HOUSE DOCKET, NO. 1084 FILED ON: 1/19/2011

HOUSE . . . . . No. 1452

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 passage of the accompanying:

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	*[District]*

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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:

SECTION 1. Notwithstanding section fifty-three of chapter forty-four 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 of the city of Marlborough, into which account shall be deposited certain receipts comprising a portion of the total local room occupancy tax received annually by the city under section three A of chapter sixty-four G of the General Laws, as set forth in section 2 herein. The purpose of this act, and of the Business and Economic Development Special Revenue Fund, shall be to promote and to sustain the development of business and the local economy in the city of Marlborough.

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

SECTION 3. Notwithstanding the provisions of any general or special law to the contrary, the amount of the room occupancy excise based on a rate equal to 4% collected under 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.

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