

By Mrs. Gray of Framingham, petition of Barbara E. Gray relative to the operational procedures of state agencies and boards. State Administration.

The Commonwealth of Massachusetts

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

AN ACT RELATIVE TO THE OPERATIONAL PROCEDURES OF STATE AGEN-
CIES AND BOARDS.

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, as
2 amended by Chapter 808 of the Acts of 1969, is hereby further
3 amended by adding after the last paragraph the following para-
4 graph: —

5 The agency, prior to adoption or amendment, shall submit said
6 proposed regulations to the appropriate legislative committee for
7 review and recommendations. If said committee finds that the
8 regulations are in accordance with the intent of the statute, it shall
9 transmit that approval to the clerk who shall notify the appropriate
10 agency or board of the same. If within thirty days of submission no
11 action has been taken by the committee, the proposed regulations
12 shall be deemed to be approved and the clerk shall so notify the
13 appropriate agency or board of the same. If the committee deter-
14 mines the proposed regulations are not in accordance with the
15 intent of the legislation, it may amend or disapprove said regula-
16 tions and the clerk shall so notify the appropriate agency or board
17 accordingly.

1 SECTION 2. Section 11 of Chapter 30A of the General Laws is
2 hereby amended by striking out subsection 8 and inserting in place
3 thereof the following subsection: —

4 (8) Every agency shall render a decision within ninety days after
5 public hearings held on a matter within its jurisdiction. Every
6 agency decision should be in writing or stated in the record.

7 The decision shall be accompanied by a statement of reasons for
8 the decision; including determination of each issue of fact or law
9 necessary to the decision, unless the General Laws provide that the
10 agency need not prepare such statement in the absence of a timely
11 request to do so. Parties to the proceeding shall be notified in
12 person or by mail of the decision; of their rights to review or appeal
13 the decision within the agency or before the courts, as the case may
14 be; and of the time limits on their rights to review or appeal. A copy
15 of the decision and of the statement of reasons, if prepared, shall be
16 delivered or mailed upon request to each party and to his attorney
17 of record.

1 SECTION 3. Section 11A of Chapter 30A of the General Laws
2 is hereby amended by striking out the second paragraph of the
3 section and inserting in place thereof the following paragraph: —

4 Except in an emergency, a notice of each meeting of any state
5 board or commission or the governing board or body of any such
6 authority subject to this section shall be filed with the Secretary of
7 State, and copies thereof posted in the public office of the executive
8 office for administration and finance and published in the major
9 newspaper of the area in which said meeting is to take place at least
10 seven days, including weekends and legal holidays, prior to the
11 time of such meeting. The contents of the statement of notice shall
12 contain, but not be limited to, the name of the commission calling
13 the meeting, the date, time and place of said meeting and a short
14 statement regarding the subject matter of the meeting. Such filing
15 and posting shall be the responsibility of the officer or officers
16 calling such meeting. For the purpose of this section, "emergency"
17 shall mean a situation where immediate, undelayed action is
18 deemed to be imperative. Within twenty-four hours after the close
19 of said "emergency meeting" the officer or officers calling said
20 meeting shall file with the Secretary of State a statement of the
21 reason or reasons for the necessity of convening an emergency
22 meeting.