

SENATE No. 1186

By Mr. Brennan, a petition (accompanied by proposal, Senate, No. 1186) of John A. Brennan, Jr., for a legislative amendment to the Constitution to require state reimbursement of the cost of laws or regulations which impose costs on cities and towns. Local Affairs.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Eighty-four.

PROPOSAL FOR A LEGISLATIVE AMENDMENT TO THE CONSTITUTION
REQUIRING STATE REIMBURSEMENT OF THE COST OF LAWS OR REGULATIONS WHICH IMPOSE COSTS ON CITIES AND TOWNS.

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

ARTICLE OF AMENDMENT.

No law or regulations imposing additional costs on two or more cities and towns shall be effective in any city or town without a clearly specified statement of the statewide policy objective or objectives that require or justify the imposition of the proposed requirements upon local government and the extent to which such policy objectives or objective cannot be achieved in the absence of such proposed requirements, and until such additional costs are reimbursed by the commonwealth in accordance with the following schedule: —

(a) Any increased costs accruing to local governments as a direct result of mandates dealing with the organization and structure of local government, due process mandates, and interlocal equity mandates, are not reimbursed by the state.

(b) At least 50% but under no circumstances more than 100% of the increase in costs of a local government directly attributable to a service mandate enacted legislatively or established administratively subsequent to the effective date of this article shall be

reimbursed by the state unless there is in existence at the time of such enactment a program of state aid for the service affected by the mandate whereunder the non-local share for any participating local share for any participating local government is 50% or greater and where the increased costs arising under the mandate constitute allowable expenditures under the aid program. Where all or part of the increased costs are met through federal or other external aid, only the net increase to the local government shall be included in the base against which the amount of state reimbursement is to be computed.

(c) 100% of the loss in revenue of a local government directly attributable to a mandated classification of exemption of property for purposes of ad valorem property taxation enacted subsequent to the effective date of this act shall be reimbursed by the state.

(d) Except for a state mandate that places a floor under retirement benefits or that affects personnel qualifications for local employees, the salaries and wages of which are partially or wholly financed under a state aid program, any personnel mandate enacted legislatively or established administratively subsequent to the effective date of this article shall be reimbursed by the state to the extent of increased costs incurred by local governments directly attributable to such mandate.

(e) All of the increased costs of a local government directly attributable to a mandate increase in public employees retirement benefits enacted subsequent to the effective date of this act and which has the effect of elevating retirement benefits of local government employees above an adequate level — to costs above a 75% take-home salary replacement shall be reimbursed by the state.

(f) Subsequent to the effective date of this article any proposal for legislation submitted by the executive branch of state government, any bill filed for introduction by a member of the General Court, and any committee print of a new or amended bill that creates or enlarges a state mandate shall bear either a proposed authorization for appropriation of an amount necessary to provide the reimbursement specified above or a disclaimer from reimbursement liability stating the specific reason for such exclusion.