

HOUSE No. 4447

The Commonwealth of Massachusetts

In the Year Two Thousand Ten

An Act Reorganizing Certain Agencies of the Executive Department..

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 16G of chapter 6A of the General Laws, as appearing in the 2008
2 Official Edition, is hereby amended by striking out, in clause (b), the words “the trade office and
3 the office of minority and women business assistance”, and inserting in place thereof the
4 following words:-and the trade office.

5 SECTION 2. Chapter 7 of the General Laws, as appearing in the 2008 Official Edition, is
6 hereby amended by inserting the following sections:-

7 Section 57. It is the policy of the commonwealth to promote and facilitate the fullest
8 possible participation by all citizens in the affairs of the commonwealth. Minority, women and
9 veterans business enterprises frequently face special handicaps and problems in achieving viable
10 economic status. Various public and private programs have been initiated to assist minority,
11 women and veterans business enterprises, where applicable, to achieve economic viability,
12 though many businesses have not been adequately informed of these programs because of
13 inadequate coordination and communication efforts, with the result that many services available
14 are never adequately delivered to those who need them. The state government, as the biggest

business in the commonwealth of Massachusetts, has a special responsibility to see that all available services and programs are put to the best use. These steps are necessary to guarantee the fullest participation by all citizens of the commonwealth in the economy of the state and to guarantee the fullest benefits to citizens of programs and services available for assistance.

Section 57A. As used in sections 57B to 57D of this chapter, the following words shall have the following meanings, unless a contrary intent is clearly indicated:-

“Certified business enterprise” and “certified business”, a business certified pursuant to section 57D.

“Director”, the director of the supplier diversity office.

“Minority business enterprise” or “MBE”, for the purpose of receipt of services from SDO, means a business enterprise that is owned and controlled by one or more socially or economically disadvantaged persons. Such disadvantage may arise from cultural, racial, chronic economic circumstances or background or other similar cause. Such persons include, but are not limited to, African Americans, Cape Verdeans, Western Hemisphere Hispanics, Asians, American Indians, Eskimos, and Aleuts. For purposes of section 57D herein and section 40N of chapter 7, the term “minority owned business” shall have the same meaning as “minority business enterprise.

“Office”, the supplier diversity office as established by section 57B of this chapter.

“SDO”, the supplier diversity office as designated by section 57B of this chapter. The office shall be the successor to the office of minority and women business assistance.

“Secretary”, the secretary of the executive office for administration and finance.

“State purchasing agent”, the commissioner of the operational services division of the executive office for administration and finance.

“Veteran business enterprise” or “VBE”, a business enterprise that is both owned and controlled by 1 or more veterans, as defined in section 7 of chapter 4, who has invested in an ongoing business free of conversion rights.

“Women business enterprise” or “WBE”, for the purpose of receipt of services from SDO means a business enterprise that is both owned and controlled, by one or more women who have invested in an ongoing business free of conversion rights. For purposes of section 57D of this chapter and section 40N of chapter 7, the term “women owned business” shall have the same meaning as “women business enterprise.”

Section 57B. There shall be a supplier diversity office which shall be an office within the operational services division within the executive office for administration and finance.

Section 57C. SDO shall have a director and such other specialists as may be authorized. The director shall have all necessary authority, subject to the direction, control and supervision of the state purchasing agent, to utilize existing staff within the operational services division to effect the purposes of sections 57 to 57D, inclusive, and shall have the authority to seek such funds, public or private, as may be available and needed to carry out the intent of those sections.

Section 57D. (1) SDO shall promulgate regulations and policies for the establishment and management of the office’s certification process, including regulations and policies governing the streamlining, approval, denial or revocation of any such certification.

(2) SDO shall seek to develop and maintain a directory of certified minority, women and veteran businesses within the commonwealth, and shall, from time to time, notify such businesses of the programs and services available to them, whether from public or private sources, or from local, state or federal agencies.

