

HOUSE No. 02325

The Commonwealth of Massachusetts

PRESENTED BY:

Bradley H. Jones, Jr.

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 relative to municipal relief.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Bradley H. Jones, Jr.</i>	<i>20th Middlesex</i>
<i>Donald F. Humason, Jr.</i>	<i>4th Hampden</i>
<i>Marc Lombardo</i>	<i>22nd Middlesex</i>
<i>Angelo D'Emilia</i>	<i>8th Plymouth</i>
<i>F. Jay Barrows</i>	<i>1st Bristol</i>
<i>Shaunna O'Connell</i>	<i>3rd Bristol</i>
<i>Susan Williams Gifford</i>	<i>2nd Plymouth</i>
<i>George Ross</i>	<i>2nd Bristol</i>
<i>Todd M. Smola</i>	<i>1st Hampden</i>
<i>Steven Howitt</i>	<i>4th Bristol</i>
<i>Sheila Harrington</i>	<i>1st Middlesex</i>
<i>Richard Bastien</i>	<i>2nd Worcester</i>
<i>Kimberly Ferguson</i>	<i>1st Worcester</i>
<i>Matthew Beaton</i>	<i>11th Worcester</i>
<i>Steven L. Levy</i>	<i>4th Middlesex</i>
<i>Paul K. Frost</i>	<i>7th Worcester</i>
<i>George N. Peterson, Jr.</i>	<i>9th Worcester</i>

Elizabeth Poirier

14th Bristol

Viriato Manuel deMacedo

1st Plymouth

HOUSE No. 02325

By Mr. Jones of North Reading, a petition (accompanied by bill, House, No. 2325) of Frost and others relative to municipal relief Joint Committee on Municipalities and Regional Government.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE
□ HOUSE
□ , NO. 1984 OF 2009-2010.]

The Commonwealth of Massachusetts

—————
In the Year Two Thousand Eleven
—————

An Act relative to municipal relief.

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. This act shall be known and may be cited as the “Comprehensive Taxpayer and
2 Municipal Relief Act of 2011.”

3 SECTION 2. Subsection (e) of section 38C of chapter 7 of the General Laws, as appearing in the
4 2008 Official Edition, is hereby amended, in clause (i), by striking out the words "ten thousand
5 dollars" and inserting in place thereof the following:-- \$20,000.

6 SECTION 3. Subsection (e) of section 38C of chapter 7, as so appearing, is hereby further
7 amended in clause (ii), by striking out the words "one hundred thousand dollars", and inserting in
8 place thereof the following figures: -- \$200,000.

9 SECTION 4. Section 38K of chapter 7 of the General Laws, as appearing in the 2008 Official
10 Edition, is hereby amended in line 3 by striking out the words "one hundred thousand dollars",
11 and inserting in place thereof the following:-- \$200,000.

12 SECTION 5. Paragraph (a) of section 39M of chapter 30 of the General Laws, as appearing in
13 the 2008 Official Edition, is hereby amended, in line s 2 and 3, by striking out the words "or for
14 the purchase of any material."

15 SECTION 6. Paragraph (a) of section 39M of chapter 30 of the General Laws, as so appearing, is
16 further hereby amended, in lines 5 and 6, by striking out the words "ten thousand dollars" and
17 inserting in place thereof the following:- \$50,000.

18 SECTION 7. Paragraph (a) of section 39M of chapter 30 of the General Laws, as so appearing,
19 is hereby further amended, in lines 9 and 10, by striking out the words "\$25,000 but not more
20 than \$100,000" and inserting in place thereof the following:-- \$50,000 but not more than
21 \$200,000.

