

Senate No. 2037

Majority Report on the Governor's Reorganization Plan No. 1 of 2017 (submitted by the Governor pursuant to Article LXXXVII of the Amendments to the Constitution) An Act to reorganize the Department of Public Safety (House, No. 68).

The Commonwealth of Massachusetts

Majority Report

On

The Governor's Reorganization Plan

No. 1 of 2017

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

An Act to reorganize the Department of Public Safety

House, No. 68

MAJORITY REPORT

House No. 68

An Act to Reorganize the Department of Public Safety.

January 25, 2017

H. 68 is the Governor's reorganization plan for the Department of Public Safety. The legislation is filed under Article LXXXVII of the Amendments to the Constitution and its adoption is therefore subject to a limited time frame as well as not being open to amendment by Committee or the General Court.

H. 68 transfers non- fire related functions currently within the Department of Public Safety to the Division of Professional Licensure by establishing an Office of Public Safety and Inspections within the Division of Professional Licensure under the Executive Office of Housing and Economic Development. It then transfers fire-related functions to the Department of Fire Services.

The legislation is designed to realign the functions of licensing and inspection more closely with their areas of expertise. The expectation is that customer service will be improved by creating one-stop shopping for the majority of license approvals. Currently, individual licensees may be required to utilize several different agencies for various aspects of licensing in their field. In addition to increasing efficiencies and eliminating redundancies, the Commonwealth expects to save approximately \$800,000 in FY2018. The legislation also makes technical amendments to remove outdated statutory references and update language.

The Committee finds that the plan to realign the functions of licensing within the Division of Professional Licensure and the Department of Fire Services will improve customer service without jeopardizing any of the current safety and inspection responsibilities of the Commonwealth. For all intents and purposes, licensing requirements and duties to inspect will not change as a result of the reorganization. The only noticeable change will be the agency under which the jurisdiction for licensing and inspection will fall. For these reasons, the Joint Committee on State Administration and Regulatory Oversight recommends the petition ought to be approved.

House

Peter V. Kocot, Chair
Paul A. Schmid III, Vice-Chair
William "Smitty" Pignatelli
Linda Dean Campbell
Brian M. Ashe
RoseLee Vincent
William Driscoll
Kevin J. Kuros
Mathew Muratore

Senate

Walter F. Timilty, Chair
Joan B. Lovely, Vice-Chair
Jennifer L. Flanagan
Michael O. Moore
Patrick M. O'Connor

Senate, No. 2037

Majority Report on the Governor's Reorganization
Plan No. 1 of 2017 (submitted by the Governor
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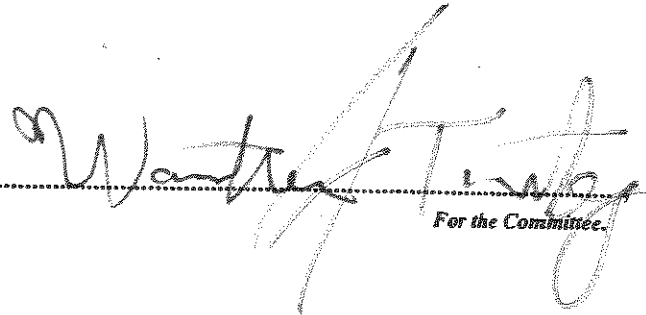
Senate, March 6, 2017

The State Administration and
committee on ~~Regulatory Oversight~~....., to whom

was referred Reorganization Plan No. 1 of 2017 (submitted by the Governor under the provisions of Article LXXXVII of the Amendments to the Constitution) to reorganize the Department of Public Safety (see House, No. 68)

Printed in,

REPORT recommending that said Reorganization Plan No. 1 "ought to be approved". [For Majority Report see Senate, No. 2037]


For the Committee.

REPORT — SENATE

BILL OR RESOLVE

REPORT of committee on

.....

MAJORITY REPORT

House No. 68

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- January 25, 2017

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HOUSE

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William Smitty Pignatelli

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Denise Provost

Linda Dean Campbell

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Brian M. Ashe

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Marjorie C. Decker

RoseLee Vincent

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William Driscoll

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Kenneth J. Donnelly

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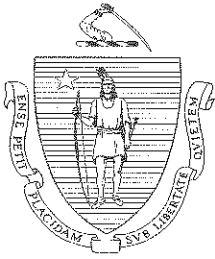
The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES

MESSAGE FROM HIS EXCELLENCY THE
GOVERNOR SUBMITTING REORGANIZATION PLAN
NUMBER 1 OF 2017, RELATIVE TO REORGANIZING
THE DEPARTMENT OF PUBLIC SAFETY.

(under Article LXXXVII
of the Amendments
to the Constitution)

January 25, 2017



OFFICE OF THE GOVERNOR
COMMONWEALTH OF MASSACHUSETTS
STATE HOUSE • BOSTON, MA 02133
(617) 725-4000

HD3749 -
1/25/17
3:25pm

CHARLES D. BAKER
GOVERNOR

KARYN E. POLITO
LIEUTENANT GOVERNOR

January 25, 2017

To the Honorable Senate and House of Representatives:

As provided in Article LXXXVII of the Amendments to the Constitution, I submit for your consideration "An Act to Reorganize the Department of Public Safety."