(3) SDO is hereby authorized, subject to approval by the state purchasing agent, to establish its own programs and policies and to seek from any official or agency of the commonwealth or its political subdivisions, such information and assistance as is necessary to carry out its functions and duties; and all officials, agencies or political subdivisions of the commonwealth are hereby directed to supply such information or assistance.

(4) SDO shall receive assistance from state agencies including, where consistent with existing law, commitments that such agencies do a limited amount of contracting and subcontracting with minority or women or veteran businesses. SDO shall assist minority, and women and veteran businesses in making use of any special programs which may be operated by the state or by various departments and agencies of the federal government.

(5) SDO, through the state purchasing agent, shall coordinate its activities with those of other offices, and shall assist minority and women and veteran businesses in their dealings with federal agencies and with state departments and agencies. SDO shall also provide assistance to all cabinet secretaries and departments, in evaluating economic activities of their offices to determine how their offices may be of assistance in providing fair opportunities for minority and women businesses.

(6) SDO may work with banks, insurance companies, and other private businesses in the commonwealth to encourage the formation of seed money for facilitating the starting-up and

expansion of minority and women businesses. SDO may provide assistance to minority and women businesses in their efforts to obtain loan money and operating capital from private and public lenders.

(7) SDO may seek to increase the amount of financial assistance available to minority and women businesses from private financial institutions; and may, from time to time, sponsor conferences, workshops or other informational programs.

(8) SDO shall seek to encourage voluntary assistance programs by which nonminority and non-women business employees are loaned to minority and women businesses or by which minority and women business persons are taken into viable business ventures to acquire training and experience in managing business affairs.

(9) SDO is authorized to encourage state contract awarding authorities to seek to increase the incidence of joint ventures between nonminority state contractors and minority and women and veteran contractors, by specifically pointing out that such arrangements would constitute one method of partially meeting affirmative action requirements imposed upon both nonminority state contractors and the state. The director of affirmative action shall be kept informed of actions taken under this provision. SDO shall follow advertisements for construction work by public bodies in the commonwealth, shall notify minority and women and veteran general contractors and subcontractors of the bid opening dates for the approximate amount of the contract and subcontract work being bid, may assist them in securing bonds and in bidding for that construction work and shall initiate a program to help qualified minority persons and women to get started as small business firms in the construction field by helping to arrange joint ventures with qualified general contractors and subcontractors and by arranging for administrative and

100 accounting assistance to help them carry out their subcontract and general contract obligations
101 during the period of contract performance.

102 (10) SDO shall, through the state purchasing agent, submit an annual report to the general
103 court on the minority and women businesses which it assists, the type of services which it
104 renders, the difficulties it encounters. Such report shall include such recommendations for
105 legislative or executive action as deemed necessary or desirable.

106 (11) SDO shall impose administrative penalties on an applicant for certification or
107 recertification that knowingly provides false or misleading information on its application or in
108 support of its application for certification or recertification as a minority- or women-or veteran-
109 owned business, or on a person who fails to comply with any provision of any regulation or
110 approval issued or adopted by the agency or of any law which the agency has the authority or
111 responsibility to enforce.

112 (12) The director shall consult with the commissioner of the division of capital asset
113 management and maintenance on the establishment of an affirmative marketing program
114 pursuant to section 40N of chapter 7. The affirmative marketing program shall be established for
115 the purpose of ensuring the fair participation of minority-owned and women-owned businesses
116 on capital facility projects and state assisted building projects; provided that the affirmative
117 marketing program shall establish participation goals for minority-owned and women-owned
118 business on capital facility projects and state assisted building projects; provided further, that
119 participation goals for minority-owned business and women-owned business shall be based upon
120 the broadest and most inclusive pool of available minority-owned businesses and women-owned
121 businesses interested in and capable of performing construction work and design services on

such capital facility projects and state assisted building projects; and provided further, that the director and the commissioner of the division of capital asset management and maintenance shall meet on a quarterly basis to determine the status of implementation of the affirmative marketing program and what further steps both agencies deem necessary to achieve the purposes of section 40N of chapter 7 and this subsection. For purposes of this subsection, the terms “capital facility project” and “state assisted building project” shall have the same meanings as found in section 40N of chapter 7.

