



The Commonwealth of Massachusetts

AUDITOR OF THE COMMONWEALTH

STATE HOUSE, BOSTON 02133

A. JOSEPH DeNUCCI
AUDITOR

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June 26, 2007

The Honorable James E. Timilty, Chair
The Honorable Vincent A. Pedone, Chair
Joint Committee on Municipalities and Regional Government
State House – Room 134
Boston, Massachusetts 02133

Dear Chairmen Timilty and Pedone:

I am writing to record my support for HOUSE NO. 3, AN ACT RELATIVE TO THE LOCAL MANDATE LAW, General Laws Chapter 29, section 27C. This bill seeks to clarify the scope of municipal protection from unfunded state mandates by further defining the term "local mandate." Under House 3, local mandates would include new state laws and regulations that increase the cost of local government activities undertaken pursuant to the lawful authority of state law, regulation, or local charter, whether or not the activity is strictly required by state law. The bill would also provide that the Local Mandate Law would apply to a costly amendment to a local option law, when the amendment is enacted after the initial local vote to accept the original law.

As you know, many traditional local governmental functions are authorized, but not required by state law. Municipalities may undertake these types of activities under a general grant of authority that need not be ratified by local acceptance of a specific state law. Examples of such voluntary functions include maintenance of the public water supply and solid waste management. Court interpretations have indicated that the current text might limit application of the Local Mandate Law to state actions that increase the cost of activities that are explicitly required by state law, like, for example, operating public schools and conducting state elections. Consistent with the purposes and original intent of Proposition 2 ½, this bill would clarify that the Local Mandate Law applies to all fields of local activity, not just those strictly required by state law.

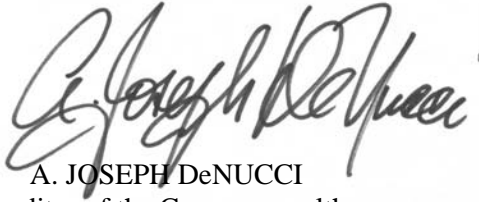
The authority to conduct a number of other municipal activities is realized only by vote of the local legislative authority to accept specific provisions of state law, as in providing certain property tax breaks for senior citizens and Quinn Bill benefits. Under the Local Mandate Law, the Commonwealth is clearly not obligated to fund this type of voluntary activity, because it is undertaken by affirmative vote of community, with full knowledge that they are assuming financial obligations. Again, consistent with the purposes of Proposition 2 ½, House 3 would clarify that any state amendment to such a local option

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law enacted subsequent to the initial local acceptance would require an additional local acceptance vote to take on any increased financial obligation.

I believe that House 3 would clarify the scope of municipal protection from unfunded state mandates in a way that supports the fiscal stability of the communities of our state. I am grateful for the past support this Committee has shown for similar proposals I have filed, and respectfully request that you recommend that House 3 ought to pass.

Sincerely,

A handwritten signature in black ink, reading "A. Joseph DeNucci". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

A. JOSEPH DeNUCCI
Auditor of the Commonwealth