

By Mr. Freeman of Chelmsford, petition of Bruce N. Freeman for legislation to establish a system of periodic review and for the termination, continuation, or reestablishment of state agencies. State Administration.

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**The Commonwealth of Massachusetts**

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

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AN ACT PROVIDING FOR THE MASSACHUSETTS "SUNSET" LAW — ESTABLISHING A SYSTEM OF PERIODIC REVIEW AND FOR TERMINATION, CONTINUATION, 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 The General Laws are hereby amended by inserting after Chap-  
2 ter 30A the following chapter: —

3 **CHAPTER 30B.**  
4 **PERIODIC REVIEW AND TERMINATION,**  
5 **CONTINUATION OR REESTABLISHMENT OF**  
6 **STATE AGENCIES.**

7 *Section 1.* Due to a substantial increase in the number of state  
8 boards, committees and commissions, it is deemed necessary and  
9 advisable to establish a mechanism for the periodic legislative  
10 review of the public need for such boards, committees, and com-  
11 missions and for the termination of those found to be not needed.

12 *Section 2.* As used herein, the following words shall have the  
13 following meanings:

14 (a) "agency" — those state boards, committees, and commis-  
15 sions listed in sections 10 through 14 of this chapter or any such  
16 boards, committees, and commissions established after the effec-  
17 tive date of this chapter.

18 (b) "The Committee" — the legislative Committee on Post  
19 Audit and Oversight.

20 *Section 3.* The Committee shall review each agency following  
21 the procedure set out in section four of this chapter and present its  
22 recommendations, if any, in writing to the General Court. The  
23 Committee shall, after public hearing, promulgate rules and regu-  
24 lations, in addition to those provided in this chapter, under which  
25 it will conduct agency review. The committee shall submit said  
26 rules and regulations to the General Court for approval by Sep-  
27 tember 1, 197 or if the General Court has prorogued, when it  
28 next convenes. Said rules and regulations shall be deemed  
29 approved and shall become effective 30 days after submission to  
30 the General Court unless either branch disapproves them. If said  
31 rules and regulations are disapproved, they shall be revised by the  
32 Committee and resubmitted under the same procedure.

33 Said rules and regulations shall include, but not be limited to the  
34 following criteria for evaluating agencies:

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

37 (b) Has the agency met the objectives for which it was created?

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

40 (d) Has the economic impact of the actions of the agency been  
41 beneficial to the state's consumers, economy, and/or the public  
42 welfare?

43 (e) Has the agency encouraged participation by the public in  
44 making its rules and regulations?

45 (f) What are the objectives of the agency for the next five fiscal  
46 years?

47 *Section 4.* Each agency specified in sections 10 through 14 of  
48 this chapter shall submit to the Committee a written statement  
49 demonstrating sufficient public need for its continued existence by  
50 the first Wednesday in December of the year preceding its termina-  
51 tion date. Each agency shall work with the Secretary of the  
52 Department of Administration and Finance to develop such a  
53 statement. The agency shall prepare its statement in accordance  
54 with the rules and regulations of the Committee.

55 The State Auditor shall cause the audit required by section 12 of  
56 Chapter 11 to be performed on each agency within 3 months of the  
57 date set by the Committee for such agency's review and shall  
58 prepare a summary of each audit to accompany it.

59 The Committee shall hold one or more public hearings on each  
60 agency after giving reasonable public notice. On or before May 1  
61 of each year, the Committee shall issue in writing its findings and  
62 recommendations to the General Court. Copies of such reports  
63 shall be made available to the public. If the Committee concludes  
64 that an agency should be continued, it shall submit at the same  
65 time, appropriate legislation to the General Court to continue that  
66 agency for a period not to exceed five years. The Committee's  
67 proposal may include modification of the agency's enabling stat-  
68 ute, reorganization of the agency, or a consolidation of the agency  
69 with other agencies. Unless the proposal is for such consolidation  
70 of agencies, no more than one agency shall be the subject of any  
71 legislation submitted by the Committee under this chapter.

72 *Section 5.* The life of each agency scheduled for termination  
73 under the provisions of sections 10 through 14 of this Chapter may  
74 be continued or reestablished by action of the General Court for a  
75 period not to exceed five years at the end of which time and at the  
76 end of at least every five years thereafter, each shall be subject to a  
77 review under the provisions of this chapter. Each agency estab-  
78 lished after the effective date of this chapter shall terminate on the  
79 first day of July subsequent to the sixtieth month after its estab-  
80 lishment and shall be subject to the provisions of this chapter.

