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Massachusetts High Technology Council Warns Against Unconstitutional Amendment to State Tax Revenue Growth Limit

*The High Tech Council warns House and Senate leadership and the Healey Administration
of the unconstitutionality of amending Chapter 62F*

Burlington, Massachusetts (May 1, 2023): Today, the Massachusetts High Technology Council supported the push by lawmakers to address the early chapter of overdue tax relief for residents and employers but warned House and Senate leadership and the Healey administration of the unconstitutionality of a House proposal amending the voter-approved state tax revenue growth limit (Chapter 62F).

H3770, recently passed by the House, includes a provision that would significantly alter the method by which tax credits are allocated to taxpayers under Chapter 62F, the State Tax Revenue Growth Limit approved by voters. Under the House proposal, all taxpayers would be allocated a uniform tax credit rather than a credit based on the proportion of taxes they actually paid.

A legal analysis prepared by Boston attorney Kevin Martin at Goodwin Procter explains that the proposed change to Section 6 of Chapter 62F would represent a “clear violation” of Article 44 of the Massachusetts Constitution by effectively taxing income at different rates for different taxpayers.

“The proposed change to Chapter 62F would not only alter a law that was approved by the voters, but it would also violate the state’s Constitution with a tax credit formula not authorized by the current flat-tax requirement. Given this concern, any tax reform bill which reaches the Governor’s desk and is signed into law should refrain from altering Section 6 of Chapter 62F,” said High Tech Council President Chris Anderson.

The High Tech Council shared this legal analysis with the Speaker and Senate President, the House and Senate chairs of the Ways and Means and Revenue committees, the Minority Leaders, and the Governor and secretaries of Administration and Finance and Housing and Economic Development.

The letter the High Tech Council sent can be read [here](#) and the full legal memo can be read [here](#).

About the Massachusetts High Technology Council

The [Massachusetts High Technology Council, Inc.](#) is an organization of CEOs and senior executives representing innovation, technology, and scientific companies; professional services firms; and research institutions dedicated to collaborating to create and sustain conditions that support investment, job growth, and improved quality of life in Massachusetts. Our members are growth-oriented, knowledge-intensive employers and institutions that develop, deliver, and depend on technology and scientific products, services, and innovations to advance their organizational objectives—a definition that covers just about all business enterprises in Massachusetts today.

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