

**The Commonwealth of Massachusetts**

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**Report**

**of the**

**SENATE COMMITTEE ON  
POST AUDIT AND OVERSIGHT**

**entitled**

**Fulfilling Their Mandates?**

**A Review of Massachusetts  
State Boards and Commissions**

(under the provisions of Section 63 of Chapter 3  
of the General Laws, as most recently amended by  
Chapter 557 of the Acts of 1986)

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July 30, 2014

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# The Commonwealth of Massachusetts

## MASSACHUSETTS SENATE

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July 29, 2014

Mr. William F. Welch, Clerk of the Senate  
State House, Room 335  
Boston MA 02133

Dear Clerk Welch:

Pursuant to M.G.L. Chapter 3, Section 63, as most recently amended by Chapter 557 of the Acts of 1986, the Senate Committee on Post Audit and Oversight respectfully submits to the full Senate the following report: *Fulfilling Their Mandates?: A Review of Massachusetts State Boards & Commissions*.

This report is based on research by the Senate Committee on Post Audit and Oversight. The Committee searched records relating to hundreds of state-level boards and commissions, gathering information through online research, information requests, and interviews with a wide variety of stakeholders, including members of boards and commissions, staff for executive-branch agencies that oversee or work with these bodies, the Governor's Office, and legislative offices.

The report presents findings and recommendations to improve the Commonwealth's current system for appointing commission members and monitoring commissions' activities. It is our belief that if the Committee's findings and recommendations are followed, they will result in the elimination of unnecessary, redundant, and inactive commissions, and a more-active and more-responsive set of remaining commissions.

Respectfully filed by the Senate Committee on Post Audit and Oversight,

Senator Cynthia Stone Creem, Chair

Senator Benjamin B. Downing, Vice Chair

Senator Gale D. Candaras

Senator Eileen M. Donoghue

Senator Michael O. Moore

Senator Jason M. Lewis

Senator Robert L. Hedlund

# **Fulfilling Their Mandates?**

## **A Review of Massachusetts State Boards and Commissions**

**A Report of the  
Senate Committee on Post Audit and Oversight**

**July 2014**

### **Massachusetts Senate**

The Honorable Therese Murray  
Senate President

### **Senator Cynthia Stone Creem, Chair**

Senator Benjamin B. Downing, Vice Chair

Senator Gale D. Candaras

Senator Eileen M. Donoghue

Senator Michael O. Moore

Senator Jason M. Lewis

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## **Senate Committee on Post Audit and Oversight**

### **Senator Cynthia Stone Creem, Chair**

It shall be the duty of the Senate Committee on Post Audit and Oversight (established under Section 63 of Chapter 3 of the General Laws) to oversee the development and implementation of legislative auditing programs conducted by the Legislative Post-Audit and Oversight Bureau with particular emphasis on performance auditing. The Committee shall have the power to summon witnesses, administer oaths, take testimony and compel the production of books, papers, documents and other evidence in connection with any authorized examination or review. If the Committee shall deem special studies or investigations to be necessary, they may direct their legislative auditors to undertake such studies or investigations.

### **Senate Post Audit and Oversight Bureau**

This report was prepared by **Hilary Weinert Hershman**, Research Director, **Michael Avitzur**, Legislative Counsel, and **Sean Lauziere**, Post-Audit Committee Intern.

The Committee would like to acknowledge the assistance of Senator Creem's staff, including Chief of Staff Richard Powell, Legislative and Budget Director Catherine Anderson, Policy Counsel Lisamarie Sears, and Executive Assistant Wendy Levine, as well as interns Adam Freedman, Brian Heffernan, Max Isberg, Annie Kadets, Michael Mullaley, Dylan Royce, and Alexandra Swanson.

## EXECUTIVE SUMMARY

### **Goals of this Examination:**

- Acting out of a concern that the Commonwealth’s boards and commissions may not be carrying out their responsibilities, the Senate Committee on Post Audit and Oversight (“Post-Audit Committee”) has reviewed the activities of nearly 400 state boards and commissions to determine whether each one is:
  - continuing to function and have a purpose;
  - producing required reports or recommendations; and
  - fully empaneled with active members whose terms have not expired.

### **Findings:**

- Information about commissions found on the Governor’s Boards and Commissions website was often absent, incomplete, out-of-date, and/or incorrect, all of which renders the website unreliable.
- In addition, there is apparently no complete, consolidated online list of all Massachusetts boards and commissions.
- There were four main categories of commissions with issues:
  - Commissions that have failed to conduct meetings and produce required reports, including many that appear dormant;
  - Commissions that have apparently not begun work, usually for want of an adequate number of commission members;
  - Commissions with overlapping responsibilities; and
  - Commissions that have completed or outlived their mission.

### **Recommendations:**

- The executive and legislative branches should be undertaking a concerted effort to identify commissions that should be dissolved or sunsetted. This effort should include an internal review by the Governor’s Office and the creation of a sunset review commission.
- Both branches should also make greater efforts to identify Massachusetts residents who are qualified and willing to serve on boards that are lacking members.
- The Governor’s Office should streamline the background check process for prospective commission members. If a commission was created by Executive Order, the Governor’s Office should, under certain circumstances, relax specific membership requirements to allow an individual who does not meet all of the stated requirements to serve. The Legislature should also adopt legislation that would similarly allow relaxed membership requirements for commissions it created.
- The many “holdover” members – those who continue to serve beyond their allotted terms, in many cases by operation of M.G.L. c. 30, § 8 – should be reappointed to their commission posts where term limits do not apply, if new members are not available.
- Efforts should be made by the Administration, the judiciary, and the Legislature to facilitate the online posting of the agendas, meeting minutes, and reports of commissions they supervise.

- All executive, legislative, and judicial boards and commissions should provide information to the Governor’s Office on a regular basis to allow it to update and expand its Boards and Commissions website. With this information, the website can serve as a complete, accurate, and consolidated list of *all* Massachusetts boards and commissions, to be a better resource for those potentially interested.
- The law concerning commissions created to investigate a subject and prepare a report should be clarified to state explicitly that, once the commission has completed its required report, the commission is dissolved and its responsibilities end.

## **INTRODUCTION**

This report presents the initial results of an examination of the Commonwealth’s boards and commissions<sup>1</sup> (collectively, “commissions”) by the Senate Committee on Post Audit and Oversight (“Post-Audit Committee”).<sup>2</sup> Acting on behalf of the Senate Post-Audit Committee, the Senate Post-Audit and Oversight Bureau (“Post-Audit Bureau”) gathered information about Massachusetts commissions, other than local or regional housing and redevelopment authorities, from online sources, from legislative offices, and from the offices of commission members and Administration representatives. The commissions examined were created by legislation or executive order to address social or governmental problems, to license or certify professionals, or to investigate and report about certain issues of concern to legislators or the Governor.<sup>3</sup>

The Bureau assessed each of almost 400 commissions across a number of categories, including membership, any vacancies in membership, the commission’s responsibilities under its enabling statute or executive order, and whether the commission was conducting meetings and producing required reports or recommendations.<sup>4</sup> The Post-Audit Committee conducted this examination based on its concern that the Commonwealth’s commissions may not be carrying out their

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<sup>1</sup> This examination also covers councils, committees, task forces, and other similar entities, which will also be included, for the purpose of this White Paper, in the term “commission.”

<sup>2</sup> This report generally does not delve into the infrequent meetings of some commissions or the reported instances of commissions deliberating without a quorum, *see* Todd Wallack, *Failure to get quorum didn’t stop state panels*, *Boston Globe*, July 28, 2013, at A1, which may be the subjects of a subsequent report by this Committee.