In connection with the affirmative marketing program established pursuant to section 40N of chapter 7, SDO shall regularly review and, where necessary, modify its certification process to ensure that it operates effectively, and shall report annually to the secretary of the executive office for administration and finance regarding these matters.

SDO shall be responsible for the overall management, monitoring, and enforcement of the affirmative marketing program as it relates to minority owned businesses and women owned businesses participation on state assisted building projects. The director may appoint a program director to assist in program development, coordination of program operations and compliance with program goals and objectives. The program director shall also have responsibility for monitoring compliance regarding minority owned businesses and women owned businesses participation on state assisted building projects, addressing program violations and coordinating enforcement activities.

The director shall develop a written procedure by which participation goals, for an individual state assisted building project, may be adjusted for minority-owned businesses, women-owned businesses or both; but, the adjustment shall be based upon the actual availability

of minority-owned businesses and women-owned businesses, the geographic location of the project, the scope of work of the capital facility project or other relevant factors.

The director shall develop a written waiver procedure by which, at any time before the award of a contract, it may be determined that compliance with the participation goals is not feasible and by which the participation goals on a state assisted building project may be reduced or waived. Waiver shall be granted only upon a showing that good faith efforts have been made to comply with the participation goals.

The director and the commissioner of the division of capital asset management and maintenance shall by March 15 of each year submit to the joint committee on state administration, the senate committee on ways and means, the house committee on ways and means, the clerk of the house, and the clerk of the senate a report on the performance of the affirmative marketing program for the preceding year. The report shall, at a minimum, show the name and address of each such minority owned business and women owned business, its designation as a minority-owned or women-owned business, the contract or subcontract price, a description of the work performed on the contract by class of work, and project type, and shall show separately the total number of contracts awarded to minority-owned and women-owned businesses as a percentage of the total number of contracts awarded and as a percentage of the total contract price.

The director shall promulgate regulations necessary to implement this subsection.

SECTION 3. Section 1 of chapter 23A of the General Laws, as so appearing, is hereby amended by striking out, in clause (b), the words “and the office of minority and women business assistance and all entities within that office.”

SECTION 4. Chapter 23A of the General Laws, as so appearing, is hereby amended by repealing sections 39 through 44, inclusive.

SECTION 5. Notwithstanding any general or special law to the contrary, the phrase “office of minority and women business assistance”, wherever it appears in a general or special law, shall mean:- the supplier diversity office.

SECTION 6. (a) Notwithstanding any general or special law to the contrary, this section shall facilitate the orderly transfer of employees, proceedings, rules and regulations, property and legal obligations of the following functions of state government from the transferor agency to the transferee agency, defined as follows:

(1) the functions of the state office of minority and women business assistance as the transferor agency, to the operational services division, as the transferee agency;

(b) To the extent that employees of the transferor agency, including those who were appointed immediately before the effective date of this act and who hold permanent appointment in positions classified under chapter 31 of the General Laws or have tenure in their positions as provided by section 9A of chapter 30 of the General Laws or do not hold such tenure, or hold confidential positions, are transferred to the respective transferee agency, such transfers shall be effected without interruption of service within the meaning of said section 9A of said chapter 31, without impairment of seniority, retirement or other rights of the employee, and without reduction in compensation or salary grade, notwithstanding any change in title or duties resulting from such reorganization, and without loss of accrued rights to holidays, sick leave, vacation and benefits, and without change in union representation or certified collective bargaining unit as certified by the state division of labor relations or in local union representation or affiliation. Any

