

General Laws repealed by this act, promulgated by departments, boards, commissions, or political subdivisions of the commonwealth in effect immediately prior to the effective date of this act shall remain in full force and effect until changed or repealed by the new rate setting commission established by this act.

All petitions, hearings and other proceedings, duly pending before and all prosecutions and legal and other proceedings duly commenced by or against the rate setting commission prior to the effective date of this act shall be turned over to and may be completed by the new rate setting commission or the divisions of hearings officers established by this act.

All duly existing contracts, leases and obligations of the rate setting commission in effect immediately prior to the effective date of this act shall continue in full force and effect. This act shall not affect any renewal provision or option to renew contained in any such lease on the effective date of this act.

SECTION 11. The provisions of this act are severable and if any of its provisions shall be held unconstitutional by any court of competent jurisdiction, the decision of such court shall not affect or impair any of the remaining provisions.

SECTION 12. For one year from the effective date of this act, the term "general health supplies, care, social, rehabilitative, or educational services and accommodations" shall not include any services and accommodations rates of payment for which were not subject to approval by the rate setting commission in effect immediately prior to the effective date of this act, except that said term shall apply to services and accommodations provided by home care agencies purchased by the executive office of elder affairs.

SECTION 13. This act shall take effect on July first, nineteen hundred and seventy-four. *Approved December 12, 1973.*

Chap. 1230. AN ACT PROVIDING FOR THE EXERCISE OF CERTAIN FISCAL AND PERSONNEL MANAGEMENT POWERS BY THE EXECUTIVE OFFICES OF THE COMMONWEALTH PURSUANT TO REGULATIONS OF THE COMMISSIONER OF ADMINISTRATION.

Be it enacted, etc., as follows:

SECTION 1. Section 10 of chapter 6 of the General Laws, as appearing in the Tercentenary Edition, is hereby amended by striking out the last sentence.

SECTION 2. Section 2C of chapter 29 of the General Laws is hereby amended by striking out the fourth paragraph, as amended by section 28 of chapter 704 of the acts of 1969, and inserting in place thereof the following paragraph: —

All applications and reapplications for grants shall be subject to the prior approval of the commissioner of administration and all such application and reapplications made on behalf of any department, institution, board, commission, agency or employee within

any of the executive offices established by chapter six A shall also be subject to the prior approval of the secretary having charge of such executive office. Any transfer within such grants shall be subject to like approval. Forthwith upon his approval of each such application and reapplication, the said commissioner shall certify to the house and senate committees on ways and means and the joint legislative committee on post audit and oversight such information regarding the proposed grant as shall be prescribed from time to time by the said committees or any of them. No grant in excess of one million dollars shall be received by the commonwealth, or by a corporation or other organization established as an affiliate of any agency or institution operated by the commonwealth, or by an individual employed by the commonwealth, authorized to expend such funds in conjunction with services rendered by the commonwealth, except with the approval of the house and senate committees on ways and means; but, unless otherwise provided by the said committees, all grants so received may be expended without specific appropriation under the terms and conditions provided in rules and regulations established by the commissioner of administration and if such expenditures are otherwise in accordance with law. All such grants shall be reported in full by the head of the agency directly rendering the services mentioned above to the budget director, to the comptroller, to the house and senate committees on ways and means, and to the joint legislative committee on post audit and oversight. The report shall include such itemization as required in accordance with state and federal regulations. All federal subventions and grants available to the commonwealth under any act of Congress and not otherwise authorized to be received shall be paid into the treasury of the commonwealth. All expenditures of grants shall be subject to the audit of the state auditor.

