HOUSE . . . . . No. 3991

By Mr. Moore of Uxbridge, petition of Richard T. Moore and John A. Brennan, Jr., for legislation to establish an advisory commission of local government. Local Affairs.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Eighty.

AN ACT CREATING ADVISORY COMMISSION ON LOCAL GOVERNMENT.

Be it enacted by the Senate and House of Representatives in General Court assembled and by the authority of the same, as follows:

SECTION 1. The purposes of this act are declared to be to provide a continuing means whereby the municipalities, as the principal subdivisions of the state, can be involved in the formulation and evaluation of policies and programs of state government which impact on them and can participate in timely and substantive consultation with the Governor, and Cabinet and the General Court in an appropriate forum for discussion of state and local problems and concerns.

SECTION 2. Section 62, Chapter 3, of the General Laws is hereby amended by striking out Section 62 and inserting in place thereof the following new section.

Section 62. There shall be an advisory commission on local government hereinafter referred to as the Commission. The Commission shall consist of 35 members of whom 29 shall be appointed by the Governor with the advice of the Secretary of the Executive Office of Communities and Development, who shall be an ex-officio member from among persons nominated by the Massachusetts Municipal Associations, of whom eight shall be selectmen, eight shall be mayors, eight shall be city or town managers, four shall be city or town councillors, and one shall be a town finance committee member. Three members of the Senate shall be designated annually by the President thereof, three members of the House of Representatives shall be designated annually by the Speaker thereof.

17 The members of the Commission other than those who are
18 members of the General Court shall be nominated by the Massa-
19 chusetts Municipal Associations following the annual election of
20 officers. Said members shall serve a term of one year from the date
21 of appointment, unless sooner removed by the Governor upon the
22 recommendation of the nominating organization after consulta-
23 tion with the Secretary of the Executive Office of Communities and
24 Development. When a vacancy occurs for any reason, a new
25 member representing the same office shall be appointed to fill the
26 remainder of the unexpired term.
27 An Executive Committee shall be established to formulate the
28 agenda for the full commission meetings and direct the staff
29 assigned to the Commission by the Massachusetts Municipal
30 Associations. The Executive Committee shall consist of a Mayor, a
31 Selectman, a Manager, a Councillor, and a Finance Committee
32 Member, the Secretary of the EOCD, one Senator, and one repre-
33 sentative who shall have a vote. A Chairperson of the full Commis-
34 sion who shall also be chairperson of the Executive Committee,
35 shall be elected by the Executive Committee from among its (the
36 Executive Committee) members. If the Executive Committee shall
37 divide evenly in its vote on any issue the vote shall be considered
38 negative.
39 In the event that the Massachusetts Municipal Association shall
40 cease to exist, the Commission shall name an appropriate organi-
41 zation to nominate the same number of members as the originally
42 designated organization. Members of the Commission shall serve
43 without compensation. However, they shall be reimbursed for all
44 necessary expenses, except that members of the general court shall
45 not be reimbursed for traveling expenses as members of the Com-
46 mission while the general court is in session. The Commission shall
47 consider any matter germane to municipal government and shall
48 file its recommendations, if any, from time to time, with the clerk of
49 the Senate, together with drafts of legislation necessary to carry its
50 recommendations into effect.
51 The Commission shall have the following responsibilities:
52 1. To review and analyze proposed legislation and regulatory
53 changes from the point of view of municipal government and
54 present that point of view to the Governor, the Cabinet and the
55 General Court.

2. To act as an independent advocate for the interests of local governments in their relations with state and federal governments.

3. To advise officials of the Commonwealth and Federal Government on the needs of local governments, assist in mobilizing state and federal resources to deal with problems of local governments, provide coordinating support to agencies responsible for administering federal-state-local programs, and promote legislative and administrative proposals reflecting the interests of local governments, in accordance with the procedure set forth in Section 3.

4. To establish from time to time study committees or task forces to consider issues pertaining to local government in detail and to present the results of those considerations to the Governor, the Cabinet, and the General Court.

5. To meet monthly with the Governor and at such other times as the Chairperson deems necessary.

6. To meet quarterly with the Legislative Leadership, and at such other times as may be necessary.

7. To promulgate rules and regulations governing its procedures and those of the Executive Committee.

8. To perform such other like services as the Commission shall decide upon.

Any provision herein which is in conflict with any existing statute shall be deemed to be null and voil without adversely affecting the remainder of the provisions.

SECTION 3. No agency, department, board, commission, authority, or other instrumentality of the Commonwealth, hereinafter called agencies, shall take any action without having followed the consultation procedures set forth in this section to inform and receive advice from local governments of the potential impact on local governments of the proposed action. For the purposes of this section "action" is defined as (a) the adoption, repeal or amendment of any rule or regulation subject to the Mass. Administrative Procedure Act (A.P.A.), M.G.L. Chapter 30A; (b) any administrative action that either places additional expenditure, procedural, or organizational requirements on local govern-

12 ments or limits the discretionary powers of local officials or
13 agencies on a statewide basis.
14 1. In the case of action subject to the provision of Chapter 30A at
15 least 14 calendar days prior to the initiation of compliance with
16 said Chapter 30A, agencies shall initiate the procedures set forth
17 below. In the case of actions not subject to the provisions of
18 Chapter 30A, agencies shall initiate said procedures at least 45
19 calendar days prior to the proposed implementation of the pro-
20 posed action.
21 2. Agencies shall provide the Commission and the Department
22 of Community Affairs with a brief statement describing the pro-
23 posed action which emphasizes the responsible agency officials'
24 best judgement of those elements which might impact on local
25 governments including, when feasible, preliminary cost estimates.
26 3. Within 21 calendar days of receipt of said notice, either the
27 Commission or the Department of Community Affairs shall notify
28 the originating agency as to whether or not it believes the proposed
29 action presents potential for significant impact. Failure to so notify
30 within 21 calendar days shall be deemed to constitute a judgement
31 of no significant impact.
32 4. Any such notice shall set forth the aspects of the proposed
33 action which commission or the Department of Community
34 Affairs, as the case may be, believes present potential for signifi-
35 cant impact.
36 5. Within 14 calendar days of the receipt of a notice under
37 Section 3 (3) (4) the originating agency shall convene a meeting of
38 the representatives of the agency, the commission, and the Depart-
39 ment of Community Affairs to review and discuss the potentially
40 significant impact of the proposed action.
41 6. Agencies may initiate emergency actions under relevant sec-
42 tions of the Administrative Procedure Act without prior com-
43 pliance with this section, provided that compliance shall be
44 initiated as soon as practicable following the emergency action and
45 in any event prior to making any emergency action permanent.
46 7. In determining whether the proposed action may present
47 potential for significant impact, agencies, the Commission, and the
48 Department of Community Affairs shall consider the extent to
49 which the proposed action might require municipalities:
50 (a) to expand existing services;
51 (b) to employ additional personnel;

52 (c) to significantly alter administrative and work procedures.
53 (d) to redefine organizational relations
54 (e) to increase disbursements which are not reimbursed by the
55 federal or state government;
56 (f) to limit the discretion exercised by local officials.
57 Each agency head, or a designee of the agency head, shall have
58 responsibility within that agency for reviewing proposed adminis-
59 trative policies and regulations to ensure compliance with this
60 section.