collective bargaining agreement in effect immediately before the transfer date shall continue in effect and the terms and conditions of employment therein shall continue as if the employees had not been so transferred. The reorganization shall not impair the civil service status of any such reassigned employee who immediately before the effective date of this act either holds a permanent appointment in a position classified under chapter 31 of the General Laws or has tenure in a position by reason of section 9A of chapter 30 of the General Laws. Notwithstanding any other general or special law to the contrary, all such employees shall continue to retain their right to collectively bargain pursuant to chapter 150E of the General Laws and shall be considered employees for the purposes of said chapter 150E. Nothing in this section shall be construed to confer upon any employee any right not held immediately before the date of said transfer, or to prohibit any reduction of salary grade, transfer, reassignment, suspension, discharge, layoff, or abolition of position not prohibited before such date.

(c) All petitions, requests, investigations and other proceedings appropriately and duly brought before the transferor agency or duly begun by the transferor agency and pending before it before the effective date of this act, shall continue unabated and remain in force, but shall be assumed and completed by the transferee agency.

(d) All orders, rules and regulations duly made and all approvals duly granted by the transferor agency, which are in force immediately before the effective date of this act, shall continue in force and shall thereafter be enforced, until superseded, revised, rescinded or canceled, in accordance with law, by the transferee agency.

(e) All books, papers, records, documents, equipment, buildings, facilities, cash and other property, both personal and real, including all such property held in trust, which immediately

210 before the effective date of this act are in the custody of the transferor agency shall be transferred
211 to the transferee agency.

212 (f) All duly existing contracts, leases and obligations of the transferor agency shall
213 continue in effect but shall be assumed by the transferee agency. No existing right or remedy of
214 any character shall be lost, impaired or affected by this act.

215 ELIMINATION OF FAD

216 SECTION 7. Section 4 of chapter 7 of the General Laws, as appearing in the 2008
217 Official Edition, is hereby amended by adding the following paragraph:-

218 The secretary shall appoint a budget director. She shall be a person of ability and
219 experience and shall devote her entire time to the duties of her office. The budget director may
220 establish, with the approval of the secretary, administrative units that she deems appropriate. The
221 budget director shall prepare and maintain financial plans and, under the general direction of and
222 on behalf of the governor, shall prepare operating budget recommendations for all departments,
223 offices, commissions and institutions which receive periodic appropriations from the
224 commonwealth. These plans and recommendations shall be prepared according to the
225 requirements of chapter 29. Subject to the approval of the secretary, the budget director shall
226 design and install, and may revise from time to time, a financial planning and budgeting system,
227 including the requisite forms, procedures, information, computer software and such other
228 attributes as she considers necessary.

229 SECTION 8. Section 4A of said chapter 7, as so appearing, is hereby amended by
230 striking out clause (c).

SECTION 9. Section 4D of said chapter 7, as so appearing, is hereby amended by striking out, in line 11, the word "three" and inserting in place thereof the following numeral:- 4.

TRANSFER OF "CORE" FUNCTIONS OF MASSGIS FROM EOEEA TO ITD

SECTION 10. Clause (d) of section 4A of chapter 7 of the General Laws, as appearing in the 2008 Official Edition, is hereby amended by inserting after the first paragraph the following paragraph:-

The division shall include an office of geographic information through which the chief information officer shall develop, maintain, update and distribute geographic information, technology, data and services for use by Massachusetts agencies, municipalities and the public. The office shall coordinate all geographic information activities in state and local government, and shall collect, manage and distribute geographic information maintained by state agencies and local government agencies. It shall also provide technical services related to geographic information to state agencies and municipalities. The chief information officer shall set standards for the acquisition, management, and reporting of geographical information, and the acquisition, creation or use of applications employing such information, by any executive department agency, and the reporting of such information by municipalities.

SECTION 11. Section 4B of Chapter 21A is hereby repealed.

