

HOUSE No.

The Commonwealth of Massachusetts

PRESENTED BY:
Stephen Kulik

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 bill:

An Act relative to savings, reforms and revenues for cities and towns .

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Jay R. Kaufman	15th Middlesex
Peter v. Kocot	1st Hampshire
Stephen Kulik	1st Franklin
Harriett L. Stanley	2nd Essex
Cleon H. Turner	1st Barnstable
Cory Atkins	14th Middlesex

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

AN ACT RELATIVE TO SAVINGS, REFORMS AND REVENUES FOR CITIES AND TOWNS .

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. Clause 16(1)(d) of section 5 of chapter 59 of the General Laws, as so
2 appearing in line 223 of the 2002 official version, is hereby amended by adding after the
3 words "fifty-two A" the phrase ",other than a telephone or telegraph corporation,"

4 SECTION 2. Clause 16(1)(c) of section 5 of chapter 59 of the General Laws, as so
5 appearing in line 220 of the 2002 official version, is hereby amended by adding the
6 following underlined words – "...other than a telephone or telegraph corporation taxed
7 pursuant to c. 63 s. 52A or mentioned in either..."

8 SECTION 3. Clause 16(2) of section 5 of chapter 59 of the General Laws, as so appearing in
9 line 239 of the 2002 official version, is hereby amended by adding the following underlined
10 words – "...both as defined in section thirty of chapter sixty-three, or a telephone or
11 telegraph corporation subject to tax pursuant to c. 63 s. 52A, all property..."

12 SECTION 4. Clause Fifth of section 18 of said chapter 59, as so appearing on line 73 of the
13 2002 official version, is hereby amended by adding at the end thereof the following two
14 sentences: - Poles, underground conduits, wires and pipes of telecommunications
15 companies laid in or erected upon public or private ways and property shall be assessed to
16 the owners thereof in the towns where laid or erected. For purposes of this clause,
17 telecommunications companies shall include cable television, internet service, telephone
18 service, data service and any other telecommunications service providers.

19 SECTION 5. Section 39 of said chapter 59, as so appearing in line 1 of the 2002 official
20 version, is hereby amended by striking the first sentence thereof and inserting the
21 following: - The valuation at which the poles, wires and underground conduits, wires and
22 pipes of all telephone and telegraph companies shall be assessed by the assessors of the
23 respective cities and towns where such property is subject to taxation shall be determined

24 annually by the commissioner of revenue subject to appeal to the appellate tax board, as
25 hereinafter provided. Other taxable personal property of telephone and telegraph
26 companies shall be valued and assessed by the assessors of the respective cities and towns
27 where such property is subject to taxation, in the same manner as other personal property
28 is valued and assessed under this chapter. For purposes of sections thirty-nine through
29 forty-two, telephone and telegraph companies shall include only those telecommunications
30 companies which own and operate two-way voice communications service over wires or
31 cables and are subject to rate regulation by the department of telecommunications and
32 energy. Towers and monopoles used to support machinery and equipment for wireless
33 communications shall not be considered poles under this section and shall be considered
34 part of the real estate subject to valuation and assessment by local assessors.

35 SECTION 6. Notwithstanding section 89 of Chapter 71 of the General Laws or any general
36 or special laws to the contrary, no commonwealth charter school shall receive any tuition
37 payment for the first time in fiscal 2010 or for any increase in enrollment.

38 SECTION 7. Notwithstanding section 89 of Chapter 71 of the General Laws or any general
39 or special law to the contrary, the total charter school tuition payment amount for each
40 sending district for fiscal year 2010 shall be reduced by the same percentage as any
41 decrease from fiscal 2009 to fiscal 2010 in Chapter 70 school aid and any decrease in
42 reimbursements of charter school tuition payments.

43 SECTION 8. Chapter 32B of the General Laws, as appearing in the 2006 Official Edition, is
44 hereby amended by adding the following new section:

45 Section 20. Effective July 1, 2009, a governmental unit is authorized to include, as part of
46 the health plans (HMOs, PPOs, indemnity plans) that it offers to its employees and retirees,
47 co-payments, deductibles and tiered provider network co-payments (or other plan design
48 features) that are no greater in dollar amount than the highest co-payments, deductibles
49 and tiered provider network co-payments (or other plan design features) provided in any of
50 the same class (HMOs, PPOs, indemnity plans) of health plans offered by the Group
51 Insurance Commission pursuant to chapter 32A of the General Laws. For purposes of this
52 section, a "Point of Service" plan offered by a governmental unit shall be considered to fall
53 within the PPO class.

54 The above authorized dollar amounts for co-payments, deductibles and tiered provider
55 network co-payments (or other plan design features) shall be increased whenever the
56 Group Insurance Commission increases the dollar amount of co-payments and/or
57 deductibles and/or tiered provider network co-payments (or other plan design features) on
58 the health plans that it offers.

59 A governmental unit may include in its health plans co-payments, deductibles and tiered
60 provider network co-payments (or other plan design features) up to the above-referenced
61 amounts without bargaining pursuant to Chapter 150E of the General Laws concerning the
62 decision to do so or the impact of the decision.

63 Nothing herein shall prohibit a governmental unit from including in its health plans higher
64 co-payments, deductibles or tiered provider network co-payments (or other plan design

65 features) than those authorized by the preceding paragraphs of this section; but such
66 higher co-payments, deductibles or tiered provider network co-payments (or other plan
67 design features) may be included only after the governmental unit has satisfied any
68 bargaining obligations pursuant to Chapter 150E of the General Laws.

