

**SENATE . . . . . No. 586**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

***Michael O. Moore***

*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 adoption of the accompanying bill:

An Act to assist municipal and district ratepayers.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
<i>Michael O. Moore</i>	<i>Second Worcester</i>	
<i>Hannah Kane</i>	<i>11th Worcester</i>	<i>3/3/2021</i>
<i>Michael D. Brady</i>	<i>Second Plymouth and Bristol</i>	<i>3/8/2021</i>
<i>Joan B. Lovely</i>	<i>Second Essex</i>	<i>3/8/2021</i>
<i>John C. Velis</i>	<i>Second Hampden and Hampshire</i>	<i>3/8/2021</i>

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By Mr. Moore, a petition (accompanied by bill, Senate, No. 586) of Michael O. Moore, Hannah Kane, Michael D. Brady, Joan B. Lovely and others for legislation relative to the costs imposed upon the municipal and district ratepayers due to public drinking water, wastewater and stormwater systems capital upgrades. Environment, Natural Resources and Agriculture.

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[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE SENATE, NO. 506 OF 2019-2020.]

**The Commonwealth of Massachusetts**

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**In the One Hundred and Ninety-Second General Court  
(2021-2022)**  
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An Act to assist municipal and district ratepayers.

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

1           SECTION 1. Whereas, public drinking water, wastewater and stormwater systems are in  
2 need of major capital upgrades in order to continue to protect public health, safety and the  
3 environment; and

4           Whereas, the costs for these infrastructure upgrades are significant and increasing each  
5 year; and

6           Whereas, local ratepayers must pay for most of these upgrades as the Federal and State  
7 governments have reduced their level of funding assistance to cities, towns and districts; and

8           Whereas, many of the costs for water infrastructure improvements are due to regulatory  
9 demands by Federal and State environmental agencies; and

10           Whereas, Federal and State regulatory demands on cities, towns and districts do not  
11 consider compliance costs or assess the value of the benefits derived; and

12           Whereas, it is in the public interest to spend local funds wisely and to insure the  
13 maximum benefits are derived for each dollar expended.

14           Notwithstanding the provisions of section 27C of chapter 29 of the General Laws, as  
15 most recently amended by section 24 of chapter 71 of the acts of 1993, or any other general or  
16 special law to the contrary, any proposal initiated by the executive office of energy and  
17 environmental affairs and its agencies in the form of a rule, regulation or so-called guidance  
18 document or policy resulting in the imposition of additional cost to a city or town shall be termed  
19 a “local mandate”. Local mandates shall include but not be limited to any executive office of  
20 energy and environmental affairs initiated rule, regulation or so-called guidance document or  
21 policy that: (1.) requires any city or town to undertake any service or direct or indirect cost  
22 obligation, or to establish, expand or modify any existing activity in such a way that results in the  
23 expenditure of funds or resources, or results in the diversion of funds or resources from any  
24 existing activity. For the purposes of this section, the term “existing activity” shall include any  
25 program or service lawfully undertaken by any city or town under the authority of any law,  
26 special law, administrative rule or regulation or city or town charter, or; (2.) relieves the state or  
27 a county from providing a service or program so that any city or town instead incurs the direct or  
28 indirect cost of such service or program.

29           SECTION 2. No proposal initiated by the executive office of energy and environmental  
30   affairs in the form of a rule or regulation, or any so-called guidance document or policy, shall  
31   become effective until a regulatory impact statement has been completed, made public during the  
32   hearing process described in chapter 30A of the General Laws and filed with the secretary of  
33   state. The regulatory impact statement shall: (a) identify the problem, issue or deficiency  
34   addressed by the proposal; (b) identify the methodology or approach, including identification of  
35   expert information and analysis used to address the problem, issue or deficiency; (c) identify  
36   stakeholders who will be affected and to what extent by the proposal; (d) identify when such  
37   proposal will become effective, when such proposal will be changed, if known, and how and  
38   when the proposal will be reviewed in the future, if at all; (e) identify and describe the immediate  
39   and long term financial impacts of the proposal on all stakeholders, including the agency or  
40   entity issuing the proposal, any affected private party or entity, the state, the cities and towns,  
41   and the general public. Such financial impact statement shall consider administrative costs,  
42   permitting costs, enforcement costs, capital costs, internal compliance costs, and indirect costs, if  
43   any; (f) identify the fiscal effect on the public and private sectors for the first and second year of  
44   the proposal's existence, and provide a projection of fiscal impact over the first five years of the  
45   proposal's existence or, in the case of proposals affecting permits issued by the executive office  
46   of energy and environmental affairs, the term of the permit; and (g) identify and describe,  
47   specifically, the benefits of the proposal including, where possible, the financial value of these  
48   benefits. The secretary of administration and finance shall adopt regulations to further define and  
49   implement the use of regulatory impact statements in said executive offices' and agency's  
50   rulemaking.

51 SECTION 3. The executive office of energy and environmental affairs shall maintain a  
52 notification list of stakeholders in their proposals and who may request preliminary notification  
53 of such proposals, such request renewed annually by persons or groups in December. No later  
54 than thirty days prior to the notice of hearing described above the agency shall send a  
55 preliminary notification of the proposal to each stakeholder who has requested preliminary  
56 notification of the proposal and to the Joint Legislative Committee on Natural Resources, the  
57 Joint Legislative Committee on Local Affairs, the House and Senate Committees on Ways &  
58 Means, the Office of the State Auditor and the Massachusetts Municipal Association.

59 The preliminary notification of the proposal shall (a) identify the proposal to be noticed  
60 for hearing and the scope of the proposal, (b) provide the statutory authority for such proposal,  
61 and (c) identify the person within said executive office or agency responsible for the proposal  
62 and who can be contacted for more information.

63 SECTION 4. No proposal initiated by the executive office of energy and environmental  
64 affairs in the form of a rule, regulation, so-called guidance document or policy shall become  
65 effective until said executive office and agency have complied with the provisions of  
66 Massachusetts Administrative Procedures Act established under the provisions of Chapter 30A  
67 of the General Laws. Any entity claiming to be aggrieved by lack of compliance with said  
68 chapter by said executive office or agency shall be permitted to file a petition for relief with the  
69 superior court.