

Representatives Jones of North Reading, Peterson of Grafton, Hill of Ipswich, Poirier of North Attleboro, and deMacedo of Plymouth move to amend House bill 3944 by adding the following sections:

“SECTION AA. Chapter 29 of the General Laws, as appearing in the 2010 Official Edition, is hereby amended by inserting after section 5G the following section:

Section 5H. (a) For purposes of this section, “zero-based budget” shall mean a budget: (i) in which the appropriations are developed based on the cost-effective achievement of the tasks and goals of a particular agency or department without regard to prior appropriations, adjusted for inflation or otherwise; (ii) which has a \$0 dollar amount as its basis; and (iii) which reflects the amount of funding deemed necessary to achieve the most cost-effective performance of each agency or department. (b) Not less frequently than every 4 years, the budget filed by the governor under sections 6, 6C, 6D and 7H shall be a zero-based budget. The appropriation or set of appropriations for each agency or department shall be accompanied by a brief description of the tasks and goals of the agency or department for a period not to exceed 4 years, together with the performance measure of the achievement of those tasks and goals, published with the document and made available electronically on the official website of the commonwealth.

SECTION BB. The first zero-based budget required under section 5H of chapter 29, as inserted by section AA, shall be filed under section 7H of said chapter 29, as inserted by this act, for the fiscal year starting on July 1, 2016.”.

Representatives Jones of North Reading, Peterson of Grafton, Hill of Ipswich, Poirier of North Attleboro, and deMacedo of Plymouth move to amend House bill 3944 by adding in SECTION 101, after the definition of "allotment", in lines 3157 through 3159, the following new definition:

"Allowable growth', the product of the percentage change in the personal income of Massachusetts residents as most recently reported by the federal Bureau of Economic Analysis, from the index so reported 12 months before, and a factor of -5.";

And by adding the following section:

"SECTION XX. Chapter 29 of the General Laws, as appearing in the 2010 Official Edition, is hereby amended by striking section 5G and inserting in place thereof the following:

Section 5G. After each quarter, the department of revenue shall certify to the state comptroller the amount of tax revenues estimated to have been collected during the preceding quarter from capital gains income. If the department of revenue certifies that the amount of tax revenues estimated to have been collected from capital gains income exceeds the product of \$1,000,000,000 and allowable growth in a fiscal year, the comptroller shall transfer quarterly any such amount to the Commonwealth Stabilization Fund established by section 2H.

This transfer shall be made before the certification of the consolidated net surplus for the previous fiscal year under section 5C. The department of revenue shall report by November 30 to the state comptroller, the executive office for administration and finance and the house and senate committees on ways and means tax revenues estimated to have been collected during the preceding fiscal year from capital gains income.

Five per cent of any amount transferred to the Commonwealth Stabilization Fund under this section shall then be transferred from the Commonwealth Stabilization Fund to the State Retiree Benefits Trust Fund established in section 24 of chapter 32A and 5 per cent of any amount transferred to the Commonwealth Stabilization Fund under this section shall then be transferred from the Commonwealth Stabilization Fund to the Commonwealth's Pension Liability Fund established in section 22 of chapter 32."

Representatives Jones of North Reading, Peterson of Grafton, Hill of Ipswich, Poirier of North Attleboro, and deMacedo of Plymouth move to amend House bill 3944 by adding the following section:

“SECTION XX. Subsection (a) of section 7 of chapter 150E of the General Laws, as appearing in the 2010 Official Edition, is hereby amended by striking out the last sentence and inserting in place thereof the following:-

The agreement shall be reduced to writing, executed by the parties, and a copy of such agreement shall be filed with the commission, the house and senate committees on ways and means, and the clerks of the house and senate forthwith by the employer. All agreements shall be conspicuous and accessible online in searchable format through the general court’s website and there shall be an archive of all agreements available online in searchable format.”.

Representatives Jones of North Reading, Peterson of Grafton, Hill of Ipswich, Poirier of North Attleboro, and deMacedo of Plymouth move to amend House bill 3944 by striking out SECTIONS 159 and 160 and adding the following two sections:

"SECTION XX. The General Laws, as appearing in the 2010 Official Edition, are hereby amended by inserting after chapter 29D the following new chapter:-

CHAPTER 29E. LIMITATION ON THE GROWTH OF STATE EXPENDITURES

Section 1. It is the intent of this chapter that there be established for each fiscal year a state expenditure growth limit calculated on the basis of the level of growth of inflation and population in the Commonwealth.

Section 2. For the purposes of this chapter the following definitions apply:

'Inflation' means the percentage change in the United States Bureau of Labor Statistics Consumer Price Index for Boston-Brockton-Nashua, all items, all urban consumers, not seasonally adjusted, or its successor index.

'State Expenditures' means funds made available by appropriation by the general court for the ordinary maintenance of the several departments, offices, commissions and institutions of the commonwealth, as set forth for the fiscal year in the general appropriations act and supplemental appropriations acts as provided for in chapter 29; provided, such funds are financed by state tax revenues.