SECTION 12. (a) Notwithstanding any general or special law to the contrary, this section shall facilitate the orderly transfer of employees, proceedings, rules and regulations, property and legal obligations of the following functions of state government from the transferor agency to the transferee agency, defined as follows:

(1) the functions of the office of geographic and environmental information, as the transferor agency, to the information technology division, as the transferee agency;

provided however, that the employees, proceedings, rules and regulations, property and legal obligations and functions of the transferor that are engaged in developing and maintaining data and applications specific to the executive office for energy and environmental affairs and its agencies shall not be subject to this transfer.

(b) To the extent that employees of the transferor agency, including those who were appointed immediately before the effective date of this act and who hold permanent appointment in positions classified under chapter 31 of the General Laws or have tenure in their positions as provided by section 9A of chapter 30 of the General Laws or do not hold such tenure, or hold confidential positions, are transferred to the respective transferee agency, such transfers shall be effected without interruption of service within the meaning of said section 9A of said chapter 31, without impairment of seniority, retirement or other rights of the employee, and without reduction in compensation or salary grade, notwithstanding any change in title or duties resulting from such reorganization, and without loss of accrued rights to holidays, sick leave, vacation and benefits, and without change in union representation or certified collective bargaining unit as certified by the state division of labor relations or in local union representation or affiliation. Any collective bargaining agreement in effect immediately before the transfer date shall continue in effect and the terms and conditions of employment therein shall continue as if the employees had not been so transferred. The reorganization shall not impair the civil service status of any such reassigned employee who immediately before the effective date of this act either holds a permanent appointment in a position classified under chapter 31 of the General Laws or has tenure in a position by reason of section 9A of chapter 30 of the General Laws. Notwithstanding

any other general or special law to the contrary, all such employees shall continue to retain their right to collectively bargain pursuant to chapter 150E of the General Laws and shall be considered employees for the purposes of said chapter 150E. Nothing in this section shall be construed to confer upon any employee any right not held immediately before the date of said transfer, or to prohibit any reduction of salary grade, transfer, reassignment, suspension, discharge, layoff, or abolition of position not prohibited before such date.

(c) All petitions, requests, investigations and other proceedings appropriately and duly brought before the transferor agency or duly begun by the transferor agency and pending before it before the effective date of this act, shall continue unabated and remain in force, but shall be assumed and completed by the transferee agency.

(d) All orders, rules and regulations duly made and all approvals duly granted by the transferor agency, which are in force immediately before the effective date of this act, shall continue in force and shall thereafter be enforced, until superseded, revised, rescinded or canceled, in accordance with law, by the transferee agency.

(e) All books, papers, records, documents, equipment, buildings, facilities, cash and other property, both personal and real, including all such property held in trust, which immediately before the effective date of this act are in the custody of the transferor agency shall be transferred to the transferee agency.

(f) All duly existing contracts, leases and obligations of the transferor agency shall continue in effect but shall be assumed by the transferee agency. No existing right or remedy of any character shall be lost, impaired or affected by this act.

CONSOLIDATION OF BSEA INTO DALA

SECTION 13. Section 4H of chapter 7 of the General Laws, as appearing in the 2008 Official Edition, is hereby amended by inserting after the third paragraph the following paragraph:-

In accordance with section 2A of chapter 71B, the chief administrative magistrate shall provide for resolution, through mediation and adjudicatory hearings, of disputes among parents, school districts, private schools, and state agencies concerning the educational program of a student with disabilities arising under chapter 71B and its implementing regulations, under the Individuals with Disabilities Education Act, 20 U.S.C. section 1401 et seq., and its implementing regulations, or under Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. section 794, and its implementing regulations. All such disputes shall be referred for resolution to the bureau of special education appeals in the division of administrative law appeals. The costs incurred by the division in carrying out the functions of this paragraph and the costs of carrying out its other functions shall be kept separate to the extent practical, except that the costs of administration shall be allocated to each function under a reasonable formula as determined by the chief administrative magistrate and the commissioner of elementary and secondary education. The chief administrative magistrate and the commissioner of elementary and secondary education shall periodically enter into memoranda of understanding to set forth the respective obligations in carrying out the functions provided for in this paragraph, as described in section 2A of chapter 71B.

