MASSACHUSETTS INFORMATION FOR VOTERS - 1980

Michael Joseph Connolly,
Secretary of the Commonwealth

VOTE NOVEMBER 4
Question 1
FULL TEXT OF AMENDMENT

Proposal for a Legislative Amendment to the Constitution prohibiting discrimination against handicapped persons.

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

ART. No otherwise qualified handicapped individual shall, solely by reason of his handicap, be excluded from the participation in, denied the benefits of, or be subject to discrimination under any program or activity within the commonwealth.

Question 2
FULL TEXT OF LAW

An Act limiting state and local taxation and expenditures.

Be it enacted by the People, and by their authority:

SECTION 1. Chapter 59 of the General Laws is hereby amended by inserting after Section 21B the following new section:

Section 21C. (1) The total taxes assessed under any provision of this chapter by the commonwealth or by any city, town, county, district, authority or other governmental entity upon real estate and personal property as defined in this chapter shall not, in any fiscal year, exceed two and one-half percent of the full and fair cash valuation thereof unless, at a biennial general election or at a general election called by the general court for the first Tuesday after the first Monday in November in any year in which a biennial general election is not held, not less than two-thirds of the persons voting on the question shall vote “Yes” to the following question:

Shall the present [two and one-half percent or such other percent as shall then be in effect pursuant to this Section] limit on the assessment of real estate and personal property taxes with respect to this city or town be increased to ________ percent for the fiscal year ________?

YES □ NO □

(2) Notwithstanding the provisions of sub-section (1), if in any city or town the total taxes assessed upon real estate and personal property as defined in this chapter shall exceed two and one-half percent of the full and fair cash valuation thereof on the effective date of the enactment of this section, the total taxes so assessed shall be reduced annually by not more than ________ percent of the total for each successive fiscal year until the total taxes so assessed shall not exceed the said two and one-half percent.

(3) Notwithstanding the provisions of sub-section (1), if in any city or town the total taxes assessed upon real estate and personal property as defined in this chapter in the fiscal year 1979 were less than two and one-half percent of the full and fair cash valuation thereof in such fiscal year, that lesser percentage shall be the maximum percentage of full and fair cash valuation at which such total taxes may be assessed under section one and if between the fiscal year 1979 and the effective date of the enactment of this section the total taxes so assessed shall have increased above the said lesser percentage, the total taxes so assessed shall be reduced annually by not less than fifteen percent of such total for each successive fiscal year until the total taxes so assessed shall not exceed the said lesser percentage.

(4) Notwithstanding the provisions of sections (1), (2) and (3), the total taxes assessed by the commonwealth or by any city, town, county, district, authority or other governmental entity upon real estate and personal property as defined in this chapter shall not, in any fiscal year, with respect to any city or town, exceed the total taxes so assessed in the preceding fiscal year by more than two and one-half percent unless, at a biennial general election or at a general election which shall be called by the general court for the first Tuesday after the first Monday in November in any year in which a biennial general election is held, not less than two-thirds of the persons voting on the question shall vote “Yes” to the following question:

Shall the total taxes assessed upon real estate and personal property with respect to this city (or town) in the fiscal year ________ be increased by ________ percent of the total taxes so assessed in the preceding fiscal year rather than by the present two and one-half percent limit on such increase?

YES □ NO □

(5) If the legislative body of any city or town shall so vote, or if the people by local initiative procedure shall so require, there shall appear on the ballot for such city or town at a biennial general election or at an election which shall be called for the first Tuesday after the first Monday in November in a year in which a biennial election is not held, the following question:

Shall the present [two and one-half percent or such other percent as shall then be in effect pursuant to this Section] limit on the assessment of real estate and personal property taxes with respect to this city or town be increased to ________ percent for the fiscal year ________?

YES □ NO □
section have been paid in full by the commonwealth in the preceding year and, if not, the amount of any deficiency in such payments. The division shall make public its determination within sixty days after such notice.

(e) Any city or town, or any ten taxable inhabitants of any city or town may in a class action suit petition the superior court alleging that under the provisions of subsections (a), (b) and (c) of this section with respect to any general or special law or rule or regulation of any administrative agency of the commonwealth under which any city or town is required to expend funds in anticipation of reimbursement by the commonwealth, the amount necessary for such reimbursement has not been included in the general or any special appropriation bill for any year. Any city or town, or any ten taxable inhabitants of any city or town may in a class action suit petition the superior court alleging that under the provisions of subsections (a), (b) and (c) of this section with respect to any general or special law or rule or regulation of any administrative agency of the commonwealth which imposes additional costs on any city or town or which grants or increases exemptions from local taxation, the amount necessary to reimburse such city or town has not been included in the general or any special appropriation bill for any year. The determination of the amount of deficiency provided by the division of local mandates under subsection (d) of this section shall be prima facie evidence of the amount necessary. The superior court shall determine the amount of the deficiency, if any, and shall order that the said city or town be exempt from such general or special law, or rule or regulation of any administrative agency until the commonwealth shall reimburse such city or town the amount of said deficiency or additional costs or shall repeal such exemption from local taxation.

(f) Any of the parties permitted to submit written notice to the division of local mandates under subsection (d) of this section may submit written notice to the division requesting that the division determine the total annual financial effect for a period of not less than three years of any proposed law or rule or regulation of any administrative agency of the commonwealth. The division shall make public its determination within sixty days of such notice. The provisions of this section shall not apply to cities and towns or exemptions to local taxation resulting from a decision of any court of competent jurisdiction, or to any law, rule or regulation enacted or promulgated as a direct result of such a decision.