22 SECTION 8. Paragraph (d) of section 39M of chapter 30 of the General Laws, as so appearing,
23 is hereby further amended, in lines 92 through 97, by striking out the words "(4) to any contract
24 of not more than twenty-five thousand dollars awarded by a governmental body, as defined by
25 section two of chapter thirty B, in accordance with the provisions of section five of said chapter
26 thirty B; and (5) to any contract solely for the purchase of material awarded by a governmental
27 body, as defined by section 2 of chapter 30B, in accordance with section 5 of said chapter 30B"
28 and inserting in place thereof the following words:-- (4) to any contracts solely for the purchase
29 of materials and said contracts shall be procured using the provisions of said chapter 30B by
30 governmental bodies subject to said chapter 30B or the provisions of section 22 of chapter 7 by

31 the commonwealth or political subdivision thereof subject to the provisions of said chapter or
32 such other procurement procedures to which a governmental body may be subject.

33 SECTION 9. Section 39M of chapter 30 of the General Laws, as so appearing, is hereby further
34 amended by inserting the following new paragraph:--

35 (f) For any contract for the construction, reconstruction, alteration, remodeling, or repair
36 of any public work and every contract for the construction, reconstruction, installation,
37 demolition, maintenance, or repair of any public building by the commonwealth, or political
38 subdivision thereof, or by any county, city, town, district or housing authority, estimated by the
39 governmental body to cost more than ten thousand dollars but not more than fifty thousand shall
40 be awarded in accordance with the provisions of section 4 of chapter 30B by governmental
41 bodies subject to said chapter 30B, or the provisions of section 22 of chapter 7 by the
42 commonwealth or political subdivision thereof subject to the provisions of said chapter, or such
43 other procurement procedures to which a governmental body may be subject.

44 SECTION 10. Subsection (a) of section 4 of chapter 30B of the General Laws, as appearing in
45 the 2008 Official Edition, is hereby amended, in line 3, by striking out the words "\$5,000 or
46 greater, but less than \$25,000," and inserting in place thereof the following:-- \$10,000 or greater,
47 but less than \$50,000.

48 SECTION 11. Subsection (a) of section 4 of chapter 30B, as so appearing, is hereby further
49 amended, in lines 9 and 10, by striking out the words "\$ 25,000 be based on written quotations or
50 be subject to the provisions of section five" and inserting in place thereof the following :--
51 "\$50,000 based on written quotations or be subject to the provisions of section five or section
52 six."

53 SECTION 12. Subsection (c) of section 4 of chapter 30B, as so appearing, is hereby amended, in
54 line 14, by striking out the figure "\$5,000", and inserting in place thereof the following:--
55 \$10,000.

56 SECTION 13. Section 4 of chapter 30B of the General Laws, as so appearing, is hereby further
57 amended by adding at the end thereof the following paragraph:--

58 (e) The provisions of subsection (a) of this section shall apply to contracts for the
59 construction, reconstruction, alteration, remodeling or repair of any public work by the
60 commonwealth, or political subdivision thereof, or by any county, city, town, district, or housing
61 authority, and estimated by the awarding authority to cost more than \$10,000 but not more than
62 \$50,000, and every contract for the construction, reconstruction, installation, demolition,
63 maintenance, or repair of any building by a public agency as defined by subsection one of
64 section 44A of chapter 149, estimated to cost more than \$10,000 but not more than \$50,000.

65 SECTION 14. Subsection (a) of section 5 of chapter 30B, as appearing in the 2008 Official
66 Edition, is hereby amended, in line 2, by striking out the figure "\$25,000" and inserting in place
67 thereof the following: --\$50,000.

68 SECTION 15. Subsection (a) of section 6 of chapter 30B, as appearing in the 2008 Official
69 Edition, is hereby amended, in line 2, by striking out the figure "\$25,000" and inserting in place
70 thereof the following figures:-- \$50,000.

71 SECTION 16. Section 23B of chapter 39 of the General Laws, as appearing in the 2008 Official
72 Edition, is hereby amended by inserting after the word "section" in line 78 the following new
73 paragraph:--

74 (10) To discuss strategy with respect to contract negotiations for the provision of cable
75 television service to residents of the city, region or town, if such discussions may have a
76 detrimental effect on the negotiating position of the governmental body and a person, firm or
77 corporation.