81 A vote shall be taken on any legislation to continue, reestablish  
82 or consolidate agencies, by the yeas and nays in both branches.

83 *Section 6.* If the Committee reports a bill to continue, reestab-  
84 lish or consolidate an agency and the General Court prorogues  
85 before the scheduled termination date of such agency without  
86 having taken a final vote on such bill, the agency shall not be  
87 terminated until March 1 of the following year.

88 *Section 7.* Each agency may continue in existence for up to six  
89 months after scheduled termination for the purpose of completing  
90 its work and activities. During this completion period, termination  
91 shall not reduce or otherwise limit the powers of authority of each

92 agency. Upon the expiration of six months after termination, each  
93 agency shall cease all activities and all of its regulations shall  
94 become void. All unexpended balances of appropriations or other  
95 funds shall revert to the General Fund.

96 *Section 8.* If an agency's life is continued under the provisions  
97 of this chapter, but its enabling statute is substantively amended,  
98 the prior rules and regulations of such agency shall be effective for  
99 no more than six months thereafter.

100 *Section 9.* Nothing in this chapter shall cause any right, claim,  
101 or cause of action held by any person against any agency to be  
102 dismissed, nor shall any right, claim, or cause of action held by any  
103 agency which has been terminated pursuant to this chapter lapse  
104 because of this chapter.

105 *Section 10.* The following agencies shall terminate on July 1,  
106 1980:

107 (a) Board of Registration and Discipline in Medicine estab-  
108 lished by Chapter 458 of the Acts of 1894, as amended;

109 (b) Board of Registration in Podiatry established by Chapter  
110 425 of the Acts of 1937, as amended;

111 (c) Board of Registration in Nursing established by Chapter  
112 620 of the Acts of 1941, as amended;

113 (d) Board of Registration in Optometry established by Chapter  
114 700 of the Acts of 1912, as amended;

115 (e) Board of Dental Examiners established by Chapter 137 of  
116 the Acts of 1887, as amended;

117 (f) Board of Registration in Pharmacy established by Chapter  
118 313 of the Acts of 1885, as amended.

119 (g) Board of Registration in Veterinary Medicine established  
120 by Chapter 249 of the Acts of 1903, as amended;

121 (h) Board of Registration of Dispensing Opticians established  
122 by Chapter 688 of the Acts of 1955, as amended.

123 (i) Board of Registration of Nursing Home Administrators  
124 established by Chapter 865 of the Acts of 1970, as amended;

125 (j) Board of Registration of Psychologists established by Chap-  
126 ter 1021 of the Acts of 1971, as amended;

127 (k) Board of Registration of Chiropractors established by  
128 Chapter 409 of the Acts of 1966, as amended; and

129 (l) Board of Certification of Health Officers established by  
130 Chapter 521 of the Acts of 1970, as amended.

131 *Section 11.* The following agencies shall terminate on July 1,  
132 1981:

133 (a) Board of Registration in Embalming and Funeral Directing  
134 established by Chapter 473 of the Acts of 1905, as amended;

135 (b) State Examiners of Electricians established by Chapter 295  
136 of the Acts of 1915, as amended;

137 (c) Board of Electricians' Appeals established by Chapter 531  
138 of the Acts of 1961, as amended;

139 (d) Board of Public Accountancy established by Chapter 663 of  
140 the Acts of 1963, as amended;

141 (e) Board of State Examiners of Plumbers established by Chap-  
142 ter 536 of the Acts of 1909, as amended;

143 (f) Board of Registration of Barbers established by Chapter 418  
144 of the Acts of 1931, as amended.

145 (g) Board of Registration of Hairdressers established by Chap-  
146 ter 428 of the Acts of 1935, as amended;

147 (h) Board of Registration of Architects established by Chapter  
148 696 of the Acts of 1941, as amended;

149 (i) Board of Registration of Professional Engineers and Land  
150 Surveyors established by Chapter 643 of the Acts of 1941, as  
151 amended;

152 (j) Board of Registration on Sanitarians established by Chapter  
153 673 of the Acts of 1957, as amended;

154 (k) Board of Registration of Real Estate Brokers and salesmen  
155 established by Chapter 726 of the Acts of 1957, as amended:

156 (l) Board of Registration of Electrologists established by Chap-  
157 ter 625 of the Acts of 1958, as amended;

158 (m) Board of Radio and Television Technicians established by  
159 Chapter 604 of the Acts of 1963, as amended; and

160 (n) Board of Registration of Landscape Architects established  
161 by Chapter 473 of the Acts of 1968, as amended.