<sup>3</sup> “Legislators often start special commissions as a way to study complicated issues or show interest in a topic, and they sometimes launch new boards at the request of industries that want to regulate their own.” Todd Wallack, *Boards undercut by hundreds of vacancies*, *Boston Globe*, April 20, 2014, at A1. To the extent that the Administration or the Legislature as a whole does not have a strong motivation to embrace the issue, or that the public is not particularly concerned about it, there can be difficulties finding commission members to serve or ensuring that the commission actively pursues its mission.

<sup>4</sup> The Post-Audit Committee undertook this examination as a result of concerns raised by news stories in the *Boston Globe*, which indicated that some of the state’s approximately 700 boards and commissions had an insufficient number of members, had many members whose terms had expired, were failing to meet, were deciding issues without a quorum, or had outlived their usefulness. *See* Todd Wallack, *supra* n.2; Todd Wallack, *supra* n.3. The *Globe* also reported (apparently without awareness of the existence of the secretariat-level commission, *see infra* at 3), that Massachusetts has many more commissions and boards than other states its size, Todd Wallack, *supra* n.3, a situation that can lead to inefficiency and duplication of efforts.

responsibilities -- including meeting, deliberating, and producing required reports -- which may prevent the Commonwealth from moving forward with desired programs and improvements.

Before describing the results of its examination, the Post-Audit Committee would like to discuss some problems with the information available on the Commonwealth's Boards and Commissions ("B&C") website (<http://appointments.state.ma.us>) that complicated this inquiry. The Committee's examination found that information on the website was often:

- (a) Absent: The Post-Audit Bureau learned, to its surprise, that many state commissions are not listed on the B&C website. The Bureau was informed that the B&C website, which is administered by the Governor's Office, lists -- with a few exceptions -- only those commissions for which the Governor has the authority to appoint members; there are estimated to be hundreds of additional commissions controlled by the Commonwealth's executive offices that are not included on the B&C website, because the Governor does not have the authority to appoint any of their members and therefore does not regularly receive reports of their membership.<sup>5</sup>
- (b) Incomplete: The Post-Audit Bureau found that, in many cases, information about a commission (including its enabling statute, members' term lengths and limits, and meeting information) was not included on the B&C website.
- (c) Incorrect: The Post-Audit Bureau also found that, for many commissions, the names of the members were incorrect (or at least inconsistent with other information online) or outdated (for example, listing *ex officio* members who had since left their positions). Also, the number of seats shown for a commission often did not correspond to the number prescribed by the enabling legislation or executive order, and the enabling legislation listed was sometimes incorrect.

Staff of the Post-Audit Bureau met with representatives of the Governor's Office, including the Director of Boards and Commissions, who indicated that staff of the Boards and Commissions Office regularly review and correct the information on the website, in particular when they receive information from executive offices or the Legislature indicating that the membership of a commission has changed. Nevertheless, as discussed above, the information on the Governor's B&C website does not appear to be complete or completely current, rendering it unreliable. The Governor's Office explained the limited number of commissions listed on the B&C website by stating that the website is provided merely as a tool to encourage civic engagement and as a convenience to individuals who may seek to be appointed to a board or commission. It appears, therefore, that there actually is no complete, consolidated list of all Massachusetts boards and commissions.

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<sup>5</sup> The Post-Audit Committee is considering undertaking an additional investigation in regard to these commissions and boards.

## ISSUES

Many of the commissions reviewed by the Post-Audit Bureau raised concerns. Four categories of concern are discussed below.

### **I. Commissions that Have Failed to Conduct Meetings and Produce Required Reports**

In order to accomplish their mission, commissions must conduct meetings to deliberate on the matters entrusted to them. Based on information obtained to date through online research and contacts with commission members or their supervising executive offices, the Post-Audit Bureau found that many commissions are not meeting as often as required, or even with reasonable regularity. Many apparently have not met for months or even years.

In addition, enabling statutes often require a commission to produce either a one-time report or periodic reports discussing their activities, findings, and/or recommendations. The Post-Audit Bureau has not yet been able to locate required reports for almost 70 commissions. To the extent that further governmental action depends on the contents of these reports, these failures are impeding forward movement by the Commonwealth or its agencies. A list of these commissions is attached hereto as Appendix I.<sup>6</sup>

### **II. Commissions that Have Apparently Not Begun Work**

Some commissions -- both ones created in the last year or two and some created several years ago -- have apparently never met. Various reasons have been offered for this inactivity, but it appears that it usually stems from an inadequate number of commission members.<sup>7</sup> Some of these commissions,

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<sup>6</sup> The Post-Audit Committee has observed that the legislation creating some commissions provides a very brief period between enactment and the date by which the commission is required to submit its report. *See, e.g.*, Chapter 4 of the Resolves of 2010 (creating the Special Commission Relative to Seafood Marketing), approved Aug. 9, 2010, report due July 31, 2011; St.2009, c. 61, § 22 (creating the Special Commission Relative to the Reorganization and Consolidation of the Sheriffs' Offices), approved Aug. 6, 2009, report due Dec. 31, 2010; St. 2009, c. 206, § 7 (creating the Special Commission to Investigate and Develop a Strategy to Increase the Use of Advanced Biofuels as Alternatives to Conventional Carbon-Based Fuels), approved July 28, 2008, report due April 15, 2009.

<sup>7</sup> The enabling statute or executive order generally spells out which seats are designated for *ex officio* members (persons who are members by virtue of holding a certain position) and who must appoint the other members, most often either the Governor or the majority or minority leadership in the Legislature.



according to the information located by the Post-Audit Bureau, actually have *no* members. Others have some members, but not enough to form the quorum necessary to do business.<sup>8</sup>

The Bureau has been informed that commission seats are sometimes hard to fill because commission participation requires too large a time commitment by the members or because the requirements for particular positions (e.g., area of interest, professional experience, or service in a certain work environment) are so specific that it is difficult to find persons who have those qualifications -- and who are able and willing to serve, in most cases without compensation.

Whatever the cause of the open seats on the Commonwealth's commissions, the inability of these commissions to function means that their purpose, as identified by the Legislature and/or the Governor, is not being fulfilled.<sup>9</sup>

A list of commissions that apparently have not begun work is included as Appendix II.

### **III. Redundant Commissions and Commissions with Overlapping Responsibilities**

In addition, many commissions seem to have similar, if not identical, responsibilities, potentially making at least one of them redundant.<sup>10</sup> A list of commissions that appear to have overlapping responsibilities is included as Appendix III. The Committee recommends that the work of these pairs of overlapping commissions be examined by the Governor and the Legislature to determine whether each performs a distinct and important function.

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<sup>8</sup> Some enabling statutes explicitly state the number of members who must be present at a commission meeting to have a quorum. *See, e.g.*, St.2008, c 303, § 37 (Advisory Board to the South Shore Tri-Town Development Corporation, quorum is 6 members out of 11); M.G.L. c. 40H, § 3 (Board of Directors of Community Economic Development Assistance Corporation, quorum is 5 members out of 9). If a general or special law statute states that a body or type of body has a set number of members or a quorum requirement, "no other provision can set a different number or requirement." *OML [Open Meeting Law] FAQ: Calculation of Quorum and Majority*, Massachusetts Attorney General Open Meeting Law website, found at <http://www.mass.gov/ago/government-resources/open-meeting-law/oml-faq/oml-faq-calculation-of-quorum-and-majority.html> (hereafter "AG's OML FAQ"). *See also Gamache v. Town of Acushnet*, 14 Mass.App.Ct. 215, 219 (1982). Where the number of members is set by statute, but no quorum requirement is specified, a quorum is a majority of that number. *See AG's OML FAQ* (citing M.G.L. c. 4, § 6, cl. 5). Although some commissions have attempted to read that standard as requiring only a majority of the *seated* members, *see* Todd Wallack, *supra* n.2, a quorum requires the presence of a majority of *the seats on the commission*, unless the enabling statute states otherwise. *See AG's OML FAQ*.

