

HOUSE No. 165

By Mr. Jones of North Reading, petition of Bradley H. Jones, Jr., and others relative to small business regulatory impact statements. Community Development and Small Business.

The Commonwealth of Massachusetts

PETITION OF:

Bradley H. Jones, Jr.	Bradford Hill
Mary S. Rogeness	Donald F. Humason, Jr.
George N. Peterson, Jr.	Michael R. Knapik
John A. Lepper	Jeffrey Davis Perry
Viriato Manuel deMacedo	Elizabeth A. Poirier
F. Jay Barrows	Karyn E. Polito
Scott P. Brown	Richard J. Ross
Paul K. Frost	Todd M. Smola
Susan Williams Gifford	Daniel K. Webster
Robert S. Hargraves	Paul J. P. Loscocco
Robert L. Hedlund	

In the Year Two Thousand and Seven.

AN ACT RELATIVE TO SMALL BUSINESS REGULATORY IMPACT STATEMENTS.

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
2 appearing in the 2004 Official Edition, is hereby amended by
3 striking out paragraph (6) and inserting in place thereof the
4 following paragraph:—
5 (6) “Regulatory impact statement” means a statement by the
6 promulgating authority which shall, to a reasonable degree of
7 completeness: (i) identify the statutory change, problem, issue or
8 deficiency addressed by the proposed regulation; (ii) identify
9 specifically who is affected and to what extent by the proposed
10 regulation; (iii) identify when such regulation becomes effective,
11 when such regulation will be changed, if known, and how and
12 when the regulation will be reviewed in the future, if at all;
13 (iv) identify costs and/or benefits, including, without limitation,

14 impacts on businesses and jobs in the commonwealth and the
15 impact to the protection of natural resources and public health, if
16 any, paying particular attention to those environmental benefits
17 which may not be easily or immediately quantifiable. Any data,
18 including written information or material, statistics, measure-
19 ments, calculations or other information used as the basis for the
20 regulation, including any such information provided to the agency
21 by a consultant, vendor or other third party, shall be part of the
22 record and available to the public upon request.

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

4 Every agency promulgating rules and regulations shall maintain
5 a notification list of persons and groups who are interested in the
6 agency's rulemaking and who request preliminary notification of
7 agency rulemaking, with such request being renewed annually by
8 said persons or groups. Not later than 30 days prior to the notice
9 of a hearing described above, the agency conducting the hearing
10 shall send a preliminary notification of agency rulemaking to each
11 person or group who has requested preliminary notification of
12 rulemaking and to the appropriate committee of the general court
13 that has jurisdiction for the rule issuing agency, to the house and
14 senate committees on ways and means and to the small business
15 advisory council. The preliminary notification of rulemaking
16 shall: (a) identify the rule to be noticed for hearing and the scope
17 of the proposed rule; (b) provide the statutory authority for such
18 proposed rulemaking; (c) identify the person within the agency
19 responsible for the rulemaking and who can be contacted for more
20 information; and (d) state the purpose for proposing the new regu-
21 lations or change of regulation and generally, the goal or goals to
22 be obtained.

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

4 Agencies may initiate emergency regulatory actions under rele-
5 vant sections of this chapter without prior compliance with sec-
6 tions 1, 2, 3, and 5; provided, however that compliance shall be

7 initiated as soon as practicable following the emergency action
8 and, in any event, prior to making any emergency action perma-
9 nent.

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

4 Every agency promulgating rules and regulations shall maintain
5 a notification list of persons and groups interested in the agency's
6 rulemaking and who request preliminary notification of agency
7 rulemaking, with such request being renewed annually by said
8 persons and groups. Not later than 30 days prior to the notice
9 described above the agency shall send a preliminary notification
10 of agency rulemaking to each person or group who has requested
11 preliminary notification of agency rulemaking and to the appro-
12 priate committee of the general court that has jurisdiction for the
13 rule issuing agency, to the house and senate committees on ways
14 and means and to the small business advisory council. The prelim-
15 inary notification shall: (a) identify the rule to be noticed and the
16 scope of the proposed rule; (b) provide the statutory authority for
17 such proposed rulemaking; (c) identify the person within the
18 agency responsible for the rulemaking and who can be contacted
19 for further information; and (d) state the purpose for proposing the
20 new regulations or change of regulation and generally, the goal or
21 goals to be obtained.

1 SECTION 5. Section 5 of said chapter 30A, as so appearing, is
2 hereby amended by striking the first sentence of the second para-
3 graph and inserting in place thereof the following:—

4 No rule or regulation so filed with the state secretary, except
5 those filed for the purpose of setting rates, issuing grants or pro-
6 viding loans, and except those filed by the department of telecom-
7 munications and energy or the division of insurance, shall become
8 effective until a regulatory impact statement has been completed,
9 made public during the hearing process described above and is
10 filed with the state secretary. The secretary of the enforcing
11 agency shall review all regulatory impact statements prior to their
12 filing with the state secretary to ensure and certify that a proper
13 methodology and approach was used by the agency submitting

14 said impact statement and to certify that the impact statement as
15 submitted complies with the definition of “regulatory impact
16 statement” as set forth in section 1 of chapter 30A within 90 days
17 of receipt.

18 In addition, no rule or regulation so filed, except those filed for
19 the purpose of setting rates, issuing grants or providing loans, and
20 except those filed by the department of telecommunications and
21 energy or the division of insurance, shall become effective until
22 the promulgating agency has filed with the state secretary a state-
23 ment verifying that said rule or regulation does not conflict with,
24 overlap or duplicate other agencies’ rules or regulations.