78 SECTION 17. Section 20 of chapter 40B of the General Laws, as appearing in the 2008 Official
79 Edition, is hereby amended by striking the definition of “consistent with local needs”, and
80 inserting in place thereof the following definition:--

81 "Consistent with local needs", requirements and regulations shall be considered
82 consistent with local needs if they are reasonable in view of the regional need for low and
83 moderate income housing considered with the number of low income persons in the city or town
84 affected and the need to protect the health or safety of the occupants of the proposed housing or
85 of the residents of the city or town, to promote better site and building design in relation to the
86 surroundings, to preserve the municipal water supply or the region's natural water resources, or
87 to preserve open spaces, and if such requirements and regulations are applied as equally as
88 possible to both subsidized and unsubsidized housing. Requirements or regulations shall be
89 consistent with local needs when imposed by a board of zoning appeals after comprehensive
90 hearing in a city or town where (1) low or moderate income housing exists which is in excess of
91 ten per cent of the housing units reported in the latest federal decennial census of the city or town
92 or on sites comprising one and one half per cent or more of the total land area zoned for
93 residential, commercial or industrial use or (2) the application before the board would result in
94 the commencement of construction of such housing on sites comprising more than three tenths of
95 one per cent of such land area or ten acres, whichever is larger, in any one calendar year; pro
96 vided, however, that land area owned by the United States, the commonwealth or any political

97 subdivision thereof, or any public authority shall be excluded from the total land area referred to
98 above when making such determination of consistency with local needs.

99 SECTION 18. Section 3 of chapter 44B of the General Laws, as appearing in the 2008 Official
100 Edition, is hereby amended by adding the following new subsection:--

101 (j) Upon acceptance of sections 3 to 7, inclusive, every subsequent five years, the city or town
102 clerk or the state secretary shall place before the voters of said city or town the following ballot
103 question: "Shall this (city or town) re-accept sections 3 through 7, inclusive, of chapter 44B of
104 the General laws, as approved by its legislative body, a summary of which appears below". (Set
105 forth here a fair, concise summary and purpose of the law to be acted upon, as determined by the
106 city solicitor or town counsel, including in said summary the percentage of the surcharge to be
107 imposed.) If a majority of voters voting on said ballot question vote in the affirmative, then its
108 provisions shall remain in effect for an additional five years; otherwise, the act shall cease.

109 SECTION 19. Subsection (b) of section 5 of chapter 44B of the General Laws, as appearing in
110 the 2008 Official Edition, is hereby amended by inserting at the end thereof the following
111 subdivision:-- (4) In the event that a project meeting the qualifications outlined in subdivision (2)
112 was authorized and financed by a town's legislative body not more than 2 years prior to the
113 acceptance of sections 3 through 7, inclusive, by the voters pursuant to section 3, the community
114 preservation committee may then include in its recommendations to the legislative body a
115 recommendation to expend funds for such project, whether to augment existing funds or to
116 replace funds otherwise dedicated to such project.

117 SECTION 20. Section 6 of chapter 44B of the General Laws, as so appearing, is hereby
118 amended by striking out the final sentence in its entirety and inserting in place thereof the

119 following sentence:-- The community preservation funds shall not replace existing operating
120 funds, only augment them; provided, that projects approved and financed by a legislative body
121 not more than 2 y ears prior to the acceptance of sections 3 through 7, inclusive, by the voters
122 pursuant to section 3 shall be exempt from this requirement.

123 SECTION 21. Section 21C of Chapter 59 of the General Laws, as most recently amended by
124 chapter 91 of the acts of 2007, is hereby further amended in paragraph (i½), in the second
125 sentence, by striking out the words “nineteen hundred” and inserting in place thereof the
126 following:-- two thousand.