SECTION 3. Section 3 of said chapter 29 is hereby amended by striking out the first sentence, as amended by section 29 of said chapter 704, and inserting in place thereof the following two sentences: — Every officer having charge of any office, department or undertaking which receives a periodic appropriation from the commonwealth, including periodic appropriations to be met by assessments, shall, annually, on or before a date set by the commissioner of administration, submit to the budget director statements showing in detail the amounts appropriated for the preceding and the current fiscal years, the interchanges during the preceding fiscal year between the subsidiary accounts prescribed in accordance with section twenty-seven, and estimates of the amounts required for ordinary maintenance for the ensuing fiscal year, with an explanation of any increased appropriations recommended and with citations of the statutes relating thereto, and statements showing in detail the revenue of the office, department or undertaking in his charge for the last completed fiscal year, and the revenue and estimated revenue thereof for the current fiscal year, and his estimate of the revenue from the same or any additional sources for the ensuing fiscal year, with his recommendations as to any changes in

the management, practices, rules, regulations or laws governing the office, department or undertaking in his charge which would effect an increase or cause a decrease in revenue from operations, fees, taxes or other sources, or which would facilitate its collection, together with such other information on the expenditures, revenues, activities, output or performance of any such office, department or undertaking as may be required by rule or regulation of the commissioner of administration, and together with any other information required at any time by the budget director; and such statements, estimates, recommendations and other information relating to an office, department or undertaking within any of the executive offices established by chapters six A and seven, and except in the case of an officer having charge of a public institution of higher learning, shall at the same time be submitted to the secretary having charge of such executive office who shall review the same and advise the budget director of such additions thereto, deletions therefrom and modifications therein as such secretary deems appropriate. Said secretary shall furnish, to the house and senate committees on ways and means and the joint legislative committee on post audit and oversight of the general court copies of all such statements, estimates, recommendations, and other information and of all such additions, deletions, and modifications.

SECTION 4. Said chapter 29 is hereby further amended by striking out section 4, as most recently amended by section 31 of said chapter 704, and inserting in place thereof the following section: —

Section 4. Officers and heads of departments who, in their annual reports or otherwise, recommend or petition for the expenditure of money by the commonwealth from any source of revenue, including expenditures to be met by assessments or the issue of notes or bonds, for any purpose not covered by the estimates required to be submitted under section three shall, annually, on or before a date to be set by the commissioner of administration, submit detailed estimates thereof to the budget director, together with any other information required by him; provided, that, except in the case of a public institution of higher learning, before any such estimates and other information relating to an office, department or undertaking within any of the executive offices established by chapters six A to seven, inclusive, have been so submitted to the budget director, they shall first be submitted to the secretary having charge of such executive office on or before a date set by him, and said secretary shall review the same and make such additions thereto, deletions therefrom and modifications therein as he deems appropriate.

SECTION 5. Section 6 of said chapter 29 is hereby amended by striking out the third sentence, as appearing in section 7 of chapter 242 of the acts of 1945, and inserting in place thereof the following sentence: — The budget shall be submitted by the governor to the general court annually within three weeks after the general court convenes in regular session, and it shall embody all estimates, re-

quests and recommendations for appropriations or other authorizations for expenditures by the commonwealth, and prior-year appropriations and expenditures, made, respectively, by each officer having charge of any office, department, or undertaking which receives a periodic appropriation from the commonwealth, including periodic appropriations to be met by assessments, the secretary having charge of the executive office within which such office, department, or undertaking shall be, and the governor.

SECTION 6. Said chapter 29 is hereby further amended by inserting after section 27 the following two sections: —

Section 27A. Amounts appropriated to any subsidiary account set up, as provided by the preceding section, for maintenance, repair, replacement, alteration or purchase of equipment, other than motor vehicles, shall be expended only in accordance with the priority order established by schedules approved by the house and senate committees on ways and means of the general court, a copy of which shall be deposited with the budget director; provided, however, that, in accordance with rules and regulations established by the commissioner of administration, an exception to or deviation from such schedules may be made by an officer authorized to expend such appropriated amounts upon certification by him to the budget director that such exception or deviation is necessary to meet an emergency, and, in the case of a department, office, agency, board, commission or institution within any of the executive offices established by chapters six A and seven, upon the prior written approval of the secretary having charge of such executive office. Such certification shall include a statement of the details of such emergency and of the probable consequences if such exception or deviation should not be made. Whenever such secretary shall so approve any such exception or deviation, he shall furnish to the house and senate committees on ways and means and the joint legislative committee on post audit and oversight of the general court copies of the certification supporting the approved exception or deviation.

