

**HOUSE . . . . . No. 1452**

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The Commonwealth of Massachusetts

PRESENTED BY:

*Steven L. Levy and James B. Eldridge*

*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 business and economic development special revenue fund in the city of  
Marlborough.

PETITION OF:

NAME:

DISTRICT/ADDRESS:

*Steven L. Levy*

*4th Middlesex*

*James B. Eldridge*

**HOUSE . . . . . No. 1452**

By Representative Levy of Marlborough and Senator Eldridge, a joint petition (accompanied by bill, House, No. 1452) of Steven L. Levy and James Eldridge (with the approval of the mayor and city council) relative to establishing a business and economic development special revenue fund in the city of Marlborough. Municipalities and Regional Government. [Local Approval Received.]

**The Commonwealth of Massachusetts**

**In the Year Two Thousand Eleven**

An Act establishing a business and economic development 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 establish  
3 in the city treasury a special revenue account to be known as the Business and Economic  
4 Development Special Revenue Fund of the city of Marlborough, into which account shall be  
5 deposited certain receipts comprising a portion of the total local room occupancy tax received  
6 annually by the city under section three A of chapter sixty-four G of the General Laws, as set  
7 forth in section 2 herein. The purpose of this act, and of the Business and Economic  
8 Development Special Revenue Fund, shall be to promote and to sustain the development of  
9 business and the local economy in the city of Marlborough.

10 SECTION 2. Notwithstanding the provisions of any general or special law to the  
11 contrary, the amount of the room occupancy excise based on a rate in excess of 4% collected  
12 under section three A of chapter sixty-four G of the General Laws by the city of Marlborough

13 shall be credited to the Business and Economic Development Special Revenue Fund, and shall  
14 be subject to further appropriation by a majority vote of the city council of the city of  
15 Marlborough.

16 SECTION 3. Notwithstanding the provisions of any general or special law to the  
17 contrary, the amount of the room occupancy excise based on a rate equal to 4% collected under  
18 section three A of chapter sixty-four G of the General Laws by the city of Marlborough for the  
19 fiscal year beginning July 1, 2011 and each fiscal year thereafter shall be credited to the General  
20 Fund of the city of Marlborough.

21 SECTION 4. Notwithstanding the provisions of any general or special law to the  
22 contrary, any  
23 interest accruing on any amount on deposit in the Business and Economic Development  
24 Special  
25 Revenue Fund shall be credited to the General Fund in the city of Marlborough.

26 SECTION 5. Nothing in or resulting from this act shall affect amounts distributed in any  
27 fiscal year to the city of Marlborough from the Local Aid Fund.

28 SECTION 6. If the city of Marlborough revokes, by a majority vote of the city council  
29 of the city pursuant to section three A of chapter sixty-four G of the General Laws and sections  
30 (2)(h) and (2)(i) of 830 Code of Massachusetts Regulations Part 64G.3A.1, its acceptance of the  
31 room occupancy excise rate in excess of 4% under section three A of chapter sixty-four G of the  
32 General Laws, then the city of Marlborough shall thereupon decide, by a two-thirds vote of the  
33 city council of the city, the separate question whether the Business and Economic Development

34 Special Revenue Fund shall cease to have effect in the city. If two-thirds of the city council of  
35 the city votes that the Business and Economic Development Special Revenue Fund shall cease to  
36 have effect in the city, all unexpended and uncommitted amounts on deposit in the said Fund, as  
37 of the date of the vote to revoke the rate in excess of 4%, shall be credited to the General Fund of  
38 the city on the first day of the calendar quarter following 30 days after the date of the revocatory  
39 vote, pursuant to section (2)(i) of 830 Code of Massachusetts Regulations Part 64G.3A.1;  
40 however, if two-thirds of the city council of the city does not vote that the Business and  
41 Economic Development Special Revenue Fund shall cease to have effect in the city, the said  
42 Fund shall continue to have effect in the city, and all unexpended and uncommitted amounts on  
43 deposit in the said Fund, as of the date of the vote to revoke the rate in excess of 4%, shall be  
44 subject to further appropriation by a majority vote of the city council of the city of Marlborough.

45 SECTION 7. The city of Marlborough may amend this act by a two-thirds vote of the  
46 city council of the city of Marlborough. Such amendatory vote shall designate a) that the  
47 Business and Economic Development Special Revenue Fund shall thereupon cease to have effect  
48 in the city of Marlborough; b) that all unexpended and uncommitted amounts on deposit in the  
49 Business and Economic Development Special Revenue Fund, as of the date of said amendatory  
50 vote, shall forthwith be credited to the General Fund of the city of Marlborough; and c) that the  
51 portion of the total room occupancy excise in excess of 4% received annually by the city of  
52 Marlborough under section three A of chapter sixty-four G of the General Laws and theretofore  
53 credited to the Business and Economic Development Special Revenue Fund, as set forth in  
54 section 2 herein, shall thereafter be credited to the General Fund of the city.

55 SECTION 8. This act shall take effect upon its passage.