

Senate No. 15

Majority Report on the Governor's Reorganization Plan No. 1 of 2009-2010 (submitted by the Governor pursuant to Article LXXXVII of the Amendments to the Constitution) An Act Reorganizing Certain Agencies of the Executive Department (Senate No. 11).

The Commonwealth of Massachusetts

Majority Report

On

The Governor's Reorganization Plan

No. 1 of 2009-2010

(submitted by the Governor pursuant to [Article LXXXVII of the Amendments to the Constitution](#))

An Act Reorganizing Certain Agencies of the Executive Department

Senate No. 11

Report on the Governor's Reorganization Plan No. 1

Senate No. 11

An Act Reorganizing Certain Agencies of the Executive Department

Senate No. 11, filed pursuant to [Article 87 of the Massachusetts Constitution](#) and considered pursuant thereto and to the provisions of Joint Rule 23A of the two branches of the General Court, is the Governor's plan to reform, reorganize, transfer, streamline and consolidate certain state agency operations.

The highlights of this legislation include provisions to:

- 1) Transfer the well-driller program from the Department of Conservation (DCR) and Recreation to the Department of Environmental Protection (DEP)
- 2) Move the responsibility for compliance and enforcement of the underground storage tank (UST) regulations from the Department of Public Safety (DPS) to the Department of Environmental Protection (DEP)
- 3) Move Home Improvement Contractor oversight from the Executive Office of Public Safety and Security (Department of Public Safety, DPS) to the Executive Office of Housing and Economic Development (Office of Consumer Affairs, OCA)
- 4) Place the State Racing Commission (SRC) within the Division of Professional Licensure (DPL)
- 5) Move family and individual shelter services from the Department of Transitional Assistance (DTA) to the Department of Housing and Community Development (DHCD)
- 6) Transfer Wage Reporting from the Department of Revenue (DOR) to the Division of Unemployment Assistance (DUA)

According to the Governor in the cover letter submitted with the reorganization plan at the time of its filing, the goal of this legislation is to restructure certain state agencies to make them more cost effective and responsive by consolidating programs and program staff within agencies whose mission and expertise will ensure the most coordinated, efficient operation of the programs.

Since the bill was filed pursuant to the provisions of Article LXXXVII of the amendments to the Constitution, it cannot be amended and must be accepted or rejected exactly as presented.

The Joint Committee on State Administration and Regulatory Oversight, to whom was referred Reorganization Plan No. 1 (Senate No. 11) of his Excellency the Governor, reports recommending that the Plan ought to be approved. The Committee believes that the plan would allow better coordination of the programs being reorganized and voted that it be approved for the following reasons:

- 1) Currently, the two components of the well driller program, registration of approximately 400 licensed well drillers and their equipment and collecting and managing data on wells that are drilled, reside at DCR but the data generated is used almost entirely by DEP. In addition, DEP has a greater capacity to enter backlogged well driller information than DCR. Both agencies are in support of the transfer and realize that it will streamline operations.
- 2) The original intent of giving compliance and enforcement of the underground storage tank regulations to the Department of Fire Services (DFS) was to reduce the risk of fire and explosions from these tanks. However, the latest federal mandate puts a higher priority on the risks associated with leakage and the threats to public water supplies. Therefore, DEP is better suited to inspect for these types of environmental threats. In addition, the transfer does not restrict the authority of DFS to oversee the installation and removal of underground storage tanks and will therefore allow them to continue monitoring for risks of fires and explosions.
- 3) Given the core missions of the respective agencies, the Home Contractor Program is more appropriately headquartered in the Office of Consumer Affairs. Further, parts of the program, the Guaranty Fund and the Statutory Private Arbitration Services Program, are already currently overseen by the Office of Consumer Affairs. The proposed transfer will provide ease of access to citizens.
- 4) With dog racing in the Commonwealth being prohibited as of January 1, 2010, the scope of the State racing Commission's regulatory role will be substantially reduced. Merging what is currently a separate agency into the structure of regulatory boards within the Division of Professional Licensure allows the State Racing Commission to carry out its remaining statutory functions while taking advantage of the economies of scale resulting from its ability to harness the Department of Professional Licensures' supporting administrative resources. To alleviate loss of job concerns the Committee has been assured by Administration Officials that the agency will work to retain workers that may be displaced because of the transfer.
- 5) Last year, the Commission to End Homelessness convened to come up with a plan for ending homelessness in the Commonwealth. The transfer

of Emergency Shelter services from DTA to DHCD is part of that plan. Combining housing and shelter will create a single point of entry, assessment, and access to housing solutions for individuals and families who are already homeless or who are at-risk of losing their housing. Homelessness is a housing problem and should be addressed with long term housing needs in mind.

- 6) During the legislative hearing held on the reorganization plan, some concerns were raised by DTA workers about their transfer to DHCD. However, the administration has expressed a strong desire to work with collective bargaining units between the time of passage and implementation to address any discrepancies or problems that may arise because of the transfer. The committee is confident that this collaboration will take place and will be satisfactory for union members.

- 7) Massachusetts is currently 1 of only 2 states that require employers to submit their wage reports to the DOR rather than the unemployment agency. As a result of the Department of Unemployment Assistance's major information technology upgrade, the QUEST Project, DUA is the appropriate agency to process wage reporting. It creates a less costly and more efficient filing system. Once implemented, employers will only have to file one quarterly report as opposed to the two separate quarterly reports as are filed currently with DOR and DUA. Additionally, the QUEST Project will save employers time and resources by automatically calculating their unemployment taxes. DUA will continue to have a paper backup system available to smaller employers who do not have internet access.

For all of these reasons, we, the undersigned members of the Joint Committee on State Administration and Regulatory Oversight, recommend that the reorganization plan, Senate No. 11, ought to be approved.

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