

By Mr. Norton of Fall River, petition of Carlton M. Viveiros and Thomas C. Norton that the Department of Correction be transferred from the Executive Office of Human Services to the Executive Office of Public Safety, State Administration.

The Commonwealth of Massachusetts

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

AN ACT TRANSFERRING THE DEPARTMENT OF CORRECTION FROM THE EXECUTIVE OFFICE OF HUMAN SERVICES TO THE EXECUTIVE OFFICE 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. Chapter 6A of the General Laws is hereby
2 amended by striking out section 16, as amended by section 2 of
3 chapter 725 of the acts of 1972, and inserting in place thereof,
4 under the caption EXECUTIVE OFFICE OF HUMAN
5 SERVICES, the following section: —

6 EXECUTIVE OFFICE OF HUMAN SERVICES.

7 *Section 16.* The following state agencies are hereby declared
8 to be within the executive office of human services: the office of
9 children, the department of public health and all other state
10 agencies within said department, including the commission of
11 hypertension, the drug additions rehabilitation board, the board
12 of review established by section five E of chapter one hundred
13 and eleven, and the several advisory councils established by
14 sections two B, and four D, Four F and fifty-five of said chapter;
15 the department of public welfare and all other state agencies
16 within said department; the department of mental health,
17 including the several advisory councils established by sections
18 eleven, twelve and sixteen of chapter nineteen, the several
19 institutions within said department and said department and
20 their boards of trustees, and all other state agencies within said
21 department; the advisory council on home and family; the

22 commissioner of veterans' services; the boards of trustees of the
23 Soldiers' Home in Massachusetts and the board of trustees of the
24 Soldiers' Home in Holyoke; the youth service board; the advisory
25 committee on service to youth; the division of youth service,
26 including the several institutions within said division; the
27 Massachusetts rehabilitation commission and the advisory
28 council; the boxers' fund board; the health and welfare com-
29 mission; health facilities appeals board; and the Massachusetts
30 commission for the blind and its advisory board, and all other
31 state agencies within said commission.

32 The secretary of human services shall make available from
33 those state agencies within the executive office of human
34 services, whatever facilities, programs, resources or assistance as
35 the secretary of public safety, in his discretion, may deem
36 necessary on incidental to the performance of the duties, the
37 exercise of the powers, and for the necessary operation of the
38 department of correction, including the parole board and all
39 other state agencies within said department.

40 Nothing in this section shall be construed as conferring any
41 powers or imposing any duties upon the secretary with respect to
42 the foregoing agencies except as expressly provided by law.

1 SECTION 2. Said chapter 6A is hereby further amended by
2 striking out section 18, as amended by section 2 of chapter 802
3 of the acts of 1972, and inserting in place thereof, under the
4 caption EXECUTIVE OFFICE OF PUBLIC SAFETY, the
5 following section: —

6 EXECUTIVE OFFICE OF PUBLIC SAFETY.

7 *Section 18.* The following state agencies are hereby declared
8 to be within the executive office of public safety: the depart-
9 ment of public safety and all other state agencies within said
10 department, including the several boards established by sections
11 eleven A, thirteen A and fourteen of said chapter; the boards
12 established by sections seventy-one A and seventy-one H of
13 chapter one hundred and forty-three, and the board of school-
14 house structural standards established by section one of chapter
15 six hundred and seventy-five of the acts of nineteen hundred and
16 fifty-five; the registry of motor vehicles; including the division of

17 motorboats; the governor's highway safety committee; the
18 Massachusetts police training council; and the department of
19 correction, including the parole board and all other state agencies
20 within said department.

21 Nothing in this chapter shall be construed as conferring any
22 powers or imposing any duties upon the secretary with respect to
23 the foregoing agencies except as expressly provided by law.

1 SECTION 3. Section 20 of chapter 111 of the General Laws
2 as most recently amended by section 4 of chapter 777 of the acts
3 of 1972 is hereby further amended by striking out the words
4 "human services" and inserting in place thereof the following
5 words: — "public safety".

1 SECTION 4. Subdivision (P) of section 1 of chapter 124 of
2 the General Laws, as most recently amended by section 5 of
3 chapter 777 of the acts of 1972 is hereby further amended by
4 striking out the words "human services" and inserting in place
5 thereof the following words: — "public safety".

1 SECTION 5. The first paragraph of section 49 of chapter
2 127, as most recently amended by section 13 of chapter 777 of
3 acts of 1972 is hereby further amended by striking out the words
4 "except on the recommendation of the superintendent on behalf
5 of a particular committed offender and upon the approval of the
6 commissioner" and inserting in place thereof the following
7 words: "except on the written recommendations of the super-
8 intendent and commissioner on behalf of a particular committed
9 offender and upon the written approval of the governor."

1 SECTION 6. The first paragraph of section 90A of said
2 chapter 127, as most recently amended by section 18 of chapter
3 777 of the acts of 1972 is hereby further amended by striking
4 out the words "except on the recommendation of the super-
5 intendent on behalf of a particular committed offender and upon
6 the approval of the commissioner: and inserting in place thereof
7 the following words: — "except on the written recommendation
8 of the superintendent and commissioner on behalf of a particular

9 committed offender and upon the written approval of the
10 governor.”

