

SENATE CORRECTED REPRINT No. 1806

The Commonwealth of Massachusetts

September 7, 1990.

To the Honorable Senate and House of Representatives:

Today, I am submitting to the House and Senate the attached legislation entitled "A Resolve providing for an investigation and study by a special commission relative to the consistent inaccurate revenue estimates."

The proposed legislation will establish a commission to investigate the existence and extent of inaccurate revenue estimates of the Commonwealth of Massachusetts beginning July 1, 1980. Such investigation and study will provide the basis for legislative and executive action for remedying such problems in the future.

Your prompt consideration of the proposed legislation would be appreciated greatly.

Respectfully submitted,

EVELYN F. MURPHY,
Acting Governor.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Ninety.

RESOLVE PROVIDING FOR AN INVESTIGATION AND STUDY BY A SPECIAL COMMISSION RELATIVE TO THE CONSISTENT INACCURATE REVENUE ESTIMATES.

1 A special commission to consist of seven members is hereby
2 established to investigate and study as a basis for legislative and
3 executive action the existence and extent of inaccurate revenue
4 estimates of the Commonwealth of Massachusetts beginning July
5 1, 1980; the existence of conditions which tend or may tend to
6 permit the occurrence of said inaccurate estimates; the nature and
7 quality of revenue estimates and other information provided by
8 the Commissioner of Administration to the advisory board on
9 revenue resources pursuant to G.L. Ch. 7, Sec. 37A, the
10 procedures and information leading to the revenue estimates and
11 other data provided by the Commissioner of Administration
12 pursuant to G.L. Ch. 29, sec. 5B, and all other matters deemed
13 relevant hereto by the commission.

14 Said commission shall consist of the attorney general or a
15 member of his department designated by him, a dean or assistant
16 dean of a law school located in the Commonwealth or a president
17 of a private institution of higher learning located in the Common-
18 wealth to be appointed by the governor, a dean or full professor
19 of a business school located in the Commonwealth to be appointed
20 by the governor, the Executive Director of the Massachusetts
21 Taxpayers Foundation, an economist and a certified public
22 accountant, both appointed by the chairman of the commission,
23 and the chief financial officer of a publicly owned Massachusetts
24 business corporation to be appointed by the governor.

25 Said dean or full professor of said business school appointed
26 by the governor shall be the chairperson of the commission. Any
27 vacancy on the commission shall be filled by the appropriate
28 appointing or designating authority, unless there is at the time of
29 such vacancy no such authority, in which case by the governor.
30 Such vacancy shall not affect the powers and duties of the commis-
31 sion. A quorum of four members shall be necessary to conduct

32 the business of the commission. A majority vote of the commis-
33 sion shall mean a majority of the members authorized to be
34 appointed to serve.

35 The members of the commission shall serve unless otherwise
36 provided herein without compensation, but shall receive their
37 necessary expenses incurred in the discharge of their official
38 duties. The commission shall be provided with offices.

39 The commission may employ an executive director, legal
40 counsel and such other staff as it may deem necessary, subject to
41 appropriation. The commission may accept and expend any
42 appropriations, grants of money, professional services, consultant
43 services, clerical or other services and supplies from the Common-
44 wealth in the course of its investigations.

45 The commission may request reasonable assistance from the
46 attorney general, the state auditor, the commissioner of revenue
47 and any other executive officer of the Commonwealth, and said
48 officers shall furnish the commission with any relevant infor-
49 mation in their possession which is requested by the commission.

50 The commission may require by subpoena the attendance and
51 testimony under oath of witnesses, including any present or
52 former officer of the commonwealth, and the production before
53 it of the books and papers of any person, including the books and
54 papers of any present or former officer of the Commonwealth,
55 relating to any matter being investigated by the commission,
56 pursuant to the provisions of this resolve. Such a subpoena may
57 be issued by the commission only upon a majority vote of the
58 commission and shall be served in the same manner as summonses
59 for witnesses in criminal cases issued on behalf of the Common-
60 wealth and all provisions of a law relative to summonses issued
61 in such cases shall apply to subpoenas issued under this resolve
62 so far as applicable. Any justice of the supreme judicial court or
63 of the superior court may upon application by the commission
64 compel the attendance of witnesses subpoenaed as aforesaid, the
65 giving of testimony under oath and production of books and
66 papers before the commission in furtherance of any investigation
67 under this resolve in the same manner and to the same extent as
68 before the supreme judicial or the superior court. Such justice may
69 also compel any witness to answer before the commission any
70 questions theretofore put to such witness by the commission.

71 Every person who behaves in a disorderly or contemptuous
72 manner before such commission shall be deemed guilty of a
73 misdemeanor punishable as provided in section twenty-eight A
74 of chapter three of the General Laws.

75 The commission shall establish rules of procedure governing the
76 conduct of its hearings which shall be made available in printed
77 form to each witness prior to his testimony. Witnesses shall have
78 the right to be represented by counsel and shall, before testifying,
79 be sworn. All hearings of the commission shall be public.

80 The commission shall file an interim report with the governor
81 on or before March 1, 1991 and on or before October 1, 1991 shall
82 file the final report of its investigation and study and its
83 recommendations, if any, together with the drafts of legislation
84 necessary to carry its recommendations into effect.

85 The commission shall cease its investigation and study upon
86 filing its final report and, except as otherwise provided herein,
87 shall forward all records and documents, including stenographic
88 notes, to the state secretary. The secretary shall be the custodian
89 of such records, which shall be public records and shall be
90 available for public inspection.

91 All appointments required under the provisions of the second
92 paragraph of this resolve shall be made not later than the thirty
93 days after the date of this order.