

COMMONWEALTH OF MASSACHUSETTS

By His Excellency

FRANCIS W. SARGENT

Governor

EXECUTIVE ORDER NO. 85

WHEREAS, the maintenance of public confidence in Government requires that the operations of regulatory agencies be conducted in an open and candid manner; and

WHEREAS, the protection and furtherance of the public interest requires that public officials and public employees be at all times free of undue influence by special interests; and

WHEREAS, full and prompt disclosure of lobbying activities and other contacts between regulatory agencies and persons or businesses subject to regulation thereby is essential to furthering these goals;

NOW, therefore, I, Francis W. Sargent, Governor of the Commonwealth, by virtue of the authority vested in me as supreme executive magistrate, do hereby order that:

1. The governing body or chief executive officer of every regulatory agency of the Commonwealth shall, on or before the twenty-first day of each month, file with the Executive Office to which the agency filing the same has been assigned pursuant to Statute 1969, c. 704, or any amendment thereto, a report containing the following information:

a. all official contacts made during the preceding calendar month, between every official of such agency and any licensee thereof, including, with respect to each official contact so reported, the date, time of day, and place, the name of the licensee, and the names of all individuals representing said licensee and of all agency officials involved, and the official action or actions, if any, discussed.

b. a complete list of every gift or gratuity given or provided to an agency official by a licensee during the preceding calendar month, directly or through any intermediary, including, with respect to each such gift or gratuity, the date of presentation, an exact description, the value, and the names of the donor and the recipient.

For purposes of this order, the following terms shall mean:

"Regulatory agency", all of the departments, commissions,

agencies and boards within the Executive Office of Consumer Affairs, and such other executive agencies as the Secretary of Administration and Finance shall designate within thirty days from the effective date of this order, or from time to time thereafter.

"Official", any officer, member or employee of a regulatory agency.

"Official contact", any meeting, hearing (other than a public hearing), telephone conversation or written communication between an official and a licensee, acting in their respective professional capacities, which relates at least in part to any official action of the agency, or to the general business or authority of the agency, but not including routine inquiries or routine reports.

"Official action", any action of an agency or any official thereof, which the same is authorized or directed by law to take in its or his official capacity as such, including but not limited to any ruling, regulation, investigation, administrative enforcement or disciplinary proceeding or executive policy decision.

"License", any license, certificate, permit or similar permission to engage in a business.

"Licensee", any person or business holding a license granted by a regulatory agency, or any officer, employee or agent thereof, including a professional or trade association of which the licensee is a member.

"Gift or gratuity", any sum of money, goods, services or other things of value, such as meals, refreshments, transportation, accommodations, or entertainment, donated or furnished free of charge or for less than fair market value.

All reports filed pursuant to this Executive Order shall be open to public inspection.

2. The governing body or chief executive officer of every regulatory agency shall promulgate such orders, rules, or regulations as may be authorized by law requiring every licensee of such agency to make periodic reports fully disclosing the lobbying activities of such licensee directed at such agency, including the official actions sought to be affected, and all gifts and gratuities given to any official.

Such rules and regulations shall conform as near as is practicable to the model regulation attached hereto as the Appendix.

3. The provisions of this Executive Order shall take effect April 1, 1972. The rules and regulations required

pursuant to Section 2 of this order shall be promulgated as soon as is practicable, but in no event later than July 1, 1972.

Given at the Executive Chamber in Boston this eighth day of March in the year of our Lord, one thousand nine hundred and seventy-two and of the independence of the United States of America, one hundred and ninety-sixth.

FRANCIS W. SARGENT  
Governor  
Commonwealth of Massachusetts

JOHN F. X. DAVOREN  
Secretary of the Commonwealth

GOD SAVE THE COMMONWEALTH OF MASSACHUSETTS