

SENATE No. 1602

The Commonwealth of Massachusetts

PRESENTED BY:

Michael J. Barrett

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 Massachusetts fund for vulnerable countries most affected by climate change.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
<i>Michael J. Barrett</i>	<i>Third Middlesex</i>	
<i>Denise Provost</i>	<i>27th Middlesex</i>	<i>1/31/2019</i>
<i>Michael D. Brady</i>	<i>Second Plymouth and Bristol</i>	<i>2/1/2019</i>
<i>Julian Cyr</i>	<i>Cape and Islands</i>	<i>2/1/2019</i>
<i>James K. Hawkins</i>	<i>2nd Bristol</i>	<i>2/1/2019</i>

SENATE No. 1602

By Mr. Barrett, a petition (accompanied by bill, Senate, No. 1602) of Michael J. Barrett, Denise Provost, Michael D. Brady, Julian Cyr and others for legislation relative to the Massachusetts fund for vulnerable countries most affected by climate change. Revenue.

The Commonwealth of Massachusetts

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

An Act relative to the Massachusetts fund for vulnerable countries most affected by climate change.

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 of the General Laws, as most recently amended by section 4 of
2 chapter 273 of the Acts of 2018, is hereby amended by inserting after section 35LLL the
3 following section:

4 Massachusetts Fund for Vulnerable Countries Most Affected by Climate Change

5 Section 35MMM: Massachusetts Fund for Vulnerable Countries Most Affected by
6 Climate Change

7 Section 35MMM. There shall be established and set up on the books of the
8 commonwealth a separate fund to be known as the Massachusetts Fund for Vulnerable Countries
9 Most Affected by Climate Change, hereinafter the MFVC, to further the mission of the United
10 Nations Least Developed Countries Fund, hereafter referred to as the UN LDCF, established by

11 the United Nations Framework Convention on Climate Change to help under-developed nations
12 adapt to climate change.

13 Said MFVC shall be a tax return-enabled contribution option for the purposes of chapter
14 62 and shall be authorized to receive and hold for transfer to the UN LCDF all monies (i)
15 received by the commonwealth pursuant to section 6O of chapter 62, and (ii) received from
16 public and private sources as gifts, grants, and donations to the UN LDCF.

17 The state treasurer shall deposit monies in said MFVC in accord with state law and in
18 such manner as will secure the highest interest rate available consistent with the safety of the
19 fund; provided, that all amounts on deposit shall thereafter be available for transfer to (i) the UN
20 LDCF upon request by a UN LDCF Trustee pursuant to a UN LDCF Contribution Agreement or
21 (ii) a not-for-profit organization that is tax-exempt under section 501(c)(3) of the Internal
22 Revenue Code and whose work furthers the mission of the UN LDCF by providing it financial
23 support.

24 SECTION 2. Chapter 62 of the General Laws as so appearing in the 2014 official edition
25 is hereby amended by inserting in section 1 the following definition:

26 “Tax return-enabled contribution option”, any account or fund appearing on a personal
27 income tax return form prescribed and furnished by the commissioner, and to which a person
28 filing a personal income tax return individually, or a couple filing a personal income tax return
29 jointly, may voluntarily contribute all or part of a refund due from the commonwealth or an
30 amount of money over and above any tax owed to the commonwealth.

31 SECTION 3. Chapter 62 of the General Laws as so appearing in the 2014 official edition
32 is hereby amended by inserting after section 6N the following section:

33 Massachusetts Fund for Vulnerable Countries Most Affected by Climate Change,
34 voluntary contributions.

35 Section 6O. (a) A person filing a personal income tax return individually, or a couple
36 filing a personal income tax return jointly, may voluntarily contribute all or part of a refund due
37 from the commonwealth, or an amount of money over and above any tax owed to the
38 commonwealth, to the Massachusetts Fund for Vulnerable Countries Most Affected by Climate
39 Change, hereinafter the MFVC, established in section 35MMM of chapter 10.

40 A person filing a personal income tax return individually, or a couple filing a personal
41 income tax return jointly, may make a voluntary contribution to the MFVC with respect to any
42 tax year at the time of the filing of a return of a tax established by this chapter for such year. All
43 personal income tax forms prescribed by and furnished by the commissioner shall include a clear
44 indication of, and a convenient opportunity to exercise, the option to contribute to the MFVC;
45 provided, further, that said forms and public materials and documents related thereto shall refer
46 to the MFVC contribution option as the “Massachusetts Fund for Vulnerable Countries Most
47 Affected by Climate Change”.

48 The commissioner shall annually report total monies contributed pursuant to this section
49 to the state treasurer, who shall deposit said monies in the Massachusetts Fund for Vulnerable
50 Countries Most Affected by Climate Change established in section 35MMM of chapter 10.

