HOUSE DOCKET, NO. 2848 FILED ON: 1/21/2011

HOUSE . . . . . No. 2002

The Commonwealth of Massachusetts

PRESENTED BY:

Anne M. Gobi

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 to assist municipal and district ratepayers.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Anne M. Gobi	*5th Worcester*
James J. O'Day	*14th Worcester*
Geraldo Alicea	*6th Worcester*
James Arciero	*2nd Middlesex*
John V. Fernandes	*10th Worcester*
Thomas A. Golden, Jr.	*16th Middlesex*
Kevin J. Kuros	*8th Worcester*
George N. Peterson, Jr.	*9th Worcester*
Todd M. Smola	*1st Hampden*

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HOUSE . . . . . No. 2002

By Ms. Gobi of Spencer, a petition (accompanied by bill, House, No. 2002) of Anne M. Gobi and others relative to the costs imposed upon the municipal and district ratepayers due to public drinking water, wastewater and stormwater systems capital upgrades. Environment, Natural Resources and Agriculture.

The Commonwealth of Massachusetts

In the Year Two Thousand Eleven

An Act to assist municipal and district ratepayers.

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

Whereas, public drinking water, wastewater and stormwater systems are in need of major capital upgrades in order to continue to protect public health, safety and the environment; and

Whereas, the costs for these infrastructure upgrades are significant and increasing each year; and

Whereas, local ratepayers must pay for most of these upgrades as the Federal and State governments have reduced their level of funding assistance to cities, towns and districts; and

Whereas, many of the costs for water infrastructure improvements are due to regulatory demands by Federal and State environmental agencies; and

Whereas, Federal and State regulatory demands on cities, towns and districts do not consider compliance costs or assess the value of the benefits derived; and

11 Whereas, it is in the public interest to spend local funds wisely and to insure the
12 maximum benefits are derived for each dollar expended.

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

15 Notwithstanding the provisions of section 27C of chapter 29 of the General Laws as most
16 recently amended by section 24 of chapter 71 of the Acts of 1993, or any other general or special
17 law to the contrary, any proposal initiated by the Executive Office of Energy and Environmental
18 Affairs and its agencies (collectively EOEEA) in the form of a rule, regulation or so-called
19 guidance document or policy resulting in the imposition of additional cost to a city or town shall
20 be termed a "local mandate". Local mandates shall include but not be limited to any EOEEA
21 initiated rule, regulation or so-called guidance document or policy that: (1.) requires any city or
22 town to undertake any service or direct or indirect cost obligation, or to establish, expand or
23 modify any existing activity in such a way that results in the expenditure of funds or resources,
24 or results in the diversion of funds or resources from any existing activity. For the purposes of
25 this section, the term "existing activity" shall include any program or service lawfully undertaken
26 by any city or town under the authority of any law, special law, administrative rule or regulation
27 or city or town charter, or; (2.) relieves the state or a county from providing a service or program
28 so that any city or town instead incurs the direct or indirect cost of such service or program.

29 Section 2. No proposal initiated by the EOEEA in the form of a rule or regulation, or any
30 so-called guidance document or policy, shall become effective until a regulatory impact
31 statement has been completed, made public during the hearing process described in chapter 30A
32 of the General Laws and filed with the secretary of state. The regulatory impact statement shall:

33 (a) identify the problem, issue or deficiency addressed by the proposal; (b) identify the
34 methodology or approach, including identification of expert information and analysis used to
35 address the problem, issue or deficiency; (c) identify stakeholders who will be affected and to
36 what extent by the proposal; (d) identify when such proposal will become effective, when such
37 proposal will be changed, if known, and how and when the proposal will be reviewed in the
38 future, if at all; (e) identify and describe the immediate and long term financial impacts of the
39 proposal on all stakeholders, including the agency or entity issuing the proposal, any affected
40 private party or entity, the state, the cities and towns, and the general public. Such financial
41 impact statement shall consider administrative costs, permitting costs, enforcement costs, capital
42 costs, internal compliance costs, and indirect costs, if any; (f) identify the fiscal effect on the
43 public and private sectors for the first and second year of the proposal's existence, and provide a
44 projection of fiscal impact over the first five years of the proposal's existence or, in the case of
45 proposals affecting permits issued by EOEEA, the term of the permit; and (g) identify and
46 describe, specifically, the benefits of the proposal including, where possible, the financial value
47 of these benefits. The secretary of administration and finance shall adopt regulations to further
48 define and implement the use of regulatory impact statements in said executive offices' and
49 agency's rulemaking.

50 Section 3. The EOEEA shall maintain a notification list of stakeholders in their proposals
51 and who may request preliminary notification of such proposals, such request renewed annually
52 by persons or groups in December. No later than thirty days prior to the notice of hearing
53 described above the agency shall send a preliminary notification of the proposal to each
54 stakeholder who has requested preliminary notification of the proposal and to the Joint
55 Legislative Committee on Natural Resources, the Joint Legislative Committee on Local Affairs,

56 the House and Senate Committees on Ways & Means, the Office of the State Auditor and the
57 Massachusetts Municipal Association.

58 The preliminary notification of the proposal shall (a) identify the proposal to be noticed
59 for hearing and the scope of the proposal, (b) provide the statutory authority for such proposal,
60 and (c) identify the person within said executive office or agency responsible for the proposal
61 and who can be contacted for more information.

62 Section 4. No proposal initiated by the EOEEA in the form of a rule, regulation, so-called
63 guidance document or policy shall become effective until said executive office and agency have
64 complied with the provisions of Massachusetts Administrative Procedures Act established under
65 the provisions of Chapter 30A of the General Laws. Any entity claiming to be aggrieved by lack
66 of compliance with said chapter by said executive office or agency shall be permitted to file a
67 petition for relief with the superior court.