

The Commonwealth of Massachusetts



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THE COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE DEPARTMENT
STATE HOUSE • BOSTON 02133

January 31, 1992

To the Honorable Senate and House of Representatives:

There are several management and operations functions of the Commonwealth's telecommunications and data communications services currently performed by separate offices. We are filing the attached Act Reorganizing Certain Offices and Bureaus of the Executive Office of Administration and Finance to consolidate the Office of Telecommunications and the Office of Information Technology into a new Office of Information Technologies. A single, streamlined office will have the capacity of efficiently utilizing existing communications resources and improving statewide planning strategies, resulting in substantial savings for the Commonwealth.

Therefore, acting pursuant to Article LXXXVII of the Amendment to the Constitution of the Commonwealth, we do hereby submit this message accompanied by a reorganization plan which shall take effect after the expiration of 60 days unless disapproved by a majority vote of the members of either of the branches of the General Court, and which shall be designated as Plan Number 1992-1.

Respectfully submitted,

William F. Weld

William F. Weld
Governor

Argeo Paul Cellucci

Argeo Paul Cellucci
Lieutenant Governor

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Ninety-Two.

AN ACT REORGANIZING CERTAIN OFFICES AND BUREAUS OF THE EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE.

Be it approved by the Senate and House of Representatives in General Court assembled, pursuant to Article LXXXVII of the Amendments to the Constitution, and by the authority of the same, as follows:

1 SECTION 1. Section 4A of chapter 7 of the General Laws, as
2 appearing in the 1990 Official Edition, is hereby amended by
3 striking out the first two sentences of the first paragraph and
4 inserting in place thereof the following two sentences: — The
5 executive office for administration and finance shall include a
6 department of procurement and general services headed by a
7 purchasing agent, who shall have the rank of a deputy commis-
8 sioner and shall be appointed by the governor; a division of public
9 employee retirement administration headed by a commissioner;
10 a department of personnel administration headed by a personnel
11 administrator, who shall have the rank of deputy commissioner;
12 a division of employee relations, headed by a deputy commis-
13 sioner for employee relations; a fiscal affairs division, headed by
14 a deputy commissioner for fiscal affairs; a division of capital
15 planning and operations; a department of revenue, headed by a
16 commissioner of revenue; and an office of information
17 technology. Each such position shall be classified in accordance
18 with section forty-five of chapter thirty and the salary shall be
19 determined in accordance with section forty-six C of said
20 chapter thirty.

1 SECTION 2. Said section 4A of said chapter 7 of the General
2 Laws, as so appearing, is hereby further amended by inserting
3 after the second paragraph the following paragraph: —
4 There shall be established within the office of information
5 technology such bureaus as are deemed necessary from time to

6 time by the commissioner of administration for the purpose of
7 carrying out the functions of the office, which shall include but
8 not be limited to: the provision of computer resources; the
9 development, enhancement and on-going maintenance of appli-
10 cation software; the provision of telephone service; the creation
11 and operation of a statewide voice and data telecommunications
12 network; the review and approval of information technology
13 projects (including software development) whose total cost
14 exceeds or is likely to exceed \$500,000; the provision of technical
15 assistance to other agencies and departments of the Common-
16 wealth; the administration of the technical pay law program; the
17 development of an information technology plan for the Common-
18 wealth; the development of information technology standards and
19 guidelines; technical assistance in the strategic use of information
20 technology within the executive branch of the Commonwealth;
21 and such other functions as the commissioner may from time to
22 time deem necessary for the efficient and economical implemen-
23 tation and management of the Commonwealth's information
24 resources.

1 SECTION 3. Section four of chapter 731 of the acts of 1989
2 is hereby amended by deleting the words "the office of
3 telecommunications;"

1 SECTION 4. The functions, rights, powers, duties, obligations
2 and properties of the following administrative units within the
3 executive office for administration and finance are hereby
4 transferred to and shall hereafter be exercised, performed and held
5 by the office of information technology established by
6 section four A of chapter seven of the General Laws: the office
7 of management information systems and the office of
8 telecommunications.

1 SECTION 5. All employees of any department, office,
2 commission, board, division, bureau, section or other adminis-
3 trative unit or agency transferred by this act to the office of infor-
4 mation technology who, immediately prior to the effective date
5 of this act, either hold permanent appointment in positions
6 classified under chapter thirty-one of the General Laws or have

7 tenure in their positions by reason of section nine A of
8 chapter thirty of the General Laws, are hereby transferred to the
9 office of information technology, every such transfer to be without
10 impairment of civil service status, seniority, retirement or other
11 rights of the employee and without interruption of service within
12 the meaning of said chapter thirty-one or said section nine A of
13 said chapter thirty and without reduction in compensation or
14 salary grade notwithstanding any change in title or duties resulting
15 from such transfer, subject to the provisions of chapter thirty-one
16 and the rules and regulations adopted hereunder.

17 All employees of any such department, office, commission,
18 committee, council, board, division, bureau, section, adminis-
19 trative unit, or other agency who, immediately prior to said
20 effective date, neither hold permanent appointment in such
21 positions nor have such tenure, are hereby transferred to the office
22 of information technology, every such transfer to be without
23 impairment of seniority, retirement and other rights of such
24 employees, and without interruption of service within the meaning
25 of said section nine A of said chapter thirty and without reduction
26 in compensation or salary or grade, notwithstanding any change
27 in title or duties resulting from such transfer.