Section 27B. No state agency, excepting the departments of the attorney general, state auditor, state secretary, and state treasurer, shall initiate any encumbrance or make any expenditure of funds, whether appropriated or not, for the lease or purchase of data processing or reproduction equipment or systems unless:

(1) if appropriated funds are to be used, a prior request therefor has been made to the budget director under sections three or four;

(2) the officer in charge of the agency has certified that funds are specifically available for the purpose;

(3) in the case of a department, office, commission, board or institution within any of the executive offices established by chapters six A and seven, the secretary having charge of such executive office has approved in writing the encumbrance or expenditure, and

(4) the commissioner of administration has approved in writing said encumbrance or expenditure.

The commissioner of administration shall establish rules and

regulations governing the lease or purchase of data processing or reproduction equipment or systems and the procedure for requesting approval thereof as required by this section.

The commissioner of administration shall notify the house and senate committees on ways and means and joint legislative committee on post audit and oversight of the general court of any approval granted by him under this section.

SECTION 7. Said chapter 29 is hereby further amended by striking out section 29, as most recently amended by section 35 of chapter 704 of the acts of 1969, and inserting in place thereof the following section: —

Section 29. Excepting the account entitled "01 Salaries, Permanent Positions", any subsidiary account set up as prescribed in the schedules referred to in section twenty-seventy, on the books of any department, office, commission or institution, receiving an appropriation from the commonwealth, may be increased or decreased by interchange with any other such subsidiary account within the same appropriation account by the officer in charge of such department, office, commission or institution upon his certification to the budget director that such interchange is required to meet unforeseen emergencies where funds are otherwise not available to protect the public interest, and, in the case of a department, office, commission or institution within any executive office established by chapters six A and seven, upon the prior written approval of the secretary having charge of such executive office. Every such certification shall include a statement of the details of the said emergency and of the probable consequences if the said interchange should not be made. An officer making any such certification or giving any such approval shall file forthwith a copy thereof with the comptroller, the house and senate committees on ways and means, and the joint legislative committee on post audit and oversight.

The comptroller may accept affidavits that expenditures are in accordance with the purpose of such appropriation or subsidiary accounts and do not exceed the unencumbered balances of the amounts provided therefor. The comptroller shall refuse to permit a disbursement or the incurring of an obligation if funds or allotments of funds under an appropriation account or subsidiary account under an appropriation account, sufficient to cover such disbursement or obligation are not available and shall immediately give notice of such refusal to the department, office, commission or institution proposing the expenditure, and, in the case of a department, office, commission or institution within any of the executive offices established by chapters six A and seven to the secretary having charge of such executive office.

The commissioner of administration shall establish rules and regulations governing the interchange of funds under this section.

SECTION 8. Said chapter 29 is hereby further amended by striking out section 29A, inserted by chapter 676 of the acts of 1963, and inserting in place thereof the following section: —

Section 29A. The commissioner of administration shall make,

and may from time to time amend, rules and regulations governing the use of consultants in all departments, offices, boards, agencies, commissions and institutions. Such rules and regulations shall establish, after recommendations by the director of personnel and standardization, the rate of compensation of such services and shall provide for the prior approval by the said director of the rate for any such service for which no rate has previously been established by such regulation. Such rules and regulations shall be open to public inspection in the bureau of personnel, and copies thereof shall be made available to any person upon request. Such rules and regulations shall not be subject to the provisions of chapter thirty A. Such rules and regulations shall also include, but need not be limited to the following requirements none of which shall be waived: (1) a request therefor on a form prescribed by the commissioner of administration specifically setting forth the need for such services; (2) the period of time for which the services are to be engaged or the scope of work to be done and such other information as shall be required to establish the maximum limit of the commonwealth's obligation for the services; (3) a written contract specifically setting forth the duties and responsibilities of the parties; (4) a resume setting forth the qualifications of the proposed consultant as they relate to the terms of the aforementioned contract; (5) a disclosure statement setting forth any other income derived by the proposed consultant from the commonwealth or any of its political subdivisions; (6) a statement setting forth the names and addresses of all persons with any interest in the said contract. No department, office, agency, board, commission or institution within any of the executive offices established by chapters six A and seven shall contract for the provisions of any such services without the prior written approval of such contract by the secretary having charge of such executive office. No payment shall be made to any consultant for any services provided prior to the date upon which the form requesting said services as required by clause (1) has been approved by the secretary having charge of such executive office and a copy of the same has been filed with the comptroller. As used in this section the word "consultant" shall mean any person who, as a non-employee of the commonwealth, gives advice or service regarding matters in the field of his knowledge or training and whose compensation is payable from a subsidiary account coded under "03" in the expenditure code manual. No person employed by the commonwealth as a consultant so-called shall directly or indirectly supervise another temporary or permanent employee of the commonwealth. The commissioner of administration shall submit copies of said approved forms within thirty days after receipt to the house and senate committees on ways and means and the joint legislative committee on post audit and oversight of the general court.

