

HOUSE No. 01452

[LOCAL APPROVAL RECEIVED.]

The Commonwealth of Massachusetts

PRESENTED BY:

Steven L. Levy and

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 establishing a business and economic development special revenue fund in the city of
Marlborough.

PETITION OF:

NAME:

DISTRICT/ADDRESS:

Steven L. Levy

4th Middlesex

James B. Eldridge

Middlesex and Worcester

HOUSE No. 01452

By Representative Levy of Marlborough and Senator Eldridge, a joint petition (accompanied by bill, House, No. 1452) of Steven L. Levy and James Eldridge (with the approval of the mayor and city council) relative to establishing a business and economic development special revenue fund in the city of Marlborough. Municipalities and Regional Government. [Local Approval Received.]

The Commonwealth of Massachusetts

In the Year Two Thousand Eleven

An Act establishing a business and economic development special revenue fund in the city of Marlborough.

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. Notwithstanding section fifty-three of chapter forty-four of the General Laws or
2 any other general or special law to the contrary, the city of Marlborough shall establish in the
3 city treasury a special revenue account to be known as the Business and Economic Development
4 Special Revenue Fund of the city of Marlborough, into which account shall be deposited certain
5 receipts comprising a portion of the total local room occupancy tax received annually by the city
6 under section three A of chapter sixty-four G of the General Laws, as set forth in section 2
7 herein. The purpose of this act, and of the Business and Economic Development Special
8 Revenue Fund, shall be to promote and to sustain the development of business and the local
9 economy in the city of Marlborough.

10 SECTION 2. Notwithstanding the provisions of any general or special law to the contrary, the
11 amount of the room occupancy excise based on a rate in excess of 4% collected under section
12 three A of chapter sixty-four G of the General Laws by the city of Marlborough shall be credited
13 to the Business and Economic Development Special Revenue Fund, and shall be subject to
14 further appropriation by a majority vote of the city council of the city of Marlborough.

15 SECTION 3. Notwithstanding the provisions of any general or special law to the contrary, the
16 amount of the room occupancy excise based on a rate equal to 4% collected under section three
17 A of chapter sixty-four G of the General Laws by the city of Marlborough for the fiscal year
18 beginning July 1, 2011 and each fiscal year thereafter shall be credited to the General Fund of the
19 city of Marlborough.

20 SECTION 4. Notwithstanding the provisions of any general or special law to the contrary, any
21 interest accruing on any amount on deposit in the Business and Economic Development Special
22 Revenue Fund shall be credited to the General Fund in the city of Marlborough.

23 SECTION 5. Nothing in or resulting from this act shall affect amounts distributed in any fiscal
24 year to the city of Marlborough from the Local Aid Fund.

25 SECTION 6. If the city of Marlborough revokes, by a majority vote of the city council of the
26 city pursuant to section three A of chapter sixty-four G of the General Laws and sections (2)(h)
27 and (2)(i) of 830 Code of Massachusetts Regulations Part 64G.3A.1, its acceptance of the room
28 occupancy excise rate in excess of 4% under section three A of chapter sixty-four G of the
29 General Laws, then the city of Marlborough shall thereupon decide, by a two-thirds vote of the
30 city council of the city, the separate question whether the Business and Economic Development

31 Special Revenue Fund shall cease to have effect in the city. If two-thirds of the city council of
32 the city votes that the Business and Economic Development Special Revenue Fund shall cease to
33 have effect in the city, all unexpended and uncommitted amounts on deposit in the said Fund, as
34 of the date of the vote to revoke the rate in excess of 4%, shall be credited to the General Fund of
35 the city on the first day of the calendar quarter following 30 days after the date of the revocatory
36 vote, pursuant to section (2)(i) of 830 Code of Massachusetts Regulations Part 64G.3A.1;
37 however, if two-thirds of the city council of the city does not vote that the Business and
38 Economic Development Special Revenue Fund shall cease to have effect in the city, the said
39 Fund shall continue to have effect in the city, and all unexpended and uncommitted amounts on
40 deposit in the said Fund, as of the date of the vote to revoke the rate in excess of 4%, shall be
41 subject to further appropriation by a majority vote of the city council of the city of Marlborough.

42 SECTION 7. The city of Marlborough may amend this act by a two-thirds vote of the city
43 council of the city of Marlborough. Such amendatory vote shall designate a) that the Business
44 and Economic Development Special Revenue Fund shall thereupon cease to have effect in the
45 city of Marlborough; b) that all unexpended and uncommitted amounts on deposit in the
46 Business and Economic Development Special Revenue Fund, as of the date of said amendatory
47 vote, shall forthwith be credited to the General Fund of the city of Marlborough; and c) that the
48 portion of the total room occupancy excise in excess of 4% received annually by the city of
49 Marlborough under section three A of chapter sixty-four G of the General Laws and theretofore
50 credited to the Business and Economic Development Special Revenue Fund, as set forth in
51 section 2 herein, shall thereafter be credited to the General Fund of the city.

52 SECTION 8. This act shall take effect upon its passage.