

**HOUSE . . . . . No. 4769**

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**The Commonwealth of Massachusetts**

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**In the Year Two Thousand Ten**  
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An Act RELATIVE TO TAX ACCOUNTABILITY AND GOOD GOVERNMENT..

*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 7: Section 1 of chapter 62C of the General Laws, as appearing in the 2008  
2 Official Edition, is hereby amended by inserting before the definition of "Building contractor"  
3 the following definition:-

4 "Administering agency head", the agency head responsible for administering the  
5 applicable state tax credit program. For the brownfields tax credit and the film tax credit the  
6 administering agency head is the department of revenue. For the medical device tax credit, the  
7 administering agency head is the Massachusetts life sciences center.

8 SECTION 8 Said section 1 of chapter 62C of the General Laws, as so appearing, is  
9 hereby further amended by striking out the definition of "Code".

10 SECTION 9: Said section 1 of chapter 62C, as so appearing, is hereby further amended  
11 by inserting after the definition of "Promoter" the following definition:-

12 "Secretary", the secretary of administration and finance.

13 SECTION 10: Said section 1 of chapter 62C, as so appearing, is hereby further amended  
14 by inserting after the definition of "Show" the following definition:-

15 "Tax credit program", one of the following credits against the state income tax to  
16 stimulate economic development and other policy goals: the brownfields tax credit in section  
17 38Q of chapter 63 and subsection (j) of section 6 of chapter 62; the dairy farmer tax credit in  
18 section 38Z of chapter 63 and subsection (o) of section 6 of chapter 62; the FDA user fees credit  
19 in section 31M of chapter 63 and subsection (n) of section 6 of chapter 62; the film tax credit in  
20 subsection (b) of section 38X of chapter 63 and subsection (l) of section 6 of chapter 62; the  
21 historic rehabilitation tax credit in section 38R of chapter 63 and section 6J of chapter 62; the life  
22 sciences investment tax credit in section 38U of chapter 63 and subsection (m) of section 6 of  
23 chapter 62; the low-income housing tax credit in section 31H of chapter 63 and section 6I of  
24 chapter 62; the medical device tax credit in section 31L of chapter 63 and section 6 1/2 of  
25 chapter 62; and the refundable research credit in subsection (j) of section 38M of chapter 63.

26 SECTION 11: Said chapter 62C is hereby further amended by adding the following  
27 section:-

28 Section 88. (a)(1) On or before May 15 each year, the administering agency head of each  
29 tax credit program shall submit a report to the commissioner on each tax credit program  
30 authorized for the previous calendar year only, in this section called the report, which shall be a  
31 public record.

32 (2) The report shall contain the following information:

33 (i) the identity of each taxpayer authorized by the administering agency head to receive a  
34 tax credit;

35 (ii) the amount of tax credit award and issued tax credit for each taxpayer and each  
36 project, if applicable;

37 (iii) the date of the tax credit award or issued tax credit for each taxpayer and each  
38 project; and

39 (iv) additional data and criteria that the secretary determines to be relevant to analyzing  
40 the effectiveness of that tax credit program.

41 (b)(1) On or before February 15 of every year, each taxpayer receiving an  
42 authorized tax credit from the administering agency head in the previous calendar year shall  
43 submit data and analysis reasonably determined by the Secretary to be relevant to analyzing the  
44 effectiveness of the tax credit program.

45 (2) On or before May 15 of each year, or by another date that the secretary  
46 determines to be practicable, the administering agency head shall submit to the commissioner, in  
47 a form prescribed by the commissioner, copies of any data and analysis required by paragraph  
48 (1), with the report required by subsection (a). The commissioner shall provide this information  
49 on a government internet website for public disclosure.

50 SECTION 12: Notwithstanding any general law to the contrary there shall be established  
51 a commission that shall review and evaluate all exemptions deductions, and credits and make  
52 recommendations to the general court based on effectiveness, timeliness, and the cost benefit  
53 analysis of said credits

54 The commission shall be compromised of a representative from administration and  
55 finance, the House and Senate chairs of the Joint Committee on Revenue or their respective

56 designee, the Senate minority leader or their respective designee, and the House minority leader  
57 or their respective designee.

58           The commission shall conduct its evaluation and make recommendations every five years  
59 beginning on or before January 1, 2015.