

By Mr. Roche of Springfield, petition of Richard P. Roche 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 and
3 that the Legislature demand justification for the continued funding
4 of state boards, commissions and councils and agencies. (2) To
5 provide a mechanism of systematic review of the need for and
6 public benefit derived from the enumerated boards, commissions
7 and councils and agencies.

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", a state board, commission, division, council or
5 system.

6 (b) "sunset review", shall mean the systematic evaluation of any
7 agency by the committee of the legislature having jurisdiction
8 over the agency, with the assistance of the appropriate departments
9 or agencies of government, the purpose of which shall be to deter-
10 mine whether those objectives which gave rise to the creation of the
11 agency continue to justify its existence and if so to determine the
12 operational level of said agency.

1 SECTION 3. The Committee on State Administration shall
2 recommend rules and regulations, in addition to those provided in
3 this Act, under which Sunset Reviews will be conducted. The
4 Committee shall submit their recommendations to the General
5 Court for approval by January 31, 1980 or if the General Court has
6 prorogued, when it next convenes.

7 Said rules and regulations shall be deemed approved and shall
8 become effective 60 days after submission to the General Court
9 unless either branch disapproves them. If said rules and regulations
10 are disapproved, they shall be revised by the Committee and
11 submitted under the same procedure. At any time, the committee
12 may recommend amendments to said rules and regulations as they
13 deem appropriate. Said rules and regulations shall include but not
14 be limited to the following:

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

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

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

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

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

25 (f) What are the objectives of the agency for the next five fiscal
26 years?

27 (g) A statement of the number and type of beneficiaries or
28 persons served by the agency.

29 (h) A summary statement, for each of the last four completed
30 fiscal years, of the number, by grade, and cost of personnel
31 employed in carrying out the programs of the agency and a
32 summary statement of the cost of personnel employed under con-
33 tract in carrying out the program of the agency.

1 SECTION 4. On or before November 1 of each year, the Legis-
2 lative Research Bureau shall provide to the Committee on State
3 Administration:

4 A complete list of all statutorily mandated agencies, boards,
5 commissions and councils who have:

6 (1) Not received an appropriation or expended any state appro-
7 priated funds in the last two fiscal years.

8 (2) Not received or expended any monies received through
9 private foundations or federal sources.

10 (3) Not held a meeting in compliance with their legislative man-
11 date in the past two fiscal years.

12 On receipt of said report, the Committee on State Administra-
13 tion shall prepare and file the necessary legislation for the abolition
14 of any agencies, boards, commissions or councils who in the com-
15 mittee's judgment no longer exist.

1 SECTION 5. Unless already terminated as a result of Section 4
2 of this act, the following shall terminate on July 1, 1981.

3 (a) Board of Registration of Architects established by Chapter
4 696 of the Acts of 1941, as amended;

5 (b) Board of Registration of Landscape Architects established
6 by Chapter 473 of the Acts of 1968, as amended;

7 (c) Board of Registration of Professional Engineers and Land
8 Surveyors established by Chapter 643 of the Acts of 1941, as
9 amended;

10 (d) Board of Registration of Real Estate Brokers and Salesmen
11 established by Chapter 726 of the Acts of 1957, as amended;

12 (e) Board of State Examiners of Plumbers established by Chap-
13 ter 536 of the Acts of 1909, as amended.

14 (f) Board of State Examiners of Electricians established by
15 Chapter 296 of the Acts of 1915, as amended;

16 (g) Board of Electrician's Appeals established by Chapter 531 of
17 the Acts of 1961, as amended;

18 (h) Board of Radio and Television Technicians established by
19 Chapter 604 of the Acts of 1963, as amended;

20 (i) Board of Elevator Regulations established by Chapter 806 of
21 the Acts of 1913, as amended;

22 (j) Board of Elevator Appeals established by Chapter 439 of the
23 Acts of 1959, as amended;

24 (k) Board of Examiners for Elevators established by Chapter
25 626 of the Acts of 1945, as amended; and

26 (l) Board of Registration established by Section 67 of Chapter
27 350 of the Acts of 1919, as amended.

1 SECTION 6. The following shall terminate on July 1, 1982:

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

5 (b) Board of Certification of Operators of Drinking Water
6 Supply Facilities established by Chapter 942 of the Acts of 1971, as
7 amended;

8 (c) Board of Certification of Health Officers established by
9 Chapter 521 of the Acts of 1970, as amended;

10 (d) Board of Registration of Sanitarians established by Chapter
11 673 of the Acts of 1957, as amended;

12 (e) Board of Registration of Embalming and Funeral Directors
13 established by Chapter 473 of the Acts of 1905, as amended;

14 (f) Board of Registration of Pharmacy established by Chapter
15 313 of the Acts of 1885, as amended;

16 (g) Board of Registration of Nursing Home Administrators
17 established by Chapter 865 of the Acts of 1970, as amended;

18 (h) Board of Registration of Barbers established by Chapter 418
19 of the Acts of 1931, as amended;

20 (i) Board of Registration of Hairdressers established by Chap-
21 ter 428 of the Acts of 1935, as amended; and

22 (j) Board of Registration of Electrologists established by Chap-
23 ter 625 of the Acts of 1958, as amended.

