

By Mr. Nolen of Ware, petition of Charles Francis Mahoney for legislation to facilitate the reorganization of agencies and functions of the executive branch of the state government by the Governor subject to disapproval by the General Court. State Administration.

**The Commonwealth of Massachusetts**

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

AN ACT FACILITATING THE REORGANIZATIONS OF AGENCIES AND FUNCTIONS OF THE EXECUTIVE BRANCH OF THE GOVERNMENT OF THE COMMONWEALTH BY THE GOVERNOR, SUBJECT TO DISAPPROVAL BY THE GENERAL COURT.

*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. (a) The governor shall examine, and from time  
2 to time re-examine, the organization of all agencies of the execu-  
3 tive branch of the government of the commonwealth and shall  
4 determine what changes therein are necessary to accomplish the  
5 following purposes:

6 (1) To promote the better execution of the laws, the more  
7 effective management of the executive branch of the government  
8 and of its agencies and functions, and the expeditious adminis-  
9 tration of the public business;

10 (2) To reduce expenditures and promote economy to the full-  
11 est extent consistent with the efficient operation of the executive  
12 branch of the government;

13 (3) To increase the efficiency of the operations of the execu-  
14 tive branch of the government to the fullest extent practicable;

15 (4) To group, co-ordinate and consolidate agencies and func-  
16 tions of the executive branch of the government as nearly as  
17 possible according to major purposes, subject to the limitations  
18 set forth in section four of this act;

19 (5) To reduce the number of agencies by consolidating those  
20 having similar functions under a single head, and to abolish such  
21 agencies or functions thereof as may not be necessary for the  
22 efficient conduct of the executive branch of the government, sub-  
23 ject to the limitations set forth in section four of this act; and

24 (6) To eliminate overlapping and duplication of effort.

25 (b) The General Court declares that the public interest de-  
26 mands the carrying out of the purposes specified in subsection  
27 (a) and that these purposes may be accomplished in great meas-  
28 ure by proceeding under the provisions of this act and can be  
29 accomplished more speedily and effectively thereby than by the  
30 enactment of individual pieces of legislation.

1 SECTION 2. Whenever the governor, after investigation, finds  
2 that:

3 (1) The transfer of the whole or any part of any agency, or  
4 of the whole or any part of the function thereof, to the juris-  
5 diction or control of any agency; or

6 (2) The abolition of all or any part of the functions of any  
7 agency; or

8 (3) The consolidation or co-ordination of the whole or any  
9 part of any agency, or of the whole or any part of the function  
10 thereof, with the whole or any part of any other agency or the  
11 function thereof; or

12 (4) The consolidation or co-ordination of any part of any  
13 agency or the functions thereof with any other part of the same  
14 agency or the functions thereof; or

15 (5) The authorization of any officer to delegate any of his  
16 functions; or

17 (6) The abolition of the whole or any part of any agency  
18 which agency or part does not have, or upon the taking effect  
19 of the reorganization plan will not have, any functions, — is  
20 necessary to accomplish one or more of the purposes of sec-  
21 tion 1 (a) of this act, he shall prepare one or more reorganization  
22 plans, each bearing an identifying number, for the making of  
23 the transfer, abolition, consolidation, co-ordination or authoriza-  
24 tion and shall transmit such plan or plans to the general court,  
25 together with a message containing a declaration that he has  
26 found such transfer, abolition, consolidation, co-ordination or  
27 authorization necessary to accomplish one or more of the pur-

28 poses of section 1 (a) of this act. He shall append to such plan  
29 and message a report containing his reasons therefor. The trans-  
30 mittal to both houses of the general court shall be on the same  
31 date and shall be made to each house while it is in session. The  
32 governor in his message transmitting such reorganization plan  
33 or plans shall specify with respect to each abolition of an agency  
34 or function specified in the plan or plans the statutory authority  
35 for the existence of the agency or the exercise of such function.  
36 Each plan shall be in the form of a statute amending or repeal-  
37 ing existing chapters, sections or parts of chapters or sections of  
38 the Tercentenary Edition of the General Laws as amended or of  
39 special laws or prior reorganization plans.

1 SECTION 3. Any reorganization plan transmitted by the gov-  
2 ernor under this act: —

3 (1) May change, in such cases as he deems necessary, the  
4 name of any agency affected by a reorganization plan and the  
5 title of its head, subject to the limitations set forth in section  
6 four of this act;

7 (2) May include provisions for the appointment, term of office  
8 and compensation of the head of any agency (including an agency  
9 resulting from a reorganization) if the governor finds, and in his  
10 message transmitting the plan declares, that by reason of trans-  
11 fers, abolitions, consolidations, co-ordinations and authoriza-  
12 tions made by such plan, the responsibilities and duties of such  
13 head are of such nature as to require such action. The head so  
14 provided for may be an individual or may be a commission or  
15 board with two or more members. If the appointment of such  
16 head is not stated by the plan to be subject to the civil service  
17 laws and regulations, the appointment shall be made by the  
18 governor with the consent of the council and shall not be fixed  
19 at more than four years and the compensation of such appointee  
20 shall not be at a rate in excess of that found by the governor to  
21 prevail in respect of comparable officers in the executive branch  
22 and in no case shall be at a rate in excess of eighteen thousand  
23 dollars per year;

