

HOUSE No.

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 bill:

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

PETITION OF:

| NAME: | DISTRICT/ADDRESS: |
|-------------------------|-------------------|
| Bradley H. Jones, Jr. | 20th Middlesex |
| George N. Peterson, Jr. | 9th Worcester |
| Viriato Manuel deMacedo | 1st Plymouth |
| Elizabeth Poirier | 14th Bristol |

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

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 The General Laws, as appearing in the 2006 Official Edition, are hereby amended by inserting
2 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 state
5 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.

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

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

19 “State Tax Revenues” means the revenues of the Commonwealth from every tax, surtax, receipt,
20 penalty and other monetary exaction, and interest in connection therewith, including but not
21 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, 2010 the growth rate in state expenditures for every
29 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 revenues
32 exceed state expenditures, the amount in excess shall be transferred to the temporary holding
33 fund established by the comptroller. Any balance in the temporary holding fund greater than
34 zero at the end of the fiscal year shall be refunded to the taxpayers of the Commonwealth, as
35 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 expenditures
39 exceed state tax revenues, the amount in excess shall be reduced to match state tax revenues.

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

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

49 SECTION 2. Chapter 62F of the General Laws, as appearing in the 2006 Official Edition, is
50 hereby repealed.