

1/28/15 BOS mtg.

# MMA Legislative Package



Thanks to the nearly two dozen members of the Legislature who signed up to be primary sponsors, the MMA filed 20 bills for the 2015-2016 legislative session that began on Jan. 7. Other members of the House and Senate have until Jan. 30 to sign on as co-sponsors.

The MMA legislative package was developed and recommended by the MMA's five policy committees and approved by the MMA Board of Directors last November. The MMA bills represent just a small portion of the hundreds of bills affecting local government that were filed by the Jan. 16 deadline. MMA policy committees and staff will be evaluating all these bills and working with other stakeholders to improve legislation affecting cities and towns.

The following are the MMA's proposed bills. They are listed by policy committee and include the House and Senate docket numbers (HD and SD) and the primary sponsor. Not all bills were filed in both branches. The docket numbers will change as the bills are referred to committees by the House and Senate clerks and given bill numbers.

## Fiscal Policy Committee

### **Streamlining municipal finance**

HD 1437, Rep. Stephen Kulik

SD 884, Sen. Kenneth Donnelly

The MMA bill includes three changes to rules governing the practice of municipal finance. It would streamline the process for authorizing refunding bonds in cities to provide the ability to respond quickly when interest rates are low in order to reduce interest costs, would eliminate the requirement that refunding bonds match the dates of the original issue, and would allow the scheduling of principal payments any time in the same fiscal year without a penalty on the maturity schedule. This bill would eliminate the annual approval requirement for revolving funds and replace it with a one-time authorization by the local appropriating authority that would be revisited only to change the dollar limit or revoke the authorization, and would increase the cap on expenditures from revolving funds by individual municipal departments from an amount not more than 1 percent of the local property tax levy to an amount not more than 5 percent of the levy. This bill would reinstate the simple majority vote rule for municipal appropriations into any stabilization fund and eliminate the super-majority requirement for adding to the municipal "rainy day" fund.

### **Payments in lieu of taxation by organizations exempt from the property tax**

HD 1441, Rep. Stephen Kulik

SD 268, Sen. Will Brownsberger

The MMA bill would allow cities and towns, upon local acceptance, to require certain tax-exempt charitable organizations to make payments in lieu of taxation (PILOT) to host cities and towns equal to 25 percent of what they would pay if the property were not exempt. The bill would require cities and towns to adopt bylaws or ordinances to provide for agreements between the municipality and organizations that may provide for exemptions from payment, consideration of community benefits as payment, and administration of payments.

### **Marketing information included with municipal tax bills and other communications**

HD 2293, Rep. Shawn Dooley

The MMA bill would expand the authority of cities and towns to include nonpolitical advertisements approved by the board of selectmen or mayor along with local tax bills and other communications to residents and taxpayers as a way to raise new non-tax revenues.

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Policy Committee on Energy and the Environment

### **Procurement for the design, construction, financing and operation of wastewater and water treatment facilities**

HD 1438, Rep. John Fernandes

SD 1227, Sen. Bruce Tarr

The MMA bill would allow cities and towns, at local option, to issue a request for proposals, in compliance with the Uniform Procurement Act, for the design, construction, financing and operation services of wastewater, and water treatment facilities.

### **Assisting municipal and district ratepayers**

SD 500, Sen. Michael Moore

The MMA bill would establish a better mechanism through which costs, benefits and financial impacts of proposed environmental rules and regulations must be identified and described before they take effect.

### **Sustainable water resource funds**

HD 2568, Rep. Carolyn Dykema

SD 1106, Sen. Jamie Eldridge

The MMA bill would clarify and strengthen the authority of cities and towns to establish water, stormwater, and wastewater utility fees in order to protect municipal public health and meet state and federal environmental requirements.

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Policy Committee on Municipal and Regional Administration

### **Designer selection thresholds**

HD 1434, Rep. Stephen Kulik

The MMA bill would increase the designer selection thresholds from \$10,000 to \$50,000 (based on the fee) and from \$100,000 to \$500,000 (based on project cost).

### **Open meeting law exemption for public bodies at town meeting**

HD 1341, Rep. Peter Kocot

The MMA bill would clarify that members of public bodies have the right to deliberate at town meeting on town meeting matters without violating the open meeting law.

