

Rulemaking Process

Notice of Public Hearing or Public Comment

Before adopting a regulation, agencies must either hold a public hearing or have a public comment period. Some agencies are required by their own regulations to hold both.

Written notice is provided at least 21 days before a public hearing, or before the end of the public comment period. The notice must be:

Advertised in at least one daily newspaper of general circulation

Sent to anyone who requested notification

Advertised in the Register

Register

Relevant statute for the agency's action

Text of the proposed amendment or regulation (or a summary)

Time, date, and place of the hearing

Format and date/time deadline for comment submission (if creating a public comment period)

Location of copies of the proposed regulation

Small Business Impact Statement

When holding a public hearing or comment period, a small business impact statement needs to be filed with the Secretary's office.

Consultation on Administrative Mandates

All proposed regulation notices must be sent to the Local Government Advisory Committee (LGAC) 14 days before giving notice of a public hearing or comment period.

Permanent Regulations Step-by-Step Regulation Process

35 days before hearing/comment period, notify Local Government Advisory Committee

21 days before hearing/comment period

Publish hearing/comment period notice in a local newspaper

Send hearing/comment period notice to anyone who requested notification

Send notice and Small Business Impact Statement to the Secretary for publishing in the Register

Send electronic and paper copies of proposed changes to the Secretary

Make proposed regulation available for public viewing

After hearing or comment period

File amended Small Business Impact Statement before adoption

File print and electronic versions of Regulation Filing Form

File "draft" pages with changes marked in red

Include any items "incorporated by reference"

Filing Regulations

State law doesn't offer a specific timeframe for filing regulations after a hearing or comment period. Some agencies allow more time for written comments. Other agencies seek further approvals after the hearing and before publication. Generally, a regulation for publication can be filed immediately after the hearing or comment period.

Fiscal Effect

When submitting a proposed regulation, state its fiscal effect on both public and private sectors.

Publication, Effective Date, and Future Effective Date

Publication and effective dates vary depending on the regulation type.

General regulations take effect when published in the Register, or a later date if required by law or specified by the agency.

Emergency regulations take effect when filed with the Secretary, or a later date if required by law or specified by the agency.

The Register issues amendments as replacement CMR pages. This assures that the CMR is always current and compliant.

Emergency Rulemaking

Emergency regulation adoptions are meant for real emergencies. They aren't meant to avoid public hearings or comment periods for non-emergency situations.

A regulation can be adopted without having a public hearing or comment period, under certain emergency conditions:

When immediate adoption, amendment, or repeal is necessary for public health, safety, or general welfare, or

When following standard notice periods would be against the public interest

Emergency regulations take effect:

When the printed version of the Regulation Filing Form, signed by an authorized person, is filed with the Secretary, or

At a later date, if required by law or specified by the agency

Length of Emergency Regulations

Emergency regulations remain in effect for three months from the filing date.

Massachusetts Register

Massachusetts Administrative Procedure Act