

By Mr. Wetmore, a petition (accompanied by bill, Senate, No. 1459) of Robert D. Wetmore, John P. Houston, Gerard D'Amico, Louis P. Bertozzi, Mary L. Padula and Francis X. Doyle for legislation relative to the flexibility of the rules and regulations governing small businesses. Commerce and Labor.

## The Commonwealth of Massachusetts

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

AN ACT RELATIVE TO THE FLEXIBILITY OF THE RULES AND REGULATIONS GOVERNING SMALL BUSINESSES.

*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 2 of Chapter 30A of the General Laws, is hereby amended by  
2 inserting after the word "law", the following paragraph: —

3 Within the time specified within this section for giving notice of public  
4 hearing for the adoption, amendment or repeal or any regulation, an  
5 agency shall prepare and make available for public comment a regu-  
6 latory analysis. Such analysis shall describe the impact of the proposed  
7 regulation upon small entities. Each regulatory flexibility analysis shall  
8 contain: —

9 1. a description of the reasons why action by the agency is being con-  
10 sidered;

11 2. a description of the small entities to which the proposed regulation  
12 will apply;

13 3. a description of the projected reporting, recordkeeping and other  
14 compliance requirements of the proposed regulation, including an estimate  
15 of the classes of small entities which will be subject to the requirement  
16 and the type of professional skills necessary for preparation of the report  
17 or record;

18 4. an identification, to the extent practicable, of all relevant regulations  
19 which may duplicate, overlap or conflict with the proposed regulation.

20 Each regulatory flexibility analysis shall also contain a description of any  
21 significant alternatives to the proposed regulation which accomplish the  
22 stated objectives of applicable statutes and which minimize any significant  
23 economic impact of the proposed regulation on small entities. Consistent  
24 with the stated objectives of applicable statutes, the analysis shall discuss  
25 significant alternatives such as: —

26 1. the establishment of differing compliance or reporting requirements  
27 or timetables that take into account the resources available to small enti-  
28 ties;

29 2. the clarification, consolidation, or simplification of compliance and  
30 reporting requirements under the regulation for such small entities;

31 3. the use of performance, rather than design standards; and

32 4. an exemption from coverage of the regulation, or any part thereof,  
33 for such small entities.

34 For the purposes of this section, the term small business means any  
35 business as defined by the guidelines in Chapter 434 of the Act of 1976.