MASSACHUSETTS INFORMATION FOR VOTERS · 1980

Michael Joseph Connolly,
Secretary of the Commonwealth

VOTE NOVEMBER 4
Question 1
FULL TEXT OF AMENDMENT
Proposal for a Legislative Amendment to the Constitution prohibiting discrimination against handicapped persons.
A majority of all the members elected to the Senate and House of Representatives, in joint session, hereby declares it to be expedient to alter the Constitution by the adoption of the following Article of Amendment, to the end that it may become a part of the Constitution if similarly agreed to in a joint session of the next General Court and approved by the people at the state election next following:

ARTICLE OF AMENDMENT
ART. ... No otherwise qualified handicapped individual shall, solely by reason of his handicap, be excluded from the participation in, denied the benefits of, or be subject to discrimination under any program or activity within the Commonwealth.

Question 2
FULL TEXT OF LAW
An Act limiting state and local taxation and expenditures.
Be it enacted by the People, and by their authority:

SECTION 1. Chapter 59 of the General Laws is hereby amended by inserting after Section 21B the following new section:

Section 21C. (1) The total taxes assessed under any provision of this chapter by the Commonwealth or by any city, town, county, district, authority or other governmental entity upon real estate and personal property as defined in this chapter shall not, in any fiscal year, exceed two and one-half percent of the full and fair cash valuation thereof unless, at a biennial general election or at a general election called by the general court for the first Tuesday in the first Monday in November in a year in which a biennial general election is not held, not less than two-thirds of the persons voting on the question shall vote "Yes" to the following question:

Shall the present [two and one-half percent or such other percent as shall then be in effect pursuant to this Section] limit on the assessment of real estate and personal property taxes with respect to this city or town be increased to____ percent for the fiscal year______?  YES □  NO □

(2) Notwithstanding the provisions of sub-section (1), if in any city or town the total taxes assessed upon real estate and personal property as defined in this chapter shall exceed two and one-half percent of the full and fair cash valuation thereof on the effective date of the enactment of this section, the total taxes so assessed shall be reduced annually by not less than fifteen percent of such total for each successive fiscal year until the total taxes so assessed shall not exceed the said two and one-half percent.

(3) Notwithstanding the provisions of sub-section (1), if in any city or town the total taxes assessed upon real estate and personal property as defined in this chapter in the fiscal year 1979 were less than two and one-half percent of the full and fair cash valuation thereof such fiscal year, that lesser percentage shall be the maximum percentage of full and fair cash valuation at which such total taxes may be assessed under section one and if between the fiscal year 1979 and the effective date of the enactment of this section the total taxes so assessed shall have increased above the said lesser percentage, the total taxes so assessed shall be reduced annually by not less than fifteen percent of such total for each successive fiscal year until the total taxes so assessed shall not exceed the said lesser percentage.

(4) Notwithstanding the provisions of sections (1), (2) and (3), the total taxes assessed by the Commonwealth or by any city, town, county, district, authority or other governmental entity upon real estate and personal property as defined in this chapter shall not, in any fiscal year, exceed the total taxes so assessed in the preceding fiscal year by more than two and one-half percent unless, at a biennial general election or at a general election which shall be called by the general court for the first Tuesday after the first Monday in November in a year in which a biennial general election is not held, not less than two-thirds of the persons voting on the question shall vote "Yes" to the following question:

Shall the total taxes assessed upon real estate and personal property with respect to this city or town in the fiscal year______ be increased by______ percent of the total taxes so assessed in the preceding fiscal year rather than by the present two and one-half percent limit on such increase? YES □  NO □

(5) If the legislative body of any city or town shall so vote, or if the people by local initiative procedure shall so require, there shall appear on the ballot for such city or town at a biennial general election or at an election which shall be called for the first Tuesday after the first Monday in November in a year in which a biennial election is not held, the following question:

Shall the present [two and one-half percent or such other percent as shall then be in effect pursuant to this Section] limit on the assessment of real estate and personal property taxes with respect to this city or town be increased to____ percent for the fiscal year______?  YES □  NO □
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Section 34, as most recently amended by Chapter 194 of the Acts of 1979, and inserting in place thereof the following:

Section 34. Every city and town shall annually provide an amount of money sufficient for the support of the public schools as required by this chapter, provided however, that no city or town shall be required to provide more money for the support of the public schools than is appropriated by vote of the legislative body of the city or town.

SECTION 8. Section 23C of Chapter 59 of the General Laws is hereby amended by striking out in the third paragraph the words “and any penalty required to be raised under the provisions of Section 34 of Chapter 71.”

SECTION 9. Section 1 of Chapter 60A of the General Laws, as most recently amended by Section 87 of Chapter 514 of the Acts of 1979, is hereby further amended by striking out in the first sentence the words “except that no rate fixed hereunder shall be in excess of sixty-six dollars per thousand of valuation” and inserting in place thereof the following: except that no rate fixed hereunder shall be in excess of twenty-five dollars per thousand of valuation as determined by the valuation formula in effect in the year nineteen hundred and seventy-nine.

SECTION 10. Section 4 of Chapter 1078 of the Acts of 1973, as most recently amended by Chapter 154 of the Acts of 1979, is hereby repealed.