1 SECTION 7. The following shall terminate on July 1, 1983:

2 (a) Board of Registration of Veterinary Medicine established by
3 Chapter 249 of the Acts of 1903, as amended;

4 (b) Board of Registration of Chiropractors established by
5 Chapter 409 of the Acts of 1966, as amended;

6 (c) Board of Registration in Podiatry established by Chapter
7 425 of the Acts of 1937, as amended;

8 (d) Board of Registration of Psychologists established by Chap-
9 ter 1021 of the Acts of 1971, as amended;

10 (e) Board of Registration in Optometry established by Chapter
11 700 of the Acts of 1912, as amended;

- 12 (f) Board of Registration of Dispensing Opticians established
13 by Chapter 688 of the Acts of 1955, as amended;
- 14 (g) Board of Dental Examiners established by Chapter 137 of
15 the Acts of 1887, as amended;
- 16 (h) Board of Registration in Nursing established by Chapter 620
17 of the Acts of 1941, as amended, and
- 18 (i) Board of Registration and Discipline in Medicine established
19 by Chapter 458 of the Acts of 1894, as amended.

1 SECTION 8. The following shall terminate on July 1, 1984:

- 2 (a) Division of Banks and Loan Agencies established by Chap-
3 ter 14 of the Acts of 1838, as amended;
- 4 (b) Division of Insurance established by Chapter 204 of the Acts
5 of 1906, as amended;
- 6 (c) Board of Appeal on Motor Vehicle Liability Policies and
7 Bonds established by Chapter 346 of the Acts of 1925, as amended;
- 8 (d) Board of Bank Incorporation established by Chapter 204 of
9 the Acts of 1906, as amended;
- 10 (e) Small Loan Regulatory Board established by Chapter 689 of
11 the Acts of 1956, as amended;
- 12 (f) Division of Savings Bank Life Insurance established by
13 Chapter 561 of the Acts of 1907, as amended;
- 14 (g) Fraudulent Claims Board established by Chapter 643 of the
15 Acts of 1968, as amended;
- 16 (h) Health, Welfare and Retirement Trust Funds Board estab-
17 lished by Chapter 778 of the Acts of 1957, as amended;
- 18 (i) Board of Public Accountancy established by Chapter 663 of
19 the Acts of 1963, as amended;
- 20 (j) Energy Facilities Siting Board established by Chapter 1232
21 of the Acts of 1973, as amended;
- 22 (k) Division of Standards established by Chapter 704 of the
23 Acts of 1969, as amended; and
- 24 (l) Consumers' Council established by Chapter 773 of the Acts
25 of 1963, as amended;
- 26 (m) Gas Fittings Regulation Board established by Chapter 737
27 of the Acts of 1960, as amended.

1 SECTION 9. The following shall terminate on July 1, 1985:

- 2 (a) Architectural Barriers Board established by Chapter 528 of
3 the Acts of 1974, as amended;

- 4 (b) Recreational Tramways Board established by Chapter 565
5 of the Acts of 1968, as amended;
- 6 (c) State Boxing Commission established by Chapter 619 of the
7 Acts of 1920, as amended;
- 8 (d) Board of Fire Prevention Regulations established by Chap-
9 ter 617 of the Acts of 1950, as amended;
- 10 (e) Board of Schoolhouse Structural Standards established by
11 Chapter 675 of the Acts of 1955, as amended;
- 12 (f) Board of Teletypewriter Regulations established by Chapter
13 474 of the Acts of 1953, as amended;
- 14 (g) Division of Inspection established by Chapter 249 of the
15 Acts of 1865, as amended;
- 16 (h) State Racing Commission established by Chapter 374 of the
17 Acts of 1934, as amended;
- 18 (i) Community Antenna Television Systems established by
19 Chapter 110 of the Acts of 1971, as amended;
- 20 (j) Alcoholic Beverages Control Commission established by
21 Chapter 120 of the Acts of 1933, as amended;
- 22 (k) Department of Public Utilities Accounting Division estab-
23 lished by Chapter 185 of the Acts of 1875, as amended;
- 24 (l) Department of Public Utilities Engineering Division estab-
25 lished by Chapter 185 of the Acts of 1875, as amended;
- 26 (n) Department of Public Utilities Telephone and Telegraph
27 Division established by Chapter 185 of the Acts of 1875, as
28 amended;
- 29 (o) Department of Public Utilities Rates and Research Division
30 established by Chapter 185 of the Acts of 1875, as amended;
- 31 (p) Department of Public Utilities commercial Motor vehicles
32 Division established by Chapter 477 of the Acts of 1935, as
33 amended; and
- 34 (q) Department of Public Utilities Administration Division
35 established by Chapter 152 of the Acts of 1864, as amended.