SECTION 9. Said chapter 29 is hereby further amended by inserting after section 64 the following section: —

Section 65. The secretary having charge of any of the executive offices established by chapters six A and seven may by rule or regu-

lation not inconsistent with the law delegate to one officer within the office of the secretary, in whole or in part, the authority to exercise in his name any power, or to discharge in his name any duty conferred upon such secretary by the provisions of sections twenty-seven A, twenty-seven B, twenty-nine, and twenty-nine A; sections twenty-four C, twenty-five B, thirty-six and paragraph (5A) of section forty-six of chapter thirty; and section fifteen, section fifteen F, section sixteen A, and section sixteen B of chapter thirty-one.

The commissioner of administration shall from time to time make a random examination of approvals granted and actions taken by such secretary or his designee under the provisions of the aforementioned sections, in order to determine the extent of compliance with the provisions of such sections and the rules or regulations established thereunder. Following any such examination, the commissioner of administration may, after consultation with the secretary, by order transfer from such officer to the commissioner of administration, for such period of time as said commissioner deems appropriate, the authority to give such approvals or to take such actions. Upon making such order, the commissioner of administration shall forthwith file a copy of said order with the budget director, the comptroller, the house and senate committees on ways and means, and the joint legislative committee on post audit and oversight of the general court, specifying the scope of the authority so transferred and the duration of said transfer.

SECTION 10. Section 7 of chapter 30 of the General Laws is hereby amended by striking out the last sentence, as appearing in chapter 376 of the acts of 1947, and inserting in place thereof the following sentence: — Such appointment shall be in accordance with the provisions of sections forty-five to fifty, inclusive, and shall be exempt from the provisions of sections nine A and nine B of chapter thirty and from the provisions of chapter thirty-one.

SECTION 11. Said chapter 30 is hereby further amended by inserting after section 22 the following section: —

Section 22A. Any officer in charge of an executive or administrative department or agency or any division, bureau, or other administrative unit thereof established by law, who is paid a salary and is required by law to devote his full time during business hours to the duties of his office, shall report under the penalties of perjury, annually, to the commissioner of administration on forms he shall prescribe, and in accordance with rules and regulations established by him, any other compensations received for services performed and paid from any source whatsoever. Said forms shall include the name of the employer or the source of compensation, the date and extent of services performed, and the signature of the person so employed. The commissioner of administration shall submit copies of said reports within thirty days after receipt to the house and senate committees on ways and means and the joint legislative committee on post audit and oversight of the general court.

SECTION 12. Said chapter 30 is hereby further amended by in-

serting after section 24B the following section: —

Section 24C. No compensation shall be paid to any employee of the commonwealth for overtime services except upon the prior written approval of such overtime by the appointing authority, and, in the case of a department, office, commission, board of institution within any of the executive offices established by chapters six A and seven, upon the prior written approval of the secretary having charge of such executive office, in accordance with regulations established under section twenty-eight of chapter seven.

SECTION 13. Said chapter 30 is hereby further amended by inserting after section 25A the following section: —

Section 25B. No officer or employee of the commonwealth may travel out of state at public expense except in accordance with rules and regulations established by the commissioner of administration for the expenditure of funds for travel out of state by employees of the commonwealth, and except with the prior written approval of his appointing authority, and, in the case of a department, office, commission, board, or institution within any of the executive offices established by chapters 6A and seven upon the prior written approval of the secretary having charge of such executive office. The officer approving such out-of-state travel shall forthwith file notification of such approval with the budget director and the comptroller.

