

By Mr. McGee of Lynn, petition of Thomas W. McGee for legislation relative to legislative approval of rules and regulations of state agencies. State Administration.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Seventy-Eight.

AN ACT FURTHER REGULATING THE PROMULGATION OF RULES AND REGULATIONS.

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. Chapter 30A of the General Laws is hereby
2 amended by striking out section 1A, inserted by section 2 of
3 chapter 777 of the acts of 1972, and inserting in place thereof the
4 following section:—

5 *Section 1A.* The department of correction, the department of
6 youth services, the parole board, the division of industrial
7 accidents of the department of labor and industries, the division of
8 child guardianship, or its successor, in the department of public
9 welfare, the personnel administrator, the civil service commission
10 and the appellate tax board shall be subject to this chapter,
11 notwithstanding the exclusion of said agencies and officers from
12 the definition of “agency” in section one.

1 SECTION 2. Chapter 30 of the General Laws is hereby
2 amended by inserting after section 37 the following two
3 sections:—

4 *Section 37A.* No rule or regulation required to be filed under
5 section thirty-seven shall take effect except as hereinafter
6 provided. A copy of every such rule or regulation shall be filed with
7 the clerk of the senate and shall be forthwith referred by him to an
8 appropriate committee as determined by said clerk and the clerk of
9 the house of representatives with the approval of the president of
10 the senate and the speaker of the house of representatives.

11 Said committee may file a report stating whether it approves or
12 disapproves such rules and regulations with the clerk of the senate

13 within thirty days after the filing of the copy thereof with said clerk.
14 Said rules and regulations shall take effect upon approval by
15 both branches of the general court; provided, however, that if no
16 action is taken within sixty days after the filing of the copy thereof
17 with the clerk of the senate such rules and regulations shall be
18 deemed to be approved unless the general court has prorogues
19 within said sixty days.

20 If the general court prorogues within sixty days of the filing with
21 the clerk of the senate of such rules and regulations, the clerk of the
22 senate shall refer the same to an appropriate committee of the next
23 session of the general court, appointed as hereinbefore provided.

24 Said committees shall report as hereinbefore provided within
25 thirty days of the first day of such session and such rules and
26 regulations shall take effect upon approval of both branches of the
27 general court; provided, however, that if no action is taken within
28 sixty days of the first day of such session, such rules and
29 regulations shall be deemed to be approved.

30 The clerk of the senate shall notify the department, commission,
31 board or official filing rules and regulations with him under this
32 section of the action taken thereon by the general court.

33 *Section 37B.* An emergency rule or regulation shall be effective
34 until it is either approved or disapproved in accordance with
35 section thirty-seven A.

36 An emergency rule or regulation means one which was duly
37 promulgated by a department, commission, board or official
38 vested by law with the power to make or issue rules and regulations
39 pursuant to a finding that delay in the effective date would:

- 40 (a) seriously injure an important public interest,
- 41 (b) substantially frustrate legislative policies, or
- 42 (c) seriously damage a person or class of persons without serving
43 any important public interest.