<sup>9</sup> Although this report will not discuss the issue in detail, often commissions' required reports were produced months, and even years, after their designated due dates.

<sup>10</sup> This situation is especially concerning given that some commissions have difficulty functioning due to a lack of members that prevents them from obtaining a quorum. The Nutrition Board, for example, has only 11 out of its required 19 members. Perhaps for this reason, its last two meetings were cancelled.

#### **IV. Commissions that Have Completed or Outlived their Mission**

The Post-Audit Bureau found that many commissions listed on the B&C website had fulfilled the mission for which they were created, either because they had completed their required study and report or because circumstances had changed since a commission's creation, making the commission no longer necessary.<sup>11</sup>

The Post-Audit Bureau has been informed that M.G.L. c. 4, § 2A, has been interpreted to provide that, once a commission or task force has completed its final report, it is automatically dissolved.<sup>12</sup> Assuming, without deciding, that the reference in this statute to "special commissions established to make an investigation and study of any matter" is intended to cover all boards, commissions, task forces, and councils created to study or investigate an issue and prepare a single report by a stated deadline, the statute still does not explicitly state that such commissions are dissolved or sunsetted once the report is completed. Certainly such a conclusion is somewhat inconsistent with the maintenance on the B&C website of many commissions that have completed their final reports. It is also somewhat at odds with the need perceived by members of the General Court for legislation to create a "sunset review commission" to determine which commissions should be dissolved or abolished.<sup>13</sup>

A list of commissions that appear to have completed or outlived their mission, but remain listed on the B&C website can be found in Appendix IV.

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<sup>11</sup> For example, the closure of the Westborough State Hospital has ended the need for its Board of Directors. Technological changes have reduced the public's demand for radio and television technicians, and consequently the Board of Registration of Radio and Television Technicians has largely outlived its usefulness.

<sup>12</sup> M.G.L. c. 4, § 2A states that: "Unless otherwise provided, the provisions of this section shall apply to each special commission established to make an investigation and study of any matter. . . . Such commission . . . shall file its final report not later than the last Wednesday in January in the following year, if it is established, continued, or revived and continued, in an odd-numbered year, or not later than the last Wednesday in December in the same year, if it is established, continued, or revived and continued in an even-numbered year. . . . If such commission is continued, or revived and continued, it shall continue to exercise and perform all the rights, powers and duties previously conferred or imposed on it."

<sup>13</sup> A bill to create such a commission has been filed during the current legislative session and in previous sessions. This legislation, now S.1510, would create a ten-member Sunset Review Commission, tasked with reviewing all agencies and authorities (as defined in M.G.L. c. 29, § 1), as well as advisory committees (meaning those whose primary function is to advise a state agency), and making recommendations about whether each one should be abolished, transferred, reorganized, or improved. The bill outlines specific criteria that the Commission must consider in making such determinations and requires it to draft legislation implementing its recommendations and to estimate any fiscal impact. In the course of its work, the Commission would assign sunset dates to every agency, authority and advisory committee and file legislation to implement the abolition schedule, although the Legislature would be free to adjust the timetable for sunseting each body. In addition, any bill filed to create a new agency, authority or advisory committee must be reviewed by the Commission, in part to determine whether its proposed functions could instead be administered by one or more existing bodies.

## FINDINGS AND RECOMMENDATIONS

### FINDING 1

There are many commissions that are inactive, due to lack of interest or insufficient membership, or that have accomplished the purpose for which they were created, that should be dissolved or sunsetted.

### RECOMMENDATION

The Department of Boards and Commissions in the Governor's Office and each executive office should be required to review the membership information, goals, and accomplishments of all commissions under its supervision to determine which commissions, if any:

- (a) Should be dissolved or "sunsetted" because they have accomplished the goals and performed the responsibilities for which they were created or because their goals and responsibilities overlap or duplicate those of another commission;
- (b) Have more than one-third of their seats vacant;
- (c) Have not held a meeting in the preceding year; or
- (d) Have been unable, during the preceding year, to obtain a quorum for one or more of the minimum number of meetings that the commission's enabling statute or executive order requires the commission to hold annually;

and should promptly provide the results of that review to the Governor and the clerks of the House of Representatives and the Senate.

Once this review has been conducted, the Governor should examine the results and issue executive orders repealing and/or dissolving, 30 days after completion of their duties, all commissions created by executive order that have accomplished the purposes for which they were created, are duplicative of another, more-active commission, or are no longer deemed necessary by the governor, and the supervising executive office, if the commission is under the supervision of an executive office. The Governor and the Legislature should also make efforts to locate members for all commissions that lack sufficient members to assemble a quorum.

For commissions created by statute, the Post-Audit Committee recommends that the Senate President and Speaker of the House appoint a sunset commission to examine the information assembled during the review described above and determine which commissions have accomplished the purposes for which they were created, are duplicative of another, more-active commission, or are no longer deemed necessary by the Governor or by the supervising executive office, if the commission is under the supervision of an executive office. Once this review has been done, legislation to dissolve or sunset those commissions, within 30 days of completion of their duties, should be filed. The Legislature should also make greater efforts to make those appointments it is required to make and to assist the Governor's Office and the executive officers in locating members for all commissions that lack sufficient members to

assemble a quorum. To facilitate this process, the Boards and Commissions office could circulate a list of openings to all legislative offices and perhaps to all of the Commonwealth's municipalities.

This approach offers a way to eliminate any unnecessary, inactive, or duplicative commissions.

## FINDING 2

The Post-Audit Bureau found that some special commissions, even years after their creation, had insufficient membership to obtain a quorum, but no action had been taken either to rectify the situation or to dissolve the commission.

### RECOMMENDATION

A sunset review commission, of the type contemplated by S.1510, should be created to determine, on an on-going basis, whether it is appropriate to sunset or dissolve certain inactive or redundant boards and commissions.

## FINDING 3

Some commissions currently have insufficient membership partly because the appointment (or reappointment) process requires extensive background checks, which take a considerable amount of time to accomplish.<sup>14</sup> The Post-Audit Bureau is informed that the Governor's Office currently has *approximately 500 individuals* "in the pipeline" (in the process of being reviewed for suitability for appointment to a commission and/or about whom background checks are being conducted). As a result, some commissions are unable to undertake their responsibilities, due to lack of membership.

### RECOMMENDATION

The Governor's Office should investigate ways to streamline the background check process and make it more user-friendly for applicants, for example, by shortening the form submitted to the candidates.

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<sup>14</sup> The Post-Audit Bureau was informed that the background check process involves submission to a prospective candidate of a 12-page background check form to complete, a request for information about the candidate from the Department of Revenue, a check by the State Police, a conflicts check, and a determination of whether the candidate meets the (often quite specific) requirements for a particular seat on the board. Delays can occur, for example, if the candidate does not return his or her questionnaire promptly, or if issues arise that the candidate needs to explain or resolve (e.g., an issue with DOR).