24 (3) Shall make provision for the transfer or other disposition  
25 of the records, property and personnel affected by any transfer,  
26 abolition, consolidation or co-ordination and the winding up of  
27 the affairs of any agency abolished. The director of civil serv-

28 ice shall determine whether changes in assignment occurring  
29 through the operation of a reorganization plan result in appoint-  
30 ment, transfer, promotion or demotion of the incumbent and  
31 shall take appropriate steps to enforce the provisions of the civil  
32 service laws and regulations relating thereto. No reorganiza-  
33 tion plan shall provide for and no reorganization plan under  
34 this act shall have the effect of appointing to a permanent posi-  
35 tion in the civil service any person who prior to the effective  
36 date of the plan held no such permanent position unless the  
37 civil service laws and regulations are complied with;

38 (4) Shall make provision for the transfer of such unexpended  
39 balances of appropriations available for use in connection with  
40 any function or agency transferred, consolidated or co-ordi-  
41 nated, as he deems necessary by reason of the reorganization  
42 plan; for use in connection with the transferred, consolidated  
43 or co-ordinated functions; or for the use of the agency to which  
44 the transfer is made, but such unexpended balances so trans-  
45 ferred shall be used only for the purposes and for the period  
46 for which such appropriations were originally made; and

47 (5) Shall enumerate specifically all provisions of the General  
48 Laws, special laws and prior reorganization plans which shall  
49 be superseded if the reorganization plan becomes effective.

1 SECTION 4. No reorganization plan shall provide for, and no  
2 reorganization plan under this act shall have the effect of:

3 (1) Abolishing any of the twenty departments existing on  
4 the effective date of this act in conformity to Article LXVI of  
5 the constitution of the commonwealth, or all of the functions  
6 thereof, or establishing any new agency designated as a "de-  
7 partment"; or

8 (2) Continuing any agency beyond the period authorized by  
9 law for its existence or beyond the time when it would have  
10 terminated if the reorganization plan had not taken effect; or

11 (3) Continuing any function beyond the period authorized  
12 by law for its exercise, or beyond the time when it would have  
13 terminated if the reorganization plan had not taken effect, or  
14 beyond the time when the agency in which it was vested before  
15 the reorganization plan would have terminated if the reorgani-  
16 zation plan had not taken effect; or

17 (4) Authorizing any agency to exercise any function which

18 is not authorized by law at the time the reorganization plan is  
19 transmitted to the general court; or

20 (5) Increasing the term of any office beyond that provided  
21 by law for the office at the time the reorganization plan is trans-  
22 mitted to the general court.

1 SECTION 5. (a) A reorganization plan shall take effect in  
2 accordance with the plan upon the expiration of the first period  
3 of sixty calendar days following the date on which the plan is  
4 transmitted to the general court, provided, however, that such  
5 plan has been transmitted to the general court on or before the  
6 fourth Wednesday in April; but only if, between the date of  
7 transmittal and the expiration of such sixty-day period there  
8 has not been passed by either of the two houses of the general  
9 court a resolution stating that the senate or house of representa-  
10 tives, as the case may be, opposes the reorganization plan.

11 (b) Any provision of a reorganization plan may, under pro-  
12 visions contained in the plan, be made operative at a time later  
13 than the date on which the plan shall otherwise take effect.

1 SECTION 6. A reorganization plan transmitted to the gen-  
2 eral court under authority of this act shall be referred to the  
3 appropriate standing committee or committees thereof for a  
4 public hearing thereon not less than fifteen nor more than  
5 thirty calendar days after such plan appears in print.

6 If a reorganization plan shall be disapproved by a resolution  
7 of either house, the governor may transmit to the general court  
8 an amended plan or amended plans, which upon transmittal  
9 shall be subject to the provisions of this act the same as an  
10 original plan.

1 SECTION 7. When used in this act, the term "agency" means,  
2 subject to the limitations set forth in section four of this act, any  
3 department, commission, bureau, division, board, agency, office,  
4 institution or other governmental organization of the executive  
5 branch of the government of the commonwealth.

1 SECTION 8. Any statute enacted, and any regulation or other  
2 action made, prescribed, issued, granted or performed in respect  
3 of or by any agency or function transferred to, or consolidated

4 or co-ordinated with, any other agency or function under the provisions of this act, before the effective date of such transfer, consolidation or co-ordination shall, except to the extent rescinded, modified, superseded or made inapplicable by the provisions of the reorganization plan or by or under authority of law or by the abolition of a function, have the same effect as if such transfer, consolidation or co-ordination had not been made. If any such statute, regulation or other action has vested the function in the agency from which it is removed by the reorganization plan, the function shall, in so far as it is to be exercised after the reorganization plan becomes effective, be considered as vested in the agency under which the function is placed by the plan.

