

By Mr. Aleixo of Taunton, petition of Theodore J. Aleixo, Jr., 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.

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. It is the intent of the Legislature: — (1) that the
2 growth, duplication and waste present in state government end,
3 and that the Legislature demand justification for the continued
4 funding of state agencies as defined in section 2a of this act. (2) To
5 provide a mechanism of systematic review of the need for and
6 public benefit derived from those agencies scheduled for review as
7 provided for in Section 4 of this act.

1 SECTION 2. 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
6 program.

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 3. The committee may promulgate rules and regula-
2 tions under which Sunset Reviews may be conducted. At any time,
3 the committee may amend said rules and regulations.

1 SECTION 4. The committee, on or before January 1, 1980,
2 shall submit to the legislature a five year schedule of agencies
3 whose statutory or administrative authorization shall automati-
4 cally terminate. The number of agencies to be reviewed shall be
5 dependent upon the assignment of staff necessary to carry out said
6 goal.

7 The committee shall notify the agencies to be so terminated by
8 registered mail 24 months preceding the date of termination.

1 SECTION 5. At least 24 months prior to termination the com-
2 mittee will submit to the agency and representatives of the appro-
3 priate executive branch secretariat a review plan. In this plan the
4 committee will define the scope of the review of the agency and the
5 criteria to be used in conducting the review of the agency. 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.

24 (h) A summary statement, for each of the last three completed
25 fiscal years, of the number, by grade, and cost of personnel
26 employed in carrying out the programs of the agency and a sum-
27 mary statement of the cost of personnel employed under contract
28 in carrying out the program of the agency.

1 SECTION 6. At least 21 months preceding its termination
2 date, the agency shall submit to the committee its written report
3 prepared pursuant to the request of the committee and in accord-
4 ance with the guidelines set out in the committee's review plan. At
5 the same time the committee shall receive written recommenda-
6 tions relative to the agency's termination, consolidation or reestab-
7 lishment from the appropriate executive branch secretariat.

1 SECTION 7. By January 1 of the year of termination the com-
2 mittee will report to the legislature its preliminary recommenda-
3 tions as to the termination, consolidation or reestablishment of the
4 agency.

1 SECTION 8. The appropriate legislative committee shall con-
2 duct a public hearing within 45 days after the issuance of the
3 committee's preliminary recommendations.

1 SECTION 9. A final report shall be submitted by the appro-
2 priate legislative committee to the legislature no later than April 1
3 of the year of termination.

1 SECTION 10. 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 11. The life of each agency scheduled for termina-
2 tion under the provisions of section 4 of this Act may be consoli-
3 dated or reestablished by action of the general court. A vote shall
4 be taken on any legislation to consolidate or reestablish agencies,
5 by the yeas and nays in both branches.

1 SECTION 12. If the committee recommends the reestablish-
2 ment or consolidation of an agency and the general court pro-
3 rogues before the scheduled termination date of such agency
4 without having taken a final vote on such recommendation, the
5 agency shall not be terminated until March 1 of the following year.

1 SECTION 13. 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 14. Each agency which is consolidated or reestab-
2 lished under the provisions of this Act shall promulgate appropri-
3 ate rules and regulations within one year after its consolidation or
4 reestablishment, provided however, that the prior rules and regula-
5 tions may remain in effect until the new ones have been
6 promulgated.

1 SECTION 15. 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 16. The joint committee on state administration
2 shall make a report to the general court on April 1, 1985. Included
3 therein shall be the necessary legislation to reestablish this chapter
4 if in the wisdom of the committee the sunset review process is
5 achieving its designated goal, otherwise this chapter shall termi-
6 nate on July 1, 1986.