



STATE AUDITOR'S OFFICE
DIVISION OF LOCAL MANDATES

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THE Community Connection

John Finnegan, Auditor of the Commonwealth

Vol. 3, No. 4

LEGISLATION UPDATE

The following bills are being monitored by DLM. If you'd like further information, please call or write Leonard Degnan at our Boston office.

H-5246 Increasing Unemployment Dependent Allowances

DLM believes that this legislation may violate the anti-mandate law. It would increase dependent allowances for the unemployed from \$6 to \$25. The bill does not allow for local option or for any municipal exemption. It has passed through the House and is now in Senate Ways and Means.

H-863 Dispute Resolution

This bill would impose binding arbitration upon executives in any municipality. DLM is reviewing the anti-mandate implications, as it is clear that the bill could impose significant financial burdens on cities and towns. Status: currently in the House Committee on Public Service.

H-5663, 5666 School Bus Safety

The bill would require installment of certain safety equipment, such as seat belts, in school buses. Though the legislation provides for state funding, DLM questions the distribution procedure. Status: was released favorably by the Committee on Public Safety.

H-3509 Handicapped Access Funding

If passed, the bill would provide funding for implementation of the federal Handicapped Accessibility Law. Auditor Finnegan has urged the Legislature to act favorably on the bill. Of specific importance to all municipal clerks. Status: currently in House Ways and Means.

CITIES AND TOWNS TO RECEIVE CENSUS FUNDS

State Auditor John Finnegan has announced the figures for state reimbursements to 283 cities and towns for the costs of implementing the Race and Primary Language Law (Chapter 165 of the Acts of 1985). The reimbursements total more than \$620,000 of the \$890,000 appropriated by the Legislature.

"These reimbursements mark the end of a strenuous effort on our part to see that the law was funded by the state. We successfully argued for this compensation in June, and it is rewarding to know that our cities and towns will again avert the costs of an unfunded state mandate," said Finnegan.

The actual costs were determined by DLM after review of each community's claim form. Under the law, these figures are submitted to the secretary of state who will direct the state treasurer to issue the checks.

As of October 23, DLM had not received the cost data from 68 cities and towns. Upon receipt of the data and certification by DLM, these communities will also receive compensation.

\$4.7 MILLION FOR 15-MINUTE CELL CHECKS

Auditor Finnegan reported to the Legislature's Special Commission to Investigate Suicide in Municipal Detention Centers that the annual statewide costs for implementation of the controversial 15-minute cell check requirement contained in the Suicide Prevention Law will be approximately \$4.72 million.

The figure was compiled by DLM after analyzing the arrest records of more than 150 Massachusetts cities and towns. Of those surveyed, 95 percent indicated that they would incur significant additional personnel costs.

"This important legislation will help put an end to these senseless tragedies," said Finnegan. "It is my hope that the DLM survey will assist the Legislature in its effort to get this new program operating across the state as quickly as possible."

Finnegan recommended that the legislation be amended to include funding for the increase in staffing that will be necessary to fulfill the 15-minute check requirement. "The sooner the Legislature authorizes the funding, the sooner our police departments will be able to address this tragic problem with the necessary resources," stated Finnegan.

AUDITOR ISSUES FOURTH LANDFILL DECISION

The latest ruling is for the Town of Buxford. As with the previous determinations for Norfolk, Greenfield and Hull, Finnegan found that the Department of Environmental Quality's (DEQE) regulation requiring the installation of an impervious clay liner and leachate collection system at the town's landfill was a new, post-Proposition 2 1/2 regulation. Under the law, the state is obligated to fund any such new law or regulation.

"It is important that this determination be understood in the context of Proposition 2 1/2. We are committed to protecting our water supplies and to ensuring a cleaner environment. However, the state cannot put excessive financial burdens on municipal budgets that are already strapped. These major new programs demand and require state funding," said Finnegan.

The Buxford landfill expansion project has yet to go beyond the planning and design stage. Therefore, the present sum owed Buxford by the state is \$3,906. Finnegan's determination, however, means that as Buxford progresses on its five-year program, the state will be responsible for approximately \$147,000 of the \$327,000 total project costs.

LEGISLATURE TO RECEIVE FIRST SUNSET REPORT

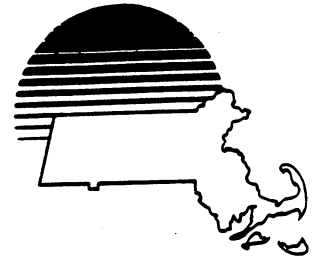
The Division of Local Mandates is preparing to release its first report to the Legislature under the Sunset Review Program. The program is designed to relieve local administrations of costly and burdensome responsibilities imposed by the state. As required by the provisions of Chapter 126 of the Acts of 1984, the division will analyze a number of state laws and regulations that impose significant financial impact on local governments. The report will include recommendations as to whether these programs should

be continued, modified or eliminated.

Under the direction of the program's new supervisor, David Gilmartin, staff members have surveyed municipal officials across the state to determine which issues are of greatest concern at the local level. The data has given the division a better idea of how the Sunset program can meet the needs of our cities and towns.

It is essential to the success of the program that the division's report be a reflection of community concerns.

We rely heavily on the input and advice of local administrators across the Commonwealth. Anyone who wishes to play a part is encouraged to contact DLM.

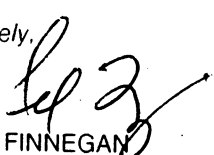


From the Auditor

While DLM's main task is to determine the effects of state mandates, we also believe we have a duty to assist you in whatever way we can as you strive to provide the best possible services for your community under often difficult financial situations. Therefore, we'd like your suggestions on types of management and technical assistance that you'd like to see us provide.

Please give your DLM field representative a call -- one of our jobs is to help you do yours.

Sincerely,


JOHN FINNEGAN
Auditor of the Commonwealth

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In City Council,

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Placed on File