'State Population Change' means the percentage change in state population as determined by annual federal census estimates and such number shall be adjusted every decade to match the federal census.

'State Tax Revenues' means the revenues of the Commonwealth from every tax, surtax, receipt, penalty and other monetary exaction, and interest in connection therewith, including but not limited to, taxes and surtaxes on personal income, excises and taxes on retail sales and use, meals, motor vehicle fuels, businesses and corporations, public utilities, alcoholic beverages, tobacco, inheritances, estates, deeds, room occupancy and pari-

mutuel wagering; but excluding federal reimbursements, proceeds from bond issues, earnings on investments, tuitions, fees, service charges and other departmental revenues, and revenues directly attributable to the additional taxes levied pursuant to section eighty-eight of chapter six hundred and eighty-four of the Acts of nineteen hundred and seventy-five.

Section 3. Beginning on or after January 1, 2013 the growth rate in state expenditures for every ensuing fiscal year shall equal inflation plus the state population change as so reported 12 months before.

Section 4. Following the execution of the provisions of section 3, should state tax revenues exceed state expenditures, the amount in excess shall be transferred to the temporary holding fund established by the comptroller. Any balance in the temporary holding fund greater than zero at the end of the fiscal year shall be refunded to the taxpayers of the Commonwealth, as prescribed by rules and regulations determined by the commissioner of revenue; provided, the provisions of section 5C of chapter 29 shall not occur until after the provisions of this section are executed.

Section 5. Following the execution of the provisions of section 3, should state expenditures exceed state tax revenues, the amount in excess shall be reduced to match state tax revenues.

Section 6. The Supreme Judicial Court or Superior Court may, upon the petition of not less than twenty-four taxable inhabitants of the Commonwealth, enforce the provisions of this chapter. If successful, said taxable inhabitants shall be entitled to recover reasonable attorneys' fees and other costs from the Commonwealth incurred in maintaining such suit.

Section 7. The provisions of this law are severable, and if any clause, sentence, paragraph, or section of this chapter or an application thereof shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof but shall be confined in its operation to the clause, sentence, paragraph, or section adjudged invalid.

SECTION XX. Chapter 62F of the General Laws, as appearing in the 2010 Official Edition, is hereby repealed."

Representatives Jones of North Reading, Peterson of Grafton, Hill of Ipswich, Poirier of North Attleboro, and deMacedo of Plymouth move to amend House bill 3944 by striking out SECTIONS 159 and 160 and adding the following section:

“SECTION XX. The General Laws are hereby amended by striking out chapter 62F and inserting in place thereof the following chapter:-

CHAPTER 62F

LIMITATION ON THE GROWTH OF STATE TAX REVENUES

Section 1. As used in this section, the following words shall, unless the context requires otherwise, have the following meanings:-

‘State tax revenues’, the revenues of the commonwealth from every tax, surtax, receipt, penalty and other monetary exaction and interest in connection therewith including, but not limited to, taxes and surtaxes on personal income, excises and taxes on retail sales and use, meals, motor vehicle fuels, businesses and corporations, financial institutions, insurance companies, public utilities, alcoholic beverages, tobacco, inheritances, estates, deeds, room occupancy and pari-mutuel wagering, but excluding revenues collected by the state from local option taxes for further direct distribution to cities and towns.

Section 2. If state tax revenues in any fiscal year exceed the product of state tax revenues for the previous fiscal year and 1.045, the amount of such excess, as determined annually by the department of revenue on or before September 30, shall result in a credit equal to the total amount of such excess. The credit shall be applied to the then current personal income tax liability of all taxpayers on a proportional basis to the personal income tax liability incurred by all taxpayers in the immediately preceding taxable year. Any amount of the credit that exceeds the tax due for a taxable year may be carried forward by the taxpayer to any of the 5 subsequent taxable years.

The department of revenue shall take such action and shall have the authority to issue such rules and regulations as are necessary to effectuate the requirements of this section.”.

Representatives Jones of North Reading, Peterson of Grafton, Hill of Ipswich, Poirier of North Attleboro, and deMacedo of Plymouth move to amend House bill 3944 in SECTION 101 by striking out, in lines 3246 through 3248, the definition for "tax expenditures" and inserting in place thereof the following definition:

"Tax expenditures', state tax revenue foregone as a direct result of any general or special law which allows exemptions, deferrals, deductions from or credits against taxes imposed on income, businesses and corporations, financial institutions, public utilities, insurance, security corporations, and sales but excluding revenue foregone as a direct result of any general or special law which allows a personal income tax exemption. Sales that do not involve tangible personal property, except for telecommunications services, shall not result in tax expenditures under this definition."

Representatives Jones of North Reading, Peterson of Grafton, Hill of Ipswich, Poirier of North Attleboro, and deMacedo of Plymouth move to amend House bill 3944 by inserting in SECTION 115, after the word "consideration", in line 3438, the following:

"within ten days of the agreement to the consensus tax estimate; provided, such consideration shall be taken by the yeas and nays of each house of the general court present and voting thereon.";

And in SECTION 115 by inserting after the word "year.", in line 3440, the following:

"If the general court fails to comply with the provisions of this paragraph, the consensus tax estimate for the ensuing fiscal year shall be equal to the consensus tax estimate of the previous fiscal year.".

