

***SENATE . . . . . No. 02008***

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The Commonwealth of Massachusetts

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In the Year Two Thousand Eleven.  
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SECTION 1. Notwithstanding section 53 of chapter 44 of the General Laws or any other general or special law to the contrary, the city of Marlborough shall establish in the city treasury a special revenue account to be known as the Business and Economic Development Special Revenue Fund, into which shall be deposited certain receipts comprising a portion of the total local room occupancy tax received annually by the city under section 3A of chapter 64G of the General Laws, as provided in section 2. The fund shall be used to promote and to sustain the development of business and the local economy in the city of Marlborough.

SECTION 2. (a) Notwithstanding any general or special law to the contrary, the amount of the room occupancy excise based on a rate in excess of 4 per cent collected under said section 3A of said chapter 64 G by the city of Marlborough for the fiscal year beginning July 1, 2011 and each fiscal year thereafter shall be credited to the Business and Economic Development Special Revenue Fund, and shall be subject to further appropriation by a majority vote of the city council.

(b) Notwithstanding any general or special law to the contrary, the amount of the room occupancy excise based on a rate equal to 4 per cent collected under said section 3A of said chapter 64G by the city of Marlborough for the fiscal year beginning July 1, 2011 and each fiscal year thereafter shall be credited to the General Fund of the city of Marlborough.

(c) Notwithstanding any general or special law to the contrary, any interest accruing on any amount on deposit in the Business and Economic Development Special Revenue Fund shall be credited to the General Fund of the city of Marlborough.

SECTION 3. Nothing in or resulting from this act shall affect amounts distributed in any fiscal year to the city of Marlborough from the Local Aid Fund.

SECTION 4. If the city of Marlborough revokes, by a majority vote of its city council, under said section 3A of said chapter 64G and sections (2)(h) and (2)(i) of 830 CMR 64G.3A.1, its acceptance of the room occupancy excise rate in excess of 4 per cent under said section 3A of said chapter 64G, the city council shall then decide, by a two-thirds vote, whether the Business and Economic Development Special Revenue Fund shall cease to have effect in the city. If two-thirds of the city council votes that the Business and Economic Development Special Revenue Fund shall cease to have effect in the city, all unexpended and uncommitted amounts on deposit in the fund, as of the date of the vote to revoke the rate in excess of 4 per cent, shall be credited to the General Fund of the city on the first day of the calendar quarter following 30 days after the date of the revocatory vote, under said section (2)(i) of 830 CMR 64G.3A.1; provided, however, that if two-thirds of the city council does not vote that the Business and Economic Development Special Revenue Fund shall cease to have effect in the city, the fund shall continue to have effect in the city, and all unexpended and uncommitted amounts on deposit in the fund, as of the date of the vote to revoke the rate in excess of 4 per cent, shall be subject to further appropriation by a majority vote of the city council.

SECTION 5. The city of Marlborough may close the fund by a two-thirds vote of its city council. Such vote to close shall designate that: (a) the Business and Economic Development Special Revenue Fund shall cease to have effect in the city; (b) all unexpended and uncommitted amounts on deposit in the Business and Economic Development Special Revenue Fund, as of the date of the vote to close, shall forthwith be credited to the General Fund of the city; and (c) the portion of the total room occupancy excise in excess of 4 per cent received annually by the city under said section 3A of said chapter 64G and credited to the Business and Economic Development Special Revenue Fund, as provided in section 2, shall thereafter be credited to the General Fund of the city.

SECTION 6. This act shall take effect upon its passage.