

MASSACHUSETTS INFORMATION FOR VOTERS • 1980



**Michael Joseph Connolly,
Secretary of the Commonwealth**

VOTE

VOTE NOVEMBER 4

Full text of laws

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 a 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 less than fifteen percent of such 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 a 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 total taxes assessed on 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 decreased to _____ percent for the fiscal year _____?

YES NO

If a majority of the persons voting on the question shall vote "Yes" the limit on total taxes assessed as set forth in sub-section (1) shall be decreased to the percentage so voted for that fiscal year.

SECTION 2. Chapter 29 of the General Laws is hereby amended by inserting after section 27B the following new section:

Section 27C. Notwithstanding any provision of any special or general law to the contrary:

(a) Any law imposing any direct service or cost obligation upon any city or town shall be effective in any city or town only if such law is accepted by vote or by the appropriation of money for such purposes, in the case of a city by the city council in accordance with its charter, and in the case of a town by a town meeting, unless the general court, at the same session in which such law is enacted, provides, by general law and by appropriation, for the assumption by the commonwealth of such cost, exclusive of incidental local administration expenses and unless the general court provides by appropriation in each successive year for such assumption.

(b) Any law granting or increasing exemptions from local taxation shall be effective in any city or town only if the general court, at the same session in which such law is enacted, provides by general law and by appropriation for payment by the commonwealth to each city and town of any loss of taxes resulting from such exemption.

(c) Any administrative rule or regulation which shall result in the imposition of additional costs upon any city or town shall not be effective until the general court has provided by general law and by appropriation for the assumption by the commonwealth of such cost, exclusive of incidental local administration expenses, and unless the general court provides by appropriation in each successive year for such assumption.

(d) Any city or town, any committee of the general court, and either house of the general court by a majority vote of its members, may submit written notice to the division of local mandates, established under section six of chapter eleven of the general laws, requesting that the division determine whether the costs imposed by the commonwealth by any law, rule or regulation subject to the provisions of this



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 a 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 any costs 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 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 on each city and town of 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 is 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-twoB of the General Laws.

(d) This section shall not apply to any action taken to establish 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 as a question to the voters of such city or town, said 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 "and 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 1978, is hereby further amended by striking out in the first sentence the words "except that no rate fixed hereunder shall be in excess of sixty-six dollars per thousand of valuation" and inserting in place thereof the following:—except that no rate fixed hereunder shall be in excess of twenty-five dollars per thousand of valuation as determined by the valuation formula in effect in the year nineteen hundred and seventy-nine.

SECTION 10. Section 4 of Chapter 1078 of the Acts of 1973, as most recently amended by Chapter 154 of the Acts of 1979, is hereby repealed.

SECTION 11. Section 3 of Chapter 72 of the General Laws, as most recently amended by Chapter 599 of the Acts of 1977, is hereby further amended by adding after Part B (8) the following new subparagraph:

(9) In the case of an individual who rents his principal place of residence in the Commonwealth, an amount equal to fifty percent of such rent.

SECTION 12. Chapter 59 of the General Laws is hereby amended by adding after section 20 the following section:

Section 20A. No county, district, public authority or other governmental entity authorized by law to assess costs, charges or fees upon cities or towns may increase the total of such costs, charges or fees with respect to any city or town in any fiscal year by more than four percent over the total of such costs, charges or fees for such city or town for the preceding fiscal year. No city, town, county, district, public authority or other governmental entity shall make any charge or impose any fee for goods provided or services rendered in excess of the cost of furnishing such goods or providing such services.

SECTION 13. The provisions of this act are severable, and if any of its provisions

or an application thereof shall be held unconstitutional by any court of competent jurisdiction, the decision of such court shall not affect or impair any of the remaining provisions or other applications thereof.

