

# HOUSE . . . . . No. 3241

By Mr. Scaccia of Boston, petition of William F. Galvin that the Division of Public Records within the Office of the State Secretary be authorized to hold adjudicatory hearings. State Administration and Regulatory Oversight.

## The Commonwealth of Massachusetts

In the Year Two Thousand and Seven.

AN ACT RELATIVE TO THE SUPERVISION OF PUBLIC RECORDS/ADMINISTRATIVE LAW APPEALS DIVISION.

*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 of Chapter 66 of the General Laws, as appearing in the  
2 2004 Official Edition, is hereby amended in line 11, by adding at the  
3 end thereof the following paragraphs:—  
4 Administrative Law Appeals Division within the Office of the  
5 Secretary of the Commonwealth Public Records Division; Chief  
6 Administrative Magistrate; Conduct of Hearings, etc.  
7 The Division of Public Records under the authority of the Office  
8 of the Secretary of the Commonwealth is hereby authorized by law  
9 to conduct adjudicatory proceedings and promulgate regulations  
10 relative to conducting said proceedings. There shall be within the  
11 Office of the Secretary of the Commonwealth Public Records Divi-  
12 sion a division of administrative law appeals under the direction of a  
13 chief administrative magistrate who shall be appointed by the Secre-  
14 tary of the Commonwealth. Said chief administrative magistrate,  
15 shall be a resident of the Commonwealth at the time of his appoint-  
16 ment and shall be a person with substantial experience as a trial  
17 attorney. He shall hear, or assign for hearing, appeals filed pursuant  
18 to this chapter or regulations promulgated thereof, shall make avail-  
19 able full-time Presiding Officers who serve as administrative magis-  
20 trates or the equivalent thereof, to hear appeals assigned pursuant to  
21 this chapter. Said Presiding Officers shall serve under the direction,  
22 supervision and control of the Secretary of the Commonwealth and  
23 shall be utilized to expedite appeals of the Public Records Division.  
24 The chief administrative magistrate, subject to the approval of the

25 Secretary of the Commonwealth, shall, when necessary, promulgate  
26 regulations governing the proceedings or appeals to be so conducted  
27 or heard prior to conducting or hearing any proceedings or appeals.

28 It shall be the responsibility of said chief administrative magis-  
29 trate to organize his Division to provide speedy and fair disposition  
30 of all appeals and to establish policies that will encourage and aid  
31 parties in their compliance with this chapter. Subject to appropria-  
32 tion, he may employ such persons as may be required to discharge  
33 the responsibilities of the Division, including Presiding Officers who  
34 shall be members of the bar of the Commonwealth.

35 The Division may summon witnesses, administer oath and require  
36 the production of books, records, papers, electronic records and any  
37 other document at any hearing before the Division, upon any matter  
38 within its jurisdiction. Witnesses may be summoned by any party to  
39 the proceeding in the same manner, be paid the same fees and be  
40 subject to the same penalties as witnesses in civil cases before the  
41 courts of the Commonwealth.

42 The Division may institute by its own initiative appropriate pro-  
43 ceedings in the court with appropriate jurisdiction for enforcement  
44 of its final orders or decisions. Any party aggrieved by a final order  
45 or decision of the Division following a hearing pursuant to any  
46 section of this chapter or Chapter thirty-one A may institute proceed-  
47 ings for judicial review in the superior court within thirty days after  
48 receipt of such order or decision. Any proceedings in the court with  
49 appropriate jurisdiction shall, insofar as applicable, be governed by  
50 the provisions of section fourteen of Chapter thirty A, and may be  
51 instituted in the court with appropriate jurisdiction.