

SENATE No. 2304

The Commonwealth of Massachusetts

REPORT OF THE NEW COMMITTEE OF CONFERENCE ON THE MATTERS OF DIFFERENCE BETWEEN THE TWO BRANCHES WITH REFERENCE TO THE HOUSE BILL ESTABLISHING A COMMUNITY ANTENNA TELEVISION SYSTEM IN THE TOWN OF BELMONT
(see House, No. 6608, amended.)

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GEORGE BACHRACH

PETER WEBBER

Of the Senate.

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Of the House.

The Commonwealth of Massachusetts

SENATE, December 10, 1983.

The new committee of Conference, to whom were referred the matters of difference between the two branches with reference to the Senate amendments of the House Bill establishing a community antenna television system in the town of Belmont (House, No. 6608, amended)

[Amended by the Senate by striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 2295; and by striking out the title and inserting in place thereof the following title: "An Act establishing a community antenna television system in cities and towns of the Commonwealth.]. Reports That the House recedes from its non-concurrence in the Senate Amendment and concurs therein with a further amendment by striking all after the enacting clause and inserting in place thereof the following text: —

1 "SECTION 1. It is the express purpose of this act to permit
2 and allow the town of Belmont to contract with a private com-
3 munity antenna television operator to build, maintain and
4 operate or to maintain and operate a community antenna
5 television system and to require the operator so selected to
6 lease the personal and real property employed in such system
7 from said town. All contracts and leases entered into in con-
8 nection with such arrangements shall serve the town of Bel-
9 mont in a manner which, in the judgment of the board of select-
10 men of said town, best serves the citizens of said town con-
11 sistent with the specific provisions of this act and the super-
12 vision of the state community antenna television commission."

1 SECTION 2. For the purpose of establishing, constructing, or
2 acquiring a community antenna television system, the town of
3 Belmont may borrow from time to time such sums as may be
4 necessary, not exceeding ten million dollars, and may issue
5 bonds or notes of the town therefor which shall bear on their
6 face the words Belmont Cable Television Loan, Act of 1983.
7 Each authorized issue shall constitute a separate loan and the

8 principal shall be payable in annual installments beginning not
9 later than three years, and ending not later than twenty years,
10 after the date of issue. The installments of principal shall be
11 arranged so that, beginning with the first year in which a
12 principal installment is required, the amounts payable in the
13 several years for principal and interest combined are as nearly
14 equal as it is practicable to make them in the opinion of the
15 officers authorized to issue the bonds or notes. Or, in the al-
16 ternative, the principal shall be payable in accordance with a
17 schedule providing for a more rapid amortization.

1 SECTION 3. Whenever the town has voted to issue bonds or
2 notes hereunder, the officers authorized to issue the same may,
3 in the name of the town, make temporary loans in anticipation
4 of the money to be derived from the sale of the bonds or notes,
5 and may issue temporary notes therefor. Each temporary loan
6 shall be payable within two years from the date of issue. Tem-
7 porary notes issued under this section for a shorter period may
8 be refunded by the issue of other temporary notes maturing
9 within the required period. The time within which principal
10 installments on the anticipated bonds or notes shall be required
11 to begin and end shall not be extended by reason of the mak-
12 ing of the temporary loan but no retirement of principal shall
13 be required at the time the temporary loan is converted into
14 a serial loan.

1 SECTION 4. Except as otherwise voted by the town, earnings
2 from the temporary investment of the proceeds of bonds and
3 notes issued hereunder may be expended without further ap-
4 propriation than this act in payment of the principal or re-
5 demption price of an interest on such bonds and notes.

