

HOUSE No. 3078

The Commonwealth of Massachusetts

PRESENTED BY:

David Henry Argosky LeBoeuf

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 Treasury operations.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>David Henry Argosky LeBoeuf</i>	<i>17th Worcester</i>	<i>1/19/2023</i>
<i>Deborah B. Goldberg</i>	<i>Treasurer, Office of the State Treasurer and Receiver General</i>	<i>1/23/2023</i>
<i>Lindsay N. Sabadosa</i>	<i>1st Hampshire</i>	<i>2/9/2023</i>

HOUSE No. 3078

By Representative LeBoeuf of Worcester, a petition (accompanied by bill, House, No. 3078) of David Henry Argosky LeBoeuf, Deborah B. Goldberg and Lindsay N. Sabadosa for legislation to further regulate certain operations of the Department of the State Treasurer. State Administration and Regulatory Oversight.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Third General Court
(2023-2024)**

An Act relative to Treasury operations.

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 1 of chapter 10 of the General Laws, as appearing in the 2020
2 Official Edition, is hereby amended by inserting after subsection (b) the following subsection:-

3 (c) The department of the state treasurer, as organized in this chapter, may charge for the
4 reasonable costs of providing services to any state agency, department or authority, as defined by
5 section 1 of chapter 29.

6 SECTION 2. Section 34 of chapter 29 of the General Laws, as appearing in the 2020
7 Official Edition, is hereby amended by striking out, in line 8, the figure “6” and inserting in place
8 thereof the figure:- 12

9 SECTION 3. Section 34A of chapter 90 of the General Laws, as appearing in the 2020
10 Official Edition, is hereby amended by striking out, in lines 23 through 25, the words “: or the

11 certificate of the state treasurer stating that cash or securities have been deposited with said
12 treasurer as provided in section thirty-four D”.

13 SECTION 4. Section 34D of said chapter 90 of the General Laws is hereby repealed.

14 SECTION 5. Section 24A of chapter 93 of the General Laws, as appearing in the 2020
15 Official Edition, is hereby amended by inserting after the words “sufficient bond” the following:-
16 or acceptable bond documentation

17 SECTION 6. Section 26 of said chapter 93 of the General Laws, as so appearing, is
18 hereby amended by striking out the third and fourth sentences and inserting in place thereof the
19 following sentences:- The bond shall not be accepted unless it or acceptable bond documentation
20 is made accessible to the state treasurer after having been examined and approved by the
21 commissioner of banks. Upon approval by the commissioner of banks, the said bond or
22 acceptable bond documentation shall be accessible to the state treasurer.

23 SECTION 7. Said chapter 93, as so appearing, is hereby amended by striking section 27
24 and inserting in place thereof the following new section:-

25 Section 27. The state treasurer shall keep a record open to public inspection of the
26 approved bonds or applicable bond documentation accessible to the treasurer under the preceding
27 section.

28 SECTION 8. Chapter 148 of the General Laws, as appearing in the 2020 Official
29 Edition, is hereby amended by striking sections 19 to 20B, inclusive, and inserting in place
30 thereof the following sections:-

31 Section 19. No person shall conduct blasting operations unless such person has applied
32 for and obtained a certificate of competency issued by the marshal. Any person wishing to
33 obtain said certificate shall make application on a form approved by the marshal. A fee set
34 annually by the secretary of administration and finance, pursuant to section 3B of chapter 7, shall
35 accompany said application. The fee shall cover the costs of the application and certificate if
36 issued. No portion of said fee shall be refundable. Upon receipt of said application and fee, the
37 marshal shall arrange for the applicant to be examined as to the applicant's experience and
38 ability to conduct blasting operations. If the applicant is found to be qualified, said applicant
39 shall forthwith be issued a certificate of competency. Said certificate shall be valid throughout
40 the commonwealth for a period not to exceed 24 months from the date of issue. Once issued,
41 said certificate may be renewed after its expiration and without examination, upon payment of a
42 fee as determined by the secretary of administration and finance. However, no certificate may be
43 renewed without examination and fee if said certificate has been in effect in excess of 7 years
44 from the date of original issue. The holder of a certificate of competency whose certificate is
45 lost, misplaced or stolen may obtain a duplicate certificate from the marshal upon payment of a
46 fee as determined by the secretary of administration and finance pursuant to said chapter 7.

47 Section 20. No person shall conduct any blasting operations in any city or town unless
48 said person has applied for and been issued an explosive user's certificate issued by the marshal
49 and in accordance with the rules and regulations of the board of fire prevention regulations.

