HOUSE DOCKET, NO. FILED ON: 1/14/2009

**HOUSE . . . . . . . . . . . . . . No.**

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The Commonwealth of Massachusetts

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PRESENTED BY:

**Martin J. Walsh**

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*To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General
 Court assembled:*

 The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

An Act to Fulfill the Promise of Home Rule .

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

PETITION OF:

|  |  |
| --- | --- |
| Name: | District/Address: |
| Martin J. Walsh | 13th Suffolk |

The Commonwealth of Massachusetts

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**In the Year Two Thousand and Nine**

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An Act to Fulfill the Promise of Home Rule .

 *Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

Chapter 40 of the General Laws, as appearing in the 2006 Official Edition, shall hereby be amended by inserting the following new section 1C:-

Chapter 40. Section 1C. Boston, home rule powers.

SECTION 1.  PURPOSES

To fulfill the promise of the Massachusetts Constitution's grant of home rule, this special act ensures that the city of Boston may exercise powers of local self government that are as strong as those of any municipality in the nation.

SECTION 2.  CITY POWERS

Notwithstanding Section 6 and Section 7 of the Home Rule Amendment, the city of Boston may, by the adoption, amendment, or repeal of local ordinances exercise any power and perform any function pertaining to its government and affairs including, but not limited to, the power to regulate for the protection of the public health, safety, morals and welfare; to license; to tax; and to incur debt.

    (a) The city of Boston does not have the power to define and provide for the punishment of a felony.

    (b)  The General Court by a law approved by the vote of three-fifths of the members elected to each house may deny or limit the power to tax and any other power or function of the city of Boston not exercised or performed by the State other than a power or function specified in subsection (e) of this section.

    (c)  The General Court may provide specifically by law for the exclusive exercise by the State of any power or function of the city of Boston other than a taxing power or a power or function specified in subsection (e) of this Section.

    (d)  The city of Boston may exercise and perform concurrently with the State any power or function to the extent that the General Court by law does not specifically limit the concurrent exercise or specifically declare the State's exercise to be exclusive.

    (e)  The General Court may not deny or limit the power of the city of Boston (1) to make local improvements by special assessment and to exercise this power jointly with other municipalities having that power on the effective date of this act unless that power is subsequently denied by law to any such other units of local government or (2) to levy or impose additional taxes upon areas within their boundaries in the manner provided by law for the provision of special services to those areas and for the payment of debt incurred in order to provide those special services.

    (f)  Powers and functions of the city of Boston shall be construed liberally.  Nothing in this Act shall be construed to deny the City of Boston any powers and functions it may exercise pursuant to any other provision of law, including the Home Rule Amendment.

SECTION 3. INTERGOVERNMENTAL COOPERATION

    (a)  The city of Boston and its school district may contract or otherwise associate among themselves, with the State, with other states and their units of local government and school districts, and with the United States to obtain or share services and to exercise, combine, or transfer any power or function, in any manner not prohibited by law or by ordinance. Units of local government and school districts may contract and otherwise associate with individuals, associations, and corporations in any manner not prohibited by law or by ordinance. Participating units of government may use their credit, revenues, and other resources to pay costs and to service debt related to intergovernmental activities and they may structure them in any manner practicable to them notwithstanding any other provision of law specifically governing interlocal agreements.

    (b)  Officers and employees of units of local government and school districts may participate in intergovernmental activities authorized by their units of government without relinquishing their offices or positions.

    (c)  The State shall encourage intergovernmental cooperation and use its technical and financial resources to assist intergovernmental activities.