

SENATE NO. 518

AN ACT TRANSFERRING THE RESPONSIBILITIES FOR DAM SAFETY TO DEPARTMENT OF PUBLIC SAFETY

*Be it enacted by the Senate and House of Representatives in General Court assembled,
And by the authority of the same, as follows:*

1 SECTION 1. Section 18 of chapter 6A of the General Laws, as most recently appearing in the 2004
2 Official Edition, is hereby amended by inserting after the words “department of public safety,” the
3 words, “including the office of dam safety.”

4 SECTION 2. Section 33 of chapter 253 of the General Laws, as most recently appearing in the 2004
5 Official Edition, is hereby amended by striking out in said section 33 the words, “environmental
6 protection,” and inserting in place thereof, the words, “public safety.”

7 SECTION 3. Section 39 of chapter 253 of the General Laws, as most recently appearing in the 2004
8 Official Edition, is hereby amended by striking out in said section 39 the words, “environmental
9 management,” and inserting in place thereof, the words, “public safety.”

10 SECTION 4. Section 44 of chapter 253 of the General Laws, as most recently appearing in the 2004
11 Official Edition, is hereby amended by striking out in said section 44, after the term
12 “commissioner,” the words, “environmental management,” and inserting in place thereof, the
13 words, “public safety.”

14 SECTION 5. Section 44 of chapter 253 of the General Laws, as most recently appearing in the 2004
15 Official Edition, is hereby amended by striking out in said section 44, after the term “department,”
16 the words, “environmental management, as established in section 1 of chapter 21,” and inserting in
17 place thereof, the words, “public safety, as established in section of chapter.”

18 SECTION 6. Section 48A of chapter 253 of the General Laws, as most recently appearing in the
19 2004 Official Edition, is hereby amended by striking out in said section 48A the words,
20 “environmental management,” and inserting in place thereof, the words, “public safety.”

21 SECTION 7. Section 50A of chapter 253 of the General Laws, as most recently appearing in the
22 2004 Official Edition, is hereby amended by striking out in said section 50A the words,
23 “environmental management,” and inserting in place thereof, the words, “public safety.”

24 SECTION 8. (a) Notwithstanding any general or special law to the contrary, this section shall
25 facilitate the orderly transfer of the employees, proceedings, rules and regulations, property and
26 legal obligations of the following functions of state government from the transferor agency to the
27 transferee agency, defined as follows:

28 (1) the functions of the department of environmental management or the department of
29 environmental protection, as the case may be, as the transferor agency, to the department of
30 public safety, as the transferee agency;

31 (b) The employees of each transferor agency, including those who were appointed immediately
32 before the effective date of this act and who hold permanent appointment in positions classified
33 under chapter 31 of the General Laws or have tenure in their positions as provided by section 9A of
34 chapter 30 of the General Laws or do not hold such tenure, or hold confidential positions, are
35 hereby transferred to the respective transferee agency, without interruption of service within the
36 meaning of said section 9A of said chapter 31, without impairment of seniority, retirement or other
37 rights of the employee, and without reduction in compensation or salary grade, notwithstanding any
38 change in title or duties resulting from such reorganization, and without loss of accrued rights to
39 holidays, sick leave, vacation and benefits, and without change in union representation or certified
40 collective bargaining unit as certified by the state labor relations commission or in local union

41 representation or affiliation. Any collective bargaining agreement in effect immediately before the
42 transfer date shall continue in effect and the terms and conditions of employment therein shall
43 continue as if the employees had not been so transferred. The reorganization shall not impair the
44 civil service status of any such reassigned employee who immediately before the effective date of
45 this act either holds a permanent appointment in a position classified under chapter 31 of the
46 General Laws or has tenure in a position by reason of section 9A of chapter 30 of the General Laws.
47 Notwithstanding any other general or special law to the contrary, all such employees shall continue
48 to retain their right to collectively bargain pursuant to chapter 150E of the General Laws and shall
49 be considered employees for the purposes of said chapter 150E.

50 Nothing in this section shall be construed to confer upon any employee any right not held
51 immediately before the date of said transfer, or to prohibit any reduction of salary grade, transfer,
52 reassignment, suspension, discharge, layoff, or abolition of position not prohibited before such date.

53 (c) All petitions, requests, investigations and other proceedings appropriately and duly brought
54 before each transferor agency or duly begun by each transferor agency and pending before it before
55 the effective date of this act, shall continue unabated and remain in force, but shall be assumed and
56 completed by the respective transferee agency.

57 (d) All orders, rules and regulations duly made and all approvals duly granted by each transferor
58 agency, which are in force immediately before the effective date of this act, shall continue in force
59 and shall thereafter be enforced, until superseded, revised, rescinded or canceled, in accordance
60 with law, by the respective transferee agency.

61 (e) All books, papers, records, documents, equipment, buildings, facilities, cash and other property,
62 both personal and real, including all such property held in trust, which immediately before the

63 effective date of this act are in the custody of each transferor agency shall be transferred to the
64 respective transferee agency.

65 (f) All duly existing contracts, leases and obligations of each transferor agency shall continue in
66 effect but shall be assumed by the respective transferee agency. No existing right or remedy of any
67 character shall be lost, impaired or affected by this act.

68 SECTION 9. Section 2FFF of chapter 29 of the General Laws, as most recently appearing in the
69 2004 Official Edition, is hereby amended by striking out the words “environmental management,”
70 and inserting in place thereof the words, “public safety.”

71 SECTION 10. Section 2FFF of chapter 29 of the General Laws, as most recently appearing in the
72 2004 Official Edition, is hereby amended by striking out the figure “250,000,” and inserting in
73 place thereof, the figure, “2,500,000.”

74 SECTION 11. The provisions of this act shall take effect on July 1, 2008.