This Article 87 plan will transfer the functions currently within the Department of Public Safety to the Division of Professional Licensure and to the Department of Fire Services. This will enable the Commonwealth to consolidate licensing functions currently split across several secretariats, thereby increasing efficiencies, eliminating redundancies, and improving customer service by creating one-stop shopping for the vast majority of license approvals. It should also save the Commonwealth approximately \$800,000 in FY2018.

Specifically, this bill establishes an Office of Public Safety and Inspections to be housed within the Division of Professional Licensure, within the Executive Office of Housing and Economic Development. It then transfers all of the non-fire-related functions of the Department of Public Safety to the Office of Public Safety and Inspections and the fire-related functions to the Department of Fire Services.

This bill would also change the distribution of agencies under the undersecretaries within the Executive Office of Public Safety and Security to more closely align with their areas of expertise.

In addition, the bill makes technical changes to reflect the transfer of functions, removes outdated references, and updates antiquated language.

Accordingly, I urge your favorable consideration of this plan to consolidate licensing functions and increase the efficiency and accountability of our government for the people of the Commonwealth.

Sincerely,

Charles D. Baker

The Commonwealth of Massachusetts

In the One Hundred and Ninetieth General Court
(2017-2018)

An Act to reorganize the Department of Public Safety.

Be it approved by the Senate and House of Representatives in General Court assembled, pursuant to Article LXXXVII of the Amendments to the Constitution, and by the authority of the same, as follows:

1 SECTION 1. Section 99 of chapter 6 of the General Laws is hereby repealed.

2 SECTION 2. Section 172K of chapter 6 of the General Laws, as appearing in the 2014
3 Official Edition, is hereby amended by striking out, in lines 20 and 21, the words “department of
4 public safety” and inserting in place thereof the following words:- division of professional
5 licensure.

6 SECTION 3. Section 18 of chapter 6A of the General Laws, as so appearing, is hereby
7 amended by striking out, in lines 2 and 3, the words “department of public safety”.

8 SECTION 4. Section 18½ of said chapter 6A, as so appearing, is hereby amended by
9 striking out the second paragraph and inserting in place thereof the following paragraph:-

10 One undersecretary shall be the undersecretary for law enforcement and shall oversee the
11 functions and administration of the following boards and agencies: the department of state
12 police, the municipal police training committee, and the office of grants and research.

SECTION 5. Said section 18½ of said chapter 6A, as so appearing, is hereby further amended by inserting in line 26, after the word “undersecretary,” the following words:- shall oversee the statewide emergency telecommunications board, the department of criminal justice information services, the automated fingerprint identification system, and the state 911 department; and.

SECTION 6. Chapter 6A of the General Laws is hereby amended by inserting after section 18V the following section:-

Section 18W. There shall be a special commission established to investigate and study improving information and resource sharing among the office of probation, department of criminal justice information services, parole board, department of corrections, and all sheriffs in the commonwealth. The commission shall consist of the secretary of public safety and security or the secretary’s designee, who shall serve as chair; the commissioner of probation or the commissioner’s designee; commissioner of department of criminal justice information services or the commissioner’s designee; the chair of the parole board or the chair’s designee; the commissioner of correction or the commissioner’s designee; the commissioner of youth services, or the commissioner’s designee; and the president of the Massachusetts Sheriffs Association or the president’s designee.

The investigation shall include, but not be limited to:

(a) identifying and eliminating redundant and duplicative practices, while promoting public safety and cost-effectiveness;

33 (b) developing a common risk and needs assessment tool for supervised individuals, to be
34 used by the office of probation, trial court office of community supervision, parole board,
35 department of corrections and sheriffs;

36 (c) developing policies and protocols for individuals who have been sentenced to
37 supervision under more than one of the agencies or departments concurrently to ensure that said
38 supervision is meted in an orderly and effective manner for those individuals who are subject to
39 dual supervision;

40 (d) establishing procedures for the sharing of information on supervised individuals,
41 including procedure for addressing any privacy issues raised by the sharing of information
42 between agencies; provided, however, that if the commission discovers legal impediments to
43 sharing information between the organizations it shall draft and report legislative
44 recommendations to address such impediments;

45 (e) investigating the creation of a common office of performance management to track
46 the effectiveness and outcomes of programs used by the office of probation, trial court office of
47 community supervision, parole board, department of corrections and sheriffs; and

48 (f) investigating the effectiveness of the office of community corrections, potential
49 improvements to its function and organization, including the feasibility and advisability of
50 relocating it to the executive office of public safety and security.

51 The commission shall annually report on its activities and on any findings and
52 recommendations to the chairs of the joint committee on the judiciary, the chairs of the joint
53 committee on public safety and homeland security and chairs of the senate and house committees
54 on ways and means not later than December 31.

55 SECTION 7. Section 35V of chapter 10 of the General Laws, as appearing in the 2014
56 Official Edition, is hereby amended by striking out, in lines 9, 12, and 24, each time it appears,
57 the word “director” and inserting in place thereof, in each instance, the following word:-
58 commissioner.

59 SECTION 8. Section 8 of chapter 13 of the General Laws, as so appearing, is hereby
60 amended by striking out, in lines 2 and 7, each time it appears, the word “director” and inserting
61 in place thereof, in each instance, the following word:- commissioner.

62 SECTION 9. Section 8A of said chapter 13, as so appearing, is hereby amended by
63 striking out, in lines 3, 4 and 6, each time it appears, the word “director” and inserting in place
64 thereof, in each instance, the following word:- commissioner.

