
By Mr. Brennan, a petition (accompanied by bill, Senate, No. 156) of Mark J. Winn and John A. Brennan, Jr., for legislation to provide for fiscal home rule for county government. Counties.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Seventy-nine.

AN ACT PROVIDING FOR FISCAL HOME RULE FOR COUNTY GOVERNMENT.

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 14 of Chapter 34 of the General Laws,
2 as most recently amended by Chapter 478 of the Acts of 1978,
3 is hereby amended by deleting the phrase "by the general
4 court" and substituting the phrase "by the county advisory
5 board" in line six of the first paragraph.

1 SECTION 2. Section 28 of Chapter 35 of the General Laws,
2 as most recently amended by Chapter 766 of the Acts of 1971,
3 is hereby amended by deleting the last two sentences and
4 substituting therefor the following: —

5 "The clerk of the county commissioners shall record the
6 foregoing in a book kept therefor, and, on or before January
7 thirty-first, shall send a copy thereof, attested by him and
8 signed by the chairman, to each member of the county advi-
9 sory board."

1 SECTION 3. Section 28A of Chapter 35 of the General Laws,
2 as most recently amended by section 12 of chapter 849 of the
3 Acts of 1969, is hereby amended by deleting the last two sen-
4 tences and substituting therefor, the following: —

5 "The clerk of the commissioners shall record the foregoing
6 in a book kept therefor and, on or before January thirty-first,
7 shall send a copy thereof, attested by him and signed by the
8 chairman, to each member of the county advisory board."

1 SECTION 4. Section 28B of Chapter 35 of the General Laws,
2 as most recently amended by Chapter 55 of the Acts of 1978,

3 is hereby amended by striking the first sentence of the first
4 paragraph and substituting therefor: —

5 “In every county other than Suffolk and Nantucket, there
6 shall be an advisory board to the county commissioners con-
7 sisting of the city manager in the case of a Plan D or Plan E
8 city, or the mayor of each other city, or the chairman of the
9 board of selectmen of each town, and the town manager or
10 administrator in each town which does not have selectmen,
11 constituting the county. Each city manager or mayor or
12 chairman and town manager or administrator may, by writ-
13 ing filed with the county commissioners, from time to time
14 appoint a designee to act for him on the advisory board.”

1 SECTION 5. Section 28B of said Chapter 35 is hereby fur-
2 ther amended by deleting the second paragraph and substitut-
3 ing the following: —

4 “The advisory board prior to the submission of any pro-
5 posed expenditures by the county clerk to the director of ac-
6 counts shall hold at least one public hearing to discuss the
7 proposed county budget. There shall be required a two-thirds
8 vote of the county advisory board to approve the annual
9 budget, without this vote there shall be no budget. Whenever
10 the approval of the advisory board is required for any expen-
11 diture or other action, such approval shall be deemed to have
12 been granted unless, except in the case of the annual budget,
13 within thirty days of the submission thereof, the advisory
14 board shall have communicated its disapproval to the county
15 commissioners.”

16 “No expenditure proposed by the county commissioners for
17 any purpose shall be levied as part of the county tax, if it
18 shall have been rejected by a two-thirds vote of the advisory
19 board.”

1 SECTION 6. Section twenty-nine of Chapter thirty-five of
2 the General Laws, as most recently amended by Section 15
3 of Chapter 211 of the Acts of 1978, is hereby amended by de-
4 leting the phrase “of the general court” in line one of the
5 first paragraph and substituting the phrase “of the county
6 advisory board.”

1 SECTION 7. Said Chapter 35 of the General Laws, is hereby
2 amended by striking out Section 30, as most recently amended
3 by Section one of Chapter 582 of the Acts of 1975 and insert-
4 ing in place thereof, the following section: —

5 “The amount which the county commissioners of each
6 county, except Suffolk and Nantucket, shall levy as the county
7 tax shall be as voted by a two-thirds majority of the county
8 advisory board and as computed by adding together the
9 amounts of the annual appropriation and of any new special
10 appropriation, so far as the money therefor is to be raised
11 by taxation, and deducting therefrom the probable receipts
12 from all sources, except loans, and so much of the unappro-
13 priated balance in the county treasury at the closing of the
14 treasurer’s books for the previous fiscal year as is in excess
15 of ten per cent of the tax levy for said year. Provided, how-
16 ever, that the county commissioners shall deduct the unap-
17 propriated balance from the previous fiscal year from the tax
18 voted by the county commissioners, excepting the amounts
19 disapproved by the advisory board, prior to the apportion-
20 ment and assessment of said tax among and upon the several
21 cities and towns. The county commissioners shall also levy
22 annually as a county tax a sum sufficient to meet the debt and
23 interest maturing in that year, if no other provision therefor
24 has been made.”

1 SECTION 8. Section 34 of Chapter 35 of the General Laws,
2 as most recently amended by Chapter 44 of the Acts of 1975,
3 is hereby amended by striking out the words “by the general
4 court” in the first sentence and substituting the words “by
5 the county advisory board;” and by striking the words in the
6 third sentence “by the general court; except that salary in-
7 creases in accordance with the salary schedule may be granted
8 as set forth in section fifty-one B” and substituting the words
9 “by the county advisory board.”

1 SECTION 9. Section forty-eight of Chapter thirty-five of
2 the General Laws is hereby deleted and in its place substi-
3 tuted; “The county personnel board for each separate county
4 shall consist of ten representatives elected from the county
5 advisory board by a simple majority vote of the members of

6 the advisory board. Their term of office will run concurrently
7 with the term of the advisory board members.”

1 SECTION 10. Section 30 of Chapter 36 of the General Laws,
2 is hereby amended by striking the words “by the general
3 court” in the second sentence and substituting the words
4 “county advisory board.”