

By Mr. O'Leary, a petition (accompanied by bill, Senate, No. 1801) of Robert A. O'Leary, Shirley Gomes, Thomas N. George and Eric Turkington for legislation relative to implementation of the community preservation act in Barnstable County. Taxation.

The Commonwealth of Massachusetts

In the Year Two Thousand and Three.

AN ACT RELATIVE TO CERTAIN TOWNS IN BARNSTABLE COUNTY.

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 the provisions of said
2 chapter 44B, the legislative body of any town that has accepted
3 the provisions of chapter 293 of the Acts of 1998 may establish a
4 community preservation committee and community preservation
5 fund as described in chapter 44B. The committee and fund shall
6 operate in the manner set forth in that chapter unless clearly pro-
7 vided for otherwise in this section. The actions of the legislative
8 body shall be submitted for acceptance to the voters of a town at
9 any municipal or state election. The town clerk or the state secre-
10 tary shall place it on the ballot in the form of the following ques-
11 tion:—

12 “Shall this town establish a community preservation committee
13 and community preservation fund as provided for in sections 5 to
14 7, inclusive of chapter 44B of the General Laws, as approved by
15 its legislative body, a summary of which appears below?” (Set
16 forth here a fair, concise summary and purpose of the proposal to
17 be acted upon, as determined by the town counsel, including the
18 town’s eligibility for state funds for community preservation pur-
19 poses). If a majority of the voters voting on said question vote in
20 the affirmative, then its provisions shall take effect in the town,
21 but not otherwise. The final date for notifying or filing a petition
22 with the town clerk or the state secretary to place such a question
23 on the ballot shall be 35 days before the town election or 60 days

24 before the state election. If the legislative body does not vote to
25 establish a community preservation committee and community
26 preservation fund at least 90 days before a town election or 120
27 days before a state election, then a question seeking such estab-
28 lishment may be so placed on the ballot when a petition signed by
29 at least 5 per cent of the registered voters of the town requesting
30 such action is filed with the registrars, who shall have seven days
31 after receipt of such petition to certify its signatures. Upon certifi-
32 cation of the signatures, the town clerk or the state secretary shall
33 cause the question to be placed on the ballot at the next town elec-
34 tion held more than 35 days after such certification or at the next
35 state election held more than 60 days after such certification.

36 After December 31, 2005, any such town shall be eligible to
37 receive funds from the Massachusetts Community Preservation
38 Trust Fund as provided for in section 10 of chapter 44B, provided
39 that the amounts collected from the additional excise on real prop-
40 erty established by chapter 293 of the Acts of 1998 shall replace
41 references to the amounts collected by the surcharge on real prop-
42 erty established in chapter 44B for use in calculating the total
43 state contribution. Once calculated, the total state contribution
44 shall be reduced by 66 per cent. All monies collected from the
45 additional excise on real property shall continue to be deposited in
the Land Bank Fund as provided for in said chapter 293.

1 SECTION 2. The provisions of this act shall expire on January 1,
2 2020.