

HOUSE No. 3

The Commonwealth of Massachusetts

AUDITOR OF THE COMMONWEALTH
STATE HOUSE
BOSTON, MASSACHUSETTS 02133

The Honorable Steven James
Clerk of the House of Representatives
State House, Room 145
Boston, Massachusetts 02133

Dear Mr. James:

Pursuant to Chapter 30, section 33, MGLs, the Office of the State Auditor hereby submits the following legislation for the 2007-2008 legislative session:

- 1) AN ACT RELATIVE TO LOCAL MANDATE LAW.

This bill would update and strengthen the states local mandate law consistent with court decisions and Division of Local Mandate determinations.

Thank you for your attention to this matter.

Sincerely,

JOHN W. PARSONS,
General Counsel.

Recommendation of the Department of the State Auditor (House,
No. 3). Municipalities and Regional Government.

The Commonwealth of Massachusetts

In the Year Two Thousand and Seven.

AN ACT RELATIVE TO LOCAL MANDATES.

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 27C of Chapter 29 of the General Laws is hereby
2 amended by inserting after paragraph (c) the following:—
3 (c½) For the purposes of this section, state laws imposing any
4 direct service or cost obligation, state laws granting or increasing
5 exemptions from local taxation, and administrative rules or regu-
6 lations resulting in the imposition of additional costs shall be
7 termed “local mandates,” provided that said laws, rules, and regu-
8 lations take effect on or after January first, nineteen hundred and
9 eighty-one. Local mandates shall include but not be limited to
10 any state initiated statutory or regulatory action that:
11 (1) requires any city or town to undertake any service or cost
12 obligation, or to establish, expand or modify any existing
13 activity in such a way that results in the expenditure of
14 funds or resources or results in the diversion of funds or
15 resources from any existing activity; provided that a new
16 law containing a specific provision for local acceptance
17 shall not be deemed a local mandate. For the purposes of
18 this section, the term “existing activity” shall include any
19 program or service lawfully undertaken by any city or town
20 under the authority of any law, special law, administrative
21 rule or regulation, or city or town charter;

22 (2) amends an existing law that is effective only in cities and
23 towns that vote to accept it, provided that such amendment
24 enacted after initial local acceptance results in additional
25 costs beyond those associated with the law initially
26 accepted. Such a subsequent amendment to a local option
27 law shall not be deemed a local mandate if the subsequent
28 amendment contains a specific provision for a separate vote
29 for local acceptance.