SECTION 14. Said chapter 30 is hereby further amended by striking out section 36, as amended by section 1 of chapter 584 of the acts of 1948, and inserting in place thereof the following two sections: —

Section 36. The commissioner of administration shall establish and enforce regulations governing the use and marking of motor vehicles owned by the commonwealth. Every office, department, board, commission or institution of the commonwealth shall keep such a record of the use of such vehicle, and shall make such reports in relation thereto, as may be prescribed by such regulations. Every such vehicle shall be plainly and conspicuously marked in such manner and place as shall be prescribed by such regulations. No such vehicle shall be used for providing transportation for state officers and employees between their domiciles and places of employment nor shall any expense be incurred for the garaging of such vehicles except with the prior written approval of the officer having charge of the agency operating such vehicle, and, in the case of a department, office, commission, or institution within any of the executive offices established by chapters six A and seven upon the prior written approval of the secretary having charge of such executive office, and in accordance with such regulations.

The commissioner of administration is authorized to transfer a motor vehicle from one agency or department to another and may transfer any such vehicles to the executive office of administration and finance to be maintained, serviced, repaired and garaged thereby and assigned to departments or agencies on such basis and for such duration as the commissioner may deem appropriate.

The registrar of motor vehicles shall furnish for each motor vehicle owned by the commonwealth a distinctive number plate bearing such arrangement of letters or number or both, as will distinguish the particular vehicle, and in the discretion of said registrar, as will distinguish the officer, department, board, commission or institution by which the vehicle is operated.

Section 36A. Motor vehicles to be purchased from sums appropriated by the general court shall be authorized by the purchasing agent in accordance with schedules filed by the budget director with the house and senate committees on ways and means of the general court prior to the passage of the act making such appropriation; provided, that the commissioner of administration may authorize the replacement of other motor vehicles with similar models from available funds when he determines that the replacement is necessary because the cost of necessary repairs would not be economical; and, provided further, that no expenditure in excess of three hundred dollars shall be authorized for the repair of a motor vehicle by any department or agency in a garage or shop other than one maintained and operated by such department or agency or by the executive office of administration and finance without the prior written approval of the commissioner of administration.

SECTION 15. Section 46 of said chapter 30 is hereby amended by striking out paragraph (5A), inserted by section 9 of chapter 729 of the acts of 1956, and inserting in place thereof the following paragraph: —

(5A) In accordance with regulations established by the director of personnel and standardization, with the approval of the commissioner of administration, designating certain classes as professional classes, an appointing authority may, in the initial appointment of a person to a position in such class, recruit such person at a rate above the minimum and within the grade to which the position is allocated, upon certification by said appointing authority to the director that the person to be employed has served satisfactorily in a comparable position for a period of time equivalent to the period required by the general salary schedule had such service been entirely in the service of the commonwealth, and, in the case of an office in or position with any department, agency, board, commission or institution within any of the executive offices established by chapters six A and seven, upon the prior written approval of the secretary having charge of such executive office. For the purpose of such regulations, professional classes shall include, but shall not be limited to classes including positions for registered nurses and persons employed in medical or technical positions in hospitals and clinics, including the administration thereof, persons employed for the instruction of students, and engineers and chemists. Nothing in this section shall be construed to limit the recruitment of personnel under the provisions of section fourteen of chapter seventy-five. No person may be recruited under this section if he has held a personal services contract with or been in the service of the commonwealth within a twelve-month period

immediately prior to the date of proposed recruitment.

SECTION 16. The first paragraph of section 15 of chapter 31 of the General Laws is hereby amended by striking out the second sentence, as appearing in section 1 of chapter 720 of the acts of 1964, and inserting in place thereof the following sentence: — If there is no such list, or if the director is unable to comply with a requisition, he may, or in the case of any department, board, commission, institution, or other agency within any of the executive offices established by chapters six A and seven, the secretary having charge of such executive office may, subject to section twenty-five, authorize a provisional appointment.

SECTION 17. Said section 15 of said chapter 31 is hereby further amended by striking out the second paragraph, as appearing in section 1 of chapter 281 of the acts of 1970.

