

HOUSE No. 7686

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, October 24, 1973.

The House committee on Ways and Means, to whom was referred the Bill establishing testing and inspection standards for commercial testing laboratories and establishing a testing standards commission (printed as House, No. 357), report that the same ought to pass, with an amendment, substituting therefor the accompanying bill (House, No. 7686).

For the committee,

JOSEPH D. EARLY.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Seventy-Three.

AN ACT ESTABLISHING THE CONSTRUCTION INDUSTRY SAFETY BOARD AND REQUIRING THE LICENSING OF PERSONS ENGAGED IN THE TESTING AND INSPECTION OF CERTAIN CONSTRUCTION MATERIALS AND THE CERTIFICATION OF LABORATORIES ENGAGED IN THE TESTING OF CERTAIN CONSTRUCTION MATERIALS.

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. Chapter 22 of the General Laws is hereby
2 amended by adding after section 14 added by section 1 of chap-
3 ter 710 of the acts of 1945 under the caption CONSTRUCTION
4 INDUSTRY SAFETY BOARD, the following section: —

5 *Section 15.* There shall be in the department of public
6 safety, but not under the control of the commissioner, a board to
7 be known as the construction industry safety board, in this sec-
8 tion called the board, which shall consist of the commissioner of
9 public safety or his designee and eight persons, residents of the
10 commonwealth, to be appointed by the governor, one of whom
11 shall be a representative of a commercial concrete testing agency
12 who is a registered engineer, one a representative of a public
13 concrete testing agency, one a representative of the concrete
14 ready-mix industry, one a general contractor, one a registered
15 architect, one a registered structural engineer, and two persons
16 chosen from among six nominees submitted by the consumers'
17 council established under section seventeen of chapter six of the
18 general laws.

19 No member shall act as a member of the board or vote as such
20 in connection with any matter as to which his private right,
21 distinct from the public interest, is concerned.

22 When a vacancy occurs at the completion of a member's term,
23 the vacancy shall be filled for a term of three years.

24 Vacancies occurring before the expiration of a term shall be
25 filled for the unexpired portion of the term.

26 Any member of the board appointed by the governor may be
27 removed by the governor for cause, after being given a written
28 statement of the charges and an opportunity to be heard thereon.

29 The board shall hold regular meetings in February, May, Au-

30 gust and November and such additional meetings as it may deter-
31 mine at such times and places as may be agreed upon by its
32 members.

33 A chairman and secretary shall be chosen by the members of
34 the board to serve in such capacity for not more than two con-
35 secutive years.

36 A majority of the members of the board shall constitute a
37 quorum for the purpose of conducting business, but a lesser num-
38 ber may adjourn from time to time.

39 Subject to appropriation the board may employ an executive
40 director who shall have been engaged in the field of testing,
41 construction, manufacture or the structural design of concrete
42 for a period of five years or more prior to his appointment. He
43 shall not be a member of the board, shall not be subject to
44 chapter thirty-one, shall perform under the direct supervision of
45 the board such duties as the board shall from time to time desig-
46 nate, and shall receive such salary as may be fixed in accordance
47 with the provisions of chapter thirty. The department may fur-
48 nish such other personnel to assist the board as the commissioner
49 shall deem necessary.

50 Each appointed member of the board shall be entitled to com-
51 pensation in the amount of fifty dollars for each day while in
52 actual performance of his duties as such, but not exceeding fif-
53 teen hundred dollars in any fiscal year, and shall also receive
54 from the commonwealth all expenses necessarily incurred by him
55 in connection with his official duties.

1 SECTION 2. Chapter 112 of the General Laws is hereby
2 amended by adding after section 129 the following sections: —

3 *Section 130.* As used in sections one hundred and thirty to
4 one hundred thirty-nine, inclusive, the following words shall have
5 the following meanings.

6 “board” — the construction industry safety board;

7 “commissioner” — the commissioner of public safety;

8 “field concrete inspector” — a person licensed by the board to
9 inspect concrete in the field;

10 “field concrete technician” — a person licensed by the board
11 to test concrete in the field;

12 “plant concrete technician” — a person licensed by the board

13 to test concrete at its place of manufacture.

14 *Section 131.* Each person desiring to obtain a license as a
15 field concrete technician, plant concrete technician or field con-
16 crete inspector shall make an application therefor to the board
17 upon such form and in such manner as the board shall prescribe
18 and shall furnish evidence satisfactory to the board that he has
19 been certified by the pre-qualifying agency, approved by the
20 board, as being qualified for the position for which he seeks to be
21 licensed.

