisdiction to enforce such orders, as
34 defined in subpart (a)(3) of this section. Additionally, the Secretary, supervisor of records, or

35 officer designated by the Secretary, may independently seek further remedies as listed in Section
36 15 of this chapter.

37 (f) If any provision of this chapter or the application thereof to any person or
38 circumstance is held invalid, the invalidity shall not affect other provisions or applications of this
39 chapter which can be given effect without the invalid provision or application, and to this end the
40 provisions of this chapter are severable.