

HOUSE No. 4143

The Commonwealth of Massachusetts

PRESENTED BY:

Mindy Domb

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act relative to the pesticide board.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Mindy Domb</i>	<i>3rd Hampshire</i>	<i>2/19/2021</i>

HOUSE No. 4143

By Ms. Domb of Amherst, a petition (accompanied by bill, House, No. 4143) of Mindy Domb for legislation to transfer the Pesticide Board from the Department of Food and Agriculture to the Department of Environmental Protection. Environment, Natural Resources and Agriculture.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Second General Court
(2021-2022)**

An Act relative to the pesticide board.

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 2 of chapter 132B of the General Laws, as appearing in the 2018
2 Official Edition, is hereby amended by striking out the definition of “Commissioner” and
3 inserting in place thereof the following definition:-

4 “Commissioner”, the commissioner of environmental protection.

5 SECTION 2. Said section 2 of said chapter 132B, as so appearing, is hereby further
6 amended by striking out the definition of “Department” and inserting in place thereof the
7 following definition:-

8 “Department”, the department of environmental protection.

9 SECTION 3. Section 3 of said chapter 132B, as so appearing, is hereby amended by
10 striking out the words “food and agriculture”, in lines 1 and 2, and inserting in place thereof the
11 following words:- environmental protection.

12 SECTION 4. Said section 3 of said chapter 132B, as so appearing, is hereby further
13 amended by striking out the words “food and agriculture”, in line 35, and inserting in place
14 thereof the following words:- environmental protection.

15 SECTION 5. Section 3A of said chapter 132B, as so appearing, is hereby amended by
16 striking out the word “five”, in line 6, and inserting in place thereof the following figure:- 6.

17 SECTION 6. Said section 3A of said chapter 132B, as so appearing, is hereby further
18 amended by inserting after the word “designee”, in line 10, the following words:- , the
19 commissioner of the department of environmental protection or their designee.

20 SECTION 7. (a) Notwithstanding any general or special law to the contrary, this section
21 shall facilitate the orderly transfer of the employees, proceedings, rules and regulations, property
22 and legal obligations and functions of state government from the pesticide control board, the
23 pesticide control board subcommittee and the pesticide program within the department of
24 agricultural resources, as transferor agency, to the department of environmental protection, as the
25 transferee agency.

26 (b) Subject to appropriation, any employees transferred to the transferee agency,
27 including those who immediately before the effective date of this act held permanent
28 appointment in positions classified under chapter 31 of the General Laws or have tenure in their
29 positions as provided by section 9A of chapter 30 of the General Laws or did not hold such
30 tenure, or held confidential positions, are hereby transferred to the transferee agency, without
31 interruption of service within the meaning of section 9A of chapter 30, without impairment of
32 seniority, retirement or other rights of the employee, and without reduction in compensation or
33 salary grade, notwithstanding any change in title or duties resulting from such reorganization,

34 and without loss of accrued rights to holidays, sick leave, vacation and benefits, and without
35 change in union representation or certified collective bargaining unit as certified by the state
36 labor relations commission or in local union representation or affiliation. Any collective
37 bargaining agreement in effect immediately before the transfer date shall continue in effect and
38 the terms and conditions of employment therein shall continue as if the employees had not been
39 so transferred. The reorganization shall not impair the civil service status of any such reassigned
40 employee who immediately before the effective date of this act either held a permanent
41 appointment in a position

42 classified under chapter 31 of the General Laws or had tenure in a position by reason of
43 section 9A of chapter 30 of the General Laws.

44 (c) Notwithstanding any general or special law to the contrary, all such employees shall
45 continue to retain their right to bargain collectively pursuant to chapter 150E of the General
46 Laws and shall be considered employees for the purposes of chapter 150E. Nothing in this
47 section shall confer upon any employee any right not held immediately before the date of the
48 transfer, or to prohibit any reduction of salary grade, transfer, reassignment, suspension,
49 discharge or layoff not prohibited before such date.

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

54 (e) All orders, advisories, findings, rules and regulations duly made and all approvals
55 duly granted by the transferor agency, which are in force immediately before the effective date of

56 this act, shall continue in force and shall thereafter be enforced, until superseded, revised,
57 rescinded or canceled, in accordance with law, by the transferee agency.

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

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