22 *Section 132.* The board shall issue rules and regulations,
23 within 6 months of the effective date of this act, for the exami-
24 nation and licensing, and the revocation of such licenses, of field
25 concrete inspectors, field concrete technicians, and plant con-
26 crete technicians as defined in section one hundred thirty of
27 chapter one hundred twelve of the general laws. Said rules and
28 regulations may include acceptance of licenses issued by the
29 Massachusetts concrete industry board prior to the issuance of
30 said rules and regulations. Said rules and regulations shall require
31 that all testing equipment and procedures shall comply with
32 standards issued by the American Society for Testing and Mate-
33 rials.

34 *Section 133.* Applications shall be accompanied by an appli-
35 cation fee of twenty-five dollars. The initial license fee shall be
36 ten dollars. Licenses shall be renewed every two years in accord-
37 ance with the rules and regulations of the board. The fee for a
38 license renewal shall be ten dollars.

39 *Section 134.* Licenses shall be valid for two years and shall
40 be renewed biennially. On or before the expiration date of any
41 such license, the secretary of the board shall forward to each
42 licensee an application form for renewal. Upon the receipt of the
43 completed form together with evidence of re-certification by the
44 pre-qualifying agency within ninety days of said expiration date,
45 and the renewal fee on or before said date, the secretary shall
46 renew the license for a further period of two years. Any applica-
47 tion for renewal of a license which has expired shall require the
48 payment of a new application fee.

49 *Section 135.* On and after June the first, nineteen hundred
50 and seventy-four no person shall engage in the activities of field
51 testing, plant testing, or field inspection of concrete unless such

52 person is licensed to do so by the board. Any person who violates
53 the provisions of this section, any person who falsifies or coun-
54 terfeits a license issued by the board or any person who fraudu-
55 lently issues or accepts such a license shall be punished by a fine
56 of not less than five hundred nor more than one thousand dol-
57 lars, or by imprisonment for not more than three months, or
58 both.

59 *Section 136.* The board may designate the Massachusetts
60 Concrete Industry Board as its pre-qualifying agency, provided
61 however that the board may revoke such designation at any time
62 and may designate any other agency or agencies which it deems
63 qualified, from time to time, to act as its pre-qualifying agency
64 for pre-examination certification.

65 *Section 137.* The board shall require strict adherence to the
66 standards of the American Society for Testing and Materials,
67 Designation E329, latest edition, entitled "Recommended Prac-
68 tice for Inspection and Testing Agencies for Concrete and Steel
69 as Used in Construction".

70 *Section 138.* All testing laboratories, including consulting
71 engineering laboratories, materials testing firms, materials testing
72 companies, laboratories of public agencies, engaged in the testing,
73 inspection and control of concrete used for the purposes of
74 building construction, highway construction and all other works
75 and performing such services within the commonwealth, whether
76 or not incorporated within the commonwealth, shall certify to
77 the commissioner of public safety every two years that the equip-
78 ment used by said laboratories and laboratory procedures have
79 been inspected by the Cement and Concrete Reference Labora-
80 tory of the National Bureau of Standards and all deficiencies
81 noted in the inspection, if any, have been corrected, and that the
82 laboratory conforms to the latest standard designation E329 is-
83 sued by the American Society for Testing and Materials, and that
84 all personnel under the employ of said laboratories as field con-
85 crete inspectors, field concrete technicians and plant concrete
86 technicians are duly licensed. Such certification shall be made on
87 forms provided by said commissioner. A copy of the inspection
88 report of the Cement and Concrete Reference Laboratory of the
89 National Bureau of Standards together with an affidavit of com-
90 pliance with any corrective measures contained in said report

91 shall accompany such certification.

92 All reports required by this section shall become public record.

93 The department of public safety shall be empowered to provide
94 space for and access to such documents, for scrutiny by inter-
95 ested agencies and individuals.

96 *Section 139.* Any such laboratory which fails to comply
97 with the requirements of section one hundred and thirty-eight or
98 which files a false report shall be punished by a fine of not less
99 than one thousand nor more than ten thousand dollars.

1 SECTION 3. Of the initial eight appointive members of the
2 Construction Industry Safety Board established by section fif-
3 teen of chapter twenty-two of the General Laws inserted by
4 section one of this act, there shall be appointed for a term of one
5 year, three for terms of two years, and two for terms of three
6 years.

1 SECTION 4. Notwithstanding the provisions of section one
2 hundred thirty-one of chapter one hundred twelve of the General
3 Laws inserted by section two of this act, any person who applies
4 for a license on or before May thirty-one, nineteen hundred and
5 seventy-five, who has been certified prior to said date by the
6 Massachusetts Concrete Industry Board, Inc. as being qualified
7 may be licensed by the board without examination.

HOUSE OF REPRESENTATIVES

COMMITTEE ON THE BUDGET

REPORT

ON THE

BUDGET

FOR THE FISCAL YEAR 1964

AND

THE BUDGET

FOR THE FISCAL YEAR 1965

AND

THE BUDGET

FOR THE FISCAL YEAR 1966