127 SECTION 22. Section 23 of chapter 60 of the General Laws, as appearing in the 2008 Official
128 Edition, is hereby amended, in line 22, by striking out the words “twenty-five dollars” and
129 inserting in place thereof the following:-- \$35.

130 SECTION 23. Chapter 64A of the General Laws, as appearing in the 2008 Official Edition, is
131 here by amended by inserting, after section 7A, the following section:--

132 Section 7B. The sale of fuel to a city or town which having consumed the same for any
133 municipal purpose shall be exempt from the excise established by this chapter.

134 SECTION 24. Section 3 of chapter 70B of the General Laws, as appearing in the 2008 Official
135 Edition, is hereby amended by inserting after subsection (w) the following new subsection:-

136 (x)The authority shall acquire an electronic data base system in order to file, track and update
137 all pending school building assistance projects. The authority may decide which data base system
138 shall be the most effective in tracking all pending and new school building projects before
139 purchasing this system.

140 SECTION 25. Section 17A of chapter 131 of the General Laws, as appearing in the 2008
141 Official Edition, is hereby amended, in line 3, by striking out the words “one dollar” and
142 inserting in place thereof the following:-- \$3.

143 SECTION 26. Section 29 of chapter 149 of the General Laws, as most recently amended by
144 Section 62 of Chapter 188 of the Acts of 2010, is hereby amended, by striking out the words “is
145 more than \$25,000” and inserting in place thereof the following :-- is more than \$50,000.

146 SECTION 27. Subdivision (A) of subsection (2) of section 44A of chapter 149 of the General
147 Laws, as most recently amended by Section 63 of Chapter 188 of the Acts of 2010, is hereby
148 amended, by striking out the figure “\$10,000” and inserting in place thereof the following:--
149 \$200,000.

150 SECTION 28. Subsection (1)(a) of section 44F of chapter 149 of the General Laws, as appearing
151 in the 2008 Official Edition, is hereby amended, in line 6, by striking the figure \$20,000 and
152 inserting in place thereof the following:-- \$25,000.

153 SECTION 29. Notwithstanding any general or special law to the contrary, the commissioner of
154 the department of fisheries, wildlife and environmental law enforcement, in coordination with
155 the director of fisheries and wildlife, is hereby directed to study methods of improving the
156 process of issuing hunting and fishing licenses in the commonwealth, including but not limited to
157 the complete privatization of the responsibility for issuing said licenses. The commissioner shall
158 file a written report of his findings, together with any recommendations for administrative or
159 statutory revision, with the clerks of the House and Senate and the chairmen of the House and
160 Senate committees on ways and means not later than December 31, 2012.

161 SECTION 30. Notwithstanding any general or special law to the contrary, there shall be a
162 special commission to study and report on ways to improve the teacher licensure process. The
163 commission shall consist of the commissioner of education; 3 members of the house of
164 representatives, 2 of whom shall to be appointed by the speaker of the house, and 1 of whom
165 shall be appointed by the minority leader of the house; 3 members of the senate, 2 of whom shall
166 be appointed by the senate president, and 1 of whom shall be appointed by the senate minority
167 leader; the chancellor of higher education; a representative of the Massachusetts Teacher
168 Association; and a member appointed by the governor. The scope of the commission's study
169 shall include, but shall not be limited to, the following: researching the current process of teacher
170 licensure and ways to streamline the process of certifying qualified applicants without sacrificing
171 quality or public safety; analyzing the effectiveness, clarity and accessibility of applications and
172 certification via email and the internet; examining the feasibility of streamlining the application
173 process for teachers who have previous extensive experience in a public or a private school
174 system; evaluating possible options to simplify or lessen current state teacher licensure
175 regulations; and examining the capacity of the department to process all teacher applications and
176 certifications in a timely manner. The commission shall submit its report to the board of
177 education, the joint committee on education, arts and humanities and the senate and house clerks
178 not later than December 31, 2012.