28 Nothing in this section shall be construed to confer upon any
29 employee any rights not held immediately prior to the effective
30 date of this act or to prohibit any reduction of salary or grade,
31 transfer, reassignment, suspension, discharge, layoff or abolition
32 of position not prohibited prior to said effective date.

33 The status of the incumbent in any office or position placed
34 within the classified civil service by this act shall be determined
35 pursuant to section forty-seven A of said chapter thirty-one.

1 SECTION 6. All petitions, hearings and other proceedings
2 duly brought before, and all prosecutions and legal and other
3 proceedings duly begun by any department, office, commission,
4 committee, board, division, bureau, section, officer, adminis-
5 trative unit or other agency transferred by this act to the office
6 of information technology which are pending immediately prior
7 to the effective date of this act, shall continue unabated and remain
8 in force, notwithstanding the passage of this act, and shall
9 thereafter be completed before or by the office or the appropriate
10 bureau within the office, as the case may be.

11 All orders, rules and regulations duly made, and all licenses,
12 permits, certificates and approvals duly granted, by any
13 department, office, commission, committee, council, board,
14 division, bureau, administrative unit or other agency transferred
15 by this act to the office of information technology, which are
16 pending immediately prior to the effective date of this act, shall
17 continue in force and the provisions thereof shall thereafter be
18 enforced, until superseded, revised, rescinded or cancelled in
19 accordance with law, by the office or the appropriate bureau
20 within the office or the executive office for administration and
21 finance, as the case may be.

22 All questions regarding the identification of such petitions,
23 hearings, prosecutions, proceedings, orders, rules, regulations,
24 licenses, permits, certificates and approvals, and of the agencies
25 to which the completion or enforcement thereof is so transferred,
26 shall be determined by the commissioner of administration.

1 SECTION 7. All books, papers, records, property, documents,
2 equipment, lands, interests in land, buildings, facilities and other
3 property, both personal and real, which immediately prior to the
4 effective date of this act, are in custody of any department, office,
5 commission, committee, council, board, division, bureau, section,
6 administrative unit or other agency transferred by this act to the
7 office of information technology are hereby transferred to the
8 office or the appropriate bureau therein.

9 All questions regarding the identification of such property and
10 of the agencies to which custody thereof is transferred shall be
11 determined by the commissioner of administration.

1 SECTION 8. All duly existing contracts, leases and obli-
2 gations of any department, office, commission, committee,
3 council, board, division, bureau, officer, section, administrative
4 unit or other agency transferred by this act to the office of infor-
5 mation technology, which are in force immediately prior to the
6 effective date of this act, shall thereafter be performed by the office
7 or the appropriate bureau within the office as the case may be.

8 No existing right or remedy of any character shall be lost,
9 impaired or affected by the provisions of this act.

1 SECTION 9. All monies heretofore appropriated for any
2 department, office, commission, committee, council, board,
3 division, bureau, section, administrative unit, officer or other
4 agency transferred by this act to the office of information
5 technology remaining unexpended on the effective date of this act,
6 are hereby transferred to the office of information technology and
7 shall be available for expenditure by the office or the appropriate
8 bureau within the office for the purposes for which such funds
9 were originally appropriated. All questions regarding the
10 identification of such monies shall be determined by the commis-
11 sioner of administration.

1 SECTION 10. Wherever the name of any department, office,
2 committee, commission, council, board, division, bureau, section,
3 administrative unit or other agency, transferred by this act to the
4 office of information technology appears in any general or special
5 law, or in any order, rule, regulation or other document, such
6 name shall mean, and shall be construed as referring to, the office
7 or the appropriate bureau thereof, as the case may be.

1 SECTION 11. Wherever in any special or general law or in any
2 rule or regulation there is provided a right of appeal to any
3 department, office, commission, committee, council, board,
4 division, section, administrative unit, bureau, officer or other
5 agency transferred by this act to the office of information
6 technology, a right of appeal to the office or the appropriate
7 bureau within the office, as the case may be, shall exist and such
8 appeal shall be made pursuant to the provisions of any applicable
9 law, rule or regulation or amendments thereto or, in the absence
10 of such applicable law, rule or regulation, pursuant to
11 chapter thirty A of the General Laws.

1 SECTION 12. All powers, duties and other statutory provi-
2 sions which, prior to the effective date of this act, were assigned
3 to, or exercised by, any department, office, commission,
4 committee, council, board, division, bureau, section, adminis-
5 trative unit, or other agency transferred by this act to the office
6 of information technology, shall continue to be exercised and

7 performed by, and to be assigned to the office, or to the appro-
8 priate bureau within the office except as such powers, duties or
9 other statutory provisions are modified by this act.

1 SECTION 13. This act shall take effect upon the expiration of
2 sixty calendar days following its presentation to the general court
3 pursuant to Article LXXXVII of the Massachusetts Constitution.

1 SECTION 14. If any provision of this act, or the application
2 thereof to any person or circumstance, shall be declared invalid
3 under the constitution of the commonwealth or of the United
4 States, such invalidity shall not affect the validity of the remaining
5 provisions of this act.

