

HOUSE No. 2734

The Commonwealth of Massachusetts

PRESENTED BY:

Bradley H. Jones, Jr.

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 adoption of the accompanying bill:

An Act relative to accessible and free posting of state regulations.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Bradley H. Jones, Jr.</i>	<i>20th Middlesex</i>	<i>1/17/2019</i>
<i>Paul K. Frost</i>	<i>7th Worcester</i>	<i>1/31/2019</i>
<i>Donald H. Wong</i>	<i>9th Essex</i>	<i>1/31/2019</i>
<i>Randy Hunt</i>	<i>5th Barnstable</i>	<i>1/28/2019</i>
<i>Steven S. Howitt</i>	<i>4th Bristol</i>	<i>1/30/2019</i>
<i>Mathew J. Muratore</i>	<i>1st Plymouth</i>	<i>1/30/2019</i>
<i>Michael J. Soter</i>	<i>8th Worcester</i>	<i>1/31/2019</i>
<i>F. Jay Barrows</i>	<i>1st Bristol</i>	<i>1/31/2019</i>
<i>Kimberly N. Ferguson</i>	<i>1st Worcester</i>	<i>1/31/2019</i>
<i>Hannah Kane</i>	<i>11th Worcester</i>	<i>2/1/2019</i>
<i>Bruce E. Tarr</i>	<i>First Essex and Middlesex</i>	<i>2/1/2019</i>

HOUSE No. 2734

By Mr. Jones of North Reading, a petition (accompanied by bill, House, No. 2734) of Bradley H. Jones, Jr., and others relative to accessible and free posting of state regulations. State Administration and Regulatory Oversight.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-First General Court
(2019-2020)**

An Act relative to accessible and free posting of state 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, as appearing in the 2016 Official
2 Edition, is hereby amended by striking out section 6 in its entirety, and inserting in place thereof
3 the following section:-

4 Section 6. Documents required or authorized to be published by this section shall be
5 printed and distributed by the state secretary in a serial publication entitled the "Massachusetts
6 Register". The state secretary shall contract and arrange, subject to all pertinent statutes, for the
7 biweekly printing and distribution of the Massachusetts Register. The prices to be charged for
8 the Massachusetts Register may be set without reference to the statutory charges for public
9 documents fixed by chapter two hundred and sixty-two.

10 The "Massachusetts Register" shall also be made available in a similar format and
11 available to the general public through the internet at no charge. The secretary of state shall
12 contract to provide this information on the agency's website and shall provide the most customer

13 focused technology options to allow the general public to opt-in to real-time updates regarding
14 regulatory hearings and publications of draft and final regulations.

15 There shall be published in print and on the internet the Massachusetts Register the
16 following documents: (1) executive orders, except those not having general applicability and
17 legal effect or effective only against state agencies or persons in their capacity as officers, agents
18 or employees thereof; (2) all regulations filed in accordance with section five; (3) all notices filed
19 in accordance with sections two and three, except that the secretary may summarize the content
20 of any notice filed; provided, however, that he indicate that the full text of the notice may be
21 inspected and copied in the office of the state secretary during business hours; and (4) any other
22 item or portion thereof which the state secretary deems to be of sufficient public interest. The
23 secretary of state shall provide said documents in print and on the internet in a manner that
24 allows the general public to opt into the different categories of documents.

25 Each issue of the Massachusetts Register shall begin with a table of contents listing the
26 documents contained therein which shall include a brief summary for each document identifying
27 the purpose of any proposed regulations and whether small business is likely to be substantially
28 affected by said regulations.

29 Each biweekly issue shall contain all documents required or authorized to be published,
30 filed with the state secretary up to the day fixed by the secretary as the printing deadline for that
31 issue, except that the secretary may omit from the biweekly issue of the register any document
32 which he deems unduly cumbersome or expensive to publish. In such cases, he shall describe the
33 nature of the omitted document and shall publish a supplemental issue of the register containing
34 the text of the document as soon as practicable and in any event within thirty days. Supplemental

35 issues shall be published as the state secretary deems necessary and shall in all ways have the full
36 force and effect of the regular biweekly issues of the register.

37 Regulations other than emergency regulations, which are adopted under section two and
38 three, shall become effective only when published in accordance with this section, or, in the case
39 of any regulation as to which a later effective date is required by any law, or is specified in such
40 regulation by the agency adopting the same, upon such later date or upon such publication,
41 whichever last occurs. Emergency regulations shall become effective when filed with the state
42 secretary, or at such later time as may be required by law or be specified therein and shall remain
43 in effect no longer than three months following filing except as provided in sections two and
44 three.

45 The state secretary shall make available upon request of any person or group the
46 biweekly issues of the Massachusetts Register. He shall transmit, without charge, a copy of each
47 issue thereof to (1) the clerk of the house of representatives; (2) the clerk of the senate; (3) the
48 house counsel and senate counsel; and (4) the state librarian.

49 The state secretary shall mail upon receipt of the subscription price a sheet containing the
50 table of contents or other information sufficient to enable the reader to determine whether he
51 wishes to purchase that issue of the register.

52 The publication in print or internet of the Massachusetts Register of a document creates a
53 rebuttable presumption (1) that it was duly issued, prescribed, or promulgated; (2) that all the
54 requirements of this chapter and regulations prescribed under it relative to the document have
55 been complied with; and (3) that the text of the regulations as published in print or internet in the
56 Massachusetts Register is a true copy of the attested regulation as filed by the agency.

57 The contents of the Massachusetts Register shall be judicially noticed and, without
58 prejudice to any other mode of citation, may be cited by volume and page number.

59 SECTION 2. chapter 30A of the General Laws, as appearing in the 2016 Official Edition,
60 is hereby amended by striking out section 6B its entirety, and inserting in place thereof the
61 following section:-

62 Section 6B. Each agency shall purchase a copy or copies of the issues of the register
63 which contain regulations or notices of that agency and make at least one copy readily available
64 in a prominent place at each of the agency's offices for the purpose of public inspection and
65 copying. To assist interested persons dealing with it, each agency having authority to adopt
66 regulations shall prepare and make available for inspection in a prominent place at each of its
67 offices serving the public a list of its regulations and a description of its central and field
68 organization, including the location of persons and places from which the public can secure
69 information, make submittals or requests or obtain decisions. All such lists and descriptions shall
70 be kept current.

71 The secretary of state shall provide at no charge a copy of the register or specific to state
72 agencies in the event the Governor issues an executive order regarding a state wide regulatory
73 review process or upon order of the Governor regarding a specific agency's review of a
74 regulation or regulations.