
Accompanying the tenth recommendation of the State Tax Commission (House, No. 90). Taxation.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Fifty-Five.

AN ACT TO FURTHER DEFINE THE TIME FOR MAKING ASSESSMENTS AND ABATEMENTS OF CORPORATION TAXES AFTER A FINAL DETERMINATION OF FEDERAL NET INCOME.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 Chapter 63 of the General Laws is hereby amended by
2 striking out section 36, as most recently amended by
3 chapter 270 of the acts of 1954, and inserting in place
4 thereof the following section: —
5 *Section 36.* Any final determination of the federal
6 net income made pursuant to the provisions of federal
7 law under which such net income is found to differ from
8 the net income originally reported to the federal gov-
9 ernment shall be reported, accompanied by payment by
10 the corporation of any additional tax due with interest
11 computed in accordance with section forty-eight, to the
12 commissioner within seventy days of receipt by it of
13 notice of such final determination, with a statement of
14 the reasons for the difference in such detail as the com-
15 missioner may require. If from such report or upon in-
16 vestigation it shall appear that the tax with respect to
17 income imposed by this chapter has not been fully
18 assessed, the commissioner shall, within one year of the
19 receipt of such report, if filed on time, or, at any time,
20 upon the discovery of such determination if the report
21 is not filed on time, assess the deficiency, with interest

22 as described in section forty-eight from April tenth of
23 the year in which the original return of income of the
24 corporation was due to be filed, and the tax so assessed
25 shall be payable thirty days from the date of notice to
26 the corporation of such assessment. If, upon investiga-
27 tion of the facts so reported, it appears that a less tax
28 with respect to income was due the commonwealth than
29 was paid, the commissioner shall abate the excess upon
30 written application therefor by the corporation, filed with
31 the commissioner within sixty days of the filing of said
32 report with him, provided said report is filed on time.
33 The commission shall certify the amount of such abate-
34 ment to the state treasurer, who shall repay the amount
35 so certified with interest at the rate of six per cent per
36 annum from the date of overpayment, without further
37 appropriation therefor.

38 Any corporation failing to comply with the provisions
39 contained in the first paragraph hereof shall be assessed
40 a penalty in the sum of one hundred dollars, or ten per
41 cent of the additional tax found due, whichever sum is
42 smaller, said penalty to become part of the additional
43 tax found due. For reasonable cause shown, the com-
44 mission may, in its discretion, abate in whole or in part
45 the penalty provided herein.