Representatives Jones of North Reading, Peterson of Grafton, Hill of Ipswich, Poirier of North Attleboro, and deMacedo of Plymouth move to amend House bill 3944 by adding following section:

“SECTION XX. Section 5C of the General Laws, as appearing in the 2010 Official Edition, is hereby amended by striking out subsection (b) and inserting in place thereof the following:

(b) 1/2 of any remaining amount of such consolidated net surplus after amounts made available in clause (a) shall be transferred to the Stabilization Fund, and 1/2 of any remaining amount of such consolidated net surplus after amounts made available in clause (a) shall be transferred to the Commonwealth’s State Retiree Benefits Trust Fund; and”.

Representatives Jones of North Reading, Peterson of Grafton, Hill of Ipswich, Poirier of North Attleboro, and deMacedo of Plymouth move to amend House bill 3944 in SECTION 19 by striking out subsection (b), in lines 70 through 77, and inserting in place thereof the following:

“(b) There shall be a state finance and governance board consisting of 5 voting members: 3 of whom shall be appointed by the governor and 2 of whom shall be appointed by the state treasurer. The house and senate chairs and the ranking minority members of the committees on bonding, capital expenditures and state assets and the committees on ways and means shall be nonvoting members of the committee. Upon the expiration of the term of a voting member, a successor shall be appointed for a term of 4 years. At least 2 voting members appointed by the governor shall be persons with expert knowledge of the field of public finance. The governor shall, from time to time, designate one of the voting members to serve as chair. The members shall serve without compensation but shall receive their necessary expenses incurred in the discharge of their official duties. The secretary shall provide the board with appropriate staff and other assistance, and may engage professionals to advise the board.”.

Representatives Jones of North Reading, Peterson of Grafton, Hill of Ipswich, Poirier of North Attleboro, and deMacedo of Plymouth move to amend House bill 3944 by adding the following section:

“SECTION XX. Notwithstanding any general or special law to the contrary, there shall be a special commission to study and report on the feasibility of a two-year budget process for the Commonwealth. The commission shall consist of the treasurer, or his designee; the secretary for administration and finance, or his designee; the comptroller, or his designee; 3 members of the house of representatives, 2 of whom shall be appointed by the speaker of the house, and 1 of whom shall be appointed by the minority leader of the house; and 3 members of the senate, 2 of whom shall be appointed by the senate president, and 1 of whom shall be appointed by the senate minority leader. The commission shall prepare a report of the findings and recommendations together with recommendations for legislation to implement those recommendations by filing the same with the clerks of the senate and house not later than 60 days after the passage of this bill. The commission shall not receive compensation.”.

Representatives Jones of North Reading, Peterson of Grafton, Hill of Ipswich, Poirier of North Attleboro, and deMacedo of Plymouth move to amend House bill 3944 in SECTION 158 by striking out the last sentence, in lines 4067 through 4068, in subsection (b) and inserting in place thereof the following:

“The distribution shall be made in 12 equal payments, on or before the last day of each month.”.

Mr. Scibak of South Hadley moves to amend the bill by adding the following section:

Section 30 of Chapter 7 of the General Laws, as appearing in the 2006 Official Edition, is hereby amended in line 7, by inserting after the first paragraph the following paragraph:-

“Every agency and institution of the Commonwealth shall transmit to the human resources division all employment opportunities, notices, and postings, excluding positions subject to section 46D of chapter 30, chapter 31 and chapter 150E, including but not limited to notices of job opportunities, new positions and vacancies. The division shall immediately place all such information in the statewide employment computerized referral system. No position shall be filled without full compliance with this section”.

Mr. Lewis of Winchester and Mr. Vieira of East Falmouth move to amend the bill by adding the following section: -

SECTION XX. A Special Commission shall be established to study and make recommendations concerning functional overlaps and other redundancies among state agencies and opportunities to promote efficiency and accountability in state government.

Section A. The Commission shall identify ways to eliminate such overlaps and redundancies and make such other recommendations as the commission deems appropriate, with the goal of reducing costs to the state and enhancing the quality and accessibility of state services to the public. The Commission shall consider merging or consolidating state agencies and programs if such action would reduce costs without adversely impacting the quality of services. The Commission shall also seek to identify opportunities to maximize revenues, such as federal grants and matching funds.

Section B. Members of the Commission shall be determined as follows: (1) Three members to be appointed by the Speaker of the House; (2) Two members to be appointed by the House Minority Leader; (3) Three members to be appointed by the Senate President; (4) Two members to be appointed by the Senate Minority Leader; (5) One member to be appointed by the State Auditor; (6) One member to be appointed by the State Treasurer; (7) One member to be appointed by the State Comptroller; (8) Four members to be appointed by the Governor. The Commission shall be bipartisan and may include members of the General Court, members of the executive branch, members of the judicial branch, or outside experts. The Speaker of the House and the Senate President shall determine which two members of the Commission will serve as co-chairpersons.