SECTION 11. Section 3 of Chapter 72 of the General Laws, as most recently amended by Chapter 599 of the Acts of 1977, is hereby further amended by adding after Part B (8) the following new sub-paragraph:

(8) In the case of an individual who rents his principal place of residence in the Commonwealth, an amount equal to fifty percent of such rent.

SECTION 12. Chapter 59 of the General Laws is hereby amended by adding after section 20 the following section:

Section 20A. No county, district, public authority or other governmental entity authorized by law to assess costs, charges or fees upon cities or towns may increase the total of such costs, charges or fees with respect to any city or town in any fiscal year by more than four percent over the total of such costs, charges or fees for such city or town for the preceding fiscal year. No city, town, county, district, public authority or other governmental entity shall make any charge or impose any fee which, in the aggregate, is provided or services rendered in excess of the cost of furnishing such goods or providing such services.

SECTION 13. The provisions of this act are severable, and if any of its provisions or an application thereof shall be held unconstitutional by any court of competent jurisdiction, the decision of such court shall not affect or impair any of the remaining provisions or other applications thereof.

Question 3

FULL TEXT OF LAW

An Act to provide state and local property tax relief for the citizens of the Commonwealth by imposing state and local tax limits and by establishing a policy to increase the Commonwealth’s share of local education costs.

Be it enacted by the People, and by their authority:

SECTION 1. Whereas the total taxes borne by the people of the commonwealth, and in particular the property taxes imposed by many cities and towns for the cost of both municipal services and the operation of the public schools, have become burdensome, and whereas it is necessary to impose reasonable tax limitations on state and local governments in order to effectuate an increase in local aid, provide local tax relief as well as limit the tax levies of the commonwealth, it is declared and enacted as the will of the people to limit the share of personal income consumed by state and local taxes, to equalize educational opportunity in the public schools, to reduce the reliance upon the local property tax in financing public schools, and to promote the equalization of the burden of the cost of school support to the respective cities, towns, regional school districts, and independent vocational schools, and it is further declared and enacted as the will of the people that:

(a) the commonwealth, subject to whatever appropriation the general court might make, gradually increase its share of the current operating costs of local public schools to fifty percent (50%), according to the provisions contained in this act; and,

(b) there shall be limits imposed on state and local taxes, as hereinafter provided, during the three fiscal years beginning July first, nineteen hundred and eighty-four to ensure that any increase in such taxes shall not exceed the increase in the personal income of the citizens of the commonwealth.

SECTION 2. Chapter 70 of the General Laws, as most recently amended by Section 70C of Chapter 367 of the Acts of 1979, is hereby further amended by adding the following new paragraphs to Section 1 of said chapter:

It is hereby declared to be the policy of the commonwealth that, in order to decrease the cost of public education now borne through the property tax, the commonwealth’s share of the current operating costs of local public schools, subject to whatever appropriation the general court might make, shall be forty percent (40%) during the 1982 fiscal year, forty-five percent (45%) during the 1983 fiscal year, fifty percent (50%) during the 1984 fiscal year and fifty percent (50%) in each succeeding fiscal year. Thereafter, the commissioner of education shall annually, commencing on December thirty-first, nineteen hundred and eighty-one and in all succeeding fiscal years, certify to the commissioner of administration the actual state share of the current operating costs of local public schools during the preceding fiscal year, the estimated state share during the current fiscal year, and the estimated amounts required during the following fiscal year to achieve the state shares set forth above. For the purposes of this chapter, “current operating costs of local public schools” shall be defined as the sum of “total expenditures for all pupils enrolled in all programs in a city, town, regional school district, or independent vocational school” in the commonwealth as set forth in Section 2 of this chapter. The school aid due under this chapter to any city, town, regional school district or independent vocational school during the fiscal year ending June thirtieth, nineteen hundred and eighty-four and in every fiscal year thereafter, subject to whatever appropriation the general court might make, shall not be less than one hundred and fifty percent of school aid due under this chapter during the fiscal year ending June thirtieth, nineteen hundred and eighty-eight, as said school aid was effected by the provisions of the second and third paragraphs of Section 18A of Chapter 58 of the General Laws and by the provisions of any regulations promulgated under the provisions of Chapter 70.

The Commissioner of Education may, by regulation, under the direction of the State Board of Education, further define the amounts of school aid due or deemed to have been due each city, town, regional school district and independent vocational school from the commonwealth under this chapter during the fiscal year ending June thirtieth, nineteen hundred and eighty. Said regulations may include the amounts of school aid due or deemed to have been due any regional school district established, reorganized or terminated after the fiscal year ending June thirtieth, nineteen hundred and seventy-eight.

SECTION 3. No taxes shall be imposed by the commonwealth in any of the three consecutive fiscal years beginning July first, nineteen hundred and eighty-one, which as estimated by the advisory board on revenue resources, will exceed the state tax limit imposed hereunder. The state tax limit, in any fiscal year, shall be an amount equal to total state taxes actually collected or estimated by said board to be collected in the preceding fiscal year, increased by the percentage increase in the personal income of all residents of the commonwealth during the preceding calendar year as determined or estimated.