#### FINDING 4

The requirements for certain seats on some commissions are so specific as to make them extremely difficult to fill,<sup>15</sup> meaning that the appointing authority may have difficulty locating, and the commission may therefore have difficulty assembling, sufficient members to allow a quorum at its meetings.

#### RECOMMENDATION

The Governor should permit appointment of an individual who does not meet all of the membership requirements of a commission's enabling executive order, upon a written finding by the appointing authority that it is unable to locate anyone in the Commonwealth who does meet those requirements and is willing and suitable to serve. The Legislature should also enact legislation permitting a relaxation of statutory membership requirements where a similar written finding is made concerning a seat on a legislatively-created commission.

#### FINDING 5

Many commissions are currently able to function only because their seats continue to be filled by members whose terms have expired. M.G.L. c. 30, § 8,<sup>16</sup> allows these "holdover" members<sup>17</sup> to continue to discharge their duties until successors are appointed. This provision, although it allows commissions to continue to function despite the expiration of their members' terms, may diminish the urgency to bring "new blood" into commissions and to comply with the term limitations on members included in some enabling statutes.

#### RECOMMENDATION

This situation could easily be remedied by reappointment of holdover members, provided that they are properly discharging their duties and that the enabling statute or executive order allows members to be reappointed for one or more additional terms.<sup>18</sup> The Post-

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<sup>15</sup> See, e.g., M.G.L. c. 111L, § 9 (establishing the Biomedical Research Advisory Council); M.G.L. c.13, § 22 (establishing the Board of Registration in Pharmacy).

<sup>16</sup> Section 8 reads, in relevant part: "A public officer appointed for any term by the governor, with or without the advice and consent of the council, shall hold his office during the term for which he is appointed and until his successor in office has qualified, unless he is sooner removed in accordance with law." M.G.L. c. 30, § 8.

<sup>17</sup> The term "holdover" is used in this report to describe members of a commission whose terms have expired, but who continue to participate in activities of this commission (or are listed on the B&C website as doing so).

<sup>18</sup> However, some enabling statutes provide limits on the number of terms (and therefore the number of years) that a member can serve on a commission. See, e.g., M.G.L. c. 19, § 11 (providing that no member of the Department of Mental Health Statewide Advisory Council may be appointed to service more than two consecutive three-year terms); M.G.L. c. 19C, § 2 (providing that no person may be appointed to more than one full five-year term on the Disabled Persons Protection Commission).

Audit Bureau found no compelling reason that the appointing authorities for such commissions have not made these reappointments.<sup>19</sup>

## FINDING 6

The Post-Audit Bureau was informed that the current Boards and Commissions website (<http://appointments.state.ma.us>), with a few exceptions, covers only commissions to which the Governor is authorized to make appointments. There are reportedly many other commissions under the supervision of executive offices, which are not listed on the Boards and Commissions website. A complete, consolidated list of all of the Commonwealth's commissions apparently does not exist. In addition, the Post-Audit Bureau found that a great deal of information on the Boards and Commissions website did not agree with information obtained from other online sources or from inquiry to members of the commission or supervising executive offices, in particular as to the membership of the commissions.

## RECOMMENDATION

The Governor's Office should obtain, from the chair of each commission under its supervision, a complete listing of the commission's current members, as well as the member's appointing authority and term end date. Commissions outside of the Governor's supervision should report information concerning their composition to the Governor's Office. The Boards and Commissions Office of the Governor's Office should promptly update the information about each commission's members on its website upon receipt of that listing.

Each executive office should also be required to prepare a complete listing of all commissions under its supervision, including the information that is supposed to be posted for each commission currently listed on the Boards and Commissions website. The executive office should furnish that listing to the Boards and Commissions Office of the Governor's Office, which should in turn be required to promptly include the information on its website.

Each executive office should thereafter be required to submit to the Boards and Commissions Office on a quarterly basis either updated member information for each commission under its supervision or a certification that the information in its last listing for that commission remains current. The same requirements should be imposed on the Governor's Office for any commission that is directly under the supervision of the Governor, rather than under an executive office.

In addition, in order to keep the Boards and Commissions website current, the chairperson of each of the Commonwealth's commissions should be required to report

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<sup>19</sup> The Committee is informed that background and criminal record checks are required for any new or reappointed member, which can often take considerable time to complete. The Committee is not convinced of the necessity of extensive background checks for members of many of these commissions.

any changes in membership or members' term end dates to the Boards and Commissions Office in writing within 30 days of such change.

Alternatively, if the governor believes that this responsibility is too burdensome, the Post-Audit Committee recommends that supervision and maintenance of the Boards and Commissions website be transferred to the Executive Office for Administration and Finance.

#### FINDING 7

Agendas and meeting minutes of the Commonwealth's commissions are often not posted online, with the result that members of the public with an interest in the commission's activities are unable to determine what is happening at meetings -- and perhaps even to participate. Having such information posted online would also assist in determining if the commission is adhering to the commonwealth's Open Meeting Law, M.G.L. c. 30A, §§ 18 *et seq.*

#### RECOMMENDATION

The Administration, the judiciary, and the Legislature should make greater efforts to ensure that agendas for commission meetings are posted online on the mass.gov website (or on the commission's website, if any) at least 48 hours before the meeting, either separately or as a part of the meeting notice. Legislation should be passed to require all commissions to vote upon the meeting minutes of a meeting at the following commission meeting, unless a quorum is not present at the following meeting, in which case approval can be postponed until the next meeting at which a quorum is present.<sup>20</sup> Greater efforts should be made to ensure that all approved meeting minutes are promptly (e.g., within 3 business days) posted on the mass.gov website (or on the commission's website, if any).

#### FINDING 8

Similarly, many commission reports are not posted online. The activities, research, conclusion, and recommendations of these commissions are, therefore, not readily available to the public, which both diminishes the reports' impact and leaves the public unaware of some of the valuable work performed by their government.

#### RECOMMENDATION

Increased efforts should be made by the Administration, the judiciary, and the Legislature to facilitate the online posting of commissions' agendas, meeting minutes, and reports in an easy-to-read and downloadable format on the mass.gov website or on their own websites, if any. This could be accomplished either by the supervising branch providing the commission with assistance from persons with the knowledge and access to do so or by facilitating the commission members' completion of this task.

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<sup>20</sup> If, by some chance, commission members have some concern about the contents of meeting minutes that cannot be resolved by the second following meeting, that concern should be addressed promptly at that meeting, or the minutes should be posted, if a quorum of the membership concurs, with a notation of any members' dissent.

## FINDING 9

State statutes creating commissions to investigate and report on a certain issue generally do not explicitly state that the commission is dissolved and that its responsibilities end once it has completed its required reports.<sup>21</sup> In addition, M.G.L. c. 4, § 2A, the general statute concerning “special commissions established to make an investigation and study of any matter,” does not specifically include such a provision. As a result of this lack of specificity, the status and responsibilities of such commissions after completion of their reports can be uncertain. This uncertainty is illustrated by the inclusion in the FY15 budget of a provision dissolving the Water Infrastructure Finance Commission.<sup>22</sup> In addition, as discussed, *supra* n.6, some statutes creating such commissions impose a report deadline that does not allow sufficient time for the commission to complete its work.

