

HOUSE No.

The Commonwealth of Massachusetts

PRESENTED BY:

Martin J. Walsh

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:

Martin J. Walsh

DISTRICT/ADDRESS:

13th Suffolk

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

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:

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

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

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6 SECTION 1. PURPOSES

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

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12 SECTION 2. CITY POWERS

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

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

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

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

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

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

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

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39 SECTION 3. INTERGOVERNMENTAL COOPERATION

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

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

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

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