SECTION 14. Chapter 71B of the General Laws is hereby amended by inserting after section 2 the following section:-

Section 2A. (a) There shall be a bureau of special education appeals as a subdivision of the division of administrative law appeals, but its administrative functions shall be integrated with the administrative functions of the division as determined by the chief administrative magistrate. The chief administrative magistrate shall have administrative and supervisory authority over the bureau of special education appeals and its hearing officers and mediators, but the department of elementary and secondary education shall retain responsibility for general supervision as specified in and consistent with the federal Individuals with Disabilities Education Act, 20 U.S.C. sections 1401 et seq. The department shall determine the minimum standards for the dispute resolution system for special education including, but not limited to, the appropriate organizational structure for mediations and hearings, and shall ensure compliance of the dispute resolution system with federal law. The department shall establish and maintain policies, rules, regulations, and procedures defining the minimum standards under which mediations and due process hearings are conducted, for ensuring the impartiality of hearing officers and mediators, the qualifications and competence of hearing officers and mediators, for the content of training for hearing officers and mediators, for pre-hearing resolutions, and other appropriate standards, to ensure compliance with all federal timelines and quality standards. The department may perform all oversight necessary for carrying out its responsibilities under federal law. The department may request and shall receive periodic reports necessary to respond to the reporting requirements regarding hearings and mediations of the federal Individuals with Disabilities Education Act. The chief administrative magistrate shall ensure that the bureau of special education appeals complies with the minimum standards established by the department.

(b) The division of administrative law appeals shall protect the confidentiality of any personally identifiable data, information, and records collected or maintained by the bureau of

special education appeals consistent with the federal Individuals with Disabilities Education Act and other applicable state and federal laws and regulations.

(c) Nothing in this section shall prevent the chief administrative magistrate from assigning hearing officers or other employees of the bureau of special education appeals to any other dispute or matter, if the primary function of hearing officers and mediators remains resolving disputes related to special education and if doing so does not interfere with the timely performance of the functions required by the federal Individuals with Disabilities Education Act. Nor shall anything in this act be construed to prevent the chief administrative magistrate from assigning matters provided for in this act to non-bureau of special education appeals hearing officers or other employees of the division provided they have been specially trained to hear or otherwise handle disputes regarding special education services for students as required by the federal Individuals with Disabilities Education Act and they meet the qualification standards set by the Department as provided for in subsection (a) above.

(d) The commissioner of elementary and secondary education and the chief administrative magistrate shall enter into a memorandum of understanding and may amend the memorandum from time to time. The memorandum shall include but not be limited to: the budget and staffing for the bureau of special education appeals; the range of dispute resolution options that the bureau of special education appeals will offer; the allocation of the division of administrative law appeals' central administrative costs; the transfer of books, papers, records, documents, and equipment from the department to the division; the transfer of outstanding contracts and obligations related to the bureau's activities from the department to the division; the assignment of hearing officers and mediators; and the establishment of performance standards and measures for the bureau's activities. The department shall annually enter into an

interagency service agreement with the division whereby the department shall provide funding for the bureau's operations as set forth in the memorandum of understanding.

SECTION 15. Section 3 of said chapter 71B of the General Laws, as appearing in the 2008 Official Edition, is hereby amended by inserting after the words "may hold hearings", in line 218, the following words:- through the bureau of special education appeals.

SECTION 16. (a) Notwithstanding any general or special law to the contrary, the dispute resolution functions of the bureau of special education appeals, which was established as an independent entity by the department of elementary and secondary education within the executive office of education, its employees covered by a collective bargaining agreement, proceedings, rules and regulations, and legal obligations, are hereby transferred to the division of administrative law appeals as established pursuant to section 4H of chapter 7 of the General Laws.

