

**HOUSE . . . . . No. 3862**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

*Danielle W. Gregoire*

*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 establishing a parks & fields capital enhancements special revenue fund in the city of Marlborough.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Danielle W. Gregoire</i>	<i>4th Middlesex</i>	<i>1/16/2014</i>
<i>Thomas P. Conroy</i>	<i>13th Middlesex</i>	<i>1/16/2014</i>
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>	<i>1/17/2014</i>

**HOUSE . . . . . No. 3862**

By Miss Gregoire of Marlborough, a petition (accompanied by bill, House, No. 3862) of Danielle W. Gregoire, Thomas P. Conroy and James B. Eldridge (with the approval of the mayor and city council) that the city of Marlborough be authorized to establish a parks and field capital enhancements fund from a portion of the meals tax received annually by said town. Municipalities and Regional Government. [Local Approval Received.]

**The Commonwealth of Massachusetts**

**In the Year Two Thousand Fourteen**

An Act establishing a parks & fields capital enhancements 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  
2 Laws or any other general or special law to the contrary, the city of Marlborough shall  
3 establish in the city treasury a special revenue account to be known as the Parks & Fields  
4 Capital Enhancements Special Revenue Fund, into which shall be deposited certain  
5 receipts comprising a portion of the total local meals tax received annually by the city  
6 under section two of chapter sixty-four L of the General Laws, as provided in section 2  
7 herein. The purpose of this act, and of the Parks & Fields Capital Enhancements Special  
8 Revenue Fund, shall be to enrich the quality of life for the residents by enhancing the  
9 parks and fields in the city of Marlborough.

10 SECTION 2. (a) Notwithstanding any general or special law to the contrary, the amount  
11 of the local option meal tax based on a rate in excess of 6.25 percent collected under said  
12 section two of said chapter sixty-four L by the city of Marlborough for the fiscal year

13 beginning July 1, 2014 and each fiscal year thereafter shall be credited to the Parks &  
14 Fields Capital Enhancements Special Revenue Fund, and shall be subject to further  
15 appropriation by a majority vote of the city council of the city of Marlborough.

16 (b) Notwithstanding any general or special law to the contrary, any interest accruing on  
17 any amount on deposit in the Parks & Fields Capital Enhancements Special Revenue  
18 Fund shall be credited to the General Fund of the city of Marlborough.

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

21 SECTION 4. If the city of Marlborough revokes, by a majority vote of the city council of  
22 the city, pursuant to section four B of chapter four of the General Laws, its acceptance of  
23 the local option meals tax rate in excess of 6.25 percent under said section two of said  
24 chapter sixty-four L, the city of Marlborough shall thereupon decide, by a two-thirds vote  
25 of the city council of the city, the separate question of whether the Parks & Fields Capital  
26 Enhancements Special Revenue Fund shall cease to have effect in the city. If two-thirds  
27 of the city council of the city votes that the Parks & Fields Capital Enhancements Special  
28 Revenue Fund shall cease to have effect in the city, all unexpended and uncommitted  
29 amounts on deposit in said Fund, as of the date of the vote to revoke the rate in excess of  
30 6.25 percent, shall be credited to the General Fund of the city on the first day of the  
31 calendar quarter following 30 days after the date of the revocatory vote, provided,  
32 however, that if two-thirds of the city council of the city does not vote that the Parks &  
33 Fields Capital Enhancements Special Revenue Fund shall cease to have effect in the city,  
34 said Fund shall continue to have effect in the city, and all unexpended and uncommitted  
35 amounts on deposit in the fund, as of the date of the vote to revoke the rate in excess of  
36 6.25 percent, shall be subject to further appropriation by a majority vote of the city  
37 council of the city of Marlborough.

38 SECTION 5. The city of Marlborough may amend this act by a two-thirds vote of the  
39 city council of the city of Marlborough. Such amendatory vote shall designate: (a) that  
40 the Parks & Fields Capital Enhancements Special Revenue Fund shall cease thereupon to  
41 have effect in the city of Marlborough; (b) that all unexpended and uncommitted amounts  
42 on deposit in the Parks & Fields Capital Enhancements Special Revenue Fund, as of the  
43 date of the amendatory vote, shall forthwith be credited to the General Fund of the city of  
44 Marlborough; and (c) that the portion of the total local option meals tax in excess of 6.25  
45 percent received annually by the city of Marlborough under said section two of said  
46 chapter sixty-four Land theretofore credited to the Parks & Fields Capital Enhancements  
47 Special Revenue Fund, as set forth in section 2 herein, shall thereafter be credited to the  
48 General Fund of the city of Marlborough.

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