

The Local Affairs Committee has attempted to reduce the number of bills given a hearing before the Committee, and yet, preserve the right of free petition. Due to the special nature of the Local Affairs Committee, we believe that it is the best Committee to try this pilot project.

The Committee will begin a legislative sifting process.

Petitions before the Committee relating to a single city or town, must have had prior approval of the Mayor and Council of a city, and/or the vote of a town meeting before they can properly be before the legislature for consideration. This is due to the recent heralded Home Rule amendment to the Constitution.

Petitions not having the Home Rule approval will be automatically referred to the Committee on Joint Rules. This will not harm or hinder any individual or community, because after the Constitutional change approved by the voters, the rules of the legislature were liberalized to allow any matter that is approved by the governing body of a city or town may be admitted before the legislature at any time during the year if the legislature is in session.

Under the normal rules of the past, a petition submitted to the legislature after the final filing date of the first Wednesday of December could only be admitted by suspension of the legislative rules which required a 4/5ths vote.

The second category that will be considered to eliminate a hearing will be those petitions that had been before the Committee in the previous session and had been given a favorable recommendation but for one reason or another became bogged down in the legislative process. If the Committee finds in its preliminary study of the petition that there is little indication that circumstances or the merit of the proposal has not changed, the petition will again be given a favorable recommendation by the Committee without a hearing.

The third category the Committee will consider will be those petitions that had also been before the Committee in the previous session but had been given an unfavorable report. Again, if it appears to the Committee that little has changed in the evidence, the petition will again be given an unfavorable recommendation by the Committee.

The Committee strongly endorses the retention of the historic privilege that all petitions, regardless of whatever disposition is given them by the Committee, shall as always be presented on the regular calendar of business in session before the House of Representatives or the Senate.

This continued practice will provide an avenue and safeguard as always, that any petition may be considered or debated by the entire legislative body, either to its favorable passage; rejection; or recommitment.

The fourth category are petitions that have the Home Rule approval by the governing body of a city or town but are of such a routine nature that a letter of explanation by the community would be sufficient for a favorable recommendation by the Committee.

This would have the affect, for example, of giving approval to a community in the far western part of the State who has voted to petition the legislature for an act to validate the votes of their town meeting in which some simple error was made in the advertising of the notice of the date of the town meeting.

Instead of three selectmen, the town counsel, and anyone else having to travel 150 miles to Boston for a hearing, an intelligent letter of information would suffice.

The Committee and its staff could request additional information if it was needed.

The fifth category would be matters that upon initial consideration and discussion by the Committee members and staff, there is the overwhelming consensus that a hearing would serve no valid purpose, and that a judgement by the majority for either a favorable or unfavorable report is indicated.

The sixth and final category would be those petitions that would be given a full public and unlimited hearing. These would include such matters as major proposals for changes or laws: Highly controversial or contested matters; Matters on which a clear consensus of Committee members and staff is not indicated.

Legislative leaders are aware that the pilot project is not without its pitfalls not will it proceed without some criticism both from within the legislature and some citizens.

Care must be taken to maintain objectivity and fairness, but since all matters finally appear before the entire membership in the legislative chambers, at some point, this will always be assured.

One thing is certain. Now or at some time in the near future as the number of petitions continue to increase the process of Free Petition and Hearing, must be abandoned -- or modified.

We believe modification best serves the interests of the people and good government.

Any citizen within 10 days of the Committee's decision may present to the Committee a petition of letter stating a reason against the decision and requesting a public hearing.

Category #1

Petitions without Home Rule provision:

Dear (Petitioners):

It is necessary for the Committee on Local Affairs to refer the petition that you have filed to the Committee on Joint Rules, because it does not have the voted approval of the local governing authority, the mayor and council, or the vote of a town meeting.

This is due to the long sought Home Rule Amendment to the State Constitution that was approved by the voters in 1966.

We wish to emphasize, however, that your petition may again be considered at any time that the legislature is in session as long as it is accompanied with a statement of the city or town clerk that local approval has been voted.

Respectfully,

Chairman
Committee on Local Affairs

Category #2

Petitions heard in previous sessions by the Committee that had been given FAVORABLE but had not completed the legislative process:

Dear (Petitioners):

Your petition to _____ will be given a favorable recommendation by the Committee on Local Affairs since the merit of the matter seems unchanged since the previous hearing before this Committee.

We trust that this is satisfactory to you. Should you desire to add any new information, please submit it in writing to the Committee on Local Affairs, State House, Boston.

Respectfully,

Chairman
Committee on Local Affairs

Category #3

Petitions previously before the Committee that had been given an UNFAVORABLE report:

Dear (Petitioners):

The Committee on Local Affairs has taken your petition to _____ under study and consideration since we had previously heard testimony on this or a similar matter.

If you should have any new evidence that you feel would affect the Committee's previous unfavorable recommendation, we would welcome such information in writing before _____.(date)

Should such information be considered to be of sufficient magnitude, the Committee will conduct a public hearing. Otherwise our study of the matter indicates that our recommendation to the legislature will be that the measure ought not to pass.

Respectfully,

Chairman
Committee on Local Affairs

Category #4

Petitions of a routine nature that a letter of explanation would suffice:

Dear (Petitioners):

The Committee on Local Affairs would appreciate a letter of presentation in support of your petition to _____.

Should there be no unforeseen obstacle, it is expected that the Committee will give a favorable recommendation to your petition.

It is not evident at this time that a hearing requiring your presence is necessary.

At this time, there is no indication that a public hearing is necessary.

Respectfully,

Chairman
Committee on Local Affairs

Category #5

Petitions that upon initial study by Committee and staff - overwhelming consensus that a hearing is not needed. Could be FAVORABLE or UNFAVORABLE:

Dear (Petitioners):

The Committee on Local Affairs and its staff has studied the petition that you had filed (or signed).

It is our determination that a favorable recommendation will be referred to the legislature. unfavorable

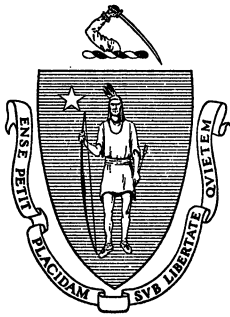
Respectfully,

Chairman
Committee on Local Affairs

Category #6

Petitions that would receive public hearings:

(Regular card notice that is used now).



The Commonwealth of Massachusetts

House of Representatives

State House, Boston

To all City and Town Clerks:

Enclosed is information relative to the process of hearings before the Committee on Local Affairs with the 1972 Legislative Session.

The Committee would greatly appreciate your notifying other officials, boards and departments in your community.

A handwritten signature in cursive script that reads "Donald R. Gaudette".

DONALD R. GAUDETTE
Chairman
Committee on Local Affairs

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Communication from Donald R. Gaudette,
Chairman of the Committee on Local Affairs
State House, Boston enclosing information
relative to the process of hearings before
the Committee on Local Affairs with the
1972 Legislative Session

January 10, 1972

Placed on File