

SENATE No.

The Commonwealth of Massachusetts

PRESENTED BY:

Karen E. Spilka

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 repealing the software services tax.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Karen E. Spilka</i>	<i>Second Middlesex and Norfolk</i>
<i>Richard T. Moore</i>	<i>Worcester and Norfolk</i>
<i>William N. Brownsberger</i>	<i>Second Suffolk and Middlesex</i>
<i>Josh S. Cutler</i>	<i>6th Plymouth</i>
<i>Michael O. Moore</i>	<i>Second Worcester</i>

SENATE No.

By Ms. Spilka, a petition (subject to Joint Rule 12) of Karen E. Spilka, Richard T. Moore, William N. Brownsberger, Josh S. Cutler and others for legislation to repeal the software services tax. Rules of the two branches, acting concurrently.

The Commonwealth of Massachusetts

In the Year Two Thousand Thirteen

An Act repealing the software services tax.

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: Section 1 of chapter 64H of the General Laws, as amended by section 48 of
2 chapter 46 of the acts of 2013, is hereby amended by striking out the definition of “Computer
3 system design services” in its entirety.

4 SECTION 2: Said section 1 of said chapter 64H of the General Laws, as amended by
5 section 49 of said chapter 46 of the acts of 2013, is hereby further amended by striking out the
6 definition of “services” and inserting in place thereof the following definition:-

7 “Services”, a commodity consisting of activities engaged in by a person for another
8 person for a consideration; provided, however, that the term “services” shall not include
9 activities performed by a person who is not in a regular trade or business offering his services to
10 the public, and shall not include services rendered to a member of an affiliated group, as defined
11 by section 1504 of the Internal Revenue Code, by another member of the same affiliated group
12 that does not sell to the public the type of service provided to its affiliate; and provided, further,
13 that the term services shall be limited to the following item: telecommunications services.
14 Nothing herein shall exempt from tax sales of tangible personal property subject to tax under this
15 chapter.

16 SECTION 3: Section 77 of said chapter 46 of the acts of 2013 is hereby amended by
17 inserting after the words “adequate system of taxation” the following:- , including
18 recommendations to raise the additional necessary revenue for transportation financing and
19 general appropriations