65 SECTION 10. Section 9 of said chapter 13, as so appearing, is hereby amended by
66 striking out, in lines 13 and 14, the words “division of registration” and inserting in place thereof
67 the following words:- division of professional licensure.

68 SECTION 11. Section 36 of said chapter 13, as so appearing, is hereby amended by
69 striking out, in line 5, the words “public safety” and inserting in place thereof the following
70 words:- the division of professional licensure.

71 SECTION 12. Section 44A of said chapter 13, as so appearing, is hereby amended by
72 striking out, in lines 1 and 2, the words “department of civil service and registration” and
73 inserting in place thereof the following words:- division of professional licensure.

74 SECTION 13. Section 93 of said chapter 13, as so appearing, is hereby amended by
75 striking out, in lines 3 and 19, each time it appears, the word “director” and inserting in place
76 thereof, in each instance, the following word:- commissioner.

77 SECTION 14. Section 101 of said chapter 13, as so appearing, is hereby amended by
78 striking out, in lines 3 and 4, the words “the commissioner of public safety or his designee, the
79 director of professional licensure or his designee” and inserting in place thereof the following
80 words:- 7 voting members; 2 of whom will be designees of the commissioner of the division of
81 professional licensure,.

82 SECTION 15. The title of chapter 22 of the General Laws, as so appearing, is hereby
83 amended by striking out the words “department of public safety” and inserting in place thereof
84 the following words:- division of professional licensure office of public safety and inspections.

85 SECTION 16. Section 1 of said chapter 22, as so appearing, is hereby amended by
86 striking out, in line 1, the words “a department of public safety” and inserting in place thereof the
87 following words:- an office of public safety and inspections within the division of professional
88 licensure.

89 SECTION 17. Said section 1 of said chapter 22, as so appearing, is hereby further
90 amended by striking out, in line 2, the words “a commissioner of” and inserting in place thereof
91 the following words:- the commissioner of the division of professional licensure.

92 SECTION 18. Section 2 of said chapter 22 is hereby repealed.

93 SECTION 19. Section 3 of said chapter 22 is hereby repealed.

94 SECTION 20. Section 4A of said chapter 22, as appearing in the 2014 Official Edition,
95 is hereby amended by inserting, in line 3, after the words “a chief” the following words:- or
96 chiefs.

97 SECTION 21. Section 5 of said chapter 22 is hereby repealed.

98 SECTION 22. Section 6 of said chapter 22, as appearing in the 2014 Official Edition, is
99 hereby amended by striking out, in line 6, the words “division of inspection” and inserting in
100 place thereof the following words:- office of public safety and inspections.

101 SECTION 23. Said section 6 of said chapter 22, as so appearing, is hereby further
102 amended by striking out, in line 7, the words “division of inspection” and inserting in place
103 thereof the following word:- office.

104 SECTION 24. Said section 6 of said chapter 22, as so appearing, is hereby further
105 amended by inserting, in line 8, after the words “building inspectors” the following words:- ,
106 elevator inspectors,.

107 SECTION 25. Said section 6 of said chapter 22, as so appearing, is hereby further
108 amended by inserting, in line 9, after the word “buildings” the following word:- , elevators,.

109 SECTION 26. Section 6A of said chapter 22, as so appearing, is hereby amended by
110 striking out, in line 2, the word “department” and inserting in place thereof the following word:-
111 division.

112 SECTION 27. Section 7 of said chapter 22, as so appearing, is hereby amended by
113 striking out, in line 1, the word “department” and inserting in place thereof the following word:-
114 division.

115 SECTION 28. Section 7A of said chapter 22, as so appearing, is hereby amended by
116 striking out, in lines 2 and 3, the word "department" and inserting in place thereof the following
117 words:- office of public safety and inspections.

118 SECTION 29. Said section 7A of said chapter 22, as so appearing, is hereby further
119 amended by striking out, in line 4, the word "department" and inserting in place thereof the
120 following word:- division.

121 SECTION 30. Section 7B of said chapter 22, as so appearing, is hereby amended by
122 striking out, in lines 1 and 2, the word "department" and inserting in place thereof the following
123 words:- division or the department of fire services' division of inspection.

124 SECTION 31. Said chapter 22 is hereby amended by striking out section 10 and
125 inserting in place thereof the following section:-

126 Section 10. The state fire marshal shall appoint a board of boiler rules, consisting of the
127 chief of inspections of the department of fire services, or a boiler inspector of the division of
128 inspection of the department of fire services designated by the state fire marshal, as chairman and
129 4 associate members, 1 of whom shall be an operating engineer and three shall represent users,
130 manufacturers and insurers of boilers, respectively. Upon the expiration of the term of office of
131 an associate member, his successor shall be appointed for 3 years by the state fire marshal. The
132 associate members shall receive as compensation for service and reimbursement for expenses
133 such sums as the governor and council may determine, not exceeding, in all, \$1,500 a year. Such
134 clerical and other assistants as may be required by the board shall be assigned to it by the state
135 fire marshal.