69 SECTION 9. Chapter 64H of the General Laws, as appearing in the 2006 official Edition, is
70 hereby amended by inserting the following new section: -

71 Section 2B. Any city or town which accepts the provisions of this section may impose a
72 local excise tax, as provided in this chapter, upon the sale of meals, as defined in this
73 chapter, of not more than 3 percent of the total price of the meal. The local excise tax
74 imposed under this section shall be paid by the vendor to the commissioner at the same
75 time and in the same manner as the excise tax due the commonwealth. All sums received
76 by the commissioner under this section as excise, penalties or forfeitures, interest, cost of
77 suit and fines shall at least quarterly be distributed, credited and paid by the state treasurer
78 upon certification of the commissioner to each city or town that has adopted the provisions
79 of this section in proportion to the amount of such sums received from the sale of meals in
80 each such city or town. This section shall only take effect in a city or town accepting the
81 provisions of this section by a majority vote of the city council with the approval of the
82 mayor, in the case of a city with a Plan A, Plan B or Plan F charter, by a majority vote of the
83 city council, in the case of a city with a Plan C, Plan D or Plan E charter, by a majority vote
84 of the annual town meeting or a special town meeting called for that purpose, in the called-
85 for purpose, in the case of a municipality with a town meeting form of government; or by a
86 majority of the town council, in the case of a municipality with a town council form of
87 government. The provisions of this section shall take effect on the first day of the first
88 calendar month following such acceptance; provided further, that if such day is less than 15
89 days after such acceptance it shall take effect on the first day of the second calendar month
90 following such acceptance. The city or town, in accepting this section, may not revoke or
91 reimpose the local excise tax provided for in this section more often than once in any 12
92 month period. The commissioner of revenue shall make available to any city or town a
93 report of the total amount of sales tax collected in the preceding fiscal year in the city or
94 town requesting the information.

95 SECTION 10. Chapter 64G of the General Laws, as appearing in the 2006 Official Edition, is
96 hereby amended by striking out section 3A and inserting in place thereof the following
97 section: -

98 Section 3A. (a) Any city or town which accepts this section may impose a local excise tax
99 upon the transfer of occupancy of any room or rooms in a bed and breakfast establishment,
100 hotel, lodging house or motel located within that city or town by any operator at a rate up
101 to, but not exceeding, 6 per cent of the total amount of rent for each occupancy. No excise
102 shall be imposed if the total amount of rent is less than 15 dollars per day or its equivalent
103 or if the accommodation is exempt under section 2 of this chapter. The operator shall pay
104 the local excise tax imposed under the provisions of this section to the commissioner at the
105 same time and in the same manner as the excise tax due the commonwealth. All sums
106 received by the commissioner under this section as excise, penalties or forfeitures, interest,
107 costs of suit and fines shall at least quarterly be distributed, credited and paid by the state

108 treasurer upon certification of the commissioner to each city or town that has adopted this
109 section in proportion to the amount of the sums received from the transfer of occupancy in
110 that city or town. This section shall take effect in a city or town that accepts it as provided
111 in section 4 of chapter 4. This section shall take effect on the first day of the calendar
112 quarter following 30 days after this acceptance, or on the first day of a later calendar
113 quarter that the city or town may designate. The city or town, in accepting this section, may
114 not revoke or otherwise amend the applicable local tax rate more often than once in any 12-
115 month period. The commissioner of revenue shall make available to any city or town a
116 report of the total amount of room occupancy tax collected in the preceding fiscal year in
117 the city or town requesting the information.

118 SECTION 11. Section 1 of chapter 64G of the General Laws, as appearing in the 2006
119 Official Edition, is hereby amended by inserting after the word "motel" in line 29, the
120 following words: -

121 or other transient accommodations

122 SECTION 12. Section 1 of chapter 64G of the General Laws, as appearing in the 2006
123 Official Edition, is further amended by inserting after the word "rooms" in line 33, the
124 following words: -

125 or other transient accommodations

126 SECTION 13. Section 1 of chapter 64G, as appearing in the 2006 Official Edition, is further
127 amended by adding the following subsections:

128 (k) "Transient accommodations" any vacation or leisure accommodation, including but not
129 limited to apartment, single or multiple family housing, cottage, condominium and time-
130 share unit which , is rented to occupants for a period of 90 consecutive days or less
131 regardless of whether such use and possession is as a lessee, tenant, guest or licensee.

132 (l) "Vacation or leisure accommodation", occupancy for a price to be paid and intended at
133 the time of contract or agreement to be for a period of 90 consecutive days or less
134 regardless of whether such use and possession is as lessee, tenant, guest or licensee.

135 SECTION 14. Chapter 64G of the General Laws, as appearing in the 2006 Official Edition, is
136 further amended by adding the following section: -

137 Section 13. (i) Any city or town which accepts or has accepted the provisions of section 3A
138 may, by a separate vote, accept the provisions of this section and expand the imposition of
139 room occupancy excise to include transient accommodations. (ii) For transient
140 accommodations subject to this section, the owner of the apartment, single or multiple
141 family housing, cottage, condominium or time-share unit shall be responsible for assessing,
142 collecting, reporting, and paying over the tax as described for operators in sections 3, 4, 5,
143 6 and 7A, and shall be liable in the same manner as operators in section 7B. If a property
144 owner has a manager or management company collecting the rent such manager or
145 management company shall collect the room occupancy excise and forward it to the owner
146 along with the accommodation fee. The provisions of this section shall not apply to
147 accommodations provided to seasonal employees by employers.