

HOUSE No. 31

By Representative Jones of North Reading and Senator Tisei, joint petition of Bradley H. Jones, Jr., and others relative to municipal relief. Bonding, Capital Expenditures and State Assets.

The Commonwealth of Massachusetts

PETITION OF:

Bradley H. Jones, Jr.	Susan Williams Gifford
Richard R. Tisei	Robert S. Hargraves
Paul J. P. Loscocco	Robert L. Hedlund
Bruce E. Tarr	Bradford Hill
Mary S. Rogeness	Donald F. Humason, Jr.
George N. Peterson, Jr.	Michael R. Knapik
John A. Lepper	Jeffrey Davis Perry
Viriato Manuel deMacedo	Elizabeth A. Poirier
Lewis G. Evangelidis	Karyn E. Polito
F. Jay Barrows	Richard J. Ross
Scott P. Brown	Todd M. Smola
Paul K. Frost	Daniel K. Webster

In the Year Two Thousand and Seven.

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
2 “Comprehensive Taxpayer and Municipal Relief Act of 2007”

1 SECTION 2. Subsection (e) of section 38C of chapter 7 of the
2 General Laws, as appearing in the 2004 Official Edition, is hereby
3 amended, in line 65, by striking out the words “ten thousand dollars”
4 and inserting in place thereof the following figures:— \$20,000.

1 SECTION 3. Subsection (e) of section 38C of chapter 7, as so
2 appearing, is hereby amended in line 67 by striking out the words
3 “one hundred thousand dollars”, and inserting in place thereof the
4 following figures:— \$200,000.

1 SECTION 4. Section 38K of chapter 7 of the General Laws, as
2 most recently amended by section 6 of chapter 122 of the acts of
3 2006, is hereby amended in lines 2 and 3 by striking out the words
4 “one hundred thousand dollars”, and inserting in place thereof the
5 following figures:— \$200,000.

1 SECTION 5. Paragraph (a) of section 39M of chapter 30 of the
2 General Laws, as most recently amended by section 9 of chapter 193
3 of the acts of 2004, is hereby further amended, in line 2, by striking
4 out the words “or for the purchase of any material.”.

1 SECTION 6. Paragraph (a) of section 39M of chapter 30 of the
2 General Laws, as so amended, is further hereby amended, in line 5,
3 by striking out the words “ten thousand dollars” and inserting in
4 place thereof the following figures:— \$50,000.

1 SECTION 7. Said paragraph (a) of section 39M of chapter 30 of
2 the General Laws, as so amended, is hereby further amended, in
3 line 9, by striking out the words “\$25,000 but not more than
4 \$100,000” and inserting in place thereof the following words:—
5 \$50,000 but not more than \$200,000.

1 SECTION 8. Said section 39M of chapter 30 of the General
2 Laws, as so amended, is hereby further amended, in paragraph (d),
3 by striking out the words “(4) to any contract of not more than
4 twenty-five thousand dollars awarded by a governmental body, as
5 defined by section two of chapter thirty B, in accordance with the
6 provisions of section five of said chapter thirty B; and (5) to any
7 contract solely for the purchase of material awarded by a govern-
8 mental body, as defined by section 2 of chapter 30B, in accordance
9 with section 5 of said chapter 30B” and inserting in place thereof the
10 following words:— (4) to any contracts solely for the purchase of
11 materials and said contracts shall be procured using the provisions of
12 said chapter 30B by governmental bodies subject to said
13 chapter 30B or the provisions of section 22 of chapter 7 by the com-
14 monwealth or political subdivision thereof subject to the provisions
15 of said chapter or such other procurement procedures to which a
16 governmental body may be subject.