136 SECTION 32. Section 10A of said chapter 22, as so appearing, is hereby amended by
137 striking out the first paragraph and inserting in place thereof the following paragraph:

138 There shall be in the division of professional licensure office of public safety and
139 inspections a bureau to be known as the bureau of pipefitters, refrigeration technicians and
140 sprinkler fitters. The bureau shall consist of 11 members, 1 of whom shall be the commissioner
141 of the division of professional licensure or his designee; and 10 of whom shall be appointed by
142 the governor, 1 of whom shall be a representative of the public, 1 of whom shall be a member of
143 Air Conditioning and Refrigeration Contractors of Boston, who has been in business not less
144 than 10 years as a refrigeration contractor, 1 of whom shall be a refrigeration technician with a
145 minimum of 10 years' experience, 1 of whom shall be a member of the New England
146 Mechanical Contractors Association, Inc., 1 of whom shall be a member of the Massachusetts
147 Building and Construction Trades Council, 1 of whom shall be a pipefitter with a minimum of 10
148 years' experience, 1 of whom shall be a fire protection sprinkler system contractor who has been
149 in business not less than 10 years as such contractor, 1 of whom shall be a sprinkler fitter with a
150 minimum of 10 years' experience, 1 of whom shall be a mechanical engineer, and 1 of whom
151 shall represent a user. Said members shall be designated in groups of 2 in their initial
152 appointments to serve for 1, 2, 3, and 4 years, respectively. Upon the expiration of the term of
153 office of a member, his successor shall be appointed in the manner aforesaid for 4 years. The
154 commissioner of the division of professional licensure or his designee shall be designated the
155 chairman.

156 SECTION 33. Section 11 of said chapter 22, as so appearing, is hereby amended by
157 striking out the first paragraph and inserting in place thereof the following paragraph:-

158 There shall be in the division of professional licensure office of public safety and
159 inspections a board to be known as the board of elevator regulations, which shall consist of 8
160 members, to be appointed by the governor, with the advice and consent of the council, for terms
161 of 4 years each. One of such members shall be a chief of inspections in said division, with
162 power to designate from time to time an inspector in said division to act temporarily as a member
163 of such board, with the same powers and duties as other members of the board, 1 shall be a
164 consulting engineer, 1 shall be the building commissioner of Boston or his designee, 1 shall be
165 the inspector of buildings of some city or town other than Boston, 1 shall be a representative of a
166 liability insurance company licensed to write elevator insurance in the commonwealth, 1 shall be
167 a representative of elevator manufacturers, 1 shall be an experienced elevator constructor, 1 shall
168 be a representative of owners of buildings subject to chapter 143, and 1 shall be a representative
169 of the department of fire services. The governor, with the advice and consent of the council,
170 shall from time to time designate 1 member of said board as chairman.

171 SECTION 34. Section 11A of said chapter 22, as so appearing, is hereby amended by
172 striking out, in line 1, the words "department of public safety" and inserting in place thereof the
173 following words:- division of professional licensure office of public safety and inspections.

174 SECTION 35. Said section 11A of said chapter 22, as so appearing, is hereby further
175 amended by striking out, in line 4, the word "department" and inserting in place thereof the
176 following word:- division.

177 SECTION 36. Section 11B of said chapter 22, as so appearing, is hereby amended by
178 striking out, in line 1, the word "department" and inserting in place thereof the following words:-
179 office of public safety and inspections.

180 SECTION 37. Section 12 of said chapter 22, as so appearing, is hereby amended by
181 striking out, in line 1, the word “department” and inserting in place thereof the following words:-
182 office of public safety and inspections.

183 SECTION 38. Said section 12 of said chapter 22, as so appearing, is hereby further
184 amended by striking out, in line 3, the words “department of public safety” and inserting in place
185 thereof the following words:- division of professional licensure.

186 SECTION 39. Said section 12 of said chapter 22, as so appearing, is hereby further
187 amended by striking out, in line 13 the word “department” and inserting in place thereof the
188 following word:- division.

189 SECTION 40. Section 13A of said chapter 22, as so appearing, is hereby amended by
190 striking out, in line 1, the words “department of public safety” and inserting in place thereof the
191 following words:- office of public safety and inspections within the division of professional
192 licensure.

193 SECTION 41. Said section 13A of said chapter 22, as so appearing, is hereby further
194 amended by striking out, in lines 5 and 7, each time they appear, the words “public safety” and
195 inserting in place thereof, in each instance, the following words:- housing and economic
196 development.

197 SECTION 42. Section 20 of said chapter 22, as so appearing, is hereby amended by
198 striking out, in line 1, the words “department of public safety” and inserting in place thereof the
199 following words:- office of public safety and inspections within the division of professional
200 licensure.

201 SECTION 43. Section 21 of said chapter 22 is hereby repealed.

202 SECTION 44. Said chapter 22 is hereby amended by striking out section 22 and
203 inserting in place thereof the following section:-

204 Section 22. (a) The commissioner of the division of professional licensure may issue a
205 written notice of violation, which shall be a written warning or a citation to assess civil monetary
206 fines of not more than \$5,000 for a violation of the following laws or of regulations adopted
207 thereunder:

208 (1) section 13A; provided, however, that an inspector assigned to the building division of
209 the office of public safety and inspections within the division of professional licensure or a
210 designee of the architectural access board may also issue a warning or citation under this section;

211 (2) sections 1, 2 and 64 of chapter 105;

212 (3) section 205A of chapter 140; provided, however, that an inspector assigned to the
213 building division or the engineering division of the office of public safety and inspections of the
214 division of professional licensure may also issue a warning or citation under this section;

215 (4) sections 3V, 9 and 50 of chapter 143; provided, however, that an inspector assigned to
216 the building division of the office of public safety and inspections of the division of professional
217 licensure may also issue a warning or citation under these sections;

218 (5) sections 65, 71 and 71D of chapter 143; provided, however, that an inspector assigned
219 to the elevator division of the office of public safety and inspections of the division of the
220 professional licensure may also issue a warning or citation under this section;

(6) the regulations of the state building code governing licensing of construction supervisors under section 94 of chapter 143; provided, however, that an inspector assigned to the building division of the office of public safety and inspections of the division of the professional licensure may also issue a warning or citation under such regulations;

(7) sections 53 to 54A, inclusive, or section 89 of chapter 146; provided, however, that an inspector assigned to the office of public safety and inspections of the division of the professional licensure may also issue a warning or citation under these sections;

(8) sections 57 and 60 of chapter 147; and

(9) section 20.