As used in this section "regulation or other action" means any regulation, rule, order, policy, determination, directive, authorization, permit, privilege, requirement, designation or other action.

SECTION 9. No suit, action or other proceeding lawfully commenced by or against any agency, or its head or other officer thereof in his official capacity or in relation to the discharge of his official duties, shall abate by reason of the taking effect of any reorganization plan under the provisions of this act. The court may, on motion or supplemental petition at any time within twelve months after the reorganization plan takes effect, showing a necessity for a survival of such suit, action or other proceeding to obtain a settlement of the questions involved, allow the same to be maintained by or against the successor of such head or officer under the reorganization plan so effected or, if there be no such successor, against such agency or officer as the governor shall designate.

SECTION 10. The appropriations or portions of appropriations unexpended by reason of the operation of this act and not transferred in accordance with section 3 (4) of this act shall revert to the treasury of the commonwealth.

SECTION 11. As an exercise of the rule-making power of the senate and house of representatives, respectively, applicable only to the procedure to be followed by each house under this act

4 and superseding other rules to the extent inconsistent herewith,  
5 the following rules are adopted as part of the rules of each house,  
6 respectively:

7 (a) The resolution of the senate or the house of representatives  
8 referred to in section 5 (a) of this act shall, after the resolving  
9 clause, be, respectively, as follows:

10 “That the senate opposes the reorganization plan numbered  
11 . . . transmitted to the general court by the governor on  
12 . . . , 19 . . .”; or “That the house of representatives op-  
13 poses the reorganization plan numbered . . . transmitted to  
14 the general court by the governor on . . . , 19 . . .”

15 A single resolution shall not refer to more than one reorganiza-  
16 tion plan.

17 (b) Such resolutions shall be referred to the appropriate com-  
18 mittee in the house in which introduced, and joint public hear-  
19 ings shall be held by such committee together with the appropri-  
20 ate committee from the other house designated by its presiding  
21 officer. Such resolutions shall be given priority over all legis-  
22 lation. Such resolutions and the reorganization plans to which  
23 they relate shall not be subject to amendment or modification.

24 (c) In all other respects the rules of each house shall be ap-  
25 plicable.

1 SECTION 12. All reorganization plans which take effect shall  
2 be printed in the “Acts and Resolves passed by the General  
3 Court of Massachusetts” for the year in which they take effect.

1 SECTION 13. All authority to transmit reorganization plans  
2 vested in the governor under this act shall expire on the thirtieth  
3 day of April, nineteen hundred and seventy-three; but such  
4 expiration shall not affect the validity of reorganization plans  
5 which have become effective prior to such date.

1 SECTION 14. This act shall take effect on January sixth,  
2 nineteen hundred and sixty-three.

The first part of the book is devoted to a general history of the  
 world, from the beginning of time to the present day. The author  
 discusses the various stages of human civilization, from the  
 earliest forms of society to the modern world. He also  
 examines the different cultures and religions that have  
 shaped the course of history. The second part of the book  
 is a detailed account of the events that have shaped the  
 world in the last few centuries. This includes the  
 discovery of America, the French Revolution, and the  
 Industrial Revolution. The author also discusses the  
 various wars and conflicts that have taken place in the  
 world during this time. The third part of the book is  
 a study of the different forms of government that have  
 been used in the world. The author compares and  
 contrasts the various systems, from monarchy to  
 democracy. He also discusses the advantages and  
 disadvantages of each system. The fourth part of the  
 book is a study of the different forms of art and  
 literature that have been produced in the world.  
 The author discusses the various styles and schools of  
 art, from the classical to the modern. He also  
 discusses the different forms of literature, from  
 epic poetry to the novel. The fifth part of the  
 book is a study of the different forms of science  
 and technology that have been developed in the  
 world. The author discusses the various discoveries  
 and inventions that have shaped the modern world.  
 The sixth part of the book is a study of the  
 different forms of philosophy and religion that  
 have been developed in the world. The author  
 discusses the various schools of thought and the  
 different beliefs and practices of the various  
 religions. The seventh part of the book is a  
 study of the different forms of music and dance  
 that have been developed in the world. The  
 author discusses the various styles and schools of  
 music and dance, from the classical to the  
 modern. The eighth part of the book is a study  
 of the different forms of architecture and  
 design that have been developed in the world.  
 The author discusses the various styles and schools  
 of architecture and design, from the classical to  
 the modern. The ninth part of the book is a  
 study of the different forms of sports and  
 games that have been developed in the world.  
 The author discusses the various sports and games  
 that have been played in the world, from the  
 ancient to the modern. The tenth part of the  
 book is a study of the different forms of  
 entertainment and leisure that have been  
 developed in the world. The author discusses the  
 various forms of entertainment and leisure, from  
 the ancient to the modern.