SECTION 18. The third paragraph of said section 15 of said chapter 31, as appearing in section 2 of chapter 232 of the acts of 1971, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence: — Upon authorization of a provisional appointment, as provided by this section, whether to a permanent or a temporary position, the director shall proceed to conduct an examination as he determines necessary; provided that for any office or position in the commonwealth or any agency or political subdivision thereof where compliance with the federal standards of a merit system of personnel administration is a condition for the granting of federal funds, such examination shall be held and an eligible list established within a year from the date of the approval of the provisional authorization.

SECTION 19. The sixth paragraph of said section 15 of said chapter 31, as most recently amended by chapter 214 of the acts of 1971, is hereby further amended by striking out the first and second sentences and inserting in place thereof the following four sentences: — Except as otherwise provided by this chapter, where there is no suitable eligible list, no person shall be appointed to an office or position by the appointing authority, and no provisional appointment to fill such an office or position, permanent or temporary shall be authorized until the appointing authority has filed with the director and, in the case of an office or position in the classified civil service in any department, board, commission, institution or other agency within any of the executive offices established by chapters six A and seven, with the secretary having charge of such executive office, a notification, in such form as the director shall prescribe, containing the following information: (1) a statement of the information the appointing authority believes necessary to conduct an examination, including: the duties of the office or position, the knowledges, skills and abilities necessary to perform said duties, and the entrance requirements of the office or position; (2) a certification to the director that in his opinion the person proposed to be provisionally appointed meets said qualifications and requirements; (3) a substantiating statement showing how the proposed appointee meets the entrance

requirements; and (4) a proposal as to the type of examination to be held. The director or secretary having charge of an executive office, as the case may be, shall review the statements, certification and proposal and if he determines them satisfactory may authorize a provisional appointment. If at any time the director shall determine that the appointee under any provisional appointment so authorized by the director does not in fact meet the said qualifications and requirements, the director shall terminate such appointment; and any provisional appointment so authorized by any such secretary shall be terminated by the secretary or the director if either shall determine that the appointee shall not in fact meet the said qualifications and requirements. Every provisional appointment made after such authorization shall be reported by the appointing authority to the director and the director of personnel and standardization.

SECTION 20. Paragraph D of said section 15 of said chapter 31 is hereby amended by inserting after the word "director", in line 5, as appearing in section 2 of chapter 580 of the acts of 1965, the words: — or the secretary having charge of an executive office established by chapters six A or seven, as the case may be, — and by striking out, in line 7, as so appearing, the word "he" and inserting in place thereof the words: — the director.

SECTION 21. Section 15F of said chapter 31 is hereby amended by adding the following paragraph: —

No provisional promotion shall be made under this section without the prior approval of the director; provided, however, that provisional promotions to any office or position in the classified civil service in any department of the commonwealth, as defined by section one of chapter twenty-nine, and in any board, commission, institution or other agency within any of the executive offices established by chapters six A and seven may be authorized by the secretary having charge of such executive office without further authorization or approval by the director upon submission of notification of such provisional promotion to the director, in such form as he shall prescribe, and subject to all applicable provisions of this chapter and the rules and regulations established thereunder. If at any time the director shall determine that any provisional promotion authorized by any such secretary shall have been made in violation of any such provision, or that the person provisionally appointed shall fail to meet the qualifications and requirements established by the director for the position, the director shall terminate such promotion. Every provisional promotion made after such authorization shall be reported by the appointing authority to the director and the director of personnel and standardization.

SECTION 22. Section 16A of said chapter 31 is hereby amended by inserting after the second paragraph the following paragraph: —

Without the consent of the director; but otherwise subject to the requirements of the two preceding paragraphs, a transfer from an office or position within a department of the commonwealth, as defined by section one of chapter twenty-nine, within any of the

executive offices established by chapters six A and seven to another office or position within the same department may be authorized by the secretary having charge of such executive office upon submission of notification of such transfer to the director in such form as he shall prescribe, and subject to all applicable provisions of this chapter and the rules and regulations established thereunder; provided, however, that the duration of any such transfer to a temporary position shall be subject to the approval of the director of personnel and standardization. If at any time the director shall determine that any such transfer so authorized by any such secretary shall have been made in violation of any such provision, the director shall terminate such transfer.

