

SENATE No. 01555

The Commonwealth of Massachusetts

PRESENTED BY:

Steven A. Tolman

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 establishing a special commission to investigate payment in lieu of taxes.

PETITION OF:

NAME:

Steven A. Tolman

DISTRICT/ADDRESS:

Second Suffolk and Middlesex

SENATE No. 01555

By Mr. Tolman, petition (accompanied by bill, Senate, No. 1555) of Tolman for legislation to establish a special commission to investigate payment in lieu of taxes [Joint Committee on Revenue].

The Commonwealth of Massachusetts

In the Year Two Thousand Eleven

An Act establishing a special commission to investigate payment in lieu of taxes.

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: Definitions

2 “not-for-profit corporation” shall mean an organization incorporated and operated under
3 Section 501(c) of the Internal Revenue Code and/or registered with the Massachusetts Secretary
4 of the Commonwealth’s Office as a non-profit corporation.

5 “payment in lieu of taxes” shall mean a payment in lieu of properly taxes or otherwise

6 Section 2: There shall be established a special commission to investigate and study the
7 feasibility of creating a uniform payment in lieu of taxes program in the commonwealth through
8 which municipalities could receive payment from not-for-profit corporations operating within
9 their borders.

10 The special commission shall report to the general court the results of its study and its
11 recommendations, if any, including, but not limited to, the feasibility of creating a uniform
12 payment in lieu of taxes program in the commonwealth, the impact of not-for-profit corporations
13 on the neighborhoods in which they are located, the feasibility of creating neighborhood
14 mitigation funds; the amount of money that not-for-profit corporations currently contribute to
15 municipal budgets through existing local payment in lieu of taxes programs, the financial impact
16 upon the commonwealth of not-for-profit corporations who do not currently participate in
17 payment in lieu of taxes programs, the amount of tax exempt land owned by not-for-profit
18 corporations as a percentage of real property in massachusetts' municipalities and whether not-
19 for-profit corporations should be required to make payments in lieu of taxes. The commission
20 shall consist of 1 resident of the town of Amherst; 1 resident of the city of worcester; 1 resident
21 of the allston neighborhood of the city of Boston; 1 resident of the brighton neighborhood of the
22 city of Boston; 1 member of the boston redevelopment authority; 3 members of the senate, two
23 of whom shall be appointed by the president of the senate and the other by the senate minority
24 leader; 3 members of the house of representatives, two of whom shall be appointed by the
25 speaker of the house and the other by the house minority leader; the attorney general of the
26 commonwealth, or her designee; and 5 members to be appointed by the governor; 2 of whom
27 shall be municipal leaders from a Massachusetts community with a large number of not-for-
28 profit corporations; 1 of whom shall be a member of the association of independent colleges and
29 universities in massachusetts; 1 of whom shall be a representative of the massachusetts hospital
30 association; and 1 of whom shall be a representative of an non-medical and non-academic not-
31 for-profit crporation. The commission shall consult the department of revenue, the executive
32 office of administration and finance, the massachusetts treasurer's office and other entities as

33 appropriate. The commission shall submit a report of its findings and recommendations, together
34 with legislation, if any, necessary to implement said recommendations, by filing the same with
35 the clerks of the house of representatives and the senate, the joint committee on revenue and the
36 house and senate committees on ways and means not later than December 31, 2011.