Section C. The Commission may hold hearings and invite testimony from experts and the public. The Commission shall review and identify best practices learned from undertaking similar efforts in other states, such as Connecticut's Commission on Enhancing Agency Outcomes which reported its findings and recommendations in December, 2010.

Section D. The agency head and staff of each state agency under consideration by the Commission shall ensure that any data, information or materials that the Commission requests for purposes of its review and deliberations are provided to the Commission in a timely manner.

Section E. Members of the Commission shall be named and the Commission shall commence its work within 60 days of the signing of this bill into law. The Commission shall submit its report and recommendations within 18 months following commencement of its work to the Speaker of the House, Senate President, and Governor. The report will also be made available online for public review.

H.3944 – Two Year Budget

Mr. Kaufman of Lexington moves to amend the bill by adding the following two sections:

SECTION XX. The first paragraph of section 6D of chapter 29 of the General Laws, as appearing in the 2010 Official Edition, is hereby amended by inserting after the first sentence the following sentence:- In addition, each such appropriation proposed by the governor or enacted by the general court shall include in numeric figures the estimated amount of that appropriation for the fiscal year following the fiscal year for which it is made, but that estimated amount is only for planning purposes and does not constitute an authorization to expend.

SECTION XX. This act shall take effect for the fiscal year beginning July 1, 2013.

H.3944 – Legislative Budget Office

Mr. Kaufman of Lexington moves to amend the bill by adding the following seven sections:

SECTION XX. Section 56 of chapter 3 of the General Laws, as appearing in the 2010 Official Edition, is hereby repealed.

SECTION XX. Section 57 of chapter 3 of the General Laws is hereby repealed.

SECTION XX. Section 58 of chapter 3 of the General Laws is hereby repealed.

SECTION XX. Section 59 of chapter 3 of the General Laws is hereby repealed.

SECTION XX. Section 60 of chapter 3 of the General Laws is hereby repealed.

SECTION XX. Section 61 of chapter 3 of the General Laws is hereby repealed.

SECTION XX. Chapter 3 of the General Laws, as so appearing, is hereby amended by adding the following 4 sections:-

Section 70. There is hereby established the Joint Legislative Budget Office, hereinafter called the office, which shall consist of a director and staff, the director to be appointed by the speaker and senate president, in consultation with the chairmen of the joint committee on post audit and oversight, ways and means committees and minority leaders of both branches. There shall be 5 analysts within the office, one of which shall be a certified public accountant and one of which shall be an attorney. The staff shall be appointed by the director. Every 2 years there shall be a new director or the current director shall be reappointed. The director shall be selected without regard to his political affiliation. All employees of the office shall be considered employees of the general court.

Section 71. The office shall be nonpartisan and shall be responsible for providing an advisory opinion upon the request of a legislative committee or commission or one or more legislators on either the fiscal impact of a bill or budget item or a related issue of a bill or budget item. These findings shall be confidential and advisory in nature and the office shall have no legislative powers. If the time within which a response by the office is limited, responses shall be prioritized on a first come, first served basis. The office shall not have any authority to draft or assist in drafting legislation, but may review legislation. The office shall have the authority and ability to access documents maintained by agencies or authorities of the commonwealth relating to their expenditures, revenues, operations and organizational structures. The office may conduct confidential research to ascertain the procedures employed by other states with similar issues.

Section 72. Funding for the office shall be provided equally by the house and senate from the general budget.

Section 73. An annual report shall be given by the office to the state library, the speaker of the house, the senate president, the chair of the house committee on ways and means, the chair of the senate committee on ways and means, the chairs of the post audit and oversight committee, and the minority leaders of both the house and senate. A copy of the same shall be filed with the clerk of the house of representatives and the clerk of the senate on or before the 2nd Wednesday of November in each year.

H.3944 – Tax Expenditure Budget Principals

Mr. Kaufman of Lexington moves to amend the bill by adding the following section:

SECTION XX. Tax expenditures are a form of taxpayer spending and should be subject to the same scrutiny by government policymakers required by direct expenditures and the same disclosure and transparency required for direct expenditures. In the interest of simplicity and equity, the total number of tax expenditures and the total amount of foregone revenues should be limited to those that are highly effective at achieving clearly-identified public policy purposes.

There should be a comprehensive, rational, policy-driven and analytic approach to our tax expenditure budget. Each particular tax expenditure should:

1. Have a clearly identified public policy purpose and desired outcome for clearly identified beneficiaries;
2. Be subject to a periodic, data-based, cost-benefit analysis that measures success in achieving the public policy purpose and desired outcome for the intended beneficiaries;
3. Be subject to a periodic review by the Legislature and the Governor for the purpose of determining the effectiveness of the tax expenditure and taking any action to eliminate, modify or preserve the tax expenditure that may be warranted based on such determination; and
4. To the extent the tax expenditure is dependent on certain conduct of the tax beneficiary and/or is approved and awarded pursuant to the discretion of an administering agency, it should be subject to well-articulated standards of accountability with appropriate enforcement mechanisms, such as clawbacks.

