

**SENATE . . . . . No. 1684**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

***Patricia D. Jehlen***

*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 preventing diversion of public revenue to private schools.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
<i>Patricia D. Jehlen</i>	<i>Second Middlesex</i>	
<i>David M. Rogers</i>	<i>24th Middlesex</i>	<i>2/1/2019</i>

**SENATE . . . . . No. 1684**

By Ms. Jehlen, a petition (accompanied by bill, Senate, No. 1684) of Patricia D. Jehlen and David M. Rogers for legislation to prevent diversion of public revenue to private schools. Revenue.

**The Commonwealth of Massachusetts**

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

An Act preventing diversion of public revenue to private schools.

*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. Paragraph (1) of subsection (a) of section 2 of chapter 62 of the General  
2 Laws, as appearing in the 2016 Official Edition, is hereby amended by adding the following  
3 subparagraph:-

4 (J) Amounts withdrawn from an account in a prepaid tuition program or college savings  
5 program established by the commonwealth or an instrumentality or authority of the  
6 commonwealth, referred to here as a “529 account”, to pay for expenses associated with  
7 enrollment or attendance at an elementary or secondary school that are attributable to: (i)  
8 amounts expended for the purchase of an interest in or amounts contributed to such 529 account  
9 for which the deduction in paragraph (19) of subsection (a) of part B of section 3 was allowed in  
10 a previous taxable year; or (ii) earnings and gains on such 529 account not included in federal  
11 gross income under section 529 of the Code, as amended and in effect for the taxable year. For  
12 the purposes of this section, such withdrawals shall be attributed first to the earnings and gains

13 on a 529 account not included in federal gross income under said section 529 of the Code, then  
14 to the aggregate of all amounts contributed to a 529 account for which the deduction in  
15 paragraph (19) of subsection (a) of part B of section 3 was allowed in a previous taxable year,  
16 and then finally to contributions that have already been taxed under this chapter.

17 SECTION 2. Section 3 of said chapter 62, as so appearing, is hereby amended by  
18 inserting after the words “26 U.S.C. 529(e)(3)”, in lines 202 and 203, the following words:- ;  
19 provided, however, that “qualified higher education expenses” shall not include an expense  
20 associated with enrollment or attendance at an elementary or secondary school.