HOUSE DOCKET, NO. 1340 FILED ON: 1/16/2013

HOUSE . . . . . No. 2718

The Commonwealth of Massachusetts

PRESENTED BY:

John H. Rogers

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 relative to the revenue to the stabilization fund.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
John H. Rogers	*12th Norfolk*
Thomas J. Calter	*12th Plymouth*

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HOUSE . . . . . No. 2718

By Mr. Rogers of Norwood, a petition (accompanied by bill, House, No. 2718) of John H. Rogers and Thomas J. Calter relative to revenues to and expenditures from the Stabilization Fund. Revenue.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. *3309* OF 2011-2012.]

The Commonwealth of Massachusetts

In the Year Two Thousand Thirteen

An Act relative to the revenue to the stabilization fund.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

Section 1. Notwithstanding any provision of the constitution to the contrary, the governor shall submit a balanced budget for the state's fiscal year to the general court; provided, that no action on its part shall be taken which will cause an excess of appropriations for revenue expenditures over expected revenue receipts. If additional appropriations are deemed necessary by the general court, it shall not make the appropriations unless it shall provide the necessary additional revenue therefor.

The term balanced budget shall mean a condition of state finance in which the following requirements are met: (a) the consolidated net surplus at the end of the fiscal year is greater than or equal to one-half of 1 per cent of revenue receipts for such fiscal year; and (b) the amount transferred to the Commonwealth Stabilization Fund established by section 2 that is greater than or equal to 1/2 of 1 per cent of revenue receipts for such fiscal year. The term consolidated net surplus shall mean the sum of the undesignated balances in the budgetary funds, except those funds exempted by the general court.

Section 2. There shall be a Commonwealth Stabilization Fund consisting of funds from the undesignated fund balances in the budgetary funds established by the general court. No funds shall be transferred from the Commonwealth Stabilization Fund except by a vote by the two branches which shall be recorded by roll call vote.

Section 3. The comptroller of the commonwealth shall annually, on or before October 31, certify to the governor the amount of the consolidated net surplus in the budgetary funds at the close of the preceding fiscal year. The amounts so certified shall be disposed as follows: (a) an amount equal to 1/2 of 1 per cent of the total revenue from taxes in the preceding fiscal year shall be available to be used as revenue for the current fiscal year and 1/2 of 1 per cent of the total revenue from taxes in the preceding fiscal year shall be transferred to the Commonwealth Stabilization Fund; (b) any remaining amount of such consolidated net surplus after amounts made available in clause (a) shall be transferred to the Commonwealth Stabilization Fund; and (c) all transfers specified in this section shall be made from the undesignated fund balances in the budgetary funds proportionally from those undesignated fund balances, but no such transfer shall cause a deficit in any of those funds; provided, however, that prior to certifying the consolidated net surplus in accordance with this section, the comptroller shall, to the extent possible, eliminate deficits in any fund contributing to the surplus by transferring positive fund balances from any other fund contributing to the surplus.