Representatives Jones of North Reading, Peterson of Grafton, Hill of Ipswich, Poirier of North Attleboro, deMacedo of Plymouth, and Beaton of Shrewsbury move to amend House bill 3944 in SECTION 115 by adding at the end thereof the following paragraph:

“On or before March 15, the members of the general court shall consider a joint resolution, defining the minimum financial contribution the Commonwealth will make to cities and towns for chapter 70 aid, so called, and unrestricted general government aid for the ensuing fiscal year.”.

Representatives Jones of North Reading, Peterson of Grafton, Hill of Ipswich, Poirier of North Attleboro, deMacedo of Plymouth, and Vieira of East Falmouth move to amend House bill 3944 by adding the following section:

"SECTION XX. The General Laws are hereby amended by inserting after chapter 3 the following chapter:-

CHAPTER 3A
THE SUNSET ACT

Section 1. There is hereby established a procedure for the identification and elimination of waste, duplication and inefficiency in state government agencies and authorities established by statute, regulation or executive order to be known as the Sunset Act.

Section 2. As used in this chapter, the following words shall, unless the context clearly requires otherwise, have the following meanings:

"Advisory committee", a committee, council, commission or other entity established under state law whose primary function is to advise a state agency.

"Agency", a state agency as defined in section 1 of chapter 29.

"Authority", a state authority as defined in section 1 of chapter 29.

"Commission", the sunset advisory commission established in section 3.

Section 3. (a) There shall be a sunset advisory commission consisting of 3 members of the senate, 1 of whom shall be appointed by the minority leader, 3 members of house of representatives, 1 of whom shall be appointed by the minority leader. The president of the senate and the speaker of the house of representatives may serve as legislative appointees.

(b) Legislative members shall serve 2-year terms, conterminous with their service as elected members of the legislature. If the president of the senate or the speaker of the house of representatives serves on the commission, the president or speaker's service shall continue until resignation from the commission or until the individual ceases to hold the office.

(c) Any member, other than the president of the senate and the speaker of the house of representatives, who serves a full term may not be appointed to an immediately succeeding term.

(d) The president of the senate and the speaker of the house of representatives shall make their appointments before February 1 of each odd-numbered year.

(e) If a legislative member ceases to be a member of the house from which the member was appointed, the seat held by that member shall be considered vacant.

(f) If a vacancy occurs, the appropriate appointing authority shall appoint a person to serve for the remainder of the unexpired term in the same manner as the original appointment.

(g) The commission shall have a chair and a vice-chair as presiding officers. The chair and vice-chair positions shall alternate every 2 years between the 2 membership groups appointed by the president of the senate and the speaker of the house of representatives. The chair and vice-chair shall not be from the same membership group. The president of the senate shall designate a presiding officer from the president's appointed membership group and the speaker shall designate the other presiding officer from the speaker's appointed membership group.

(h) Four members of the commission shall constitute a quorum. A final action or recommendation shall not be made unless approved by a recorded roll call vote of a majority of members appointed by the president of the senate and the speaker of the house of representatives. All other actions by the commission shall be decided by a majority of the members present and voting, so long as a quorum is present.

Section 4. The commission shall adopt rules necessary to carry out this chapter.

Section 5. Before July 1 of the odd-numbered year before the year in which an agency, advisory committee or authority subject to this chapter is abolished, the agency, advisory committee or authority shall report to the commission:

- (1) information regarding the application to the agency, advisory committee or authority of the criteria in section 9; and
- (2) any other information that the agency, advisory committee or authority considers appropriate or that the commission requests.

Section 6. (a) Within 1 year of the appointment and qualification of the members of the commission and the organization of the commission staff, the commission shall assign sunset dates for each agency, authority and advisory committee of the commonwealth and shall notify the head of such agency, authority and advisory committee of the date selected. The commission shall then file legislation with the general court to implement the abolition schedule.

(b) Before January 1 of the year in which an agency, advisory committee or authority subject to this chapter is scheduled to be abolished, the commission shall:

- (1) review and take action necessary to verify the reports submitted by the agency, advisory committee or authority under this chapter;
- (2) consult the house and senate committees on post audit and oversight,

the state auditor, the inspector general and the state comptroller on the application to the agency, advisory committee or authority of the criteria in section 9;

(3) conduct a review of the agency, advisory committee or authority based on the criteria in section 9 and prepare a written report; and

(4) review the implementation of commission recommendations contained in the reports presented to the legislature during the preceding legislative session and the resulting legislation.

(c) The written report prepared by the commission under clause (3) of subsection (b) shall be a public record.

Section 7. (a) Before February 1 of the year in which an agency, advisory committee or authority subject to this chapter and is to be abolished, the commission shall conduct public hearings concerning, but not limited to, the application to the agency, advisory committee or authority of the criteria in section 9.

