

SENATE No. 1867

The Commonwealth of Massachusetts

PRESENTED BY:

Jason M. Lewis

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 safeguard fair share amendment revenue.

PETITION OF:

| NAME: | DISTRICT/ADDRESS: | |
|---------------------------|---|------------------|
| <i>Jason M. Lewis</i> | <i>Fifth Middlesex</i> | |
| <i>Rebecca L. Rausch</i> | <i>Norfolk, Worcester and Middlesex</i> | <i>1/23/2023</i> |
| <i>Patricia D. Jehlen</i> | <i>Second Middlesex</i> | <i>3/3/2023</i> |
| <i>James B. Eldridge</i> | <i>Middlesex and Worcester</i> | <i>3/13/2023</i> |
| <i>Sal N. DiDomenico</i> | <i>Middlesex and Suffolk</i> | <i>6/7/2023</i> |

SENATE No. 1867

By Mr. Lewis, a petition (accompanied by bill, Senate, No. 1867) of Jason M. Lewis, Rebecca L. Rausch and Patricia D. Jehlen for legislation to safeguard fair share amendment revenue. Revenue.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Third General Court
(2023-2024)**

An Act to safeguard fair share amendment revenue.

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 appearing in the 2020 official edition is
2 hereby amended by inserting after section 78 the following section:-

3 Section 79. (a) There shall be a Fair Share Trust Fund for the purpose of ensuring that the
4 funds are spent for quality public education and affordable public colleges and universities, and
5 for the repair and maintenance of roads, bridges and public transportation pursuant to the second
6 paragraph of Article XLIV of the Constitution of the commonwealth.

7 (b) The Fair Share Trust Fund shall be credited with monies received by the
8 commonwealth pursuant to the second paragraph of Article XLIV of the Constitution of the
9 commonwealth. The treasurer and receiver general shall hold in the name of the commonwealth
10 any monies received relative to income surcharge under the second paragraph of Article XLIV of
11 the Constitution of the commonwealth. Funds in the Fair Share Trust Fund shall be disbursed
12 through the annual general appropriations act.

13 SECTION 2. The General Law are hereby amended by inserting after chapter 62F the
14 following chapter:-

15 Chapter 62G.

16 Section 1. (a) All moneies received by the commonwealth pursuant to the second
17 paragraph of Article XLIV of the Constitution of the commonwealth related to the 4 per cent
18 surcharge on that portion of annual taxable income in excess of \$1,000,000 reported on any
19 return related to those taxes shall be deposited into the Fair Share Trust Fund established in
20 section 79 of chapter 10 for this purpose.

21 (b) Tax on income pursuant to the first paragraph Article XLIV of the Constitution of the
22 commonwealth shall not be deposited into the Fair Share Trust Fund established in section 79 of
23 chapter 10 for this purpose.

24 Section 2. The department of revenue shall submit a report detailing the monies received
25 pursuant to the second paragraph of Article XLIV of the Constitution of the commonwealth
26 quarterly to the comptroller, the executive office of administration and finance, the clerks of the
27 senate and house of representatives, and the chairs of senate and house committees on ways and
28 means.