

HOUSE No. 36

Accompanying the ninth recommendation of the Commissioner of Corporations and Taxation (House, No. 27). Taxation. Dec. 2, 1926.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Twenty-Seven.

An Act relative to the Abatement and Collection of Taxes.

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

1 SECTION 1. Chapter fifty-eight of the General
2 Laws, as amended by chapter three hundred and
3 eighty-two of the acts of nineteen hundred and
4 twenty-two, is hereby further amended by striking
5 out section twenty-seven and substituting therefor
6 the following new section:—

7 *Section 27.* If it shall appear that an income tax,
8 a legacy and succession tax, or a tax or excise upon
9 a corporation, foreign or domestic, was in whole or
10 in part illegally assessed or levied, the commis-
11 sioner may, with the approval of the attorney
12 general, upon application made to him within six
13 months after the payment of the bill for said tax or
14 excise, issue a certificate that the party aggrieved
15 by such tax or excise is entitled to an abatement,
16 stating the amount thereof. If in the opinion of the
17 commissioner such a tax or excise, whether illegally
18 assessed or not, is grossly excessive, he may in

19 his discretion, with the approval of the attorney
20 general, upon application made to him within
21 two years after the date of the bill for said tax or
22 excise, issue a certificate abating such tax or excise
23 to such extent as in his opinion will relieve said
24 party aggrieved from grossly excessive hardship.
25 If the tax or excise abated under this section has
26 been paid, the state treasurer shall pay the amount
27 thus certified in such manner, and with or without
28 interest, as the certificate shall provide, without
29 any appropriation therefor by the general court.
30 In issuing certificates hereunder, the commissioner
31 and attorney general may, if they deem it expedient,
32 equalize the burden of repayment by providing in
33 the certificate for postponement of payment, or for
34 payment by instalments. The decision of the com-
35 missioner and the attorney general shall in all cases
36 be final and the exercise of the discretionary power
37 vested in the commissioner shall be absolute pro-
38 vided he acts in good faith. The state treasurer
39 shall retain from the sums next to be distributed
40 to any city or town under sections eighteen to
41 twenty-four, inclusive, an amount equal to the sum
42 which has already been paid to such city or town
43 on account of any tax or excise refunded under
44 this section.

1 SECTION 2. Section twenty of said chapter fifty-
2 eight, as amended by section one of chapter three
3 hundred and sixty-two of the acts of nineteen hun-
4 dred and twenty-two, is hereby further amended
5 by striking out the whole of said section twenty
6 and inserting in place thereof the following: —

7 *Section 20.* From the total taxes paid in any

8 state fiscal year by domestic business and foreign
9 corporations under sections thirty to fifty-one, in-
10 clusive, of chapter sixty-three there shall be de-
11 ducted such taxes paid under said section as have
12 been abated and refunded under said chapter or
13 section twenty-seven of this chapter during said
14 year together with any interest paid such corpora-
15 tions on account of abatements and refunds. One
16 sixth of the balance shall be retained by the com-
17 monwealth. The remainder shall be distributed,
18 credited and paid to each of the several towns of
19 the commonwealth in the proportion that the value
20 of the tangible property owned by all corporations
21 taxable under any provision of sections thirty to
22 fifty-one, inclusive, of chapter sixty-three and situ-
23 ated in each town, bears to the value of the total
24 tangible property owned by all such corporations
25 and situated within the commonwealth, as deter-
26 mined by the commissioner from the returns of
27 the previous taxable year or in such other man-
28 ner as he may deem just and equitable.