## RECOMMENDATION

To clarify the status of commissions that have finished their final reports, the Post-Audit Committee recommends the insertion into M.G.L. c. 4, § 2A, of language explicitly stating that, 30 days after completing its final report, a special commission established to make an investigation and study of any matter will be automatically dissolved. In addition, the Committee recommends that § 2A also be amended to include a provision explicitly stating, as is apparently assumed, that a commission within the purview of § 2A that does not complete its report by the deadline set forth in the statute is automatically dissolved 30 days after the reporting deadline, unless the commission arranges for passage of legislation extending the deadline (before the deadline has expired) or unless the commission is revived by act of the Legislature. The deadlines imposed for reports, however, should allow a realistic amount of time for commission members to be appointed, conduct their investigation, and prepare their report.

Finally, the Committee recommends that all future statutes creating a commission to prepare an investigation and report should include a provision stating that the commission will be dissolved and will have no further responsibilities once its final report is submitted.

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<sup>21</sup> For an exception to this general rule, see St.2004, c. 149, § 330 (providing that the Special Task Force on Medical Malpractice Insurance “shall dissolve upon completion of its duties and obligations, as indicated by submission of its findings and recommendations”).

<sup>22</sup> See *infra* at 27.



## CONCLUSIONS

The Post-Audit Committee's review found that the Commonwealth's current system for appointing commission members and monitoring commissions' activities is inadequate. Massachusetts has hundreds of commissions, some under the supervision of the Governor's Office and others within the state's executive offices, but no complete, consolidated list is publicly available. Many of the commissions that are on the website maintained by the Governor's Office are inactive, either because they have accomplished their mission, have not been meeting regularly, or have insufficient membership to assemble a quorum.

The Post-Audit Committee recommends that the Governor's Office, the Legislature, and other appointing authorities make a more concerted effort to appoint new members -- or reappoint existing members -- to all commissions with vacancies, including embarking on a campaign to reach out to the public, perhaps through legislators and municipalities, to find candidates with the background and interest to fill commission seats. If necessary to get commissions to have sufficient members, the current background check process should be reevaluated and streamlined, and eligibility standards should be relaxed on a case-by-case basis. The Legislature should enact legislation to allow automatic dissolution or "sunsetting" of inactive commissions and to create a formal process to regularly review commissions to determine whether they should be abolished. Finally, the Post-Audit Committee recommends a process for creating, and maintaining the accuracy of, a consolidated, statewide list of commissions and their members.

## APPENDIX I

### COMMISSIONS APPARENTLY INACTIVE OR WITH REPORTS NOT LOCATED

#### Apparently Inactive (some with reports not located)

1. **Adolescent Health Council** (created by St.1986, c. 643, § 1)
  - Apparently has not met since 2010 (although there may currently be some interest in reviving it).
2. **Advisory Committee for the Lead Poisoning Prevention Program** (created by M.G.L c. 111, § 190)
  - No information on whether the committee has ever met, no minutes or meeting notices posted.
3. **Advisory Committee on Accessibility to Communication Services for Disabled Persons** (created by M.G.L c. 166, § 15E)
  - According to B&C website, committee has seventeen seats, all of which are vacant, and there is no evidence that the committee has met or conducted business recently.
4. **Advisory Committee on Chaplains in State Institutions** (created by M.G.L c. 6, § 166B)
  - All board members are holdovers whose terms expired between 1991 and 2009; the Post-Audit Bureau has been informed that this committee is no longer active.
5. **Advisory Council on Radiation Protection** (created by M.G.L c. 111, § 4F)
  - The Post-Audit Bureau has been informed that the council is no longer active and that its work is being done by the Department of Public Health.
6. **African American Advisory Commission** (created by Executive Order No. 362)
  - Currently the B&C website lists two vacancies and fourteen holdover members whose terms expired in 2007. The Post-Audit Bureau has been informed that this commission is no longer active.
7. **Board of Certification of Operators of Wastewater Treatment Facilities** (created by M.G.L c. 21, § 34A)
  - Of the nine seats on the board, four are held by members whose terms have expired, and two are vacant. No information about meetings or actions taken by the board could be located.
8. **Commonwealth Information Technology Initiative Advisory Board** (created by M.G.L. c. 29, , § 2TTT, replacing St.2006, c. 168)
  - Nine of the board's twelve seats are reportedly vacant, and the Post-Audit Bureau is informed that no monies have been appropriated for the Commonwealth Information Technology Initiative since 2006.
9. **Commonwealth Information Technology Initiative Fund** (created by M.G.L. c. 29, § 2TTT, replacing St.2006, c. 168 )
  - The Post-Audit Bureau is informed that no monies have been appropriated for the initiative since 2006, and the Post-Audit Bureau found no evidence that the fund is conducting business.

- 10. Commonwealth Security Trust Fund (Board of Trustees)** (created by M.G.L c. 10, § 67)
- The Post-Audit Bureau was unable to locate information about the board’s activities, including whether it has held meetings recently.
- 11. Deferred Compensation Committee** (created by M.G.L c. 29, § 38B)
- The Post-Audit Bureau was unable to find evidence of meetings, and no other information was located online regarding the committee’s status.
- 12. Governor’s Non-Discrimination, Diversity and Equal Opportunity Advisory Council** (created by Executive Order. No. 526, § 13)
- The council was to have fifteen members and produce an initial report within 60 days of the appointment of its fifteenth member. According to the B&C website, the council still has a vacancy, and no report has been produced to date.
- 13. Hazardous Waste Advisory Committee** (created by M.G.L c. 21C, § 3)
- The most-recently appointed members, according to the B&C website, have terms that expired in 2000. The Post-Audit Bureau was unable to locate any evidence of recent meetings.
- 14. Healthcare Workforce Advisory Council** (created by St.2012, c. 224, § 72)
- Although members of the council apparently have been appointed, this council reportedly has not met in some time, and the Post-Audit Bureau found no evidence that it is conducting business.
- 15. Health Disparities Council** (created by M.G.L c. 6A, §16O)
- The B&C website states that 39 of the 43 seats on the council are vacant, and information gathered by the Post-Audit Bureau indicates that this Council may not have met in two years or more. This council has not been producing its required annual reports.
- 16. Holyoke Soldiers’ Home Board of Trustees** (created by M.G.L c. 6, § 70-71)
- No information about the status of the board could be located, and the board, according to the B&C website, currently has one vacancy and three members with terms that have expired in the past two years.
- 17. Homeless Animal Prevention and Care Fund Advisory Committee** (created by M.G.L. c. 193, § 53)
- One of the five seats is listed as vacant on the B&C website, and the Post-Audit Bureau was unable to determine the dates of the committee’s most recent meetings.
- 18. Latino-American Advisory Commission** (created by Executive Order No. 409)
- According to the B&C website, the commission has fifteen seats, fourteen of which are currently held by members whose terms have expired, and the last of which is vacant. Information about the commission’s current status could not be located.
- 19. Local Election District Review Commission** (created by M.G.L c. 9, § 9A)
- No information was found detailing the commission’s recent activities, and no evidence of meetings could be found by the Post-Audit Bureau.
- 20. Massachusetts Civil War Sesquicentennial Commission** (created by Executive Order No. 529)
- The Post-Audit Bureau could not locate information on meetings or activities held by the commission, with the exception of a January 10, 2013, meeting, for which

minutes were not posted online. The Executive Order creating the commission expires in 2015.