### **Municipal control of liquor licenses**

HD 2780, Rep. Denise Provost

SD 1071, Sen. Jamie Eldridge

The MMA bill would give a municipality's legislative body the authority annually to set the number of liquor licenses available. The licensing board or other local body responsible for issuing licenses would still control the award of such licenses.

### **Special commission to study veterans' benefits**

HD 1435, Rep. Stephen Kulik

The MMA bill would create a special commission to study the entire scope of benefits offered to veterans under Chapter 115 of the General Laws, including which benefits are offered, how they are administered, and the role of local veterans' service officers. This special commission would be charged with creating recommendations to ensure an effective and efficient system for both veterans and municipalities.

### **Payment of veterans' benefits**

HD 1436, Rep. Stephen Kulik

The MMA bill would keep the administration of veterans' benefits with the local or district veterans' service officer, but would shift the payment of those benefits fully to the Commonwealth. The local veterans' service officer would continue to be responsible for determining each veteran's need for benefits and then would issue a payment request to the Commonwealth.

### **Marketing prioritized development sites**

HD 2163, Rep. Antonio Cabral

SD 646, Sen. Jason Lewis

The MMA bill would require the Massachusetts Office of Business Development to create and maintain, either independently or through a partnership with an external entity, a statewide searchable database of developable land and vacant sites, with listings submitted at no cost by local officials. This database would create a more comprehensive online marketing portal than currently exists for all locally prioritized sites across the state, giving each city and town the equal opportunity to submit prioritized development sites for inclusion.

*All about the developer who don't want this.*

### **Promoting local economic development**

HD 1377, Rep. Chris Walsh

SD 642, Sen. Jason Lewis

The MMA bill would create a program to provide funding or other opportunities, such as technical assistance, to municipalities or regions that maximize opportunities for economic development planning and growth by meeting a series of criteria. These criteria would include a self-assessment of economic potential and the identification of unique strengths and assets. This bill would borrow the conceptual structure of the Green Communities program, which provides funding opportunities for municipalities that reduce and improve the use of energy, and would be administered through the Executive Office of Housing and Economic Development.

### **Local impacts of enacted legislation**

HD 1527, Rep. James Cantwell

SD 1009, Sen. Anne Gobi

The MMA bill would require the governor, upon signing legislation, to attach a fiscal note specifying the local impacts of the legislation.

### **Open meeting law**

HD 3531, Rep. Peter Kocot

The MMA bill would clarify a number of sections of the open meeting law that are problematic for cities and towns. The bill would add additional important uses for executive session, clarify how informal search committees and advisory groups operate under the open meeting law, and ensure that public bodies are exempt from the law at town meeting.

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Policy Committee on Personnel and Labor Relations

**State Retiree Benefits Trust Fund**

HD 1819, Rep. Alice Peisch

The MMA bill would add a municipal seat to the State Retiree Benefits Trust Fund Board to best serve the interests of municipalities investing local Other Post-Employment Benefits (OPEB) funds in the SRBTF.

**Civil Service**

HD 1439, Rep. Stephen Kulik

The MMA bill would allow for the revocation of the civil service statute at local option without approval by the Legislature. *PRO+CONS of Antiquated Civil Service List System, which was to discourage patronage positions. Very complex issue - affects the Police Dept.*

**Municipal unemployment insurance reforms**

SD 126, Sen. Cynthia Creem

The MMA bill would extend "reasonable assurance" to employees who work on behalf of the school system but are paid through the municipal budget to ensure that employees cannot collect unemployment insurance benefits when school is not in session. This bill would also address the issue of a retiree collecting both unemployment benefits and a pension from the same public or private employer by reducing unemployment benefits by an amount equal to 65 percent of the retiree's weekly pension.

*Important*

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Policy Committee on Public Works, Transportation and Public Utilities

**Allowing the director of Labor and Workforce Development to set the prevailing wage**

HD 2853, Rep. Leonard Mirra

The MMA bill would amend the statute governing how prevailing wage rates are set by requiring the director of the Department of Labor and Workforce Development to determine a prevailing wage rate after taking into consideration rates paid through collective bargaining contracts. ?

**Double poles**

HD 1432, Rep. Stephen Kulik

The MMA bill would establish the authority of cities and towns to enforce the provisions of Section 34B of Chapter 164 to require utility companies to remove "double poles" within 90 days or be subject to a fine of not more than \$1,000 per occurrence.