

**HOUSE . . . . . No.**

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**The Commonwealth of Massachusetts**

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PRESENTED BY:

**Michael J. Rodrigues**

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*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 bill:

An Act relative to regulatory impact statements and administrative rulemaking.

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PETITION OF:

NAME:	DISTRICT/ADDRESS:
Michael J. Rodrigues	8th Bristol

# The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

## AN ACT RELATIVE TO REGULATORY IMPACT STATEMENTS AND ADMINISTRATIVE RULEMAKING.

*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 1 of chapter 30A of the General Laws, as appearing in the 2008 Official  
2 Edition, is hereby amended by striking out paragraph (6) and inserting in place thereof the  
3 following paragraph:-

4 (6) "Regulatory impact statement" means a statement by the promulgating authority which shall,  
5 to a reasonable degree of completeness: (i) identify the statutory change, problem, issue or  
6 deficiency addressed by the proposed regulation; (ii) identify specifically who is affected and to  
7 what extent by the proposed regulation; (iii) identify when such regulation becomes effective,  
8 when such regulation will be changed, if known, and how and when the regulation will be  
9 reviewed in the future, if at all; (iv) identify costs and/or benefits, including, without limitation,  
10 impacts on businesses and jobs in the commonwealth and the impact to the protection of natural  
11 resources and public health, if any. Any data, including written information or material, statistics,  
12 measurements, calculations or other information used as the basis for the regulation, including  
13 any such information provided to the agency by a consultant, vendor or other third party, shall be  
14 part of the record and available to the public upon request.

15 SECTION 2. Section 2 of said chapter 30A, as so appearing, is hereby further amended by  
16 inserting after the third paragraph the following paragraph:-

17 Every agency promulgating rules and regulations shall maintain a notification list of persons and  
18 groups who are interested in the agency's rulemaking and who request preliminary notification of  
19 agency rulemaking, with such request being renewed annually by said persons or groups. Not  
20 later than 30 days prior to the notice of a hearing described above, the agency conducting the  
21 hearing shall send a preliminary notification of agency rulemaking to each person or group who  
22 has requested preliminary notification of rulemaking and to the appropriate committee of the

23 general court that has jurisdiction for the rule issuing agency, to the house and senate committees  
24 on ways and means and to the small business advisory council. The preliminary notification of  
25 rulemaking shall: (a) identify the rule to be noticed for hearing and the scope of the proposed  
26 rule; (b) provide the statutory authority for such proposed rulemaking; (c) identify the person  
27 within the agency responsible for the rulemaking and who can be contacted for more  
28 information; and (d) state the purpose for proposing the new regulations or change of regulation  
29 and generally, the goal or goals to be obtained.

30 SECTION 3. Said section 2 of said chapter 30A, as so appearing, is hereby further amended by  
31 inserting after the fifth paragraph the following paragraph:-

32 Agencies may initiate emergency regulatory actions under relevant sections of this chapter  
33 without prior compliance with sections 1, 2, 3, and 5; provided, however that compliance shall  
34 be initiated as soon as practicable following the emergency action and, in any event, prior to  
35 making any emergency action permanent.

36 SECTION 4. Section 3 of said chapter 30A, as so appearing, is hereby further amended by  
37 inserting after the second paragraph the following paragraph:-

38 Every agency promulgating rules and regulations shall maintain a notification list of persons and  
39 groups interested in the agency's rulemaking and who request preliminary notification of agency  
40 rulemaking, with such request being renewed annually by said persons and groups. Not later than  
41 30 days prior to the notice described above the agency shall send a preliminary notification of  
42 agency rulemaking to each person or group who has requested preliminary notification of agency  
43 rulemaking and to the appropriate committee of the general court that has jurisdiction for the rule  
44 issuing agency, to the house and senate committees on ways and means and to the small business  
45 advisory council. The preliminary notification shall: (a) identify the rule to be noticed and the  
46 scope of the proposed rule; (b) provide the statutory authority for such proposed rulemaking; (c)  
47 identify the person within the agency responsible for the rulemaking and who can be contacted  
48 for further information; and (d) state the purpose for proposing the new regulations or change of  
49 regulation and generally, the goal or goals to be obtained.

50 SECTION 5. Section 5 of said chapter 30A, as so appearing, is hereby amended by striking the  
51 first sentence of the second paragraph and inserting in place thereof the following:-

52 No rule or regulation so filed with the state secretary, except those filed for the purpose of  
53 setting rates, issuing grants or providing loans, and except those filed by the department of  
54 telecommunications and energy or the division of insurance, shall become effective until a  
55 regulatory impact statement has been completed, made public during the hearing process  
56 described above and is filed with the state secretary. The secretary of the enforcing agency shall  
57 review all regulatory impact statements prior to their filing with the state secretary to ensure and  
58 certify that a proper methodology and approach was used by the agency submitting said impact  
59 statement and to certify that the impact statement as submitted complies with the definition of  
60 "regulatory impact statement" as set forth in section 1 of chapter 30A within 90 days of receipt.  
61 In addition, no rule or regulation so filed, except those filed for the purpose of setting rates,  
62 issuing grants or providing loans, and except those filed by the department of

63 telecommunications and energy or the division of insurance, shall become effective until the  
64 promulgating agency has filed with the state secretary a statement verifying that said rule or  
65 regulation does not conflict with, overlap or duplicate other agencies' rules or regulations.

66 SECTION 6. Section 8 of said chapter 30A is hereby amended by adding after the word  
67 “regulations” at the end of said section 8 the following words: -

68 “provided, further, that said rulings shall have no precedential value nor shall they be binding on any  
69 other parties or the agency issuing said rulings.”