51 SECTION 4. Chapter 62 of the General Laws, as so appearing in the 2014 official
52 edition, is hereby amended by inserting after section 6O the following section:

53 Section 6P (a) Notwithstanding any statute or administrative action to the contrary, no tax
54 return-enabled contribution option shall appear on a personal income tax return form prescribed
55 and furnished by the commissioner without express legislative authorization.

56 (b) Notwithstanding any statute or administrative action to the contrary, each tax return-
57 enabled contribution option appearing on the personal income tax return form for the immediate
58 past year and for five or more total years to which total dollar contributions have not, in any of
59 the five most recent years, equaled or exceeded eighty percent of the average of total dollar
60 contributions made in the respective tax year to all tax return-enabled contribution options
61 included on said form for said year, shall not appear on personal income tax return forms for a
62 minimum of five tax years thereafter; provided, further, that each tax return-enabled contribution
63 option appearing on the personal income tax return form for a total of four or fewer years shall,
64 as a condition of continuing to appear on the form after the fifth year of so appearing, have
65 received, in at least one of the initial five years, total dollar contributions equal to, or in excess
66 of, eighty percent of the average of total dollar contributions made in the respective tax year to
67 all tax return-enabled contribution options included on said form for said year; provided, further,
68 that in the event of the failure of a tax return-enabled contribution option to satisfy said
69 condition, said contribution option shall not appear on personal income tax return forms for a
70 minimum of five tax years thereafter; and, provided, further, that the commissioner may depart
71 from the requirements of this paragraph only to the extent of ensuring that no fewer than three
72 tax return-enabled contribution options, consisting of any combination of (i) new contribution
73 options and (ii) contribution options previously authorized and receiving the highest total dollar
74 contributions for the five most recent years, shall appear on the personal income tax return forms
75 of the commonwealth for each tax year.

76 (c) Notwithstanding any other provisions of this section, no more than nine, and no fewer
77 than three, tax return-enabled contribution options shall appear on personal income tax return
78 forms of the commonwealth for any one tax year.

79 (d) The text of each tax return-enabled contribution option printed on a personal income
80 tax return form shall indicate the principal entity or entities authorized to assume possession of,
81 or expend or disburse, monies in the account or fund associated with said contribution option.

82 (e) The administrator of each entity that assumes possession of, or disburses, monies
83 maintained in an account or fund associated with a tax return-enabled contribution option shall
84 compile an annual report on the account's or fund's expenditures and disbursements during the
85 previous tax year. Said annual report shall include, except as is necessary to comply with
86 privacy laws: (i) the identity of each individual, organization, agency or program in receipt of
87 expenditures or disbursements of two thousand dollars or more from the fund together with the
88 dollar amount received; and (ii) a description of the process or criteria according to which said
89 recipients were identified and selected. Said report shall be submitted to the commissioner, joint
90 house and senate committee on revenue, and house and senate committees on ways and means.

91 (f) The administrator of each entity that assumes possession of, or disburses, monies
92 maintained in an account or fund associated with a tax return-enabled contribution option shall
93 provide, except as is necessary to comply with privacy laws, any information requested by the
94 attorney general, state auditor, inspector general, senate or house committees on post audit and
95 oversight, the commissioner, or any department, agency or law enforcement body investigating
96 suspected financial abuse. The superior court shall have jurisdiction over disputed requests for
97 information.

98 (g) The state auditor, pursuant to section 12 of chapter 11, shall audit any accounts or
99 funds associated with each tax return-enabled contribution option once every 5 years at a
100 minimum and more often as the state auditor determines necessary. Following an audit, the
101 auditor shall make recommendations to the commissioner, the senate and house committees on
102 ways and means and the joint committee on revenue about changes in law or regulation that may
103 improve the efficiency and effectiveness of tax return-enabled contribution options and any
104 associated accounts or funds, decrease their costs, or prevent waste, fraud or abuse. If the auditor
105 finds substantial waste, fraud or abuse on the part of an administrator of any entity that assumes
106 possession of, or disburses, monies maintained in an account or fund associated with a tax
107 return-enabled contribution option, the auditor may recommend to the commissioner, in a writing
108 that shall include such findings, that said contribution option be removed from the tax form for a
109 number of tax years or that said administrator be barred from future involvement with said
110 contribution option. Upon receipt of such a recommendation, the commissioner may,
111 notwithstanding any general or special law to the contrary, remove said tax return-enabled
112 contribution option from the tax form for a number of tax years or bar said administrator from
113 future involvement with the contribution option.

114 (h) The attorney general or the commissioner may independently investigate allegations
115 of waste, fraud or abuse by an administrator of any entity authorized to assume possession of, or
116 expend or disburse, monies contributed to an account or fund associated with a tax return-
117 enabled contribution option, including allegations referred by the auditor. The attorney general
118 may initiate an action in superior court to enjoin the deposit of monies by the state treasurer in
119 any such account or fund or the expenditure of monies by said administrator. The attorney

120 general or the commissioner may initiate an action in superior court to recover any monies
121 alleged to have been lost because of said waste, fraud or abuse.