

# HOUSE . . . . No. 1793

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## The Commonwealth of Massachusetts

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HOUSE OF REPRESENTATIVES, February 1, 1935.

The committee on Municipal Finance, to whom were referred the petition (accompanied by bill, House, No. 812) of James A. Timpany, mayor, for repeal of the provision of the charter of the city of Gardner requiring publication of loan orders prior to their passage and the petition (accompanied by bill, House, No. 813) of James A. Timpany, mayor, that loan orders passed by the city council of the city of Gardner be excluded from the referendum provisions of the charter of said city, report the accompanying bill (House, No. 1793).

For the committee,

JOHN HALLIWELL.

## The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Thirty-Five.

An Act excluding Loan Orders by the City of Gardner from Certain Provisions of its Charter relating to Publication of Measures and their Subjection to Referendum.

*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 twenty-nine of chapter one  
2 hundred and nineteen of the acts of nineteen hundred  
3 and twenty-one is hereby amended by striking out,  
4 in the first line, the words "or loan order", — so as  
5 to read as follows:— *Section 29.* Every proposed  
6 ordinance, except emergency measures as hereinbefore  
7 defined, shall at least ten days before its final passage,  
8 be published in full in at least one newspaper of the  
9 city, and in any additional manner that may be pro-  
10 vided by ordinance.

11 After final passage, it shall, in the same manner as  
12 before, again be published once, as amended and  
13 completed, except in the case of an emergency ordi-  
14 nance which may be passed as hereinbefore provided  
15 and which shall take effect on its passage, and shall  
16 so be published at the earliest practicable moment.

1 SECTION 2. Section forty-eight of said chapter one  
2 hundred and nineteen is hereby amended by inserting

3 after the word "measure" in the second line the  
4 words:—, other than a loan order, — so as to read  
5 as follows:— *Section 48.* If within twenty days after  
6 the final passage of any measure, other than a loan  
7 order, by the city council or by the school committee,  
8 a petition signed by registered voters of the city, equal  
9 in number to at least twelve per cent of the total num-  
10 ber of registered voters, be presented to the city  
11 council or to the school committee, as the case may  
12 be, protesting against such measure or any part  
13 thereof taking effect, the same shall thereupon and  
14 thereby be suspended from taking effect; and the  
15 city council or the school committee, as the case  
16 may be, shall immediately reconsider such measure  
17 or part thereof; and if such measure or part thereof  
18 be not entirely annulled, repealed or rescinded, the  
19 city council shall submit the same, by the method  
20 herein provided, to a vote of the qualified voters of  
21 the city, either at the next regular city election, or  
22 at a special election which may, in its discretion, be  
23 called for the purpose, and such measure or part  
24 thereof shall forthwith become null and void unless a  
25 majority of the qualified voters voting on the same  
26 at such election shall vote in favor thereof. The  
27 petition provided for by this section shall be termed  
28 a referendum petition.

29 The procedure in respect to the referendum peti-  
30 tion shall be the same as that provided by section  
31 forty-five of this act, except that the words "meas-  
32 ure or part thereof protested against" shall for this  
33 purpose be understood to replace the word "measure"  
34 in that section wherever it may occur, and that the  
35 word "referendum" shall be understood to replace  
36 the word "initiative" in that section.

1 SECTION 3. This act shall take effect upon its  
2 acceptance by the city council of said city, with the  
3 approval of the mayor, not later than June first of  
4 the current year.