(b) The commissioner may issue a written notice of violation, which shall be a written warning or a citation to assess civil monetary fines of not more than \$1,000 for a violation of sections 71K and 71N of chapter 143; provided, however, that a designee of the recreational tramway board may also issue a warning or citation under said sections 71K and 71N.

(c) The commissioner may adopt regulations for the administration and enforcement of this section.

(d) The individual issuing the written notice of violation shall indicate on the notice that it is for: (i) a written warning or a citation; and (ii) a violation of the specific law or regulation referenced in subsection (a).

(e) A person, firm or corporation who is issued a citation in a written notice of violation may appeal to a hearing officer designated by the secretary of housing and economic development within 30 days after receipt of the notice. All appeal hearings shall be held in

242 accordance with the standard rules governing informal adjudicatory proceedings adopted
243 pursuant to section 9 of chapter 30A.

244 (f) A person, firm or corporation who is issued a citation in a written notice of a violation
245 and who fails to: (i) pay the fines assessed within 30 days after receipt of the notice; (ii) appeal
246 within the 30 days; or (iii) appear at a scheduled appeal hearing, shall be deemed responsible for
247 the violation as stated in the notice. The finding of responsibility shall be admissible as prima
248 facie evidence of responsibility for the violation in any civil proceeding regarding the violation,
249 in any proceeding to suspend or revoke a license, permit or certificate and in any criminal
250 proceeding.

251 (g) The commissioner may assess a fee for appeals filed pursuant to this section, to be
252 determined by the secretary of administration and finance pursuant to section 3B of chapter 7.

253 SECTION 45. Section 9H of chapter 23 of the General Laws, as appearing in the 2014
254 Official Edition, is hereby amended by striking out, in lines 6 and 7, the words "public safety"
255 and inserting in place thereof the following words:- the division of professional licensure.

256 SECTION 46. Section 11H of said chapter 23, as so appearing, is hereby amended by
257 striking out, in line 40, the words "and the department of public safety".

258 SECTION 47. Section 25 of said chapter 23, as so appearing, is hereby amended by
259 striking out, in lines 22 and 23, the words "commissioner of public safety" and inserting in place
260 thereof the following words:- secretary of public safety and security.

261 SECTION 48. Said section 25 of said chapter 23, as so appearing, is hereby further
262 amended by striking out, in line 23, the word “director” and inserting in place thereof the word:-
263 commissioner.

264 SECTION 49. Section 2AAAA of chapter 29 of the General Laws, as so appearing, is
265 hereby amended by striking out, in lines 4 and 9, each time they appear, the words “department
266 of public safety” and inserting in place thereof, in each instance, the following words:- division
267 of professional licensure.

268 SECTION 50. Section 50 of chapter 30 of the General Laws, as so appearing, is hereby
269 amended by striking out, in line 8, the words “division of inspections of the department of public
270 safety,” and inserting in place thereof the following:- office of public safety and inspections of
271 the division of professional licensure, of the department of fire services,.

272 SECTION 51. Said section 50 of said chapter 30, as so appearing, is hereby further
273 amended by striking out, in line 9, the words “of said department”.

274 SECTION 52. Section 48 of chapter 31 of the General Laws, as so appearing, is hereby
275 amended by striking out, in line 14, the words “department of public safety” and inserting in
276 place thereof the following words:- office of public safety and inspections of the division of
277 professional licensure.

278 SECTION 53. Section 3 of chapter 32 of the General Laws, as amended by chapter 86 of
279 the Acts of 2015, is hereby further amended by striking out, in line 256, the words “department
280 of public safety” and inserting in place thereof the following words:- office of public safety and
281 inspections of the division of professional licensure and the division of inspection of the
282 department of fire services.

283 SECTION 54. Section 89 of said chapter 32, as appearing in the 2014 Official Edition, is
284 hereby amended by striking out, in line 83, the words “department of public safety” and inserting
285 in place thereof the following words:- office of public safety and inspections of the division of
286 professional licensure and the division of inspection of the department of fire services.

287 SECTION 55. Section 44A of chapter 48 of the General Laws, as so appearing, is hereby
288 amended by striking out, in lines 5 and 6, the words “department of public safety” and inserting
289 in place thereof the following words:- department of fire services.

290 SECTION 56. Section 3 of chapter 62C of the General Laws, as so appearing, is hereby
291 amended by striking out, in lines 42, 52 and 53, each time they appear, the words “commissioner
292 of public safety” and inserting in place thereof, in each instance, the following words:- colonel of
293 the state police.

