

**SENATE . . . . . No. 1747**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

***Kathleen O'Connor Ives***

*To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:*

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act relative to municipal impact statements.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
<i>Kathleen O'Connor Ives</i>	<i>First Essex</i>	
<i>Leonard Mirra</i>	<i>2nd Essex</i>	<i>1/31/2017</i>
<i>Bradley H. Jones, Jr.</i>	<i>20th Middlesex</i>	<i>1/31/2017</i>
<i>Adam G. Hinds</i>	<i>Berkshire, Hampshire, Franklin and Hampden</i>	<i>2/2/2017</i>
<i>Donald F. Humason, Jr.</i>	<i>Second Hampden and Hampshire</i>	<i>2/2/2017</i>
<i>Thomas M. Stanley</i>	<i>9th Middlesex</i>	<i>2/2/2017</i>
<i>Shaunna L. O'Connell</i>	<i>3rd Bristol</i>	<i>2/3/2017</i>
<i>Eric P. Lesser</i>	<i>First Hampden and Hampshire</i>	<i>2/3/2017</i>
<i>Anne M. Gobi</i>	<i>Worcester, Hampden, Hampshire and Middlesex</i>	<i>2/3/2017</i>

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By Ms. O'Connor Ives, a petition (accompanied by bill, Senate, No. 1747) of Kathleen O'Connor Ives, Leonard Mirra, Bradley H. Jones, Jr., Adam G. Hinds and other members of the General Court for legislation relative to municipal impact statements. State Administration and Regulatory Oversight.

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**The Commonwealth of Massachusetts**

**In the One Hundred and Ninetieth General Court  
(2017-2018)**

An Act relative to municipal impact statements.

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

1 Chapter 30A of the General Laws is hereby amended by inserting after section 2 the  
2 following section:-Section 2A. (a) As used in this section, the following words shall have the  
3 following meanings unless the context requires otherwise:

4 "Action", (i) the adoption, repeal or amendment of any rule or regulation subject to  
5 chapter 30A of the General Laws; or (ii) any administrative action that either places additional  
6 expenditure, procedural or organizational requirements on local governments or limits the  
7 discretionary powers of local officials or agencies on a statewide basis.

8 "Local government advisory committee", the commission established by section 62 of  
9 chapter 3.

10 "Significant financial impact," requires municipalities to expand existing services,  
11 employ additional personnel, or increase local expenditures.

12 (b) In the case of action subject to the procedures of chapter 30A, at least 14 calendar  
13 days prior to the initiation of compliance, an agency shall initiate the procedures set forth in this  
14 section. In the case of actions not subject to the procedures of chapter 30A, an agency shall  
15 initiate said procedures at least 45 calendar days prior to the proposed implementation of said  
16 action.

17 An agency shall provide the local government advisory committee, the division of local  
18 mandates and the department of housing and community development with a brief statement  
19 describing the proposed action, which emphasizes the agency's best judgment of those elements  
20 which might affect local governments including, when feasible, preliminary cost estimates.

21 Within 21 calendar days of receipt of said statement, the local government advisory  
22 committee, the division of local mandates or the department of housing and community  
23 development, in cooperation, shall notify the originating agency as to whether or not it believes  
24 the proposed action presents potential for significant impact. Failure to notify the agency within  
25 21 calendar days shall be deemed to constitute a judgment of no significant impact; provided,  
26 however, that the local government advisory committee, the division of local mandates or the  
27 department of housing and community development, with written consent from the originating  
28 agency, may agree to extend the review period up to 10 calendar days.

29 Any such notice shall set forth the aspects of the proposed action which the local  
30 government advisory committee, the division of local mandates or the department of housing and  
31 community development, as the case may be, believes present potential for significant impact.

32 Within 14 calendar days of the receipt of a notice under this section, the originating  
33 agency shall convene a meeting of representatives of the agency, the local government advisory

34 committee, the division of local mandates and the department of housing and community  
35 development to review and discuss the potentially significant impact of the proposed action.

36 (c) To determine whether the proposed action may present potential for significant  
37 impact, agencies, the local government advisory committee, the division of local mandates and  
38 the department of housing and community development, in cooperation, shall consider the extent  
39 to which the proposed action might require municipalities to: (i) significantly expand existing  
40 services; (ii) employ additional personnel; (iii) significantly alter administrative and work  
41 procedures; (iv) realign organizational structures; (v) increase disbursements which are not  
42 reimbursed by the federal or state government; or (vi) limit the discretion exercised by local  
43 officials.

44 Each agency head, or a designee of the agency head, shall have responsibility within that  
45 agency for reviewing proposed administrative policies and regulations to ensure compliance with  
46 this section.

47 (d) An agency may initiate emergency actions under relevant sections of chapter 30A  
48 without prior compliance with this order; provided, however, that compliance shall be initiated  
49 as soon as practicable following the emergency action and before any emergency action becomes  
50 permanent.