- 21. Massachusetts Commission Against Discrimination (MCAD) Advisory Board** (created by M.G.L c. 6, § 56)
  - The Post-Audit Bureau was unable to determine whether there had been any recent meetings of this board.
- 22. Massachusetts Interagency Council on Housing and Homelessness** (created by Executive Order No. 492)
  - The council is tasked with filing findings and recommendations on these matters, but the Post-Audit Bureau was unable to locate these documents. Meeting dates and minutes are not available online, and the Bureau is unable to confirm that the council is active.
- 23. Massachusetts Military Reservation Science Advisory Council** (created by Executive Order No. 433)
  - The B&C website currently lists one vacancy for the council out of seven members (the E.O. provides for five to nine members). Meeting minutes and any reports of recommendations made by the council were not located online, and it is unclear whether the council remains active today.
- 24. Roxbury Trust Fund Committee** (created by St.1990, c. 443, § 1)
  - No information about the current status of the committee could be found during the Post-Audit Bureau's investigation.
- 25. Special Commission to Study the Feasibility and Effectiveness of Various Forms of Incentives to Promote the Development and Use of Advanced Biofuels in the Commonwealth** (created by St.2008, c. 206, § 5)
  - A report of the Commission's findings was due to be filed on or before March 31, 2009, but the Post-Audit Bureau has been unable to locate it. According to the B&C website, the commission has seven vacancies out of eleven total positions.
- 26. State Forestry Committee** (created by M.G.L. c. 132, § 41)
  - According to the B&C website, all eight members of the committee are holdovers. The Post-Audit Bureau is informed that board appointments have not been updated, and that meetings have not been held recently, because the Executive Office of Energy and Environmental Affairs does not wish to make changes to existing forestry regulations, which is the committee's purpose.
- 27. Statewide Advisory Commission Charged with Investigating and Studying the Relative Value of a Uniform Claims Administration System for all Payers in the Commonwealth** (created by St.2010, c. 288, § 57)
  - The B&C website lists twelve of the fifteen seats as vacant, and the last meeting date the Post-Audit Board could locate was June 16, 2011. The Post-Audit Bureau is informed that EOHHS believes that this commission should be considered for elimination.

#### **Reports Not Located**

- 28. Agricultural Lands Preservation Committee**
  - Annual reports

- 29. Assisted Living Advisory Council**
  - Annual reports
- 30. Atlantic State Marine Fisheries Commission**
  - Annual reports
- 31. Biomedical Research Advisory Council**
  - Annual reports
- 32. Board of Directors of the Community Economic Development Assistance Corporation (CEDAC)**
  - Annual reports
- 33. Board of Registration of Architects**
  - Annual reports
- 34. Board of Registration of Real Estate Brokers & Salesmen**
  - Annual reports
- 35. Boards of Trustees for MULTIPLE State-Run Colleges and Universities**
  - Annual reports on institutional spending, as well as annual updates to 5 year mater plan.
- 36. Board of Trustees of the Health Care Security Trust**
  - Annual reports
- 37. Board of Trustees for the State Library of Massachusetts**
  - Annual reports
- 38. Bourne Recreation Authority**
  - Annual reports
- 39. Capital Debt Affordability Committee**
  - Annual reports
- 40. Chairman of South Essex Sewerage Board**
  - Annual reports
- 41. Charles River Water Quality Commission**
  - Report to be filed by November 1, 2012.
- 42. Coastal Erosion Task Force**
  - Report to be filed by March 1, 2014.
- 43. Commission on Falls Prevention**
  - Report to be filed by March 1, 2014.
- 44. Commission on Indian Affairs**
  - Annual reports
- 45. Asian-American Commission (Commission on the Status of Citizens of Asian Descent)**
  - Annual reports on findings and recommendations
- 46. Commonwealth Utilities Commission**
  - Annual reports

- 47. Community College Workforce Grant Advisory Committee**
  - Annual reports
- 48. Construction & Demolition Waste Commission**
  - Report to be filed by July 1, 2009.
- 49. Disabled Persons Protection Commission**
  - Annual reports
- 50. Drug Rehabilitation Advisory Board**
  - Annual reports
- 51. Economic Assistance Coordinating Council**
  - Annual reports
- 52. Elder Protective Services Commission**
  - Report to be filed by December 31, 2013.
- 53. Governor's Non-Discrimination, Diversity and Equal Opportunity Advisory Council**
  - Report due sixty days after the appointment of the fifteenth member of the advisory council, which apparently has not yet occurred.
- 54. Information Technology Advisory Board**
  - Annual reports
- 55. Juvenile Justice Advisory Committee**
  - Annual reports
- 56. MassHealth Payment Policy Advisory Board**
  - Semi-annual reports
- 57. Merrimack River Valley Flood Control Commission**
  - Annual reports
- 58. Northern Berkshire Industrial Park and Development**
  - Annual reports
- 59. Nutrition Board**
  - Annual reports
- 60. Policy Advisory Committee**
  - Annual reports
- 61. Registry of Deeds Modernization and Efficiency Commission**
  - Report to be filed by July 27, 2013.
- 62. Sex Offender Recidivism Commission**
  - Report to be filed in January of 2014.
- 63. South Boston Community Development Foundation**
  - Annual reports. The Post-Audit Bureau is informed, however, that there is legislation pending regarding the appointing authority for this board.
- 64. Special Commission to Investigate and Develop a Strategy to Increase the Use of Advanced Biofuels as Alternatives to Conventional Carbon-Based Fuels**
  - Report to be filed on April 15, 2009.

**65. Special Commission to Investigate and Study the Need to Incentivize the State's College Scholarship System**

- Report to be filed on December 31, 2012.

**66. State Finance and Governance Board** (created by M.G.L c. 6, § 97-98)

- Annual reports

**67. Thames River Valley Flood Control Commission**

- Annual reports

**68. University of Massachusetts Building Authority**

- Annual reports

## APPENDIX II

### COMMISSIONS THAT HAVE APPARENTLY NEVER MET

#### **Elder Economic Security Commission**

This commission was created by a 2013 session law to investigate strategies to allow elders to remain in their Massachusetts communities and enjoy increased economic security. The Post-Audit Bureau has been unable to find evidence that the commission has met.

#### **Massachusetts Port Authority Community Advisory Committee**

This committee was created by a 2013 session law. Its responsibilities include making budget recommendations to the Massachusetts Port Authority (“Massport”) and holding hearings on matters relating to Massport. [Appointments to this committee are to be made by the chief executive officer of each of the municipalities listed in the statute.](#) The B&C website shows all 31 seats on this commission as vacant, and the Post-Audit Bureau has received conflicting information about how many members have been appointed to date, but there seems to be no dispute that the committee has not yet met.

#### **Plymouth, Massachusetts, 400<sup>th</sup> Anniversary Commission**

This commission was created by Executive Order No. 502 in 2008. The Post-Audit has found no evidence that it has held any meetings or taken any action.

#### **Policy Advisory Committee**

This committee was created by a statute enacted in 2008 to advise the State 911 Commission and Department. This committee was supposed to have 5 members, but 3 seats are vacant. The Post-Audit Bureau is informed that the vacant seats were designed to be filled by the Governor on the basis of external business recommendations that were reportedly never received; because of these vacancies, the committee has never met.

#### **Public-Private Partnership Commission**

This commission was created by a 2013 session law to “review and evaluate the administration and fiscal impact of public-private partnership policies or other alternate finance and delivery methods in the commonwealth.” The B&C website states that this commission has 11 vacancies out of 15 seats, and the Post-Audit Bureau is informed that the Governor plans to allow his successor to make the gubernatorial appointments.