SECTION 23. Section 16B of said chapter 31 is hereby amended by adding the following paragraph: —

Without the approval of the director but otherwise subject to the requirements of the preceding paragraph, a transfer of any officer or employee from a position in the official service within a department, as defined by section one of chapter twenty-nine, or other agency within any of the executive offices established by chapters six A and seven to an office or position in the labor service of the same department or agency may be authorized by the secretary having charge of such executive office upon submission of notification of such transfer to the director in such form as he shall prescribe, and subject to all applicable provisions of this chapter and the rules and regulations established thereunder. If at any time the director shall determine that any such transfer so authorized by any such secretary shall have been made in violation of any such provision, the director shall terminate such transfer.

SECTION 24. Section 25 of said chapter 31, as most recently amended by chapter 502 of the acts of 1969, is hereby further amended by inserting after the word "director", in line 2, the words: — or secretary having charge of an executive office established by chapters six A and seven, as the case may be.

SECTION 25. Section 19A of chapter 33 of the General Laws, inserted by section 29 of chapter 704 of the acts of 1969, is hereby amended by striking out, in lines 14 and 15, the words "nine B and twenty-nine of chapter twenty-nine" and inserting in place thereof the words: — four, nine B, twenty-seven A, twenty-seven B, twenty-nine and twenty-nine A of chapter twenty-nine; sections twenty-four C, twenty-five B, thirty-six and paragraph (5A) of section forty-six of chapter thirty; and section fifteen, section fifteen F, and section sixteen A and sixteen B of chapter thirty-one.

SECTION 26. Section 6 of chapter 466 of the acts of 1973 is hereby amended by striking out the first two paragraphs.

SECTION 27. Said chapter 466 is hereby amended by striking out section 7 and inserting in place thereof the following section: —

Section 7. Amounts included for permanent positions in sums appropriated in section two for personal services are based upon schedules of permanent positions and salary rates as approved by the house and senate committees on ways and means of the general

court, and, except as otherwise shown by the files of said committees, a copy of which shall be deposited with the bureau of personnel, no part of sums so appropriated in section two shall be available for payment of salaries of any additional permanent position, or for payments on account of reallocations of permanent positions, or for payments on account of any change of salary range or compensation of any permanent position, notwithstanding any special or general act to the contrary; provided, that no vacancy occurring in any classified permanent position included in said schedules of permanent positions may be filled in any manner except upon approval as required by rules and regulations established under the provisions of paragraph (6) of section forty-five of chapter thirty of the General Laws.

SECTION 28. Section 8 of said chapter 466 is hereby amended by striking out the first paragraph.

SECTION 29. Sections eleven, twelve, twenty, twenty-one, twenty-two, twenty-three and twenty-six of said chapter four hundred and sixty-six are hereby repealed.

SECTION 30. Section 29 of said chapter 466 is hereby amended by striking out, in lines 1 and 2, the words "sections fourteen and twenty to twenty-three, inclusive," and inserting in place thereof the words: — section fourteen, — and by striking out, in line 10, the words "or section eight".

SECTION 31. The provisions of sections two, six, seven, eight, twelve, thirteen and fourteen of this act shall not apply to any public institution of higher learning within the commonwealth; provided, however, that any report, statement, estimate, recommendation or activity referred to in said sections two, six and seven shall be reported by said institution forthwith to the house and senate committees on ways and means and the joint legislative committee on post audit and oversight.

Approved December 12, 1973.

Chap. 1231. AN ACT PROVIDING FOR THE ELIGIBILITY OF CERTAIN ADDITIONAL SCHOOL CONSTRUCTION GRANTS AND OTHER BENEFITS FOR THE TOWN OF RUTLAND.

Be it enacted, etc., as follows:

Notwithstanding any contrary provision of law, the town of Rutland shall be eligible, relative to Project Number 1843, for sixty-five per cent of the approved cost of school construction and any other benefits authorized by chapter six hundred and forty-five of the acts of nineteen hundred and forty-eight, as most recently amended by section fourteen of chapter seven hundred and sixty-six of the acts of nineteen hundred and seventy-two.

Approved December 12, 1973.