

By Mr. O'Sullivan of Worcester, petition of Raymond V. Mariano (mayor) and Kevin O'Sullivan (with the approval of the mayor and city council) relative to the operation of the local mandate law in the city of Worcester. Local Affairs. [Local Approval Received.]

**The Commonwealth of Massachusetts**

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

AN ACT RELATIVE TO THE OPERATION OF THE LOCAL MANDATE LAW IN THE CITY OF WORCESTER.

*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. Notwithstanding any general or special law to the  
2 contrary, Section 27C of Chapter 29 of the General Laws, as most  
3 recently amended by section 24 of chapter 71 of the acts of 1993  
4 (hereinafter "The Local Mandate Law"), shall apply to the City of  
5 Worcester (hereinafter "City") only as modified by this special  
6 act.

7 A. By deleting in paragraph (a) of the Local Mandate Law the  
8 words "or by the appropriation of money for such purposes,".

9 B. By inserting after paragraph (C) the following:

10 (c½) Any law, or administrative rule or regulation of the  
11 Commonwealth, its agencies, authorities and public instrumentalities,  
12 taking effect on or after January first, nineteen hundred and  
13 eighty-one, which results in any direct service cost or obligation,  
14 excluding local administration expenses, or otherwise necessitates  
15 the expenditure of funds or resources by the City shall not become  
16 effective unless the General Court makes an annual appropriation  
17 of sufficient funds to cover the cost of implementing or complying  
18 with such law or regulation. This section shall apply to any  
19 activity lawfully undertaken by the City under any law, special  
20 law, the City Charter or the Constitution of the Commonwealth.

21 C. By deleting paragraph (e) in its entirety and inserting in lieu  
22 thereof the following:—

23 (e) The City of Worcester, or any ten taxable inhabitants  
24 thereof, may petition the Superior Court for the County of  
25 Worcester for a declaration that the City is exempt from the operation of any law, administrative rule or regulation described in The  
26 Local Mandate Law or subsection B of this Act. The Superior  
27 Court shall enter such a declaration if it finds: (1) the law, administrative rule or regulation imposes any direct service cost or  
28 obligation or otherwise necessitates the expenditure of funds or  
29 resources by the City in the conduct of any activity engaged in by  
30 the City whether required by law, any special law, the City Charter  
31 or the Constitution of the Commonwealth; and, (ii) the General  
32 Court failed to make an annual appropriation sufficient to cover  
33 the costs incurred or to be incurred by the City under any such  
34 law, administrative rule or regulation. In considering whether an  
35 annual appropriation was made and whether it was sufficient, the  
36 report and determination of the amount of the deficiency by the  
37 division of local mandates under subsection (d) of The Local  
38 Mandate Law shall be prima facie evidence of such facts. Upon  
39 entry of a declaration that the City is exempt from any such law or  
40 regulation the Superior Court shall award costs and reasonable  
41 attorneys fees to the City or ten taxable inhabitants bringing the  
42 action. Upon filing of a verified complaint alleging (i) any law or  
43 regulation imposes any direct cost or obligation or necessitates the  
44 expenditure of funds or resources in the performance of authorized activities; and, (ii) that the General Court failed to make a  
45 sufficient annual appropriation to cover any such costs, the  
46 Superior Court may, after a hearing, enter an interlocutory order  
47 restraining the operation of such law in the City or regulation until  
48 final adjudication of the case.