

HOUSE No. 6419

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, March 24, 1981.

The committees on Rules, to whom was referred the Order relative to requesting the opinions of the Honorable the Justices of the Supreme Judicial Court on certain questions of law pertaining to basing the personal income tax liability of an individual upon the federal law (House, No. 6419), reports that the same ought to be adopted.

For the committees,

GEORGE KEVERIAN.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Eighty-One.

Whereas, There are several bills pending before the General Court pertaining to the taxation of income; and

Whereas, Said bills have been referred to the Joint Committee on Taxation; and

Whereas, Said committee has reported a bill which is a redraft of said bills. (see House bill No. 6418), a copy of which is submitted herewith; and

Whereas, Said committee is mindful of the decision reached by the Court in *Ingraham vs. State Tax Commission* 368-Mass-242 in which for the first time the Court departed from the long held view that the tax on personal income was for all intents and purposes a property tax.

Whereas, The form of the present income tax is quite different than that of prior laws in that it borrows heavily from the Federal Internal Revenue Code and hence appears to be more of a general excise on income than a hybrid property tax, and

Whereas, Said bill is a continuation of the trend towards conformity with the Federal Internal Revenue Code.

Whereas, Grave doubt exists as to the constitutionality of said bill, if enacted into law, therefore be it

Ordered, That the opinion of the Honorable Justices of the Supreme Judicial court be required by the House of Representatives upon the following important questions of law:

Would the enactment of House Bill No. 6418 constitute a permissible delegation of authority by the General Court in that it would base the determination of an individual's personal income tax liability to the Commonwealth upon federal law?

Is it constitutionally competent for the General Court to enact House Bill No. 6418 which would provide for the computation on an individual's state income tax liability through the utilization of a single rate applied to an individual's federal income tax liability under the provisions of Article 4 of Part Two Chapter I Section one and Article 44 of the amendments to the Constitution of the Commonwealth of Massachusetts.