(b) Those employees of the department of elementary and secondary education covered by a collective bargaining agreement and who, before the effective date of this act, were assigned to the bureau of special education appeals, including those who immediately before the effective date of this act hold permanent appointment in positions classified under chapter 31 of the General Laws or have tenure in their positions as provided by section 9A of chapter 30 of the General Laws are hereby transferred to the division of administrative law appeals without interruption of service within the meaning of said section 9A of said chapter 31, without impairment of seniority, retirement or other rights of the employee, and without reduction in compensation or salary grade, notwithstanding any change in title or duties resulting from such reorganization, and without loss of accrued rights to holidays, sick leave, vacation and benefits,

and without change in union representation, if any, or certified collective bargaining unit as certified by the state labor relations commission or in local union representation or affiliation. Any collective bargaining agreement in effect immediately before the transfer date shall continue in effect and the terms and conditions of employment therein shall continue as if the employees had not been so transferred. The reorganization shall not impair the civil service status of any such reassigned employee who immediately before the effective date of this act either holds a permanent appointment in a position classified under chapter 31 of the General Laws or has tenure in a position by reason of section 9A of chapter 30 of the General Laws. Notwithstanding any general or special law to the contrary, all employees covered by collective bargaining agreements shall continue to retain their right to collectively bargain pursuant to chapter 150E of the General Laws and shall be considered employees for the purposes of said chapter 150E. Nothing in this section shall confer upon an employee any right not held immediately before the date of this transfer, or prohibit any reduction of salary grade, transfer, reassignment, suspension, discharge, layoff or abolition of position not prohibited before the transfer date.

(c) All petitions, requests, hearings, and other proceedings appropriately and duly brought before the bureau of special education appeals and pending before it before the effective date of this act, shall continue unabated and remain in force, but shall be assumed and completed by the bureau of special education appeals as part of the division of administrative law appeals.

(d) All orders issued by the bureau of special education appeals, which are in force immediately before the effective date of this act, shall continue in full force and effect in accordance with law.

(e) All rules and regulations governing the bureau of special education appeals which are in force immediately before the effective date of this act, shall continue in full force and effect until superseded, revised, rescinded, or canceled, in accordance with law, by the department of elementary and secondary education in consultation with the division of administrative law appeals.

CIVIL SERVICE EFFICIENCIES

SECTION 17. Section 4I of chapter 7 of the General Laws, as appearing in the 2008 Official Edition, is hereby amended by striking out the second, third, and fourth paragraphs and inserting in place thereof the following 4 paragraphs:-

Upon the expiration of the term of office of a member of the commission, the governor shall appoint a successor for a term of 5 years. Not more than 3 members of the commission shall be members of the same political party, and, of the members of the commission who are enrolled as members of a political party, not more than a majority of such members shall be of the same political party.

The governor shall designate 1 of the members as chair and 1 other member as vice chair. The chair shall convene meetings of the commission and shall serve as the agency's director. The vice chair shall fulfill the duties of the chair if the chair is unable to perform them. The positions of chair and vice chair shall be classified in accordance with section 45 of chapter 30, and the chair and vice chair's salaries shall be determined in accordance with section 46C of said chapter 30. The chair and vice chair shall devote their full time to the duties of their offices. The commission members other than the chair and vice chair shall not receive compensation and shall devote whatever time is necessary to fulfill the obligations of their positions.

429 Meetings of the commission shall be held at times and locations determined by the chair,
430 and the commission shall meet upon the request of the personnel administrator. The chair shall
431 provide for the conduct of hearings throughout the commonwealth when it would best serve the
432 interested parties.

433 The chair or the personnel administrator may require in connection with the activities
434 authorized by law any official or employee of the human resources division to give full
435 information and to provide all papers and records relating to any official act performed by that
436 official or employee.

437 SECTION 18. Sections 10 through 16 shall take effect on July 1, 2010.

438 SECTION 19. Sections 1-9 and 13-17 of this act shall take effect as soon as it has the
439 force of law under subsection (c) of section 2 of Article LXXXVII of the Amendments to the
440 Constitution.