



**OPPOSE SB1747 – An Act Establishing the Commonwealth Municipal
Dog Park Trust Fund
Sen. Patrick M. O’Connor (D)**

Referred to Joint Committee on Revenue

WHAT THIS BILL DOES:

SB1747 establishes a municipal dog park trust fund that will provide matching grants to municipalities for constructing and maintaining fenced-in dog parks. Funding will be provided by a voluntary check-off donation on income tax returns and allowing individuals and couples filing jointly to contribute all or part of any tax refund they are entitled to this Fund. The funds collected from tax returns could be supplemented with public and private gifts, donations or grants. The program will be managed by a Board of Trustees within the department of conservation and recreation.

WHY YOU SHOULD OPPOSE THIS BILL:

We do not believe the Commonwealth should be encouraging communities to construct dog parks by providing matching funds to do so. While dogs may benefit from having an enclosed place to exercise, visits to these public dog parks frequently result in dog fights with injuries requiring veterinary treatment and expense, and expose otherwise healthy dogs to disease carried by unknown dogs. Further, dog parks can be quite dangerous for small dogs running loose with larger dogs 5 to 20 times their weight.

What are the potential liability issues for a community, and the Commonwealth if it co-funded the dog park, if a dog or person gets injured?

FOR MORE INFORMATION:

Massachusetts Federation of Dog Clubs and Responsible Dog Owners
Mr. John W. Seeley; acgjohn@aol.com; 978-456-8644
Ms. Virginia Rowland, blacksplate@aol.com, 978-424-1044

03/17/19

SENATE No. 1747

The Commonwealth of Massachusetts

PRESENTED BY:

Patrick M. O'Connor

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 adoption of the accompanying bill:

An Act establishing the Commonwealth Municipal Dog Park Trust Fund.

PETITION OF:

NAME:

Patrick M. O'Connor

DISTRICT/ADDRESS:

Plymouth and Norfolk

SENATE No. 1747

By Mr. O'Connor, a petition (accompanied by bill, Senate, No. 1747) of Patrick M. O'Connor for legislation to establish the Commonwealth Municipal Dog Park Trust Fund. Revenue.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-First General Court
(2019-2020)**

An Act establishing the Commonwealth Municipal Dog Park Trust Fund.

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. Chapter 10, as appearing in the 2014 Official Edition, is hereby amended by
2 inserting after Section 35DDD the following new section:-

3 Section 35EEE. There is hereby established on the books of the Commonwealth a
4 separate fund known as the Commonwealth Municipal Dog Park Trust Fund to be used, without
5 further appropriation, to provide matching grants to municipalities for the construction and
6 maintenance of fenced-in dog parks. Any balance in the fund at the end of the fiscal year shall
7 not revert to the General Fund, but shall remain available for expenditure in subsequent fiscal
8 years. Said trust fund shall consist of all revenues received by the commonwealth under the
9 provisions of law authorizing the voluntary check-off donation indicated on the department of
10 revenue’s annual individual income tax return, pursuant to Section 60 of Chapter 62 and any
11 public and private sources as gifts, grants, and donations to further provide for the construction
12 and maintenance of fenced-in dog parks.

13 The state treasurer shall deposit monies in said fund in accordance with the provisions of
14 Sections 34 and 34A of Chapter 29 in such manner as will secure the highest interest rate
15 available consistent with safety of the fund and with the requirement that all amounts on deposit
16 be available for immediate withdrawal at any time by the commissioner of the department of
17 conservation and recreation.

18 SECTION 2. Chapter 62, as so appearing, is hereby amended by inserting after Section
19 6N the following new section:-

20 Section 6O. Every individual who files a separate return and every husband and wife
21 filing a return jointly may voluntarily contribute all or part of any refund to which they are
22 entitled, or may voluntarily add an amount onto any amount due, to be credited to the
23 Commonwealth Municipal Dog Park Trust Fund established pursuant to Section 35DDD of
24 Chapter 10.

25 A contribution made under this section may be with respect to any taxable year at the
26 time of filing a return of the tax established by this chapter for such taxable year; provided,
27 however, that the commissioner shall prescribe the manner in which such contribution shall be
28 made on the face of the return required by Section 5 of Chapter 62C; provided, further, that the
29 commissioner shall assure that taxpayers filing any such forms are made clearly aware of their
30 ability to make the contributions provided for by this section.

31 The commissioner shall annually report the total amount designated under this section to
32 the state treasurer, who shall credit such amount to said Commonwealth Municipal Dog Park
33 Trust Fund.

34 SECTION 3. Chapter 21A, as so appearing, is hereby amended by inserting after Section
35 26 the following new section:-

36 Section 27. (a) There shall be, within the department of conservation and recreation, a
37 Commonwealth Municipal Dog Park Program to encourage the construction of fenced-in dog
38 parks. A board of trustees shall be appointed to manage the program and oversee use of the
39 Commonwealth Municipal Dog Park Trust Fund, established pursuant to Section 35DDD of
40 Chapter 10. The board shall consist of the commissioner of the department of conservation and
41 recreation, or his designee, who shall serve as chair; the treasurer, or his designee; the president
42 of the Retailers Association of Massachusetts, or his designee; the president of the Massachusetts
43 Municipal Association, or his designee; and three persons to be appointed by the governor, 1 of
44 whom shall have experience in municipal planning, 1 of whom shall be a representative from the
45 pet supply retail industry, and 1 of whom shall be a representative of an animal safety nonprofit
46 organization.

47 (b) The objectives of the program shall include, but shall not be limited to: (1)
48 establishing an application and selection process for municipalities seeking supplemental funding
49 for municipally-sanctioned dog park projects; (2) pursuant to said process, awarding matching
50 grants to selected municipalities for the construction and maintenance of fenced-in dog parks;
51 and (3) establishing partnerships with pet supply retailers to solicit donations for the
52 Commonwealth Municipal Dog Park Trust Fund from consumers.

53 (c) The board shall report annually not later than March 1 to the secretary of
54 administration and finance and to the house and senate committees on ways and means. The
55 report shall include: (1) matching grants awarded pursuant to the program in the prior calendar

56 year; (2) activities undertaken in furtherance of the program's objectives; and (3) the total
57 expenditures from the fund in the prior calendar year.