~~Question 3~~ ~~FULL TEXT OF LAW~~

~~An Act to provide state and local property tax relief for the citizens of the Commonwealth by imposing state and local tax limits and by establishing a policy to increase the Commonwealth's share of local education costs.~~

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

SECTION 1. Whereas the total taxes borne by the people of the commonwealth, and in particular the property taxes imposed by many cities and towns for the cost of both municipal services and the operation of the public schools, have become burdensome, and whereas it is necessary to impose reasonable tax limitations on state and local governments in order to effectuate an increase in local aid, provide local tax relief as well as limit the tax levies of the commonwealth, it is declared and enacted as the will of the people to limit the share of personal income consumed by state and local taxes, to equalize educational opportunity in the public schools, to reduce the reliance upon the local property tax in financing public schools, and to promote the equalization of the burden of the cost of school support to the respective cities, towns, regional school districts, and independent vocational schools, and it is further declared and enacted as the will of the people that:

(a) the commonwealth, subject to whatever appropriation the general court might make, gradually increase its share of the current operating costs of local public schools to fifty percent (50%), according to the provisions contained in this act; and,

(b) there shall be limits imposed on state and local taxes, as hereinafter provided, during the three fiscal years beginning July first, nineteen hundred and eighty-four to ensure that any increase in such taxes shall not exceed the increase in the personal income of the citizens of the commonwealth.

SECTION 2. Chapter 70 of the General Laws, as most recently amended by Section 70C of Chapter 367 of the Acts of 1978, is hereby further amended by adding the following new paragraphs to Section 1 of said chapter:

It is hereby declared to be the policy of the commonwealth that, in order to decrease the cost of public education now borne through the property tax, the commonwealth's share of the current

operating costs of local public schools, subject to whatever appropriation the general court might make, shall be forty percent (40%) during the 1982 fiscal year, forty-five percent (45%) during the 1983 fiscal year, fifty percent (50%) during the 1984 fiscal year and fifty percent (50%) in all succeeding fiscal years. The commissioner of education shall annually, commencing on December thirtieth, nineteen hundred and eighty-one and in all succeeding fiscal years, certify to the commissioner of administration the actual state share of the current operating costs of local public schools during the preceding fiscal year, the estimated state share during the current fiscal year, and the estimated amounts required during the following fiscal year to achieve the state shares set forth above. For the purposes of this chapter, "current operating costs of local public schools" shall be defined as the sum of "total expenditures for all pupils enrolled in all programs in a city, town, regional school district, or independent vocational school" in the commonwealth as set forth in Section 2 of this chapter. The school aid due under this chapter to any city, town, regional school district or independent vocational school during the fiscal year ending June thirtieth, nineteen hundred and eighty-two and in every fiscal year thereafter, subject to whatever appropriation the general court might make, shall not be less than one hundred and fifteen percent of school aid due under this chapter during the fiscal year ending June thirtieth, nineteen hundred and eighty, as said school aid was effected by the provisions of the second and third paragraphs of Section 18A of Chapter 58 of the General Laws and by the provisions of any regulations promulgated under the provisions of Chapter 70.

The Commissioner of Education may, by regulation, under the direction of the State Board of Education, further define the amounts of school aid due or deemed to have been due each city, town, regional school district and independent vocational school from the commonwealth under this chapter during the fiscal year ending June thirtieth, nineteen hundred and eighty. Said regulations may include the amounts of school aid due or deemed to have been due any regional school district established, reorganized or terminated after the fiscal year ending June thirtieth, nineteen hundred and seventy-eight.

SECTION 3. No taxes shall be imposed by the commonwealth in any of the three consecutive fiscal years beginning July first, nineteen hundred and eighty-one, which as estimated by the advisory board on revenue resources, will exceed the state tax limit imposed hereunder. The state tax limit, in any fiscal year, shall be an amount equal to total state taxes actually collected or estimated by said board to be collected in the preceding fiscal year, increased by the percentage increase in the personal income of all residents of the commonwealth during the preceding calendar year as determined or estimated