294 SECTION 57. Chapter 82A of the General Laws is hereby amended by striking out
295 section 1 and inserting in place thereof the following section:-

296 Section 1. An excavator shall not leave an open trench unattended without first making
297 reasonable effort to eliminate any recognized safety hazard that may exist as a result of leaving
298 the open trench unattended. The commissioner of the division of professional licensure, in
299 conjunction with the director of labor and workforce development, or his designee, shall
300 promulgate rules and regulations governing all construction related excavations and trench
301 safety. The rules and regulations shall include, but not be limited to, a description of recognized
302 safety hazards that may exist as a result of leaving open trenches or excavations unattended, a
303 description of the procedures required or recommended by the division of professional licensure
304 to eliminate safety hazards which may include covering, barricading or otherwise protecting

open trenches from accidental entry, and a penalty structure for each violation of the proposed rules and regulations to be imposed by the agency empowered with ensuring compliance with the rules and regulations. This penalty structure shall include the imposition of a fine for each violation of the regulations promulgated pursuant to this section. Any such fines collected by the office of public safety and inspections of the division of professional licensure or the department of labor and workforce development shall be available for expenditure, without further appropriation, by those agencies in an amount not to exceed \$100,000 during each fiscal year for the sole purpose of providing construction safety training for licensed operators of hoisting equipment, police department officials, fire department officials and building officials. Those agencies may also charge a reasonable fee to help defray the costs associated with said training. Any monies collected from the imposition of these fines in excess of \$100,000 shall be transmitted monthly by those departments to the state treasurer who shall then deposit the excess funds into the General Fund. The office of public safety and inspections of the division of professional licensure, in conjunction with the department of labor and workforce development, shall file a report detailing the amount of fines imposed, collected and expended pursuant to this section with the house and senate committees on ways and means and with the joint committee on public safety not later than August 15 of each year. The rules and regulations shall not be effective until the office of public safety and inspections of the division of professional licensure has received a formal determination from the United States Secretary of Labor that the proposed rules or regulations do not seek to assume responsibility for development and enforcement therein of occupational safety and health standards relating to any occupational safety or health issue with respect to which a federal standard has already been promulgated under 29 U.S.C. section 667 or until the rules and regulations are approved by the United States Secretary of

328 Labor as a state plan for the development of the standards and their enforcement pursuant to 29
329 U.S.C. section 667(c).

330 SECTION 58. Section 2 of said chapter 82A, as appearing in the 2014 Official Edition,
331 is hereby amended by striking out, in line 6, the words “department of public safety” and
332 inserting in place thereof the following words:- office of public safety and inspections of the
333 division of professional licensure.

334 SECTION 59. Section 3 of said chapter 82A, as so appearing, is hereby amended by
335 striking out, in lines 16 and 29, each time they appear, the words “department of public safety”
336 and inserting in place thereof, in each instance, the following words:- office of public safety and
337 inspections of the division of professional licensure.

338 SECTION 60. Section 32H of chapter 90 of the General Laws, as so appearing, is hereby
339 amended by striking out, in line 35, the words “commissioner of public safety” and inserting in
340 place thereof the words:- colonel of the state police.

341 SECTION 61. Section 1 of chapter 90A of the General Laws, as so appearing, is hereby
342 amended by striking out, in line 6, the words “commissioner of public safety” and inserting in
343 place thereof the following words:- secretary of public safety and security or his designee.

344 SECTION 62. Section 18A of chapter 93 of the General Laws, as so appearing, is hereby
345 amended by striking out, in lines 3 and 4, the words “public safety” and inserting in place thereof
346 the following words:- the division of professional licensure.

SECTION 63. Section 1 of chapter 105 of the General Laws, as so appearing, is hereby amended by striking out, in line 1, the words "public safety" and inserting in place thereof the following words:- division of professional licensure.

SECTION 64. Section 51 of chapter 111 of the General Laws, as so appearing, is hereby amended by striking out the sixth, seventh, and eighth paragraphs and inserting in place thereof the following 3 paragraphs:

No original license shall be issued nor shall a license be renewed hereunder unless there shall be first submitted to the department by the authorities in charge of the hospital, the institution for unwed mothers or the clinic, with respect to each building occupied by patients, (1) a certificate of inspection of the egresses, the means of preventing the spread of fire and the apparatus for extinguishing fire, issued by an inspector of the office of public safety and inspections of the division of professional licensure, and (2) a certificate of inspection issued by the head of the local fire department certifying compliance with the local ordinances.

Any applicant for an original or renewal license who is aggrieved by a written disapproval of a certificate of inspection by the head of the local fire department or by the office of public safety and inspections of the division of professional licensure, may, within 30 days from such disapproval, appeal in writing, to the division of professional licensure. Failure to either approve or disapprove within 30 days, after a written request by an applicant, shall be deemed a disapproval.

If the division of professional licensure approves the issuance of a certificate of inspection, it shall forthwith be issued by the agency that failed to approve. If said division disapproves, the applicant may appeal therefrom to the superior court. Failure of the division of

369 professional licensure to either approve or disapprove the issuance of a certificate of inspection
370 within 30 days after receipt of an appeal shall be deemed a disapproval. No original license shall
371 be issued and no license shall be renewed by the department of public health until issuance of an
372 approved certificate of inspection, as required in this section.

373 SECTION 65. Section 71 of said chapter 111, as so appearing, is hereby amended by
374 striking out lines 88 through 123, inclusive, and inserting in place thereof the following 3
375 paragraphs:

376 No original license shall be issued or no license renewed hereunder unless there shall be
377 first submitted to the department by the authorities in charge of the convalescent or nursing
378 home, infirmary maintained in a town, rest home, charitable home for the aged or intermediate
379 care facility for the mentally retarded with respect to each building occupied by patients, (1) a
380 certificate of inspection of the egresses, the means of preventing the spread of fire and apparatus
381 for extinguishing fire, issued by an inspector of the office of public safety and inspections of the
382 division of professional licensure; provided, however, that with respect to convalescent or
383 nursing homes only, the division of health care quality of the department of public health shall
384 have sole authority to inspect for and issue such certificate, and (2) a certificate of inspection
385 issued by the head of the local fire department certifying compliance with the local ordinances.