SECTION 3. Chapter 11 of the General Laws is hereby amended by striking out section 6 and inserting in place thereof the following section:

Section 6. The state auditor may appoint and remove such employees as the work of the department may require. Said employees shall be organized in five divisions, namely, the division of state audits, the division of authority audits, the division of federal audits, the division of contract audits and the division of local mandates. The state auditor shall establish the salaries, duties and personnel regulations of all officers and employees within the department of the state auditor; provided, however, that the salaries of said officers and employees shall not exceed the sum annually appropriated therefor by the general court. The provisions of sections nine A and forty-five of chapter thirty, chapter thirty-one and chapter one hundred and fifty E shall not apply to officers and employees within the department of the state auditor.

SECTION 4. Chapter 11 of the General Laws is hereby amended by inserting after section 6A the following new section:

Section 7. The division of local mandates, as provided for in section six of this chapter, shall have the responsibility of determining to the best of its ability and in a timely manner the estimated and actual financial effects of each city and town under laws, and rules and regulations of administrative agencies of the Commonwealth either proposed or in effect, as required under section twenty-seven C of chapter twenty-nine of the general laws.

The division shall have the power to require the chief officer of any appropriate administrative agency of the commonwealth to supply in a timely manner any information determined by the division to be necessary in the determination of local financial effects under said section twenty-seven C. The chief officer shall convey the requested information to the division with a signed statement to the effect that the information is accurate and complete to the best of his ability.

The division, when requested under the provisions of subsections (d) and (f) of said section twenty-seven C, shall update its determination of financial effects based on either actual cost figures or improved estimates or both.

SECTION 5. Chapter 4 of the General Laws in hereby amended by inserting after section 4A the following section:

Section 4B. At any time after the expiration of three years from the date on which any optional provision of the General Laws has been accepted in any city or town, whether by official ballot, by bylaw, by ordinance or by vote of the legislative body of the city or town, or by vote of the board of selectmen or school committee of a town, the revocation of such acceptance of any optional provision of the General Laws may be effected in the same manner as was the original vote to accept the said provisions, but such revocation shall be subject to the following restrictions:

(a) This section shall not apply if the optional provision contains, within itself, another manner of revocation.

(b) This section shall not apply to any optional provision which authorizes, but does not require, the city or town to act.

(c) This section shall not apply to any action taken under chapter thirty-two or thirty-two D of the General Laws.

(d) This section shall not apply to any action taken to extend a regional district, authority or other entity which involves another city, town, district or other governmental entity.

(e) This section shall not affect any contractual or civil service rights which have come into existence between the city or town and any officer or employee thereof as a result of the original acceptance of any optional provision of the General Laws, provided, however, such revocation shall apply to the successor to the incumbent officer or employee.

(f) If a petition signed by five percent or more of the registered voters of a city or town is filed in the office of the city or town clerk within sixty days following a vote other than a vote taken by voters on an official ballot to revoke the acceptance of any optional provision of the General Laws, requesting that the revoking of such acceptance be submitted to a question to the voters of such city or town, the vote to revoke shall be suspended from taking effect until such question is determined by vote of the registered voters voting thereon at the next regular city or town election, or if the city council or board of selectmen or other authority charged with calling elections shall so direct, at a special election called for that purpose. Petitions filed requesting the placement of the question or revocation on the ballot for determination by the voters shall be substantially in conformity with the provisions of the law governing the signing of nomination papers for city or town officers, as to the identification and certification of names thereon, and submission to the registrars thereof. A brief summary of the relevant section or sections of the General Laws shall also appear on the official ballot. If such revocation is favored by a majority of the voters voting thereon, the acceptance of said optional law shall be revoked and it shall become null and void beginning with the first day of the month next following said vote of revocation. The question to be placed on a ballot shall be essentially as follows:

Shall the acceptance by [City, Town] of section(s) of chapter _______ of the General Laws be revoked? YES ☐ NO ☐

If, on the sixty-first day following the date a vote has been taken to revoke the acceptance of an optional provision of the General Laws, and no petition as aforesaid has been filed, the vote to revoke shall become effective forthwith.

SECTION 6. Chapter 71 of the general laws is hereby amended by striking out in Section 16B, as most recently amended by chapter 823 of the Acts of 1977, the last two sentences.

SECTION 7. Chapter 71 of the General Laws is hereby amended by striking out
Section 34, as most recently amended by Chapter 194 of the Acts of 1979, and inserting in place thereof the following:

Section 34. Every city and town shall annually provide an amount of money sufficient for the support of the public schools as required by this chapter, provided however, that no city or town shall be required to provide more money for the support of the public schools than is appropriated by vote of the legislative body of the city or town.

SECTION 8. Section 23C of Chapter 59 of the General Laws is hereby amended by striking out in the third paragraph the words “any penalty required to be raised under the provisions of Section 34 of Chapter 71.”

SECTION 9. Section 1 of Chapter 60A of the General Laws, as most recently amended by Section 87 of Chapter 514 of the Acts of 1979, is hereby further amended by striking out in the first sentence the words “except that no rate fixed hereunder shall be in excess of six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six­six-