

By Mr. McNeil of Malden, petition of John C. McNeil that provision be made for a system of periodic legislative review and for the termination, consolidation or reestablishment of state agencies. State Administration.

The Commonwealth of Massachusetts

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

AN ACT PROVIDING FOR A SYSTEM OF PERIODIC LEGISLATIVE REVIEW AND FOR THE TERMINATION, CONSOLIDATION OR REESTABLISHMENT OF STATE 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 1. In this act the following words, unless a different
2 meaning is required by the context or is specifically prescribed,
3 shall have the following meanings:—

4 (a) "agency" shall include but not be limited to a secretariat,
5 department, division, commission, board, bureau, council or pro-
6 gram.

7 (b) "committee" Joint committee on Post Audit and Oversight.

8 (c) "sunset review", shall mean the systematic evaluation of any
9 agency by the committee, with the assistance of the appropriate
10 agency of government, the purpose of which shall be to determine
11 whether those objectives which gave rise to the creation of the
12 agency continue to justify its existence and if so to determine the
13 operational level of said agency.

1 SECTION 2. The committee may promulgate rules and regula-
2 tions under which Sunset Reviews may be conducted which shall
3 take effect when approved by the General Court. At any time, the
4 committee may amend said rules and regulations subject to ap-
5 proval by the General Court.

1 SECTION 3. The committee, on or before January 1, 1982,
2 shall submit to the General Court for approval a five year schedule
3 of agencies whose statutory or administrative authorization shall
4 automatically terminate on July 1 of the year specified in the
5 Sunset review schedule. The number of agencies to be reviewed
6 shall be dependent upon the assignment of staff necessary to carry
7 out said goal.

8 The committee shall notify the agencies to be so terminated by
9 registered mail 24 months prior to termination.

1 SECTION 4. At least 24 months prior to termination the com-
2 mittee will submit a review plan to the General Court, the agency
3 and representatives of the appropriate executive branch secretariat
4 and the secretariat of administration and finance. In this plan the
5 committee will define the scope of the review of the agency and the
6 criteria and priorities set out in this review plan are to serve as
7 guidelines for a written report to be submitted by the agency to the
8 committee. Such criteria shall include but not be limited to the
9 following: —

10 (a) Would the termination of the agency significantly harm or
11 endanger the public health, safety or welfare?

12 (b) Has the agency met the objective for which it was created?

13 (c) Do the functions of the agency overlap, duplicate, conflict
14 with or depend on the functions of any other agency?

15 (d) What has been the economic impact of the actions of the
16 agency on the state's consumers, economy, and/or the public
17 welfare?

18 (e) How has the agency encouraged participation by the public
19 in making its rules and regulations?

20 (f) What are the objectives of the agency for the next five fiscal
21 years?

22 (g) A statement of the number and type of beneficiaries or
23 persons served by the agency, any significant increases or decreases
24 in said population in the preceding three years and the reasons
25 therefor, and any foreseeable changes in said population.

26 (h) A statement of the intergovernmental fiscal transfers em-
27 ployed by said agency and potential means of maximizing grants
28 and other fiscal aids by said agency.

29 (i) A summary statement, for each of the last three completed
30 fiscal years, of the number, by grade, and cost of personnel em-
31 ployed in carrying out the programs of the agency and a summary
32 statement of the cost of personnel employed under contract in
33 carry out the program of the agency.

1 SECTION 5. At least 18 months preceding its termination date,
2 the agency shall submit to the committee its written report pre-
3 pared pursuant to the request of that committee and in accordance
4 with the guidelines set out in the committee's review plan. At the
5 same time the committee shall receive written recommendations
6 relative to the agency's termination, consolidation or reestablish-
7 ment from the appropriate executive branch secretariat and the
8 secretariat of administration and finance.

1 SECTION 6. By January 1 of the year of termination the com-
2 mittee will file a report, including recommendations, with the
3 Clerk of House of the legislature as to the termination, consolida-
4 tion, or reestablishment of the agency.

1 SECTION 7. Unless the proposal is for such consolidation of
2 agencies, no more than one agency shall be the subject of any one
3 piece of legislation submitted by the appropriate legislative com-
4 mittee under this chapter.

1 SECTION 8. Each agency scheduled for termination under the
2 provisions of section 3 of this Act may be consolidated or reestab-
3 lished for a period of 15 years by action of the general court. A vote
4 shall be taken on any legislation to consolidate or reestablish
5 agencies, by the yeas and nays in both branches.

1 SECTION 9. If the committee recommends the reestablish-
2 ment or consolidation of any agency and the general court pro-
3 rogues before the scheduled termination date of such agency with-
4 out having taken a final vote of such recommendation, the agency
5 shall not be terminated until March 1 of the following year.

1 SECTION 10. Each agency may continue in existence for up to
2 one year after scheduled termination for the purpose of completing
3 its work and activities. During this completion period, termination
4 shall not reduce or otherwise limit the powers or authority of each
5 agency. Upon expiration of one year after scheduled termination,
6 each agency shall cease all activities and all of its regulations shall
7 become void.

1 SECTION 11. Each agency which is consolidated or reestab-
2 lished under the provisions of this Act shall promulgate appro-
3 priate rules and regulations effective until approval by the General
4 Court.

1 SECTION 12. Nothing in this chapter shall cause any right,
2 claim, or cause of action held by any person against any agency to
3 be dismissed, nor shall any right, claim, or cause of action held by
4 any agency which has been terminated pursuant to this chapter
5 lapse because of this chapter.

1 SECTION 13. The Speaker of the House and the Senate Presi-
2 dent shall appoint a joint special committee on Sunset.

3 On or before April 1, 1987 the Joint Special Committee is
4 directed to make a study and issue a report as to the effectiveness of
5 the "sunset" review process. This report shall include recommenda-
6 tions concerning the review process and the reestablishment of this
7 chapter. Unless reestablished this chapter shall terminate on the
8 first of July, 1988.