

By Mr. Natsios of Holliston, petition of Andrew S. Natsios relative to the approval of certain regulations issued by state departments and agencies. State Administration.

The Commonwealth of Massachusetts

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

AN ACT RELATIVE TO THE APPROVAL OF CERTAIN REGULATIONS ISSUED BY STATE DEPARTMENTS AND AGENCIES.

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 of the Common-
2 wealth is hereby amended by inserting after the last paragraph the
3 following: —

4 (4) Any state agency adopting or amending rules and regula-
5 tions shall submit an attested copy of such rules and regulations
6 together with a citation of the law by authority of which the same
7 purport to have been issued, to the Clerk of the House. The rules
8 and regulations shall be referred to the same standing legislative
9 committee from which the legislation under which the rules and
10 regulations were promulgated, was reported. If two or more com-
11 mittees shall have reported on the legislation, the Clerk of the
12 House shall decide to which of the committees the rules and regula-
13 tions shall be reported. The standing legislative committee shall
14 submit a written report to the Clerks of both branches of the
15 General Court and to the promulgating agency as to whether the
16 rules and regulations are consistent with the statutory provisions
17 under which they were promulgated.

18 (5) If the General Court approves the regulations, within five
19 days notices of approval shall be sent to the State Secretary. If the
20 General Court disapproves the rules and regulations, the clerk of
21 the first branch disapproving them shall notify the promulgating
22 agency within five days of disapproval. In the event the General

23 Court fails to act on rules and regulations submitted to them for
24 approval or disapproval within 50 days of receipt by the Clerk of
25 the House, they shall be deemed to have been approved for the
26 purposes of this section. No rules and regulations promulgated
27 after the effective date of this act shall be deemed valid, unless
28 adopted in compliance with this section.

29 (6) The provisions of subsections 4 and 5 of this section shall not
30 apply to any rules and regulations promulgated by any municipal
31 government body, regional authority exercising the powers of a
32 municipal governmental body, or by county government.

33 (7) If the General Court is not in session at the time the promul-
34 gating agency submits rules and regulations to the Clerk of the
35 House for approval or disapproval, said rules and regulations shall
36 become effective subject to the provisions of section 6 of this
37 chapter provided however that upon the convening of the General
38 Court they shall be subject to approval or disapproval under the
39 provisions of this section.

40 (8) Any agency may declare, not more than once in any year, the
41 immediate adoption or amendment of certain rules and regulations
42 as necessary of the public health, safety, or general welfare, and
43 designate them as emergency rules and regulations, which shall
44 become effective under the provisions of sections 2, 3 and 6 of this
45 chapter, after a statement by the promulgating agency as to reasons
46 for the emergency designation has been filed by the promulgating
47 agency with the Clerk of the House. Emergency regulations shall
48 not be effective for more than 60 days unless subsequently ap-
49 proved under the provisions of this section.

50 (9) The provisions of this act are severable, and if any of its
51 provisions shall be held unconstitutional by any court of compe-
52 tent jurisdiction, the decisions of such court shall not affect or
53 impair any of the remaining provisions.