

## Passed as part of fy11 budget

### **On-line Budget Transparency A**

SECTION 8. Said [chapter 7](#) is hereby further amended by inserting after section 11 the following section:-

Section 14C. (a) As used in this section the following words shall, unless the context clearly requires otherwise, have the following meanings:-

"Agency", a commonwealth authority, board, bureau, commission, department, division, executive office, institution, institution of higher education, the secretary of state, the attorney general, the state treasurer, the state auditor, the administrative office of the trial courts, trial court departments, the supreme judicial court, the appeals court, the governor's office, lieutenant governor's office, the governor's council, the house of representatives and the senate.

"Funding source", the agency and account from where the expenditure is appropriated.

"Recipient", a business corporation, partnership, firm, unincorporated association or other legal business entity engaged in economic activity within the commonwealth, and any affiliate thereof, which is, or the members of which are, subject to taxation under [chapter 62](#), [63](#), [64H](#), or [64I](#). For the purposes of this section, recipient shall include an original grantee or an original contractor of a state award or a political subdivision. A recipient shall not include an individual recipient of state or federal assistance.

"Searchable website", a website that allows the public at no cost to search for, obtain and aggregate the information identified in subsection (b).

"Secretary", the secretary of administration and finance.

"State award" or "award", appropriations, expenditures, grants, subgrants, loans, purchase orders, infrastructure assistance and other forms of financial assistance.

(b) The secretary shall develop and operate a searchable website accessible by the public at no cost that includes:

(1) the name and location of a recipient or agency receiving a state award, the funding source of each award, the date of the award, the amount of funds appropriated and a brief description of the purpose of the award;

(2) local aid to cities and towns including amounts paid to individual municipal agencies;

(3) annual revenues, as determined by the secretary which shall include, but shall not be limited to: (i) receipts or deposits by an agency into funds established within the state treasury; (ii) agency earnings including, but not limited to, amounts collected by each agency for services performed and licenses and permits issued; (iii) compensation for the purchase or lease of state-

owned property and interest collected from state-issued loans; and (iv) federal grants;

(4) a link to all state audits and reports relating to the receipt of state awards by an agency or recipient, including an audit or report issued by the inspector general, state auditor, special commission, legislative committee or executive body;

(5) the reports required by [section 88 of chapter 62C](#); and

(6) any other relevant information specified by the secretary.

(c) The searchable website shall allow users to search electronically by field in a single search, aggregate the data, download information yielded by a search and, where possible, contain graphical representations of the data and a hyperlink to the actual grants issued.

(d) The searchable website shall include and retain information for each fiscal year for not less than 10 fiscal years.

(e) The secretary shall update the searchable website as new data becomes available. All agencies shall provide to the secretary all data that is required to be included in the searchable website not later than 30 days after the data becomes available to the agency. The secretary shall provide guidance to agency heads to ensure compliance with this section.

(f) This section shall not be construed to require the disclosure of: (i) information that is confidential under state or federal law; (ii) payments received by an individual or entity as interest paid by the issuer of any bonds or other public debt.

(g) The secretary shall not be considered in compliance with this section if the data required for the searchable website is not available in a searchable and aggregate manner or if the public is redirected by the searchable website to other government websites, unless each of those websites complies with the requirements of this section.

SECTION 193. The searchable website established pursuant to [section 14C of chapter 7](#) of the General Laws shall be accessible to the public not later than January 1, 2011 and shall contain data for fiscal year 2010; provided, however, that the requirement for the location of a recipient or agency receiving a state award in clause (1) of subsection (b) of said [section 14C of said chapter 7](#) shall not take effect until July 1, 2011.

### **Tax Credit Transparency – passed as part of FY11 budget (outside section)**

SECTION 37. [Section 1 of chapter 62C](#) of the General Laws, as so appearing, is hereby amended by inserting before the definition of "Building contractor" the following 2 definitions:-

"Administering agency head", the agency head responsible for administering the applicable state tax credit program; provided, however, that for the brownfields tax credit, the film tax credit and

the medical device tax credit, the administering agency shall be the commissioner.

"Authorized tax credit", a tax credit granted pursuant to a tax credit program.

SECTION 38. Said [section 1 of said chapter 62C](#), as so appearing, is hereby further amended by inserting after the definition of "Promoter" the following definition:-

"Secretary", the secretary of administration and finance.

SECTION 39. Said [section 1 of said chapter 62C](#), as so appearing, is hereby further amended by adding the following definition:-

"Tax credit program", (i) the tax credit in subsection (j) of [section 6 of chapter 62](#) and [section 38Q of chapter 63](#); (ii) the dairy farmer tax credit in subsection (o) of said [section 6 of said chapter 62](#) and the dairy farm tax credit in [section 38Z of said chapter 63](#); (iii) the U.S.F.D.A. user fees credit in [section 31M of said chapter 63](#) and subsection (n) of said [section 6 of said chapter 62](#); (iv) the film tax credit in subsection (b) of [section 38X of said chapter 63](#) and subsection (l) of said [section 6 of said chapter 62](#); (v) the historic rehabilitation tax credit in [section 38R of said chapter 63](#) and [section 6J of said chapter 62](#); (vi) the life sciences investment tax credit in [section 38U of said chapter 63](#) and subsection (m) of said [section 6 of said chapter 62](#); (vii) the low-income housing tax credit in [section 31H of said chapter 63](#) and [section 6I of said chapter 62](#); (viii) the medical device tax credit in [section 31L of said chapter 63](#) and [section 6 1/2 of said chapter 62](#); (ix) the refundable research credit in subsection (j) of [section 38M of said chapter 63](#); (x) the economic development incentive program in subsection (g) of said [section 6 of said chapter 62](#) and [section 38N of said chapter 63](#); and (xi) any transferrable or refundable credits under [chapter 62](#) and [63](#) established after January 1, 2011.

SECTION 47. Said [chapter 62C](#) is hereby further amended by adding the following section:-

Section 89. (a) Annually on or before May 15, the administering agency head of each tax credit program shall submit a report to the commissioner on each tax credit program authorized for the previous calendar year, in this section called the report, which shall be a public record. For purposes of this report, no information shall be used pertaining to credits, exemptions or deductions awarded or claimed prior to January 1, 2011. For the purposes of this section, the taxpayer shall be the initial recipient of an authorized tax credit.

(b) The report shall contain the following information: (i) the identity of each taxpayer receiving an authorized tax credit and from which tax credit program the credit was received; (ii) the amount of the authorized tax credit awarded and issued for each taxpayer and each project, if applicable; and (iii) the date that the authorized tax credit was awarded and issued for each taxpayer and each project.

SECTION 196. Sections 37, 38, 39 and 47 shall take effect on January 1, 2011.