386 Any applicant for an original or renewal license who is aggrieved, on the basis of a
387 written disapproval of a certificate of inspection by the head of the local fire department or by
388 the office of public safety and inspections of the division of professional licensure, may, within
389 30 days from such disapproval, appeal in writing to the division of professional licensure. With
390 respect to certificates of inspection that the division of health care quality of the department of

391 public health has the sole authority to issue, an applicant may, within 30 days from disapproval
392 of a certificate of inspection, appeal in writing to the department of public health only. Failure to
393 either approve or disapprove within 30 days, after a written request by an applicant, shall be
394 deemed a disapproval.

395 If the division of professional licensure or, where applicable, the department of public
396 health approves the issuance of a certificate of inspection, it shall forthwith be issued by the
397 agency that failed to approve. If said department disapproves, the applicant may appeal
398 therefrom to the superior court. Failure of said department to either approve or disapprove the
399 issuance of a certificate of inspection within thirty days after receipt of an appeal shall be
400 deemed a disapproval. No original license shall be issued or no license shall be renewed by the
401 department of public health until issuance of an approved certificate of inspection, as required in
402 this section.

403 SECTION 66. Section 13 of chapter 111C of the General Laws, as so appearing, is
404 hereby amended by striking out, in line 7, the words "commissioner of public safety" and
405 inserting in place thereof the following words:- secretary of public safety and security.

406 SECTION 67. Section 1 of chapter 112 of the General Laws, as so appearing, is hereby
407 amended by striking out, in lines 1 and 6, each time it appears, the word "director" and inserting
408 in place thereof, in each instance, the following word:- commissioner.

409 SECTION 68. Section 1B of said chapter 112, as amended by section 94 of chapter 46 of
410 the Acts of 2015, is hereby further amended by striking out, in lines 1, 44, and 61, each time it
411 appears, the word "director" and inserting in place thereof, in each instance the following
412 words:- commissioner of the division of professional licensure.

413 SECTION 69. Said section 1B of said chapter 112, as so amended, is hereby further
414 amended by striking out, in line 2, the word “director’s” and inserting in place thereof the
415 following word:- commissioner’s.

416 SECTION 70. Said section 1B of said chapter 112, as so amended, is hereby further
417 amended by striking out, in lines 45 and 62, each time it appears, the word “director” and
418 inserting in place thereof, in each instance, the following word:- commissioner.

419 SECTION 71. Section 87CC of said chapter 112, as amended by section 5 of chapter 70
420 of the Acts of 2016, is hereby further amended by striking out, each time it appears, the word
421 “director” and inserting in place thereof, in each instance, the following word:- commissioner.

422 SECTION 72. Section 94A of said chapter 112, as appearing in the 2014 Official
423 Edition, is hereby amended by striking out, in line 32, the word “director” and inserting in place
424 the following word:- commissioner.

425 SECTION 73. Section 229 of said chapter 112, as so appearing, is hereby amended by
426 striking out, in line 24, the words “director of professional licensure” and inserting in place
427 thereof the following words:- commissioner of the division of professional licensure.

428 SECTION 74. Said section 229 of said chapter 112, as so appearing, is hereby amended
429 by striking out, in line 28, the word “director” and inserting in place thereof the following word:-
430 commissioner.

431 SECTION 75. Section 233 of said chapter 112, as so appearing, is hereby amended by
432 striking out, in lines 10 and 11, the words “director of professional licensure” and inserting in
433 place thereof the following words:- commissioner of the division of professional licensure.

434 SECTION 76. Section 250 of said chapter 112, as so appearing, is hereby amended by
435 striking out, in line 1, the words “director of professional licensure” and inserting in place
436 thereof the following words:- commissioner of the division of professional licensure.

437 SECTION 77. Said section 250 of said chapter 112, as so appearing, is hereby amended
438 by striking out, in line 5, the word “director” and inserting in place thereof the following word:-
439 commissioner.

440 SECTION 78. Section 263 of said chapter 112, as so appearing, is hereby amended by
441 striking out, in lines 126, 405, 411, 412, 414, 419, 422, 424, 428, 429, and 432, each time it
442 appears, the word “director” and inserting in place thereof, in each instance, the following word:-
443 commissioner.

444 SECTION 79. Section 26 of chapter 121B of the General Laws, as so appearing, is
445 hereby amended by striking out, in lines 99 and 100, the words “department of public safety” and
446 inserting in place thereof the following words:- office of public safety and inspections of the
447 division of professional licensure.

448 SECTION 80. Section 28 of said chapter 121B, as so appearing, is hereby amended by
449 striking out, in lines 7, 29 and 30, each time they appear, the words “supervisor of plans of the
450 department of public safety” and inserting in place thereof, in each instance, the following
451 words:- division of professional licensure.

452 SECTION 81. Section 87 of chapter 127 of the General Laws, as so appearing, is hereby
453 amended by striking out, in lines 9 and 10, the words “commissioner of public safety” and
454 inserting in place thereof the following words:- colonel of the state police.

