

SENATE No. 1363

By Mr. Chase, a petition (accompanied by proposal, Senate, No. 1363) of Arthur E. Chase, Matthew J. Amorello and Paul D. Harold for a legislative amendment to the Constitution to ban the imposition of unfunded state mandates on cities and towns unless enacted by a two-thirds vote, taken by yeas and nays, of each branch of the General Court. Local Affairs.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Ninety-Two.

PROPOSAL FOR A LEGISLATIVE AMENDMENT TO THE CONSTITUTION
BANNING THE IMPOSITION OF UNFUNDED STATE MANDATES UNLESS
ENACTED BY A TWO-THIRDS VOTE, TAKEN BY YEAS AND NAYS, OF EACH
BRANCH OF THE GENERAL COURT.

1 A majority of all the members elected to the Senate and House
2 of Representatives, in joint session, hereby declares it to be
3 expedient to alter the Constitution by the adoption of the
4 following Article of Amendment, to the end that it may become
5 a part of the Constitution [if similarly agreed to in a joint session
6 of the next General Court and approved by the people at the state
7 election next following]:

8 **ARTICLE OF AMENDMENT.**

9 Art. CXVII. No law imposing any direct service or cost
10 obligation upon any city or town shall be effective in any city or
11 town unless such law is accepted by vote or by the appropriation
12 of money for such purposes, in the case of a city by a city council
13 in accordance with its charter, and in the case of a town by town
14 meeting, unless the general court, at the same session in which
15 such law is enacted, provides by general law and by appropriation,
16 for the assumption by the commonwealth of such cost, exclusive
17 of incidental local administration expenses and unless the general

18 court provides by appropriation in each successive year for such
19 assumption, or unless such law is enacted by a two-thirds vote,
20 taken by yeas and nays, of each branch of the general court.

21 No law granting or increasing exemptions from local taxation
22 shall be effective in any city or town unless such law is accepted
23 by vote, in the case of a city by a city council in accordance with
24 its charter, and in the case of a town by town meeting, unless the
25 general court, at the same session in which such law is enacted,
26 provides by General Law and by appropriation, for payment by
27 the commonwealth to each city and town of any loss of taxes
28 resulting from such exemption, or unless such law is enacted by
29 a two-thirds vote, taken by yeas and nays, of each branch of the
30 general court.

31 No administrative rule or regulation which shall result in the
32 imposition of additional costs upon any city or town shall be
33 effective until the general court has provided by general law and
34 by appropriation for the assumption by the commonwealth of
35 such cost, exclusive of incidental local administration expenses,
36 and unless the general court provides by appropriation in each
37 successive year for such assumption, or unless such law is enacted
38 by a two-thirds vote, taken by yeas and nays, of each branch of
39 the general court.