

By Mr. Dwinell of Millbury, petition of Richard J. Dwinell that the Division of Water Pollution Control be placed under the Commissioner of the Department of Environmental Quality Engineering, Natural Resources and Agriculture.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Eighty.

AN ACT TO PLACE THE AUTHORITY TO ADMINISTER THE POWERS OF THE DIVISION OF WATER POLLUTION CONTROL UNDER THE COMMISSIONER OF THE DEPARTMENT OF ENVIRONMENTAL QUALITY ENGINEERING.

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 26 of Chapter 21 of the General Laws as
2 amended by Chapter 546 of the Acts of 1973 is hereby amended by
3 striking out said section 26 and inserting in place thereof: —

4 There shall be in the department of environmental quality engi-
5 neering, a division of water pollution hereinafter in this section and
6 in sections twenty-seven to fifty-three, inclusive, called the divi-
7 sion. The division shall be headed by a director who shall be
8 appointed and may be removed by the commissioner, and shall not
9 be subject to chapter thirty-one or to section nine A of chapter
10 thirty. The director shall be responsible for carrying out the work
11 of the division under the supervision, direction and control of the
12 commissioner. The director shall be qualified by training and
13 experience to carry out the duties of the division. No person may
14 serve as director who received, or who has during the preceding
15 two years received, ten per cent or more of his income directly or
16 indirectly from persons who are required to obtain discharge per-
17 mits under section forty-three, and the attorney general upon
18 request may issue guidelines and such opinions as may be necessary
19 to implement this provision.

20 The commissioner may appoint and remove a deputy director

21 for the division who shall not be subject to the provisions of
22 chapter thirty-one or section nine A of chapter thirty, and such
23 other professionals, technical and clerical assistants and consult-
24 ants as may be necessary.

25 The water resources commission shall advise the commissioner
26 on administration and enforcement of this chapter.

27 All actions of the division shall be subject to the supervision,
28 control and direction of the commissioner.

1 SECTION 2. Section 26A of said chapter 21 is hereby amended
2 by inserting the following definition: —

3 “Commissioner”, the commissioner of the department of envi-
4 ronmental quality engineering, or his authorized designee.

1 SECTION 3. Upon the effective date of this act, all employees
2 of the division of water pollution control shall become employees
3 of the department of environmental quality engineering without
4 impairment of civil service status, seniority, retirement or other
5 rights, and without interruption of service within the meaning of
6 chapter thirty-one of the General Laws, and without reduction in
7 compensation or salary grade notwithstanding any change in title
8 or duties resulting from such transfer, and all such employees of the
9 division shall have unrestricted right to take civil service examina-
10 tions for and from the positions in which they are incumbent as of
11 the effective date of this act.