

HOUSE No. 1984

The Commonwealth of Massachusetts

In the Year Two Thousand Nine

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
2 and Municipal Relief Act of 2009.”

3 SECTION 2. Subsection (e) of section 38C of chapter 7 of the General Laws, as most
4 recently amended by section 4 of chapter 304 the acts of 2008, is hereby amended, in clause (i),
5 by striking out the words "ten thousand dollars" and inserting in place thereof the following:--
6 \$20,000.

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

10 SECTION 4. Section 38K of chapter 7 of the General Laws, as appearing in the 2006
11 Official Edition, is hereby amended in line 3 by striking out the words "one hundred thousand
12 dollars", and inserting in place thereof the following:-- \$200,000.

SECTION 5. Paragraph (a) of section 39M of chapter 30 of the General Laws, as appearing in the 2006 Official Edition, is hereby amended, in lines 2 and 3, by striking out the words "or for the purchase of any material."

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

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

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

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

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

SECTION 10. Subsection (a) of section 4 of chapter 30B of the General Laws, as appearing in the 2006 Official Edition, is hereby amended, in line 3, by striking out the words "\$5,000 or greater, but less than \$25,000," and inserting in place thereof the following:-- \$10,000 or greater, but less than \$50,000.

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

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

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

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

SECTION 14. Subsection (a) of section 5 of chapter 30B, as appearing in the 2006 Official Edition, is hereby amended, in line 2, by striking out the figure "\$25,000" and inserting in place thereof the following: --\$50,000.

SECTION 15. Subsection (a) of section 6 of chapter 30B, as appearing in the 2006 Official Edition, is hereby amended, in line 2, by striking out the figure "\$25,000" and inserting in place thereof the following figures:-- \$50,000.

SECTION 16. Section 23B of chapter 39 of the General Laws, as appearing in the 2006 Official Edition, is hereby amended by inserting after the word "section" in line 78 the following new paragraph:--

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

SECTION 17. Section 20 of chapter 40B of the General Laws, as appearing in the 2006 Official Edition, is hereby amended by striking the definition of “consistent with local needs”, and inserting in place thereof the following definition:--

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

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

SECTION 18. Section 3 of chapter 44B of the General Laws, as appearing in the 2006 Official Edition, is hereby amended by adding the following new subsection:--

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

SECTION 19. Subsection (b) of section 5 of chapter 44B of the General Laws, as appearing in the 2006 Official Edition, is hereby amended by inserting at the end thereof the following subdivision:-- (4) In the event that a project meeting the qualifications outlined in subdivision (2) was authorized and financed by a town's legislative body not more than 2 years prior to the acceptance of sections 3 through 7, inclusive, by the voters pursuant to section 3, the community preservation committee may then include in its recommendations to the legislative body a recommendation to expend funds for such project, whether to augment existing funds or to replace funds otherwise dedicated to such project.

120 SECTION 20. Section 6 of chapter 44B of the General Laws, as so appearing, is hereby
121 amended by striking out the final sentence in its entirety and inserting in place thereof the
122 following sentence:-- The community preservation funds shall not replace existing operating
123 funds, only augment them; provided, that projects approved and financed by a legislative body
124 not more than 2 years prior to the acceptance of sections 3 through 7, inclusive, by the voters
125 pursuant to section 3 shall be exempt from this requirement.

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

130 SECTION 22. Section 23 of chapter 60 of the General Laws, as appearing in the 2006
131 Official Edition, is hereby amended, in line 22, by striking out the words “twenty-five dollars”
132 and inserting in place thereof the following:-- \$35.

133 SECTION 23. Chapter 64A of the General Laws, as appearing in the 2006 Official
134 Edition, is hereby amended by inserting, after section 7A, the following section:--

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

137 SECTION 24. Section 3 of chapter 70B of the General Laws, as appearing in the 2006
138 Official Edition, is hereby amended by inserting after subsection (w) the following new
139 subsection:-

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

SECTION 25. Section 17A of chapter 131 of the General Laws, as appearing in the 2006 Official Edition, is hereby amended, in line 3, by striking out the words “one dollar” and inserting in place thereof the following:-- \$3.

SECTION 26. Section 29 of chapter 149 of the General Laws, as appearing in the 2006 Official Edition, is hereby amended, in lines 6 and 7, by striking out the words “in the case of the commonwealth is more than five thousand dollars, and in any other case is more than two thousand dollars” and inserting in place thereof the following:-- is more than \$50,000.

SECTION 27. Subdivision (A) of subsection (2) of section 44A of chapter 149 of the General Laws, as appearing in the 2006 Official Edition, is hereby amended, in line 47, by striking out the figure “\$10,000” and inserting in place thereof the following:-- \$200,000.

SECTION 28. Subsection (1)(a) of section 44F of chapter 149 of the General Laws, as appearing in the 2006 Official Edition, is hereby amended, in line 6, by striking the figure \$20,000 and inserting in place thereof the following:-- \$25,000.

SECTION 29. Notwithstanding any general or special law to the contrary, the commissioner of the department of fisheries, wildlife and environmental law enforcement, in coordination with the director of fisheries and wildlife, is hereby directed to study methods of improving the process of issuing hunting and fishing licenses in the commonwealth, including but not limited to the complete privatization of the responsibility for issuing said licenses. The

commissioner shall file a written report of his findings, together with any recommendations for administrative or statutory revision, with the clerks of the House and Senate and the chairmen of the House and Senate committees on ways and means not later than December 31, 2010.

SECTION 30. Notwithstanding any general or special law to the contrary, there shall be a special commission to study and report on ways to improve the teacher licensure process. The commission shall consist of the commissioner of education; 3 members of the house of representatives, 2 of whom shall to be appointed by the speaker of the house, and 1 of whom shall be appointed by the minority leader of the house; 3 members of the senate, 2 of whom shall be appointed by the senate president, and 1 of whom shall be appointed by the senate minority leader; the chancellor of higher education; a representative of the Massachusetts Teacher Association; and a member appointed by the governor. The scope of the commission's study shall include, but shall not be limited to, the following: researching the current process of teacher licensure and ways to streamline the process of certifying qualified applicants without sacrificing quality or public safety; analyzing the effectiveness, clarity and accessibility of applications and certification via email and the internet; examining the feasibility of streamlining the application process for teachers who have previous extensive experience in a public or a private school system; evaluating possible options to simplify or lessen current state teacher licensure regulations; and examining the capacity of the department to process all teacher applications and certifications in a timely manner. The commission shall submit its report to the board of education, the joint committee on education, arts and humanities and the senate and house clerks not later than December 31, 2010.