(b) The commission may hold the public hearings after the review of the agency, advisory committee or authority is complete and available to the public.

Section 8. (a) At each regular legislative session, the commission shall present to the legislature and the governor a report on the agencies, authorities and advisory committees reviewed.

(b) In the report the commission shall include:

(1) its findings under section 9;

(2) its recommendations under this chapter; and

(3) other information the commission considers necessary for a complete review of the agency, advisory committee or authority.

Section 9. The commission and its staff shall consider the following criteria in determining whether a public need exists for the continuation of a state agency, authority or advisory committee or for the performance of the functions of the agency, authority or advisory committee:

(1) the efficiency and effectiveness with which the agency, authority or advisory committee operates;

(2) (a) an identification of the mission, goals and objectives intended for the agency, authority or advisory committee and of the problem or need that the agency, authority or advisory committee was intended to address; and

(b) the extent to which the mission, goals and objectives have been achieved and the problem or need has been addressed;

(3) (a) an identification of any activities of the agency, authority or advisory committee in addition to those granted by statute and of the authority, of the agency, authority or advisory to conduct those activities; and

(b) the extent to which those activities are needed;

- (4) an assessment of authority of the agency, authority or advisory committee relating to fees, inspections, enforcement and penalties;
- (5) whether less restrictive or alternative methods of performing a function that the agency, authority or advisory committee performs could adequately protect or provide service to the public;
- (6) the extent to which the jurisdiction of the agency, authority or advisory committee and the programs administered by the agency, authority or advisory committee overlap or duplicate those of other agencies, authorities or advisory committees, the extent to which the agency, authority or advisory committee coordinates with those agencies, authorities or advisory committees and the extent to which the programs administered by the agency, authority or advisory committee can be consolidated with the programs of other authorities, agencies or advisory committees;
- (7) the promptness and effectiveness with which the agency, authority or advisory committee addresses complaints concerning entities or other persons affected by the agency, authority or advisory committee, including an assessment of the agency's, authority's or advisory committee's administrative hearings process;
- (8) an assessment of the agency's, authority's or advisory committee's rulemaking process and the extent to which the agency, authority or advisory committee has encouraged participation by the public in making its rules and decisions and the extent to which the public participation has resulted in rules that benefit the public;
- (9) the extent to which the agency, authority or advisory committee has complied with:
 - (a) federal and state laws and applicable rules regarding equality of employment opportunity and the rights and privacy of individuals; and
 - (b) state law and applicable rules of any state agency, authority or advisory committee regarding purchasing guidelines and programs for historically underutilized businesses;
- (10) the extent to which the agency, authority or advisory committee issues and enforces rules relating to potential conflicts of interest of its employees and chapter 268A;
- (11) the extent to which the agency or authority complies with chapters 66 and 66A and follows records management practices that enable the agency to respond efficiently to requests for public information;
- (12) the effect of federal intervention or loss of federal funds if the agency, authority or advisory committee is abolished;
- (13) the extent to which the authority has issued bonds or otherwise incurred similar long-term obligations, the amount of outstanding bonded indebtedness for which the authority is responsible and the sustainability of another authority assuming responsibility for such long-term obligations;
- (14) whether the authority is responsible for a retirement system for its employees and the extent of the authority's obligations and available funding

under such retirement system and for other post-employment benefits for retired employees; and

(15) whether the agency, authority or advisory committee utilizes an open and competitive bid process for third party contracts related to legal representation, bonds and fiscal management.

Section 10. (a) In its report on an agency, authority or advisory committee, the commission shall make recommendations:

(1) on the abolition, continuation or reorganization of each affected agency, authority or advisory committee and on the need for performance of the functions of the agency, authority or advisory committee;

(2) on the consolidation, transfer or reorganization of programs within agencies or authorities not under review when the programs duplicate functions performed in agencies or authorities under review;

(3) to improve the operations of the agency, authority or advisory committee, including management recommendations that do not require a change in the agency's, authority's or advisory committee's enabling statute; and

(4) to improve the efficiency and transparency in third party contract awards related to legal representation, bonds and fiscal management, including, but not limited to, recommending utilization of an open and competitive bid process.

(b) The commission shall include the estimated fiscal impact of its recommendations and may recommend appropriation levels for certain programs to improve the operations of the agency, authority or advisory committee, to be forwarded to the house and senate committees on ways and means and the executive office for administration and finance.

(c) The commission shall prepare drafts of legislation necessary to carry out the commission's recommendations under this section.

(d) After the legislature acts on the report, the commission shall present to the secretary of administration and finance, the commission's recommendations that do not require a statutory change to be put into effect.

Section 11. In the 2-year period preceding the date scheduled for the abolition of a state agency, authority or advisory committee under this chapter, the commission may exempt certain agencies, authorities or advisory committees from the requirements of this chapter relating to staff reports, hearings and reviews.

(a) The commission may only exempt an agency, authority or advisory committee that has been (i) inactive for a period of 2 years preceding the date the agency, authority or advisory committee is scheduled for abolition or (ii) rendered inactive by an action of the legislature.

