SENATE DOCKET, NO. 128 FILED ON: 1/8/2025

SENATE . . . . . No. 2183

The Commonwealth of Massachusetts

PRESENTED BY:

Michael O. Moore

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 elevating the National Guard to a cabinet level position.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
Michael O. Moore	*Second Worcester*	
Jonathan D. Zlotnik	*2nd Worcester*	*3/17/2025*

SENATE DOCKET, NO. 128 FILED ON: 1/8/2025

SENATE . . . . . No. 2183

By Mr. Moore, a petition (accompanied by bill, Senate, No. 2183) of Michael O. Moore for legislation to elevate the National Guard to a cabinet level position. State Administration and Regulatory Oversight.

The Commonwealth of Massachusetts

In the One Hundred and Ninety-Fourth General Court
(2025-2026)

An Act elevating the National Guard to a cabinet level position.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Chapter 6A of the General Laws, as appearing in the 2022 Official Edition, is hereby amended in section 2 by striking out the words “and veterans’ services” the inserting in place thereof the following words:- “, veterans’ services, and the military division”.

SECTION 2. Said Chapter 6A is further amended in section 18 by striking the words:- “military department”.

SECTION 3. Said Chapter 6A is further amended in section 18 ½ by striking the words:- “military department”."

SECTION 4. Said Chapter 6A is further amended by inserting after section 109 the following section:-

Section 110. Executive Office of the Military Division.

(a) There shall be an executive office of the military division, which shall include the military division established under chapter 33 of the general laws.

(b) The executive office of military division shall be under the supervision and control of the adjutant general appointed pursuant to section 15 of chapter 33 of the general laws. The adjutant general shall have the same powers and duties of a secretary as defined by section 1 of this chapter.

SECTION 5. (a) Notwithstanding any general or special law to the contrary, this section shall facilitate the orderly transfer of the employees, proceedings, rules and regulations, property and legal obligations and functions of state government from: (i) the executive office of public safety and security, as transferor agency, to the executive office of the military division, as transferee agency; or (ii) the executive office of the military division, as transferor agency, to the executive office of public safety and security, as transferee agency.

(b) Subject to appropriation, any employees transferred to the transferee agency, including those who immediately before the effective date of this act held 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 did not hold such tenure, or held confidential positions, are hereby transferred to the transferee agency, without interruption of service within the meaning of section 9A of chapter 30, 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

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

(c) Notwithstanding any general or special law to the contrary, all such employees shall continue to retain their right to bargain collectively pursuant to chapter 150E of the General Laws and shall be considered employees for the purposes of chapter 150E. Nothing in this section shall confer upon any employee any right not held immediately before the date of the transfer, or to prohibit any reduction of salary grade, transfer, reassignment, suspension, discharge or layoff not prohibited before such date; nor shall anything in this section prohibit the abolition of any management position within the executive office of public safety and security or the executive office of the military division.

(d) All petitions, requests, investigations, filings and other proceedings appropriately and duly brought before the transferor agency, or 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.

(e) All orders, advisories, findings, 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.

(f) 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.

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