SENATE DOCKET, NO. 1458 FILED ON: 1/21/2011

SENATE . . . . . No. 149

The Commonwealth of Massachusetts

PRESENTED BY:

Steven A. Baddour

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying:

An Act relative to improving the business climate of the Commonwealth.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Steven A. Baddour	*[District]*
Bruce E. Tarr	*[District]*
Michael R. Knapik	*[District]*
Michael J. Rodrigues	*[District]*
Colleen M. Garry	*36th Middlesex*
Anne M. Gobi	*5th Worcester*
Steven L. Levy	*4th Middlesex*
Joyce A. Spiliotis	*12th Essex*
Paul Adams	*17th Essex*
Demetrius J. Atsalis	*2nd Barnstable*
Stephen L. DiNatale	*3rd Worcester*
Donald F. Humason, Jr.	*4th Hampden*
Kevin J. Kuros	*8th Worcester*
Paul McMurtry	*11th Norfolk*
Benjamin Swan	*11th Hampden*
Richard T. Moore	*[District]*

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By Mr. Baddour, a petition (accompanied by bill, Senate, No. 149) of Steven A. Baddour, Bruce E. Tarr, Michael R. Knapik, Michael J. Rodrigues and other members of the General Court for legislation to improve the business climate of the Commonwealth. Economic Development and Emerging Technologies.

The Commonwealth of Massachusetts

In the Year Two Thousand Eleven

An Act relative to improving the business climate of the Commonwealth.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. There is hereby established a special business regulation review commission to provide an independent review of rules regulations affecting the business community of the commonwealth.

The commission shall have 9 members, including the following: a representative of the Massachusetts Business Roundtable, to serve a term of 2 years; a representative from the Massachusetts High Technology Council, to serve a term of 2 years; a representative from the Massachusetts Taxpayers Foundation to serve a term of 2 years; a representative from the Retailers Association of Massachusetts to serve a term of 2 years; a representative from the Associated Industries of Massachusetts, to serve a term of 2 years; a representative from the Massachusetts Association of Chamber of Commerce Executives to serve a term of 2 years; an academic representative from the Isenberg School of Management at the University of Massachusetts in Amherst to serve a term of 2 years; 2 members who shall not be an employee of the executive branch or the legislature, to be appointed by the governor, to serve a term of 3 years, both of whom are professors at an accredited Massachusetts college or university, but not the same one, with an expertise in business operations, management consulting, organizational change, business regulations, or economics. One of the members shall be appointed by the governor to serve as chairperson of the commission. The members of the commission shall be appointed no later than September 1, 2011.

In the course of its deliberations, the commission shall increase awareness of the impact of rules and regulations promulgated by state agencies by conducting analysis and research on

21 proposed and existing regulations issued by state agencies relative to the business community
22 across all industries. The analysis and research shall consider each rule and regulation's
23 economic impact, reasonableness, and clarity. The commission shall examine a variety of factors
24 involved in regulation, including, but not limited to: (a) whether the product or service is subject
25 to substantial shifts in supply and demand; (b) whether supply reliability can be achieved through
26 precautionary stocks or other market techniques; (c) the substantial social costs that are incurred
27 when supplies are interrupted or demand suddenly increases;. (d) identification of the types of
28 businesses and organizations affected by the regulation; (e) desciption of any alternative
29 regulatory provisions which have been considered; (f) economic or fiscal impacts of the
30 regulation, which include: (i) direct and indirect costs to the Commonwealth, to its political
31 subdivisions and to the private section, (ii) adverse effects on prices of goods and services,
32 productivity or competition, (iii) the nator of required reports, forms, or other paperwork and the
33 estimated cost of their preparation by individuals, businesses and organizations in the private
34 section, (iv) the natur and estimated cost of legal, consulting or accounting services which the
35 private sector may incur, (v) the impact on the public interest of exempting or setting lesser
36 standards of compliance for individuals or small businesses when it is lawful, desireable, and
37 feasible to do so; (g) the clarity, feasibility and reasonableness of the regulation, to be deterimed
38 by considering the following: (i) possible conflict with or duplication of statutes or existing
39 regulations, (ii) clarity and lack of ambiguity, (iii) need for the regulation, (iv) reasonableness of
40 requirements, implementation procedures and timetables for compliance by the private sector;
41 (h) whether the regualtion represents a policy decision of such a substantial nature that it requires
42 legislative review;

43 The commission shall hold public hearings throughout the commonwealth to hear from
44 employers and employees on rules and regulations affecting businesses across all industries.

45 The commission shall develop a report detailing its findings relative to identified rules
46 and regulations, including a draft of any legislation required to implement its recommendations.
47 The commission shall develop recommendations as to what changes are necessary to proposed or
48 existing rules and regulations. The recommendations of the commission shall be designed to
49 improve the business climate of the commonwealth. The commission shall submit its initial
50 report to the governor, the secretary of housing and economic development, the clerks of the
51 house of representatives and the senate, the house and senate committees on ways and means and
52 the joint committee on economic development and emerging technologies no later than
53 December 31, 2012. The commission shall file an updated plan each year thereafter, not later
54 than December 31.

55 Any research, analysis or other staff support that the commission reasonably requires
56 shall be provided by the executive office of housing and economic development.