(b) The commission's action in exempting an agency, authority or advisory

committee under this section shall be done by an affirmative record vote and shall be decided by a majority of all members present and voting.

Section 12. During each legislative session, the staff of the commission shall monitor legislation affecting agencies, authorities and advisory committees that have undergone sunset review and shall periodically report to the members of the commission on proposed changes which would modify prior recommendations of the commission.

Section 13. An advisory committee, the primary function of which is to advise a particular agency or authority, shall be abolished on the date set for abolition of the agency or authority unless the advisory committee shall have been expressly continued by law.

Section 14. (a) During the annual session immediately before the abolition of an agency, authority or an advisory committee that is subject to this chapter, the legislature may continue the agency, authority or advisory committee for a period not to exceed 12 years.

(b) This chapter shall not prohibit the legislature from:

- (1) terminating a state agency, authority or advisory committee subject to this chapter at a date earlier than that provided in this chapter; or
- (2) considering other legislation relative to a state agency, authority or advisory committee subject to this chapter.

Section 15. (a) An agency, authority or advisory committee that is abolished in an odd-numbered year may continue in existence until June 30 of the following year to conclude its business. Unless the law provides otherwise, abolition shall not reduce or otherwise limit the powers and authority of the agency or authority during the concluding year. An agency or authority shall be terminated and shall cease all activities at the expiration of the 1-year period. Unless the law provides otherwise, all rules that have been adopted by the agency or authority shall expire at the expiration of the 1-year period.

(b) An un-obligated or unexpended appropriation of an abolished agency or advisory committee shall lapse on September 1 of the year after abolition.

(c) Except as provided by subsection (f) or as otherwise provided by law, all money in a dedicated fund of an abolished state agency, authority or advisory committee on September 1 of the year after abolition shall be transferred to the General Fund. Any law dedicating money to a specific fund of an abolished agency shall become void on September 1 of the year after abolition.

(d) Unless otherwise provided, an abolished state agency, authority or advisory committee funded by the legislature may not spend or obligate any of the money appropriated beyond 1 year from the date of abolition.

(e) Unless the governor designates an appropriate agency as prescribed by subsection (f), property and records in the custody of an abolished state agency, authority or advisory committee on September 1 of the year after abolition shall be transferred to the state archives. If the governor designates an appropriate agency, the property and records shall be transferred to the designated agency.

(f) This chapter shall not impair or impede the payment of bonded indebtedness and all other obligations, including lease, contract and other written obligations, under their terms. If an abolished agency or authority has outstanding bonded indebtedness or other outstanding obligations, including lease, contract or other written obligations, the bonds and all other obligations, including lease, contract and other written obligations shall remain valid and enforceable under their terms and subject to all applicable terms and conditions of the laws and proceedings authorizing the bonds and all other obligations, including lease, contract and other written obligations. The governor shall designate an appropriate agency or authority that shall continue to carry out all covenants contained in the bonds and in all other obligations, including lease, contract and other written obligations, to complete the construction of projects or the performance of other obligations, including lease, contract and other written obligations. The designated agency or authority shall provide payment from the sources of payment of the bond under the terms of the bonds and shall provide payment from the sources of payment of all other obligations, including lease, contract and other written obligations, under their terms, whether from taxes, revenues or otherwise, until the bonds and interest on the bonds are paid in full and all other obligations, including lease, contract and other written obligations, are performed and paid in full. If the proceedings so provide, all funds established by laws or proceedings authorizing the bonds or authorizing other obligations, including lease, contract and other written obligations, shall remain with the comptroller or the previously designated trustees. If the proceedings do not provide that the funds remain with the comptroller or the previously designated trustees, the funds shall be transferred to the designated agency or authority.

Section 16. (a) The commission may issue a subpoena to compel the attendance of witnesses and the production of books, records, papers and other objects necessary or proper for the purposes of the commission proceedings. The subpoena may be served on a witness at any place in the commonwealth.

(b) If a majority of the commission directs the issuance of a subpoena, the chairman shall issue the subpoena in the name of the commission.

(c) If the chairman is absent, the chairman's designee may issue a subpoena or other process in the same manner as the chairman.

(d) If necessary to obtain compliance with a subpoena or other process, the

commission may issue attachments. The attachments may be addressed to and served by a constable, sheriff or deputy sheriff in the commonwealth.

(e) Testimony taken under subpoena shall be reduced to writing and given under oath subject to the penalties of perjury.

(f) A witness who attends a commission proceeding under process shall be paid the same fees and mileage paid witnesses in courts of the commonwealth.

Section 17. (a) The commission may request the assistance of agencies. When assistance is requested, an agency or an agency officer shall reasonably assist the commission.

(b) In carrying out its functions under this chapter, the commission or its designated staff member may inspect the records, documents and files of any agency or authority.

Section 18. (a) A working paper, including all documentary or other information, prepared and maintained by the commission staff in performing its duties under this chapter or other law to conduct an evaluation and prepare a report shall be exempt from the public disclosure requirements of chapter 66.