162 *Section 12.* The following agencies shall terminate on July 1,  
163 1983:

164 (a) Board of Certification of Operators of Waste Water Treat-  
165 ment Facilities established by Chapter 781 of the Acts of 1970, as  
166 amended;

167 (b) Board of Certification of Operators of Drinking Water  
168 Supply Facilities established by Chapter 942 of the Acts of 1971, as  
169 amended;

170 (c) Mobile Homes Commission established by Chapter 487 of  
171 the Acts of 1962, as amended;

172 (d) Milk Regulation Board established by Chapter 305 of the  
173 Acts of 1932, as amended;

174 (e) Milk Control Commission established by Chapter 691 of the  
175 Acts of 1941, as amended;

176 (f) Fraudulent Claims Board established by Chapter 643 of the  
177 Acts of 1968, as amended;

178 (g) Alcoholic Beverages Control Commission established by  
179 Chapter 120 of the Acts of 1933, as amended;

180 (h) State Racing Commission established by Chapter 374 of the  
181 Acts of 1934, as amended;

182 (i) Obscene Literature Commission established by Chapter 577  
183 of the Acts of 1958, as amended;

184 (j) Gas Fittings Regulation Board established by Chapter 737  
185 of the Acts of 1960;

186 (k) Advisory Council on Home and Family established by  
187 Chapter 624 of the Acts of 1966, as amended;

188 (l) Nutrition Board established by Chapter 833 of the Acts of  
189 1974, as amended; and

190 (m) Small Loans Regulatory Board established by Chapter 689  
191 of the Acts of 1956, as amended.

192 *Section 13.* The following agencies shall terminate on July 1,  
193 1983:

194 (a) Armory Commission established by Chapter 384 of the Acts  
195 of 1888, as amended;

196 (b) State Airport Management Board established by Chapter  
197 637 of the Acts of 1948, as amended;

198 (c) Port of Boston Commission established by Chapter 619 of  
199 the Acts of 1945, as amended;

200 (d) Advisory Committee on Chaplains in State Institutions  
201 established by Chapter 763 of the Acts of 1974, as amended.

202 (e) State Ballot Commission established by Chapter 436 of the  
203 Acts of 1890, as amended;

- 204 (f) Massachusetts Education Communications Commission  
205 established by Chapter 770 of the Acts of 1968, as amended;
- 206 (g) Commissioners of Uniform State Laws established by  
207 Chapter 416 of the Acts of 1909, as amended.
- 208 (h) Massachusetts Fire Training Council established by Chap-  
209 ter 842 of the Acts of 1971, as amended;
- 210 (i) Finance Advisory Board established by Chapter 708 of the  
211 Acts of 1956, as amended;
- 212 (j) Advisory Board on Legislative and Constitutional Officers'  
213 Compensation established by Chapter 1 of the Acts of 1971, as  
214 amended;
- 215 (k) Management Engineering Task Force Board established by  
216 Chapter 579 of the Acts of 1971, as amended;
- 217 (l) Health and Welfare Commission established by Chapter 353  
218 of the Acts of 1966, as amended;
- 219 (m) Commission on Supplemental Security Income established  
220 by Chapter 1210 of the Acts of 1973, as amended; and
- 221 (n) Retirement Law Commission established by Chapter 623 of  
222 the Acts of 1958, as amended.
- 223 *Section 14.* The following agencies shall terminate on July 1,  
224 1984:
- 225 (a) Massachusetts Criminal Justice Training Council  
226 established by Chapter 564 of the Acts of 1964, as amended;
- 227 (b) Committee on Criminal Justice established by Chapter 798  
228 of the Acts of 1967, as amended
- 229 (c) State Council on Juvenile Behavior established by Chapter  
230 859 of the Acts of 1969, as amended;
- 231 (d) Criminal History Systems Board established by Chapter  
232 805 of the Acts of 1972, as amended;
- 233 (e) Committee to Keep Massachusetts Beautiful established by  
234 Chapter 477 of the Acts of 1976, as amended;
- 235 (f) The American and French Cultural Exchange Commission  
236 established by Chapter 681 of the Acts of 1968, as amended;
- 237 (g) Art Commission established by Chapter 422 of the Acts of  
238 1910, as amended;

- 239 (h) Board of Underwater Archaeological Resources established  
240 by Chapter 989 of the Acts of 1973, as amended;
- 241 (i) Commission on Employment of the Handicapped  
242 established by Chapter 662 of the Acts of 1958, as amended; and
- 243 (j) Boxer's Fund Board established by Chapter 623 of the Acts  
244 of 1957, as amended.