

HOUSE No. 1617

The Commonwealth of Massachusetts

PRESENTED BY:

Denise Provost

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 to support educational opportunity for all.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Denise Provost</i>	<i>27th Middlesex</i>	<i>1/17/2017</i>
<i>Chris Walsh</i>	<i>6th Middlesex</i>	
<i>James R. Miceli</i>	<i>19th Middlesex</i>	
<i>Jason M. Lewis</i>	<i>Fifth Middlesex</i>	
<i>Frank I. Smizik</i>	<i>15th Norfolk</i>	
<i>Daniel Cahill</i>	<i>10th Essex</i>	
<i>Christine P. Barber</i>	<i>34th Middlesex</i>	
<i>Byron Rushing</i>	<i>9th Suffolk</i>	
<i>Carmine L. Gentile</i>	<i>13th Middlesex</i>	
<i>Jack Lewis</i>	<i>7th Middlesex</i>	
<i>Mike Connolly</i>	<i>26th Middlesex</i>	
<i>Brendan P. Crighton</i>	<i>Third Essex</i>	
<i>Frank A. Moran</i>	<i>17th Essex</i>	<i>1/27/2017</i>
<i>Michelle M. DuBois</i>	<i>10th Plymouth</i>	<i>2/1/2017</i>
<i>Tricia Farley-Bouvier</i>	<i>3rd Berkshire</i>	<i>1/31/2017</i>
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>	<i>2/1/2017</i>
<i>Ruth B. Balsler</i>	<i>12th Middlesex</i>	<i>2/1/2017</i>
<i>Mary S. Keefe</i>	<i>15th Worcester</i>	<i>2/2/2017</i>

<i>Kay Khan</i>	<i>11th Middlesex</i>	<i>1/31/2017</i>
<i>Angelo M. Scaccia</i>	<i>14th Suffolk</i>	<i>1/31/2017</i>
<i>Michael D. Brady</i>	<i>Second Plymouth and Bristol</i>	<i>2/1/2017</i>
<i>James J. O'Day</i>	<i>14th Worcester</i>	<i>1/30/2017</i>
<i>Joseph W. McGonagle, Jr.</i>	<i>28th Middlesex</i>	<i>2/1/2017</i>
<i>Claire D. Cronin</i>	<i>11th Plymouth</i>	<i>1/31/2017</i>
<i>José F. Tosado</i>	<i>9th Hampden</i>	<i>2/1/2017</i>
<i>Peter V. Kocot</i>	<i>1st Hampshire</i>	<i>2/3/2017</i>
<i>David M. Rogers</i>	<i>24th Middlesex</i>	<i>1/30/2017</i>
<i>Steven Ultrino</i>	<i>33rd Middlesex</i>	<i>2/2/2017</i>
<i>Aaron Vega</i>	<i>5th Hampden</i>	<i>2/3/2017</i>
<i>Daniel M. Donahue</i>	<i>16th Worcester</i>	
<i>Natalie Higgins</i>	<i>4th Worcester</i>	
<i>Paul R. Heroux</i>	<i>2nd Bristol</i>	
<i>Bud Williams</i>	<i>11th Hampden</i>	
<i>Patricia D. Jehlen</i>	<i>Second Middlesex</i>	
<i>Daniel J. Ryan</i>	<i>2nd Suffolk</i>	
<i>Gerard Cassidy</i>	<i>9th Plymouth</i>	
<i>Dylan Fernandes</i>	<i>Barnstable, Dukes and Nantucket</i>	
<i>Elizabeth A. Malia</i>	<i>11th Suffolk</i>	<i>2/3/2017</i>
<i>Thomas M. Stanley</i>	<i>9th Middlesex</i>	
<i>Linda Dorcena Forry</i>	<i>First Suffolk</i>	

HOUSE No. 1617

By Ms. Provost of Somerville, a petition (accompanied by bill, House, No. 1617) of Denise Provost and others for the imposition of a tax on certain private institutions of higher learning for the purpose of establishing a separate fund to be known as the educational opportunity for all trust fund. Revenue.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 2668 OF 2015-2016.]

The Commonwealth of Massachusetts

In the One Hundred and Ninetieth General Court
(2017-2018)

An Act to support educational opportunity for all.

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 63 of the General Laws, as appearing in the 2012 Official Edition,
2 is hereby amended by inserting after section 38FF the following section:

3 SECTION 38GG. (a) Any private institution of higher learning that has an endowment
4 fund with aggregate funds in excess of \$1,000,000,000 shall be subject to an annual excise of 2.5
5 per cent of all monies in aggregate in said endowment fund. For the purposes of this section an
6 endowment fund shall be an institutional fund, which may consist of multiple funds, of a private
7 institution of higher learning not wholly expendable by the institution on a current basis under
8 the terms of the applicable gift instrument. All monies collected from this annual excise shall be

9 deposited in the Educational Opportunity for All Trust Fund established by subsection (b) of this
10 section.

11 (b) There is hereby established and set up on the books of the commonwealth a separate
12 fund to be known as the Educational Opportunity for All Trust Fund, hereinafter called the fund.
13 The fund shall be administered by the executive office of education, as directed by the
14 Educational Opportunity for All Trust Fund Board of Trustees established in subsection (c), and
15 in consultation with the department of higher education and the department of early education
16 and care. The fund shall be used exclusively for the purposes of subsidizing the cost of higher
17 education, early education and child care for lower-income and middle-class residents of the
18 commonwealth. No expenditure from the fund shall cause the fund to be in deficiency at the
19 close of a fiscal year.

20 (c) The Educational Opportunity Trust Fund shall be managed by a board to be known as
21 the Educational Opportunity for All Trust Fund Board of Trustees, hereby established, which
22 shall have general supervision of the trust and shall direct all expenditures from the fund. The
23 full duties and obligations of the board shall be set forth in a declaration of trust to be adopted by
24 the board. The board of trustees shall consist of 7 trustees, including the commissioner of the
25 department of higher education or a designee, the commissioner of the department of early
26 education & care or a designee, and 5 additional trustees appointed by the secretary of education,
27 1 of whom shall have demonstrated expertise in higher education, 1 of whom shall have
28 demonstrated expertise in early education and child care, 1 of whom shall have demonstrated
29 expertise in representing the child care workforce as a leader in a labor organization, 1 of whom
30 shall be an employee of a Massachusetts community college as defined in section 10 of Chapter
31 15A, and 1 of whom shall be an employee of a private institution of higher learning subject to

32 the annual excise tax established in subsection (a) of this section. The appointed trustees shall
33 serve for terms of two years. Trustees shall be eligible for reappointment. The members of the
34 board shall elect 1 of the trustees to serve as the chair.