1 SECTION 7. The removal of the department of corrections
2 from the executive office of human services shall not be
3 construed as abolishing said department, nor shall the establish-
4 ment of the department of correction in the executive office of
5 public safety by section 18 of chapter six A of the General Laws,
6 as appearing in section 2 of this act, be construed as creating
7 new agency; but as a transfer of said department from the
8 executive office for human services to the executive office of
9 public safety. Unless a contrary intent clearly appears, all powers
10 and duties of said department, as existing immediately prior to
11 said effective date, shall be exercised and performed by said
12 Department as so transferred in all powers and duties of the
13 Secretary of Human Services with respect to said department as
14 so existing shall be transferred to the Secretary of Public Safety.
15 The phrase department of correction or the executive office of
16 human services, or any words connoting the same, when used
17 in any statute order, rule or regulation, shall mean the depart-
18 ment of correction in the executive office of public safety unless
19 a contrary intent clearly appears.

1 SECTION 8. All officers and employees of the department
2 of correction executive office of human services who, immediate-
3 ly prior to the effective date of this act, hold positions classified
4 under chapter thirty-one of the General Laws, or have tenure in
5 their positions by reason of section nine A of chapter thirty of
6 the General Laws, shall continue to be officers and employees of
7 the department of correction in the executive office of public
8 safety without impairment of civil service status, seniority,
9 retirement and other employment rights, and without inter-
10 ruption of service within the meaning of said chapter thirty-one
11 or said section nine A, and without reduction in compensation
12 and salary grade.

13 All officers and employees of the department of correction
14 who, immediately prior to said effective date do not hold
15 positions classified under said chapter thirty-one, or do not have

16 tenure in their positions by reason of said section nine A, shall
17 continue to be officers and employees of the department of
18 correction in the executive office of public safety under this act
19 without impairment of seniority, retirement and other rights, and
20 without interruption of service within the meaning of said
21 section nine A and said chapter thirty-one, and without
22 reduction in compensation and salary grade.

23 Nothing in this section shall be construed to confer upon any
24 officer or employee any rights not held prior to said effective
25 date, or to prohibit any subsequent reduction in compensation or
26 salary grade not prohibited prior thereto.

1 SECTION 9. All orders, rules, and regulations duly made by
2 the commissioner of correction with reference to the functions
3 of the department of correction which are in force immediately
4 prior to the effective date of this act shall continue in force, and,
5 to the extent that the power to make such orders, rules and
6 regulations is transferred by this act to the secretary of public
7 safety they shall thereafter be enforced, until superseded, revised,
8 rescinded or canceled in accordance with law, by said secretary
9 unless a contrary intent clearly appears.

10 All orders, rules and regulations duly made by the department
11 or correction or any person holding an office therein, which are
12 in force immediately prior to said effective date, shall thereafter
13 be enforced, until superseded, revised, rescinded or canceled in
14 accordance with law, by said department.

1 SECTION 10. All petitions, hearings and other proceedings
2 duly brought before, and all prosecutions and legal and other
3 proceedings duly begun by, the commissioner of correction with
4 reference to the functions of the department of correction which
5 are pending immediately prior to the effective date of this act
6 shall continue unabated and remain in force notwithstanding the
7 passage of this act, and, to the extent that the power to
8 determine or bring such proceedings is transferred by this act to
9 the secretary of public safety they shall be completed before or
10 by said secretary, unless a contrary intent clearly appears.

11 All petitions, hearings and other proceedings duly brought
12 before, and all prosecutions and legal or other proceedings duly
13 begun by, the department of correction or any person holding an
14 office therein, which are pending immediately prior to said
15 effective date shall continue unbated and remain in force
16 notwithstanding the passage of this act, and shall be completed
17 before or by said department of correction, unless a contrary
18 intent clearly appears.

1 SECTION 11. All duly existing contracts, leases and obliga-
2 tions of the department of correction which are in force
3 immediately prior to the effective date of this act shall thereafter
4 be performed by said department of correction.

1 SECTION 12. All books, papers, records, documents and
2 equipment related to or maintained for the use of the depart-
3 ment of correction which are in the custody of the secretary of
4 human services immediately prior to the effective date of this
5 act, and which the sec. of human services should be transferred
6 to the secretary of public safety are hereby transferred to said
7 secretary.

1 SECTION 13. All moneys heretofore appropriated for the
2 department of correction and remaining unexpended on the
3 effective date of this act shall thereafter be available for
4 expenditures by said department. All questions regarding the
5 identification of moneys heretofore appropriated for siad Dept.
6 and remaining unexpended on said effective date shall be
7 determined by the deputy commissioner for fiscal affairs with
8 the approval of the commissioner of administration.

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

AND THE BUDGET FOR THE FISCAL YEAR 1967