1 SECTION 9. Section 39M of chapter 30 of the General Laws, as
2 so amended, is hereby further amended by inserting the following
3 paragraph after line 95:—

4 (f) For any contract for the construction, reconstruction, alter-
5 ation, remodeling, or repair of any public work and every contract
6 for the construction, reconstruction, installation, demolition, mainte-
7 nance, or repair of any public building by the commonwealth, or
8 political subdivision thereof, or by any county, city, town, district or
9 housing authority, estimated by the governmental body to cost more
10 than ten thousand dollars but not more than fifty thousand shall be
11 awarded in accordance with the provisions of section 4 of
12 chapter 30B by governmental bodies subject to said chapter 30B, or
13 the provisions of section 22 of chapter 7 by the commonwealth or
14 political subdivision thereof subject to the provisions of said chapter,
15 or such other procurement procedures to which a governmental body
16 may be subject.

1 SECTION 10. Subsection (a) of section 4 of chapter 30B of the
2 General Laws, as most recently amended by section 32 of
3 chapter 123 of the acts of 2006, is hereby amended, in lines 2 and 3,
4 by striking out the words “\$5,000 or greater, but less than \$25,000,”
5 and inserting in place thereof the following words:— \$10,000 or
6 greater, but less than \$50,000.

1 SECTION 11. Said subsection (a) of section 4 of chapter 30B, as
2 so appearing, is hereby further amended, in line 9, by striking out the
3 words “\$25,000 be based on written quotations or be subject to the
4 provisions of section five” and inserting in place thereof the
5 following words:— “\$50,000 based on written quotations or be sub-
6 ject to the provisions of section five or section six.”

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

1 SECTION 13. Said section 4 of chapter 30B of the General Laws,
2 as so appearing, is hereby further amended by adding at the end
3 thereof the following paragraph:—

4 (e) The provisions of subsection (a) of this section shall apply to
5 contracts for the construction, reconstruction, alteration, remodeling
6 or repair of any public work by the commonwealth, or political sub-
7 division thereof, or by any county, city, town, district, or housing
8 authority, and estimated by the awarding authority to cost more than
9 \$10,000 but not more than \$50,000, and every contract for the con-
10 struction, reconstruction, installation, demolition, maintenance, or
11 repair of any building by a public agency as defined by subsection
12 one of section 44A of chapter 149, estimated to cost more than
13 \$10,000 but not more than \$50,000.

1 SECTION 14. Subsection (a) of section 5 of chapter 30B, as so
2 appearing, is hereby amended, in line 2, by striking out the figure
3 “\$25,000” and inserting in place thereof the following figures: —
4 \$50,000.

1 SECTION 15. Subsection (a) of section 6 of chapter 30B, as so
2 appearing, is hereby amended, in line 2, by striking out the figure
3 “\$25,000” and inserting in place thereof the following figures:—
4 \$50,000.

1 SECTION 16. Section 23B of chapter 39 of the General Laws, as
2 appearing in the 2004 Official Edition, is hereby amended by
3 inserting after the word “section” in line 78 the following new para-
4 graph:—

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

1 SECTION 17. Section 4A of Chapter 40 of the General Laws is
2 amended by striking out the first sentence of said section and
3 inserting the following new sentence:

4 The chief executive officer of a city or town, or a board, com-
5 mittee or officer otherwise authorized by law to execute a contract in
6 the name of a governmental unit, as hereinafter defined, may enter
7 on behalf of such unit into an agreement with one or more other gov-
8 ernmental units to perform jointly or for such other unit or units any

9 services, activities or undertakings which any of the contracting
10 unties is authorized by law to perform, if such agreement is autho-
11 rized by the parties thereto, in a city by the city council with the
12 approval of the mayor, in a town by the Board of Selectmen and in a
13 district by the Prudential Committee; provided, however, that when
14 such agreement involves the expenditures of funds for establishing
15 supplementary education centers and innovative educational pro-
16 grams, the agreement and its termination shall be authorized by the
17 school committee.

