HOUSE DOCKET, NO. 2132 FILED ON: 1/20/2011

HOUSE . . . . . No. 2523

The Commonwealth of Massachusetts

PRESENTED BY:

Bradley H. Jones, Jr.

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 Taxpayer's Bill of Rights..

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Bradley H. Jones, Jr.	*20th Middlesex*
Donald F. Humason, Jr.	*4th Hampden*
Sheila C. Harrington	*1st Middlesex*
Steven L. Levy	*4th Middlesex*
Marc T. Lombardo	*22nd Middlesex*
Randy Hunt	*5th Barnstable*
F. Jay Barrows	*1st Bristol*
Shaunna O'Connell	*3rd Bristol*
Susan Williams Gifford	*2nd Plymouth*
George T. Ross	*2nd Bristol*
Donald H. Wong	*9th Essex*
Daniel K. Webster	*6th Plymouth*
Todd M. Smola	*1st Hampden*
Angelo L. D'Emilia	*8th Plymouth*
Kevin J. Kuros	*8th Worcester*
Ryan C. Fattman	*18th Worcester*
Matthew A. Beaton	*11th Worcester*
Kimberly N. Ferguson	*1st Worcester*

Nicholas A. Boldyga	*3rd Hampden*
Bruce E. Tarr	
Paul K. Frost	*7th Worcester*
George N. Peterson, Jr.	*9th Worcester*
Bradford Hill	*4th Essex*
Elizabeth A. Poirier	*14th Bristol*
Viriato Manuel deMacedo	*1st Plymouth*

HOUSE DOCKET, NO. 2132 FILED ON: 1/20/2011

HOUSE . . . . . No. 2523

By Mr. Jones of North Reading, a petition (accompanied by bill, House, No. 2523) of Bradley H. Jones, Jr., and others relative to limitations on expenditures and revenues. Revenue.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. *3609* OF 2009-2010.]

The Commonwealth of Massachusetts

In the Year Two Thousand Eleven

An Act relative to the Taxpayer's Bill of Rights..

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. The General Laws, as appearing in the 2008 Official Edition, are hereby amended by inserting after chapter 29D the following new chapter:-

CHAPTER 29E. LIMITATION ON THE GROWTH OF STATE EXPENDITURES

Section 1. It is the intent of this chapter that there be established for each fiscal year a state expenditure growth limit calculated on the basis of the level of growth of inflation and population in the Commonwealth.

Section 2. For the purposes of this chapter the following definitions apply:

"Inflation" means the percentage change in the United States Bureau of Labor Statistics Consumer Price Index for Boston-Brockton-Nashua, all items, all urban consumers, not seasonally adjusted, or its successor index.

11 “State Expenditures” means funds made available by appropriation by the general court
12 for the ordinary maintenance of the several departments, offices, commissions and institutions of
13 the commonwealth, as set forth for the fiscal year in the general appropriations act and
14 supplemental appropriations acts as provided for in chapter 29; provided, such funds are financed
15 by state tax revenues.

16 “State Population Change” means the percentage change in state population as
17 determined by annual federal census estimates and such number shall be adjusted every decade
18 to match the federal census.

19 “State Tax Revenues” means the revenues of the Commonwealth from every tax, surtax,
20 receipt, penalty and other monetary exaction, and interest in connection therewith, including but
21 not limited to, taxes and surtaxes on personal income, excises and taxes on retail sales and use,
22 meals, motor vehicle fuels, businesses and corporations, public utilities, alcoholic beverages,
23 tobacco, inheritances, estates, deeds, room occupancy and pari-mutuel wagering; but excluding
24 federal reimbursements, proceeds from bond issues, earnings on investments, tuitions, fees,
25 service charges and other departmental revenues, and revenues directly attributable to the
26 additional taxes levied pursuant to section eighty-eight of chapter six hundred and eighty-four of
27 the Acts of nineteen hundred and seventy-five.

28 Section 3. Beginning on or after January 1, 2012 the growth rate in state expenditures for
29 every ensuing fiscal year shall equal inflation plus the state population change as so reported 12
30 months before.

31 Section 4. Following the execution of the provisions of section 3, should state tax
32 revenues exceed state expenditures, the amount in excess shall be transferred to the temporary

33 holding fund established by the comptroller. Any balance in the temporary holding fund greater
34 than zero at the end of the fiscal year shall be refunded to the taxpayers of the Commonwealth,
35 as prescribed by rules and regulations determined by the commissioner of revenue; provided, the
36 provisions of section 5C of chapter 29 shall not occur until after the provisions of this section are
37 executed.

38 Section 5. Following the execution of the provisions of section 3, should state
39 expenditures exceed state tax revenues, the amount in excess shall be reduced to match state tax
40 revenues.

41 Section 6. The Supreme Judicial Court or Superior Court may, upon the petition of not
42 less than twenty-four taxable inhabitants of the Commonwealth, enforce the provisions of this
43 chapter. If successful, said taxable inhabitants shall be entitled to recover reasonable attorneys'
44 fees and other costs from the Commonwealth incurred in maintaining such suit.

45 Section 7. The provisions of this law are severable, and if any clause, sentence,
46 paragraph, or section of this chapter or an application thereof shall be adjudged by any court of
47 competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the
48 remainder thereof but shall be confined in its operation to the clause, sentence, paragraph, or
49 section adjudged invalid.

50 SECTION 2. Chapter 62F of the General Laws, as appearing in the 2008 Official Edition,
51 is hereby repealed.