50 No explosive user's certificate shall be issued without the applicant having first obtained
51 and filed with the marshal, a certificate of insurance demonstrating the issuance of a
52 comprehensive general liability insurance policy providing coverage for bodily injury and
53 property damage, with limits of no less than \$1 million per person, \$5 million per occurrence,

54 and \$5 million in the aggregate, for bodily injury, and no less than \$1 million per occurrence, and
55 \$5 million in the aggregate, for property damage for loss, damage or injury which results from
56 the blasting of rock or keeping of explosives. As a continuing condition of maintaining a valid
57 explosive user's certificate, the insurance policy shall be maintained by the holder and kept in
58 force at all times. In the event the required insurance is terminated or expires, the explosive
59 user's certificate will become void until full coverage is restored.

60 The insurance policy shall be issued by an insurance company authorized to do business
61 in the commonwealth. Each insurance policy shall provide for at least a 30 day notice by
62 certified mail to the marshal as a condition of the policy, of any material change, cancellation or
63 expiration of the policy. The insurance policy shall be in effect for a minimum of one year from
64 the date of the issuance of the explosive user's certificate. The city or town where the blasting is
65 to be done shall be named as additional insureds under the insurance policy.”.

66 SECTION 9. Said chapter 148, as so appearing, is hereby further amended by striking
67 sections 40 to 43, inclusive, and inserting in place thereof the following section:-

68 Section 40. No person shall manufacture, keep or store fireworks, in any quantity, except
69 as permitted by the board of fire prevention regulations, in any building or structure unless said
70 person has applied for and been issued a fireworks users certificate. In addition, no person shall
71 use, discharge, fire off, explode or display fireworks by himself or his agents unless said person
72 has applied for and been issued a fireworks users certificate by the marshal in accordance with
73 the rules and regulations of the board.

74 No fireworks user's certificate shall be issued without the applicant having first obtained
75 and filed with the marshal, a certificate of insurance demonstrating the issuance of a

76 comprehensive general liability insurance policy providing coverage for bodily injury and
77 property damage, with limits of no less than \$1 million per person, \$2 million per occurrence,
78 and \$2 million in the aggregate, for bodily injury, and no less than \$1 million per occurrence, and
79 \$2 million in the aggregate, for property damage for loss, damage, or injury which results from
80 the keeping, discharging, firing off, exploding or display of fireworks. As a continuing condition
81 of maintaining a valid fireworks user's certificate, the insurance policy shall be maintained by
82 the holder and kept in force at all times. In the event the required insurance is terminated or
83 expires, the fireworks user's certificate will become void until full coverage is restored.

84 The insurance policy shall be issued by an insurance company authorized to do business
85 in the commonwealth. Each insurance policy shall provide for at least a 30 day notice by
86 certified mail to the marshal as a condition of the policy, of any material change, cancellation or
87 expiration of the policy. The insurance policy shall be in effect for a minimum of one year from
88 the date of the issuance of the fireworks user's certificate.

89 For purposes of this section, the word "loss" shall include the reasonable expense of a
90 city or town incurred in the extinguishing of fires caused by the discharging, firing off,
91 exploding, displaying or keeping of fireworks."

92 SECTION 10. Section 4 of chapter 167F of the General Laws, as appearing in the 2020
93 Official Edition, is hereby amended by striking out the third sentence and inserting in place
94 thereof the following sentence:- Such person shall make, execute and, through the commissioner,
95 make accessible to the state treasurer a surety bond or acceptable surety bond documentation,
96 cash or securities, in the sum of one hundred thousand dollars.

97 SECTION 11. Section 2 of chapter 169 of the General Laws, as appearing in the 2020
98 Official Edition, is hereby amended by striking out, in lines 5 and 6, the words “execute and
99 deliver to the state treasurer a bond” and inserting in place thereof the following words:- execute
100 and, through the commissioner of banks, make accessible to the state treasurer a bond or
101 acceptable bond documentation,

102 SECTION 12. Section 3 of said chapter 169, as so appearing, is hereby amended by
103 striking out, in lines 26 through 28, the words “and the state treasurer and, upon such approval by
104 the state treasurer, it shall be filed in his office. Upon notice of such approval by the state
105 treasurer” and inserting in place thereof the following:- and, upon such approval, the bond or
106 acceptable bond documentation shall be made accessible to the state treasurer. Upon acceptance
107 of the bond by the commissioner

108 SECTION 13. Section 4 of said chapter 169, as so appearing, is hereby amended by
109 inserting, in line 2, after the words “of such bonds” the following words:- or applicable bond
110 documentation

111 SECTION 14. Notwithstanding any general or special law to the contrary, any cash or
112 securities that have been deposited with the state treasurer pursuant to said section 34D shall be
113 retained for a period of 5 years after the effective date of this act. After such 5 year period,
114 provided the state treasurer has not received actual notice of a claim pending against the
115 applicant or depositor, such cash or securities may be refunded by the state treasurer.

116 SECTION 15. Not later than 6 months after the effective date of this act, the state
117 treasurer shall, at a minimum, send written notice by mail to the address of record of all
118 depositors or applicants who have cash or securities on deposit with the state treasurer pursuant

119 to said section 34D informing the depositor or applicant of the provisions and effective date of
120 this act.