1 SECTION 18. Section 22 of chapter 40B of the General Laws, as
2 most recently amended by section 181 of chapter 26 of the acts of
3 2003, is hereby further amended by striking the definition of “con-
4 sistent with local needs”, and inserting in place thereof the following
5 definition:—

6 “Consistent with local needs”, requirements and regulations shall
7 be considered consistent with local needs if they are reasonable in
8 view of the regional need for low and moderate income housing con-
9 sidered with the number of low income persons in the city or town
10 affected and the need to protect the health or safety of the occupants
11 of the proposed housing or of the residents of the city or town, to
12 promote better site and building design in relation to the surround-
13 ings, to preserve the municipal water supply or the region’s natural
14 water resources, or to preserve open spaces, and if such requirements
15 and regulations are applied as equally as possible to both subsidized
16 and unsubsidized housing. Requirements or regulations shall be con-
17 sistent with local needs when imposed by a board of zoning appeals
18 after comprehensive hearing in a city or town where (1) low or mod-
19 erate income housing exists which is in excess of ten per cent of the
20 housing units reported in the latest federal decennial census of the
21 city or town or on sites comprising one and one half per cent or
22 more of the total land area zoned for residential, commercial or
23 industrial use or (2) the application before the board would result in
24 the commencement of construction of such housing on sites com-
25 prising more than three tenths of one per cent of such land area or
26 ten acres, whichever is larger, in any one calendar year; provided,
27 however, that land area owned by the United States, the common-
28 wealth or any political subdivision thereof, or any public authority
29 shall be excluded from the total land area referred to above when
30 making such determination of consistency with local needs.

1 SECTION 19. Section 3 of chapter 44B of the General Laws, as
2 appearing in the 2004 Official Edition, is hereby amended by adding
3 the following new subsection:—

4 (i) Upon acceptance of sections 3 to 7, inclusive, every subse-
5 quent five years, the city or town clerk or the state secretary shall
6 place before the voters of said city or town the following ballot ques-
7 tion: “Shall this (city or town) re-accept sections 3 through 7, inclu-
8 sive, of chapter 44B of the General laws, as approved by its
9 legislative body, a summary of which appears below”. (Set forth
10 here a fair, concise summary and purpose of the law to be acted
11 upon, as determined by the city solicitor or town counsel, including
12 in said summary the percentage of the surcharge to be imposed.)

13 If a majority of voters voting on said ballot question vote in the
14 affirmative, then its provisions shall remain in effect for an addi-
15 tional five years; otherwise, the act shall cease.

1 SECTION 20. Subsection (b) of section 5 of chapter 44B of the
2 General Laws, as amended by chapter 289 of the acts of 2006, is
3 hereby amended by inserting at the end thereof the following subdi-
4 vision:—

5 (4) In the event that a project meeting the qualifications outlined
6 in subdivision (2) was authorized and financed by a town’s legisla-
7 tive body not more than 2 years prior to the acceptance of sections 3
8 through 7, inclusive, by the voters pursuant to section 3, the commu-
9 nity preservation committee may then include in its recommenda-
10 tions to the legislative body a recommendation to expend funds for
11 such project, whether to augment existing funds or to replace funds
12 otherwise dedicated to such project.

1 SECTION 21. Section 6 of said chapter 44B of the General
2 Laws, as so appearing, is hereby amended by striking out the final
3 sentence in its entirety and inserting in place thereof the following
4 sentence:— The community preservation funds shall not replace
5 existing operating funds, only augment them; provided, that projects
6 approved and financed by a legislative body not more than 2 years
7 prior to the acceptance of sections 3 through 7, inclusive, by the
8 voters pursuant to section 3 shall be exempt from this requirement.

1 SECTION 22. Section 21C of Chapter 59 of the General Laws is
2 hereby amended in paragraph (i½), line 124 by adding at the end of
3 “capital outlay expenditures” the following:— or for the city’s or
4 town’s apportioned share for certain capital outlay expenditures by a
5 regional governmental unit; and by striking out the words “nineteen
6 hundred” and in line 132 of said paragraph and inserting in place
7 thereof the following words:— two thousand.

1 SECTION 23. Section 23 of chapter 60 of the General Laws, as
2 most recently amended by section 6 of chapter 4 of the acts of 2003,
3 is hereby further amended, in the fifth sentence thereof, by striking
4 out the words “twenty-five dollars” and inserting in place thereof the
5 following figures:— \$35.

