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 passage of the accompanying:

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	[District]
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
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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:

- 1 SECTION 1. The General Laws, as appearing in the 2008 Official Edition, are hereby 2 amended by inserting after chapter 29D the following new chapter:-
- 3 CHAPTER 29E LIMITATION ON THE GROWTH OF STATE EXPENDITURES
- 4 Section 1. It is the intent of this chapter that there be established for each fiscal year a
- 5 state expenditure growth limit calculated on the basis of the level of growth of inflation and
- 6 population in the Commonwealth.
- 7 Section 2. For the purposes of this chapter the following definitions apply:
- 8 "Inflation" means the percentage change in the United States Bureau of Labor Statistics
- 9 Consumer Price Index for Boston-Brockton-Nashua, all items, all urban consumers, not
- 10 seasonally adjusted, or its successor index.
- "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 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 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.

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.

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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, 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 chapter. If successful, said taxable inhabitants shall be entitled to recover reasonable attorneys' 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, paragraph, or section of this chapter or an application thereof shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the 47 remainder thereof but shall be confined in its operation to the clause, sentence, paragraph, or section adjudged invalid. 49

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 Chapter 62F of the General Laws, as appearing in the 2008 Official Edition, 51 is hereby repealed.