

**SENATE . . . . . No. 1592**

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By Mr. Doris, a petition (accompanied by bill, Senate, No. 1592) of Francis D. Doris for legislation to make state agencies more accountable to the public. State Administration.

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**The Commonwealth of Massachusetts**

In the Year One Thousand Nine Hundred and Eighty-four.

**AN ACT TO MAKE STATE REGULATORY AGENCIES MORE ACCOUNTABLE  
TO THE PUBLIC.**

*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. Section 2 of chapter 30A of the General Laws,  
2 as most recently amended by section 2 of chapter 459 of the  
3 Acts of 1976, is hereby further amended by changing the pe-  
4 riod at the end of the first paragraph to a semicolon and add-  
5 ing thereafter the following words: — or, (d) the agency re-  
6 ceives a written request therefor from twenty-five or more  
7 individuals, from a corporation with twenty-five or more  
8 shareholders or members or from any partnership, association  
9 or other organization with twenty-five or more partners or  
10 members.

1 SECTION 2. Said section 2 is hereby further amended in the  
2 third paragraph by striking the clause reading "either state  
3 the express terms or describe the substance of the proposed  
4 legislation" and inserting in place thereof the following amend-  
5 ment or repeal and either state its express terms or describe  
6 its substance;

1 SECTION 3. Section 3 of said chapter 30A, as most recently  
2 amended by section 3 of chapter 459 of the Acts of 1976, is  
3 hereby further amended in the third paragraph by striking  
4 the clause reading "either state the express terms or describe  
5 the substance of the proposed action" and inserting in place  
6 thereof the following clause: — give a preliminary statement  
7 of the reasons for the proposed action and either state its

8 express terms or describe its substance;

1 SECTION 4. Section 4 of said chapter 30A, as inserted by  
2 section 1 of chapter 681 of the Acts of 1954, is hereby further  
3 amended by inserting after the first sentence the following  
4 sentence: — Upon receipt of such a petition, the agency shall,  
5 within three months of such receipt, either commence the  
6 rule-making process, as provided in sections two or three, or  
7 issue a public statement, sending a copy by first-class mail to  
8 the petitioner, setting forth the agency's reasons for declining  
9 to adopt, amend or repeal the regulation, making specific ref-  
10 erence to the petition and responding to any data, views and  
11 arguments which were contained in the petition.

1 SECTION 5. Section 5 of said chapter 30A, as most recently  
2 amended by section 4 of said chapter 459 of the Acts of 1976,  
3 is hereby further amended by striking the last sentence of the  
4 first paragraph and inserting in place thereof the following  
5 sentences: — The agency shall simultaneously file two attested  
6 copies of a statement with respect to the adoption, amend-  
7 ment or repeal of any regulation, explaining its purpose, the  
8 factual basis for the agency's determination that such adop-  
9 tion, amendment or repeal is reasonably necessary to carry  
10 out that purpose and the substantive facts or other informa-  
11 tion and the technical, theoretical and empirical studies, if  
12 any, on which the agency relies. Such statement shall also  
13 include the agency's responses to any data, views or argu-  
14 ments the agency received in connection with such adoption,  
15 amendment or repeal. Upon receipt of agency regulations, or  
16 any amendment or repeal thereof, and the accompanying state-  
17 ment of explanation, prepared in accordance with this chap-  
18 ter, the state secretary shall accept them for filing and en-  
19 dorse thereon the time and date of the filing.

1 SECTION 6. Section 6 of said chapter 30A, as most recently  
2 amended by section 5 of said chapter 459 of the Acts of 1976,  
3 is hereby further amended by striking clause (2) of the sec-  
4 ond paragraph and by inserting in place thereof the following  
5 clause: — (2) all regulations, or any amendment or repeal  
6 thereof, and their accompanying statements of explanation,  
7 filed in accordance with section 5;

1 SECTION 7. Section 14 of said chapter 30A, as most recently  
2 amended by section 1 and 2 of chapter 411 of the acts of 1976,  
3 is hereby further amended by striking the first sentence of  
4 paragraph (4) and inserting in place thereof the following  
5 sentence: — The agency shall file in court an answer, as pro-  
6 vided in the Massachusetts Rules of Civil Procedure, and also  
7 the original or a certified copy of the record of the proceed-  
8 ings under review.