455 SECTION 82. Section 4 of chapter 136 of the General Laws, as so appearing, is hereby
456 amended by striking out, in lines 19, 24, and 30, each time they appear, the words “public safety”
457 and inserting in place thereof, in each instance, the following words:- the division of professional
458 licensure.

459 SECTION 83. Section 180B of chapter 140 of the General Laws, as so appearing, is
460 hereby amended by striking out, in line 5, the words “public safety” and inserting in place
461 thereof the following words:- the division of professional licensure.

462 SECTION 84. Section 180C of said chapter 140, as so appearing, is hereby amended by
463 inserting, in line 2, after the word “commissioner” the following words:- of the division of
464 professional licensure.

465 SECTION 85. Said section 180C of said chapter 140, as so appearing, is hereby further
466 amended by striking out, in lines 22, the words “department of public safety” and inserting in
467 place thereof the words:- division of professional licensure.

468 SECTION 86. Section 180G of said chapter 140, as so appearing, is hereby amended by
469 striking out, in line 1, the words “public safety” and inserting in place thereof the following
470 words:- the division of professional licensure.

471 SECTION 87. Section 181A of said chapter 140, as so appearing, is hereby amended by
472 striking out, in lines 3 and 4, the words “public safety” and inserting in place thereof the
473 following words:- the division of professional licensure.

474 SECTION 88. Section 183 of said chapter 140, as so appearing, is hereby amended by
475 striking out, in line 8, the words “public safety” and inserting in place thereof the following
476 words:- the division of professional licensure.

477 SECTION 89. Section 183A of said chapter 140, as so appearing, is hereby amended by
478 striking out, in line 98, the words “public safety” and inserting in place thereof the following
479 words:- the division of professional licensure.

480 SECTION 90. Section 185A of said chapter 140, as so appearing, is hereby amended by
481 striking out, in line 9, the words “public safety” and inserting in place thereof the following
482 words:- the division of professional licensure.

483 SECTION 91. Section 205A of said chapter 140, as so appearing, is hereby amended by
484 striking out, in lines 4, 5 and 108, each time they appear, the words “public safety” and inserting
485 in place thereof, in each instance, the following words:- the division of professional licensure.

486 SECTION 92. Said section 205A of said chapter 140, as so appearing, is hereby further
487 amended by striking out, in line 18, the words “section 62” and inserting in place thereof the
488 following words:- section 62A.

489 SECTION 93. Said section 205A of said chapter 140, as so appearing, is hereby further
490 amended by striking out, in line 54, the words “department of public safety” and inserting in
491 place thereof the following words:- division of professional licensure.

492 SECTION 94. Said section 205A of said chapter 140, as so appearing, is hereby further
493 amended by striking out, in line 60, the words “division of inspection” and inserting in place

494 thereof the following words:- office of public safety and inspections of the division of
495 professional licensure.

496 SECTION 95. Section 1A of chapter 141 of the General Laws, as so appearing, is hereby
497 amended by striking out, in lines 8 and 9, the words “public safety” and inserting in place thereof
498 the following words:- the division of professional licensure.

499 SECTION 96. Section 17 of chapter 142 of the General Laws, as so appearing, is hereby
500 amended by striking out, in lines 23, 24, 28 and 29, each time they appear, the words
501 “department of public safety” and inserting in place thereof, in each instance, the following
502 words:- department of fire services.

503 SECTION 97. Section 1 of chapter 143 of the General Laws, as so appearing, is hereby
504 amended by striking out, in line 16, the words “public safety” and inserting in place thereof the
505 following words:- the division of professional licensure.

506 SECTION 98. Said section 1 of said chapter 143, as so appearing, is hereby further
507 amended by striking out, in line 17, the definition of “Department” and inserting in place thereof
508 the following definition:- “Division”, the division of professional licensure.

509 SECTION 99. Said section 1 of said chapter 143, as so appearing, is hereby further
510 amended by striking out, in lines 18 and 19, the words “division of inspection of the department”
511 and inserting in place thereof the following words:- office of public safety and inspections of the
512 division of professional licensure.

513 SECTION 100. Section 3A of said chapter 143, as so appearing, is hereby amended by
514 striking out, in line 24, the word “commission” and inserting in place thereof the following
515 words:- board of building regulations and standards.

516 SECTION 101. Section 3Q of said chapter 143, as so appearing, is hereby amended by
517 striking out, in lines 8, 11, 15, 21, each time it appears, the word “department” and inserting in
518 place thereof, in each instance, the following word:- division.

519 SECTION 102. Section 3T of said chapter 143, as so appearing, is hereby amended by
520 striking out, in line 6, the word “department” and inserting in place thereof the following words:-
521 division of professional licensure.

522 SECTION 103. Section 13 of said chapter 143, as so appearing, is hereby amended by
523 striking out, in line 1, the words “division of inspection” and inserting in place thereof the
524 following words:- office of public safety and inspections of the division of professional
525 licensure.

526 SECTION 104. Section 62A of said chapter 143, as so appearing, is hereby amended by
527 striking out, in lines 6 and 7, the words “department of public safety” and inserting in place
528 thereof the following words:- division of professional licensure.

529 SECTION 105. Section 64 of said chapter 143, as amended by section 97 of chapter 133
530 of the Acts of 2016, is hereby further amended by striking out the words “secretary of public
531 safety” and inserting in place thereof the words:- secretary of housing and economic
532 development.