1 SECTION 10. The Committee on State Administration shall
2 determine between January 1 and January 31 of the year preceding
3 which of the joint committees of the General Court shall undertake
4 the periodic legislative review of the agencies, boards, commissions
5 or councils specified in sections 5 to 9 of this Chapter. The House

6 and Senate Chairmen of the Committees so elected shall notify the
7 agencies to be so terminated by registered mail by February 1 of the
8 year preceding termination.

1 SECTION 11. At least sixteen months prior to termination the
2 appropriate legislative committee will meet with the agency and
3 representatives of the appropriate executive branch secretariat and
4 the Department of Administration and Finance for the purpose of
5 developing a review plan. In this plan the appropriate legislative
6 committee will set out its intentions as to the scope of the review of
7 the agency and the criteria to be used in conducting the review of
8 the agency. The criteria and priorities set out in this review plan are
9 to serve as guidelines for a written report to be submitted by the
10 agency to the appropriate legislative committee. The agency shall
11 conduct a public hearing and shall prepare its report with the
12 guidance and continued advice of the appropriate legislative
13 committee.

1 SECTION 12. On or before the first Wednesday in December
2 in the year preceding its termination date the agency shall submit to
3 the appropriate legislative committee its written report prepared
4 pursuant to the request of that committee and in accordance with
5 the guidelines set out in the committee's review plan. At the same
6 time the committee shall receive written recommendations relative
7 to the agency's termination, modification or continuation from the
8 Department of Administration and Finance and the appropriate
9 executive branch secretariat.

1 SECTION 13. The appropriate legislative committee will
2 determine the public need for the agency under review. By Febru-
3 ary 1 of the year of termination the committee will issue a prelimi-
4 nary recommendation as to the termination, modification or
5 continuation of the agency. Said preliminary recommendation
6 shall be filed in the office of the House Clerk.

1 SECTION 14. The appropriate legislative committee shall con-
2 duct a public hearing not less than 15 days and not more than 30
3 days after the issuance of the committee's preliminary
4 recommendations.

1 SECTION 15. A final report, with legislation if required, shall
2 be submitted by the appropriate legislative committee no later than
3 April 1 of the year of termination. Said final report and required
4 legislation shall be filed in the office of the House Clerk.

1 SECTION 16. The legislative assistants necessary to implement
2 the periodic legislative review of the agencies, boards, councils, and
3 commissions specified in Sections 5 through 9 shall be under the
4 control of the Legislative Auditor as established by Chapter 1008
5 of the Acts of 1971, as amended.

6 The Legislative assistants so assigned shall serve under the direc-
7 tion of the reviewing committee, they shall have access to and
8 authority to examine, during regular business hours, any and all
9 records, including but not limited to books, reports, accounts,
10 vouchers, bank accounts, and money or other property of any
11 agency named in Sections 5 through 9 and it shall be the duty of any
12 officer or employee of any such agency having such records or
13 property in his possession or under his control, to permit access to
14 and examination thereof upon the request of the legislative auditor
15 or his authorized representatives.

1 SECTION 17. 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 Committee under this chapter.

1 SECTION 18. The life of each agency scheduled for termina-
2 tion under the provisions of sections 5 through 9 of this Act may be
3 consolidated or reestablished by action of the General Court for a
4 period not to exceed ten years at the end of which time and at the
5 end of at least every ten years thereafter, each shall be subject to
6 review under the provisions of this Act. Each new agency, as
7 opposed to those consolidated or reestablished under the provi-
8 sions of this Act, established after the effective date of this Act shall
9 terminate on the first day of July subsequent to the sixtieth month
10 after its establishment and shall be subject to the provisions of this
11 Act.

12 A vote shall be taken on any legislation to consolidate or reestab-
13 lish agencies, by the yeas and nays in both branches.

1 SECTION 19. If the Committee reports a bill to continue, rees-
2 tablish or consolidate an agency and the General Court prorogues
3 before the scheduled termination date of such agency without
4 having taken a final vote on such bill, the agency shall not be
5 terminated until March 1 of the following year.

1 SECTION 20. 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 of authority of each
5 agency. Upon the expiration of one year after termination, each
6 agency shall cease all activities and all of its regulations shall
7 become void. All unexpended balances of appropriations or other
8 funds shall revert to the General Fund.

1 SECTION 21. Each agency which is consolidated or reestab-
2 lished under the provisions of this Act shall promulgate appro-
3 priate rules and regulations within one year after its consolidation
4 or reestablishment, provided however, that the prior rules and
5 regulations may remain in effect until the new ones have been
6 promulgated.

1 SECTION 22. 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 23. The Joint Committee on State Administration
2 shall make a report to the General Court on April 1, 1984. 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 termin-
6 nate on July 1, 1985. If this chapter is legislatively re-enacted those
7 agencies, boards, commissions and councils appearing in Sections
8 5 — 9 which were reestablished or modified shall again be
9 reviewed.