1 SECTION 5. The town of Belmont, acting by and through its
2 board of selectmen, shall lease any system established pursuant
3 to this act to a licensee, as defined in chapter one hundred and
4 sixty-six A of the General Laws for such license period as al-
5 lowable under said chapter one hundred and sixty-six A; for
6 such rent at least sufficient to pay the indebtedness incurred
7 hereunder; and with such provisions for renewal of the lease,
8 and upon such other terms and conditions deemed by the
9 selectmen to be in the best interest of the town, and which are

10 consistent with the rules and regulations promulgated by the
11 community antenna television commission pursuant to said
12 chapter one hundred and sixty-six A. A lease granted under
13 this section shall not be subject to public bidding requirements,
14 if any, otherwise applicable to the leasing of town property.
15 Such lease may provide for the construction of the system,
16 including the acquisition of property or equipment therefor by
17 the licensee either in whole or in part from the proceeds of
18 borrowing by the town hereunder. Contracts for such con-
19 struction or such acquisition entered into by the licensee shall
20 be deemed to be contracts of the town under the laws and by-
21 laws regulating the making of public contracts; provided, how-
22 ever, said contracts shall not be deemed such contracts of the
23 town if the leasee of the system under this section also con-
24 struct the system as provided in this section. Any lease grant-
25 ed pursuant to this section shall not take effect until thirty
26 days after a copy of the lease has been forwarded to said
27 community antenna television commission. The commissioner
28 shall review any such lease and shall forward his comments, in
29 writing, to the lessor and leasee within said thirty days. A
30 copy of said lease shall also be forwarded to the office of the
31 inspector general, established under the provisions of chapter
32 twelve A of the General Laws.

1 SECTION 6. Payments for rent to pay the indebtedness in-
2 curred hereunder made by the leasee under any lease estab-
3 lished pursuant to this act shall not be considered a franchise
4 fee under the provisions of section nine of chapter one hun-
5 dred and sixty-six A.

1 SECTION 7. The provisions of section thirty-four of chapter
2 one hundred sixty-four of the General Laws shall not apply
3 to any lease arrangement established under the provisions of
4 this act.

1 SECTION 8. Notwithstanding the provisions of section thirty-
2 six of chapter one hundred sixty-four of the General Laws,
3 the town of Belmont shall not establish such lease arrange-
4 ment until authorized by a two-thirds vote taken at each of
5 two representative town meetings, the second of which shall

6 be held not less than two nor more than thirteen months after
7 the first such meeting.

1 SECTION 9. Nothing in this act shall prevent the issuing au-
2 thority in the town of Belmont from licensing a community
3 antenna television system under the provisions of chapter one
4 hundred sixty-six A of the General Laws. Nothing in this
5 act shall modify or affect the obligations of a licensee to pay
6 the license fees to the commonwealth prescribed by Section 9
7 of Chapter one hundred and sixty-six A.

1 SECTION 10. Any license entering into a lease arrangement
2 under the provisions of this act shall be subject to all provi-
3 sions of chapter one hundred sixty-six A and all rules and
4 regulations promulgated thereunder unless specifically exempt-
5 ed therefrom by the provisions of this act. Nothing in this act
6 is intended to affect the interpretation of any law with respect
7 to any city or town other than the town of Belmont.

1 SECTION 11. With respect to any cable television system
2 constructed or established pursuant to the provisions of this
3 act, the said town of Belmont shall annually certify to the
4 commissioner of revenue the total amount expended in the
5 previous year for the purchase of goods and materials to be
6 used in the construction, establishment or operation of the
7 system and for which no sales or use tax has been paid to the
8 commonwealth. In the event that the said town conveys or
9 transfers ownership of such system to another party, it shall
10 require as a condition of such conveyance that the transferee
11 shall pay to the commonwealth an amount equal to the sales
12 or use tax which would have been imposed relative to the
13 amounts certified by the said town of Belmont with respect
14 to the purchase of goods and materials had the sale or use
15 of such goods and materials been subject to taxation at the
16 time of purchase. Said amount shall be paid by the transferee
17 to the commissioner of revenue and deposited in the General
18 Fund.

1 SECTION 12. This act shall take effect upon its passage; and
2 by striking out the title and inserting in place thereof the fol-

3 lowing title, "AN ACT RELATING TO THE ESTABLISH-
4 MENT OF A COMMUNITY ANTENNA TELEVISION SYS-
5 TEM IN THE TOWN OF BELMONT and that the Senate con-
6 cur in the further amendment.