#### **Sex Offender Recidivism Commission**

This commission was created by an outside section of the FY14 budget to make recommendations concerning how to assess sex offenders and how to reform the Commonwealth’s sex offender registry laws. Its report was due in January 2014. The Post-Audit Bureau has not found any evidence that this commission has ever met.



**Special Commission for COPD**

Created by an outside section of the FY13 budget, this commission is supposed study issues related to chronic obstructive pulmonary disease. The commission is not fully-empaneled, but the Post-Audit Bureau has been informed that the members will be seated in the near future.

**State Council to the Interstate Commission on Educational Opportunities for Military Children**

This council was created by a 2013 statute. The Post-Audit Bureau has been unable to find any evidence that this council has been meeting.

**Subcommittee on Addiction Services**

This subcommittee was created by the 2011 expanded gaming statute to develop recommendations for regulations in addressing issues related to addiction services. The Post-Audit Bureau is informed that the subcommittee has not yet been populated and has not met.

**Transportation Performance and Asset Management Advisory Council**

This council was created by a 2013 statute to prepare a report on the creation of an integrated management system to handle transportation capital assets and prepare annual progress reports on the status of the transportation performance and asset management system. However, the Post-Audit Bureau is informed that council members have only recently been appointed and have not yet met, although they may be meeting shortly.

**Value Capture Commission**

This commission was created by a 2013 session law to review policies and best practices of other jurisdictions on value capture (obtaining benefits from the increased value of adjacent properties as a result of public infrastructure projects) and how Massachusetts can employ value capture. The Post-Audit Bureau is informed that only one vacancy remains, but the commission has not yet met.

**APPENDIX III**

**OVERLAPPING COMMISSIONS**

**Asian-American Commission (or Commission on the Status of Citizens of Asian Descent)**

This commission was created in 2008 to be a resource to the Commonwealth on matters related to Asian-American affairs. It is supposed to prepare annual findings and, but, although the commission meets regularly, the Post-Audit Bureau has found no evidence that it has been preparing its annual recommendations.

**Governor’s Asian-American Commission**

This commission was created by a 1992 Executive Order amended in 1995. Its job is to advise the Governor on issues affecting Asian-American communities in the Commonwealth. The Post-Audit Bureau has been unable to find evidence that this commission has been meeting in recent years, although it co-sponsored an event in May.

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**Forester Licensing Committee**

This committee was created by a 2007 statute to recommend qualifications and procedures for the licensing of foresters and assist the Director of Forests and Parks in the preparation of rules and regulations for such licensing. The Post-Audit Bureau was unable to locate any information regarding recent meetings of this committee.

**Forester Licensing Board**

This board, appointed by the Director of State Parks and Recreation, is to assist and advise him or her in administering forester licensing regulations. This board has an active webpage on [www.mass.gov](http://www.mass.gov) and has been meeting, although it is not listed on the B&C website.

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**Massachusetts Commission for the Blind Rehabilitation Council**

Created in 1994 by Executive Order, this council’s mandate is to advise the Massachusetts Commission for the Blind regarding vocational rehabilitation issues. Its 21 seats, according to the B&C website, are all either vacant or occupied by holdover members.

**Massachusetts Commission for the Blind Statutory Advisory Board**

The statute that created the Commission for the Blind also created this five-member advisory board to cooperate with the United States Department of Education or its successors in the administration of the Vocational Rehabilitation Act. This advisory board meets regularly.

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**Massachusetts Home Ownership Advisory Committee**

Created by a 1977 session law, this committee is supposed to assist the Massachusetts Housing Finance Agency (“MHFA”) in formulating policies and procedures to accomplish the purposes of MHFA, which “supports the creation, preservation and long-term viability of affordable homeownership and rental housing opportunities for Massachusetts residents with modest incomes.”

[https://www.masshousing.com/portal/server.pt/community/about\\_masshousing/221/mission\\_statement](https://www.masshousing.com/portal/server.pt/community/about_masshousing/221/mission_statement). According to the B&C website, six of this committee’s fifteen seats are vacant, and the Post-Audit Bureau was not able to find any evidence of recent meetings.

**Massachusetts Housing Finance Agency Advisory Committee**

Created by a 1966 session law, the MHFA Advisory Committee assists the MHFA “in formulating policies and procedures dealing with ... questions relevant to MHFA’s underlying goal of providing housing for low income families and attaining balanced, attractive communities.” St.1966, c. 708, § 11. According to the Boards and Commissions website, seven of this committee’s fifteen seats are vacant, and the Post-Audit Bureau was not able to find any evidence of recent meetings.

The Post-Audit Bureau is informed that the committee on home ownership advises MHFA on issues concerning *single-family* homes, while the committee on housing finance advises the agency about issues of *multi-family* homes. Still, the Post-Audit Committee fails to understand why separate committees (both of which apparently lack almost half their members) are necessary for these two functions.

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**Water Resources Management Advisory Committee**

This committee was created by a 1985 statute to advise the Department of Environmental Protection and review the development of principles, policies, and guidelines necessary for the effective planning and management of water use and conservation in the Commonwealth. The Post-Audit Bureau was unable to determine when the committee’s last meeting occurred, and, according to the B&C website, the committee has four vacant seats and three holdover members out of at least eleven seats.

**Sustainable Water Management Advisory Committee**

This committee, convened by the Secretary of Energy and Environmental Affairs for apparently similar purposes to those of the above committee, does not appear on the B&C website, but can be found on mass.gov. See <http://www.mass.gov/eea/waste-mgmt-recycling/water-resources/preserving-water-resources/sustainable-water-management/swm-advisory-committee/>.

## **APPENDIX IV**

### **COMMISSIONS THAT HAVE COMPLETED OR OUTLIVED THEIR MISSION**

NOTE: Two commissions that the Executive Office of Health and Human Services also considers no longer useful, and therefore suitable for consideration for elimination, are marked (\*). See also list of EOHHS commissions below.

#### **Advisory Commission for Radiologic Technologists**

This commission was created to establish requirements for the registration of, investigating complaints about, and granting licenses to, radiologic technologists. Its work is reportedly now being performed by the Commonwealth's Radiation Control Program.

#### **Advisory Committee to Study the Comparative Costs and Benefits of Different Care Delivery Models for the Medicaid Program (Medicaid Delivery Model Advisory Committee)**

This committee was created by an outside section of the FY11 budget to study comparative costs and benefits of varied care delivery models for the Medicaid program. The committee completed its required report on June 20, 2013 and reportedly has no further responsibilities.

#### **Advisory Council on Organ and Tissue Transplants and Donations (Organ Transplant Fund Advisory Council)**

This council was created to assist the Commissioner of Public Health and the Director of Organ Transplants in coordinating the efforts of public and private agencies concerned with the donation and transplantation of human organs and tissue. The Post-Audit Bureau was informed that the council's work is now part of a program at the Department of Public Health, although the council apparently met as recently as May 2, 2014.

#### **Advisory Council to the Massachusetts Rehabilitation Commission (MRC)**

This commission was created in order to advise the MRC Commissioner on the delivery of rehabilitation services. The Committee is informed that this council no longer exists; the State Rehabilitation Council, also known as the MRC Statewide Advisory Council, seems to have similar responsibilities.

#### **Board of Registration of Electrologists**

This board reportedly has very little business and therefore does not meet regularly. The Governor has filed legislation that combines this board with the Boards of Registration of Barbers and Cosmetology to create one board to be called the Board of Registration of Cosmetology and Barbering. This legislation (now H.4254) repeals a number of licensing statutes and amends the provisions of others, in the interest of streamlining, modernizing and simplifying professional licensure procedures.