1 SECTION 24. Chapter 64A of the General Laws, as appearing in
2 the 2004 Official Edition, is hereby amended by inserting, after
3 section 7A, the following section:—

4 Section 7B. The sale of fuel to a city or town which having con-
5 sumed the same for any municipal purpose shall be exempt from the
6 excise established by this chapter.

1 SECTION 25. Section 3 of chapter 70B of the General Laws, as
2 most recently amended by section 14 of chapter 208 of the acts of
3 2004, is hereby further amended by inserting after subsection (w) the
4 following new subsection:—

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

1 SECTION 26. Section 17A of chapter 131 of the General Laws,
2 as appearing in the 2004 Official Edition, is hereby amended, in
3 line 3, by striking out the words “one dollar” and inserting in place
4 thereof the following figure:— \$3.

1 SECTION 27. Section 29 of chapter 149 of the General Laws, as
2 appearing in the 2004 Official Edition, is hereby amended, in lines 6
3 and 7, by striking out the words “in the case of the commonwealth is

4 more than five thousand dollars, and in any other case is more than
5 two thousand dollars” and inserting in place thereof the following
6 words:— is more than \$50,000.

1 SECTION 28. Subsection (2) of section 44A of chapter 149 of the
2 General Laws, as most recently amended by section 11 of
3 chapter 193 of the acts of 2004, is hereby further amended, in
4 line 47, by striking out the figure “\$10,000” and inserting in place
5 thereof the following figures: \$200,000.

1 SECTION 29. Subsection (1)(a) of section 44F of chapter 149 of
2 the General Laws, as most recently amended by section 21 of
3 chapter 193 of the acts of 2004, is hereby further amended, in line 6,
4 by striking the figure \$20,000 and inserting in place thereof the
5 following figures:— \$25,000.

1 SECTION 30. Section 8 of chapter 149 of the acts of 2004 is
2 hereby repealed.

1 SECTION 31. Notwithstanding any general or special law to the
2 contrary, the commissioner of the department of fisheries, wildlife
3 and environmental law enforcement, in coordination with the
4 director of fisheries and wildlife, is hereby directed to study methods
5 of improving the process of issuing hunting and fishing licenses in
6 the commonwealth, including but not limited to the complete priva-
7 tization of the responsibility for issuing said licenses. The commis-
8 sioner shall file a written report of his findings, together with any
9 recommendations for administrative or statutory revision, with the
10 clerks of the House and Senate and the chairmen of the House and
11 Senate committees on ways and means not later than December 31,
12 2007.

1 SECTION 32. Notwithstanding any general or special law to the
2 contrary, there shall be a special commission to study and report on
3 ways to improve the teacher licensure process. The commission
4 shall consist of the commissioner of education; 3 members of the
5 house of representatives, 2 of whom shall to be appointed by the
6 speaker of the house, and 1 of whom shall be appointed by the
7 minority leader of the house; 3 members of the senate, 2 of whom

8 shall be appointed by the senate president, and 1 of whom shall be
9 appointed by the senate minority leader; the chancellor of higher
10 education; a representative of the Massachusetts Teacher Associa-
11 tion; and a member appointed by the governor. The scope of the
12 commission's study shall include, but shall not be limited to, the
13 following: researching the current process of teacher licensure and
14 ways to streamline the process of certifying qualified applicants
15 without sacrificing quality or public safety; analyzing the effective-
16 ness, clarity and accessibility of applications and certification via
17 email and the internet; examining the feasibility of streamlining the
18 application process for teachers who have previous extensive experi-
19 ence in a public or a private school system; evaluating possible
20 options to simplify or lessen current state teacher licensure regula-
21 tions; and examining the capacity of the department to process all
22 teacher applications and certifications in a timely manner. The com-
23 mission shall submit its report to the board of education, the joint
24 committee on education, arts and humanities and the senate and
25 house clerks not later than December 31, 2007.