(b) A record held by another entity that is considered to be confidential by law and that the commission receives in connection with the performance of the commission's functions under this chapter or another law remains confidential and shall be exempt from the public disclosure requirements of chapter 66.

Section 19. If an employee is displaced because an agency, authority or advisory committee is abolished, reorganized or continued, the head of the agency, authority or advisory committee and the personnel administrator of the commonwealth shall make a reasonable effort to relocate the displaced employee. Except as otherwise expressly provided, abolition of an agency, authority or advisory committee shall not affect the rights and duties that matured, penalties that were incurred, civil or criminal liabilities that arose or proceedings that were begun before the effective date of abolition.

Section 20. (a) Each bill filed in the legislature that would create a new agency, authority or advisory committee to an agency shall be reviewed by the commission.

(b) The commission shall review the bill to determine whether:

(1) the proposed functions of the agency, authority or committee could be administered by 1 or more existing agencies, authorities or advisory committees;

(2) the form of regulation, if any, proposed by the bill is the least restrictive form of regulation that will adequately protect the public;

- (3) the bill provides for adequate public input regarding any regulatory function proposed by the bill; and
- (4) the bill provides for adequate protection against conflicts of interest within the agency, authority or advisory committee.
- (c) On request, the commission shall forward a written comment on the legislation to the legislator who filed the bill and to the presiding officer of the legislative committee to which the bill has been referred.

Section 21. (a) The commission may accept from any source any grant, donation, gift or other form of conveyance of land, money, other real or personal property or other item of value made to the commonwealth or the commission for carrying out the purpose of this chapter.”.

Mr. Scaccia of Boston moves to amend the bill in SECTION 74, line 399 by adding the following definition:-

“Counties” means the following counties, exclusive, Barnstable, Bristol, Dukes, Nantucket, Norfolk and Plymouth.

Mr. Jones of North Reading, Mr. Peterson of Grafton, Mr. Hill of Ipswich, Ms. Poirier of North Attleboro, and Mr. deMacedo of Plymouth move to amend House Bill 3944 by inserting at the end thereof the following:-

Section __. (a) There shall be a special commission of the General Court to conduct a study and investigation of the feasibility, cost and benefit of establishing an independent, nonpartisan fiscal and policy research office within the General Court. The commission shall consist of the following members: 2 members to be appointed by the president of the senate, 1 of whom shall serve as co-chair; 1 member appointed by the minority leader of the senate; 2 members to be appointed by the speaker of the house, 1 of whom shall serve as co-chair; and 1 member appointed by the minority leader of the house of representatives. The study shall include, but not be limited to, the following topics: the organization and cost of independent research offices in operation in other legislative bodies; the technical and operational resources needed to complete the functions of such research office; an assessment of how existing human resources could integrate with a new research office; and the new services, if any, that could be provided to the membership and the public.

(b) The commission may utilize staff as it deems necessary, including a staff person or persons designated by each the house committee of personnel and administration, the office of the senate president, the office of the senate minority leader, the office of the speaker of the house of representatives, and the office of the house minority leader.

(c) The commission shall report the results of its investigation and study, together with any drafts of legislation necessary to carry its recommendations into effect, by filing the same with the clerks of the senate and house of representatives who shall forward the same to the house

committee on personnel and administration, and the house and senate committees on ways and means on or before December 31, 2012.

Representative Walsh of Framingham moves to amend the bill in section 58, in lines 2444 and 2445, by striking out “or use pricing policies and proposals or other pricing information to determine”

Mr. Winslow of Norfolk moves to amend House bill 3944 by inserting, in line 1304, after the word "authority." the following paragraph:-

"Any state owned property deemed by the director to be unsafe for human habitation shall be immediately transferred to the control of the department; provided, however that the manner of such transfer shall comply with the provisions of the preceding paragraph. Except for properties listed on the state or federal historic registry, within 12 months of such transfer to the department, the property shall either be repaired or demolished and disposed of by the department."

Mr. Stanley of and Mr. Lawn of Waltham move to amend the bill in line 1526 by inserting after the word "surplus" the following:

"provided however that the Commissioner shall not convene a new advisory committee to advise on reuses if a re-use committee is currently active."

Mr. Dempsey of Haverhill moves to amend House bill 3944 by striking out the 2 sentences in lines 1581 to 1588, inclusive, and inserting in place thereof the following sentence:-

For petitions which authorize the sale, transfer or other disposition of any state-owned real property filed by persons other than the governor, the legislative committee to which that petition may be referred shall solicit a report from the commissioner stating the recommendation of the commissioner for either the approval or the disapproval of the bill and the reasons of the commissioner therefor.

And moves to further amend the bill by striking out section 152 and inserting in place thereof the following section:-

And moves to further amend the bill by striking out section 168 and inserting in place thereof the following section:-

SECTION 168. The state treasurer shall issue a request for the competitive procurement of any fund established under section 38A of chapter 29 of the General Laws on or before May 1, 2012.