

HOUSE No. 3299

The Commonwealth of Massachusetts

PRESENTED BY:

Thomas J. Calter, (BY REQUEST)

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 adoption of the accompanying bill:

An act relative to fees and allocations of the Community Preservation Act.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>James Sullivan</i>	<i>407 Tremont Street Duxbury, MA 02332</i>	

HOUSE No. 3299

By Mr. Calter of Kingston (by request), a petition (accompanied by bill, House, No. 3299) of James Sullivan relative to fees and allocations of the Community Preservation Act. Revenue.

The Commonwealth of Massachusetts

In the Year Two Thousand Eleven

An act relative to fees and allocations of the Community Preservation Act.

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. Chapter 44B of the general laws is hereby amended by striking out section
2 7 and inserting in place thereof the following section:-

3 Section 7. In every fiscal year and upon the recommendation of the community
4 preservation committee, the legislative body shall spend, or set aside for later spending, not less
5 than 40 per cent of the annual revenues in the Community Preservation Fund for open space and
6 historic resources, but not including land for recreational use and not less than 40 per cent of the
7 annual revenues for community housing. In each fiscal year, the legislative body shall make
8 such appropriations from the Community Preservation Fund as it deems necessary for the
9 administrative and operating expenses of the community preservation committee, but the
10 appropriations shall not exceed 5 per cent of the annual revenues in the Community Preservation
11 Fund. Funds that are set aside shall be held in the Community Preservation Fund and spent in
12 that year or later years, but funds set aside for a specific purpose shall be spent only for the
13 specific purpose. Any funds set aside may be expended in any city or town in the

14 commonwealth. The community preservation funds shall not replace existing operating funds,
15 only augment them.

16 SECTION 2. Section 8 of said chapter 44B is hereby repealed.

17 SECTION 3. Subsection (a) of section 9 of said chapter 44B, as appearing in the 2008
18 Official Edition, is hereby amended by striking out the second sentence and inserting in place
19 thereof the following sentence:- The fund shall consist of all revenues received by the
20 commonwealth: (1) from public and private sources as gifts, grants and donations to further
21 community preservation programs; (2) from damages, penalties, costs or interest received on
22 account of litigation or settlement thereof for a violation of section 15; or (3) all other monies
23 credited to or transferred to from any other fund or source pursuant to law.