### **Board of Registration of Radio and Television Technicians**

It appears that this board currently has four of its seven seats vacant and has not met since October 30, 2013. The Governor believes that, due to a substantial decrease in demand for these services, this board has outlived its usefulness. His modernization bill, discussed above, therefore includes a provision to sunset this board by repealing the enabling statutes.

### **Board of Trustees of Westborough State Hospital (\*)**

The property of the Westborough State Hospital was reportedly sold in 2013, and there have not been patients at the facility since 2010.

### **Commission on Financing Forest Conservation**

The commission was to prepare a report by February 2012. The commission completed its work and submitted its findings in July 2011 and reportedly has no further responsibilities.

### **Commission on the Feasibility of Providing Home Mortgage Refinancing to Non-Delinquent Homeowners**

This commission's final report was issued in 2012, and there have apparently been no commission meetings since that time, other than a meeting on December 2, 2013 to approve the report.

### **Community College Workforce Grant Advisory Committee**

This advisory committee was established in order to promote the development of workforce training programs at community colleges and to encourage partnerships with businesses and labor organizations in order to support workforce development in Massachusetts. It was consolidated with the Rapid Response Grants program in the FY14 budget after a new formula for grant disbursement was established.

### **Drowsy Driving Commission**

This commission, created to study the impact of drowsy driving on highway safety, completed its report in March 2009.

### **Foreclosure Impacts Task Force**

This task force was created to study ways in which the Commonwealth can encourage the prevention of unnecessary vacancies following foreclosures, conduct a comprehensive review and evaluation of the existing mediation programs in the United States, and submit findings and recommendations. It has submitted its report, which was due December 31, 2013.

### **Joint Commission on the Future of the Beaches of Boston Harbor**

This commission was created by executive order in 1992. The Post-Audit Bureau is informed that its final report was issued in the 1990s.

### **Massachusetts Asset Development Commission**

This commission was created to examine the success of low-income workers in the Commonwealth in saving money and building assets and to make recommendations for state policies and practices to increase savings and asset-building. The commission submitted its final report was completed in June 2009 and reportedly has no further responsibilities.

### **Massachusetts International Trade Council, Inc. (MITCI)**

The Post-Audit Bureau is informed that this entity no longer exists, having been replaced by a new agency, the Massachusetts International Trade Office (MITO), functioning as the Massachusetts Office of International Trade and Investment (MOITI).

### **Massachusetts Sports Partnership**

Online searches for this entity lead to the **Sports Marketing Office of the Massachusetts Office of Travel & Tourism** at the Massachusetts Marketing Partnership. A non-profit corporation with this name was “involuntarily revoked” in 2012. The Post-Audit Bureau is informed that this is an external commission to which the Governor appoints one member; their work is not managed by the Administration.

### **Prequalification Commission**

This commission was created to make recommendations to the Legislature regarding the prequalification of construction contractors for “horizontal construction.” Its final report was issued in July 2009.

### **Real Estate Appraisal Review Board**

This commission was created to approve Department of Highways’ purchases, by eminent domain, of properties valued over \$300,000. However, the enabling statute was repealed.

### **Special Commission on Civic Engagement and Learning**

This commission’s purpose was to make a study of the status of civic engagement and learning and to assess best practices in civic education in the United States. That study was completed, and the commission’s report was issued in December 2012.

### **Special Commission Relative to Autism**

This special commission was created to investigate and study the range of services and supports necessary for individuals with autism-spectrum disorders to achieve their full. The Commission issued its final report in March 2013 and reportedly has no further responsibilities.

### **Special Commission Relative to Ending Homelessness**

This commission was asked to devise a statewide strategy to end homelessness in the Commonwealth. Its final report was completed in 2008, and the Post-Audit Bureau is informed that it has no further responsibilities.

### **Special Commission Relative to Seafood Marketing**

This commission was created to make an investigation and study relative to establishing a coordinated, generic marketing program for seafood caught in the Commonwealth and determining whether such a program would enhance and stabilize the economic environment for the commercial fishing industry and fishing communities. It issued its final report in July 2013.

### **Special Commission Relative to the Reorganization and Consolidation of the Sheriffs' Offices**

This commission was created to make formal recommendations regarding reorganization or consolidation of the sheriffs' offices and to recommend legislation. The commission completed its report due December 31, 2010 and reportedly is no longer active.

### **Special Task Force on Medical Malpractice Insurance (\*)**

The Post-Audit Bureau has been unable to determine whether the report of this Task Force was ever completed. It seems reasonable to assume, however, that, whether or not this report, due December 15, 2004, was ever completed, the task force is no longer active, especially because it has apparently not met recently and has no online presence.

### **State Council on Juvenile Behavior**

This council's purpose was to examine the Commonwealth's laws and procedures concerning juvenile delinquency and rehabilitation, with a view to advising Juvenile Court and revising state law. The Post-Audit Bureau is informed that the council is no longer active and, at any rate, was similar in purpose to the Juvenile Justice Advisory Committee listed in Appendix I.

### **Water Infrastructure Finance Commission**

This commission was created to develop a water infrastructure finance plan and an examination of the feasibility of sustaining, integrating, and expanding public water systems and infrastructure. Its report has been completed, and the commission apparently has not met since 2011. Because this commission's status remained unclear after the completion of its report, however, one of its legislative members requested the insertion into the FY15 budget of a provision dissolving the commission, which has now been signed into law. *See* FY15 budget, § 246.

### **Health and Human Services Commissions No Longer Active**

In addition to the commissions listed above, there are a number of commissions under the supervision of the EOHHS (not listed on the B&C website) that EOHHS has indicated may no longer be useful and could be considered for elimination:

Adult Day Services Working Group

Commission to Study the Development of a Cashless Payment System in Using EBT Cards

Massachusetts Veteran and War Memorials Commission

Special Commission on Oxycontin and Heroin

Special Commission on Provider Price Reform

Special Commission on the Feasibility of Creating a Jail Diversion Program Specifically for Veterans Convicted of Non-Violent Substance Abuse Offenses

Special Commission to Investigate and Determine a Best Practices Model for the Implementation of an Official Massachusetts Tamper Proof Prescription Form

Special Commission to Make an Investigation and Study Relative to the Capital Needs of the Community Hospital Sector

Special Commission to Make an Investigation and Study Relative to the Impact of Reducing the Number of Health Benefit Plans that a Health Care Payer May Maintain and Offer to Individuals and Employers

Special Commission to Study Access to Public Assistance and State-Sponsored Services in Rural Areas

Special Commission to Study Electronic Benefit Transfers (EBT)

Special Task Force to Study and Investigate Issues Related to the Accuracy of Medical Diagnosis in the Commonwealth

Study to Investigate the Implementation of a Pilot Program to Increase the Adoption of Health Reimbursement Arrangements, Health Savings Accounts and Flexible Spending Accounts

Veterans' Hall of Fame Council

Behavioral Health Treatment, Service Delivery, Integration, and Reimbursement Systems Task Force

Social Service Policy Advisory Board

Special Commission to Make an Investigation Into and Study of the Oversight of Compounding Pharmacies in the Commonwealth

Special Commission to Review Public Payer Reimbursement Rates and Payment Systems for Health Care Services

Continuing Education for Nursing, Advisory Council

Patient Safety and Medical Errors Reduction Board

Study Committee to Investigate the Feasibility and Cost of Continuous MassHealth Eligibility for Children Under the Age of 19

Special Commission on Graduate Medical Education