

LEGISLATIVE Bulletin

To: All School Committee Members and Superintendents
From: Stephen J. Finnegan Esq., MASC General Counsel
Re: An Act to Modernize Municipal Finance and Government, Legislative Alert
Date: December 17, 2015

GOVERNOR BAKER HAS FILED MUNICIPAL FINANCE REFORM LEGISLATION

On December 7, 2015 Governor Baker filed HD 4338, An Act to Modernize Municipal Finance and Government. This Act is intended to provide greater flexibility to local government, in part, by removing some of the limitations on stabilization and revolving funds, increasing municipal procurement thresholds and revising certain debt statutes. The Governor and Lt. Governor are to be congratulated for undertaking this process.

This legislation is comprehensive and lengthy and the summary alone is 16 pages. As I work my way through the proposed bill further updates as necessary will follow; however, initially I am concerned about changes contained in Section 173 that amends the regional school transportation statute (G.L.c. 71, S. 16C).

Longstanding law states that the “regional school district shall be obliged to provide transportation for all school children in grades kindergarten through twelve and the commonwealth shall reimburse such district to the full extent of the amounts expended for such transportation.” Section 173 proposes to add the phrase “subject to appropriation” to the end of the above quoted sentence.

The Governor’s position is that this addition to the law clarifies the requirement that all appropriations are subject to appropriation. We are painfully aware that the state appropriations to regional school transportation are subject to the

budget process, and have rarely been fully funded. Nonetheless, this proposed change to the statute is very counterproductive to the rationale put forward by the public school constituency to argue for full funding as stated in the statute. The full funding statutory language reflects promises made to school districts that played a significant part in decisions to regionalize and for the towns to approve such regionalization. The “subject to appropriation” proposed addition to the statute renders the arguments for increased funding much less effective, and does not give due deference to the original reason for its inclusion in the statute.

It is not anticipated that this legislation will be at the committee hearing stage until at least mid-January.

MASC requests that you contact your legislators and request that they oppose the provisions of Section 173 of HD 4338. With the exception of Section 173 it is likely that after a full review of the bill MASC will support the vast majority of items relating to school committees and we will keep you informed of pertinent developments related thereto. Of course, during these communications I’m sure you will call to mind the old adage that more is gained with honey than with vinegar. We suggest that you take action on this matter as soon as possible.

You can access the bill through <https://malegislature.gov/Bills/189/House/HD4338> or the MASC website at www.masc.org.