

Accompanying the first recommendation of the Department of Revenue (House, No. 228). Taxation.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Ninety.

AN ACT RELATING TO THE ORGANIZATION AND OPERATION OF THE DEPARTMENT OF REVENUE.

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. Section 1 of chapter 14 of the General Laws, as
2 appearing in the 1988 Official Edition, is hereby amended by
3 striking out the first sentence and inserting in place thereof the
4 following sentence: — There shall be a department of revenue,
5 in this chapter called the department, which shall be organized
6 into administrative units as established by the commissioner and
7 as may be established in or assigned to the department by the
8 secretary of administration; provided that there shall be a division
9 of inspectional services, independent of any other administrative
10 unit, a division of local services, including a bureau of local
11 assessment and a bureau of accounts to be headed by a director
12 of accounts, and a division of child support enforcement.

1 SECTION 2. Said chapter 14, as so appearing, is hereby
2 further amended by inserting after section 1 the following new
3 section: —

4 Section 1A. Since the tax revenues that support a free and open
5 government depend upon a tax system in which its citizens have
6 the highest degree of public trust and confidence, it is hereby
7 declared that the promotion of such trust and confidence in the
8 department of revenue is a paramount public purpose; that the
9 administration of our tax laws shall be free from any influence
10 that may compromise, or appear to compromise, its objectivity
11 in any manner whatsoever; that the duties and responsibilities
12 assigned to such department shall be carried out with the highest

13 standards of professionalism and ethical behavior; and that its
14 officials and employees shall act, and be perceived as acting, with
15 integrity, impartiality and equality. It is hereby further declared
16 that the provisions of this chapter be interpreted and administered
17 in a manner that will foster these goals; that such department
18 attract skilled and proficient personnel through the development
19 and continuing implementation of career advancement and
20 promotion exclusively on the basis of excellence, and that both
21 the public and the employees of such department be made clearly
22 and unequivocally aware of the necessarily high standards of
23 conduct required by and applicable to the administration of the
24 tax laws.

1 SECTION 3. Section 2 of said chapter 14, as so appearing, is
2 hereby amended by striking out the second sentence of the second
3 paragraph.

1 SECTION 4. Section 3 of chapter 14 of the General Laws, as
2 so appearing, is hereby amended by inserting after the first para-
3 graph the following paragraph: —

4 If the commissioner is summoned as a witness in any proceeding
5 involving his official acts, unless the court or tribunal shall
6 otherwise order, he may have another official, employee or other
7 assistant of the department having knowledge in the premises to
8 appear in his place and such appearance shall be a sufficient
9 compliance with the summons.

1 SECTION 5. Said chapter 14, as so appearing, is hereby
2 further amended by adding the following two sections: —

3 Section 7. No officer or employee of the department shall:

- 4 (a) hold or be a candidate for any elective state public office;
- 5 (b) hold office in any political party or political committee;
- 6 (c) participate in any political campaign of any candidate for
7 elective state public office; or
- 8 (d) contribute to any political campaign of any candidate for
9 state elective public office.

10 Violation of this section shall subject an officer or employee
11 to discipline up to and including termination of employment.

12 Section 8. Notwithstanding any other provision of law to the

13 contrary, the commissioner is authorized to accept on behalf of
14 the department from any person, firm, corporation or other entity,
15 public or private, and from time to time, donations, grants,
16 bequests or gifts of electronic data processing or ancillary
17 equipment, software or development technologies and other
18 services or things of value for the purpose of upgrading and
19 enhancing the department's data processing capability to a state-
20 of-the-art level and maintaining it at such level on a continuing
21 basis.

1 SECTION 6. Subsection (b) of section 21 of chapter 62C of
2 the General Laws, as appearing in the 1988 Official Edition, is
3 hereby amended by adding at the end thereof the following
4 clause: —

5 (13) the disclosure of information in any action, proceeding or
6 activity relating to the discipline or personnel rights of any
7 employee of the department of revenue. Such information shall,
8 upon written request, also be available to an employee or former
9 employee of said department, or his duly authorized legal repre-
10 sentative, who is or may be a party or a participant in such action,
11 proceeding or activity to the extent that the requested information
12 is or may be relevant thereto.

1 SECTION 7. Section 32 of said chapter 62C, as so appearing,
2 is hereby amended by adding at the end thereof the following
3 paragraphs: —

4 Notwithstanding the foregoing, with respect to taxes imposed
5 under chapters sixty-two, sixty-three, sixty-five, sixty-five A and
6 sixty-five C, a tax shall not be required to be paid during the period
7 of time that the taxpayer has filed with the commissioner a timely
8 application for abatement under section thirty-seven contending
9 that such tax is not due and such application is pending for
10 decision before the commissioner. Where the liability for a tax
11 is in dispute as evidenced by a timely-filed application for
12 abatement, the portion of such tax in dispute shall be required
13 to be paid only after the thirtieth day following the date of the
14 notice of the commissioner's decision upon the application for
15 abatement. Any tax payment delayed by the filing of an appli-

16 cation for abatement shall, however, continue to bear interest as
17 provided in this section.

18 If the commissioner determines that the collection of the tax
19 will be jeopardized by delay, that the past tax return filing or
20 payment history of the taxpayer raises doubts as to the collection
21 of the tax if delayed, or that an application for abatement has
22 been filed primarily to avoid prompt payment of the tax, the provi-
23 sions of the preceding paragraph shall not apply, and the tax shall
24 be required to be paid within the time provided in the first para-
25 graph of this section.

1 SECTION 8. Said chapter 62C, as so appearing, is hereby
2 further amended by striking out section 42, and inserting in place
3 thereof the following section: —

4 Section 42. Taxes with interest and costs thereon due to the
5 commonwealth, which have been determined by the commissioner
6 to be uncollectable pursuant to uniform rules prescribed in regu-
7 lations issued by him may be abated by the commissioner at any
8 time after such determination has been made.

1 SECTION 9. Section 45 of chapter 30 of the General Laws,
2 as so appearing, is hereby amended by inserting a semicolon in
3 place of the period at the end of clause (d) of paragraph (4) and
4 adding the following words: — and provided, further, that the
5 provisions of this clause shall not apply to any office or position
6 in the department of revenue.

1 SECTION 10. The provisions of section seven of chapter
2 fourteen of the General Laws, as inserted by section five of this
3 act, shall not prohibit any officer or employee of the department
4 of revenue who holds an elective state public office on the effective
5 date of this act from continuing to hold such office, including
6 re-election thereto, or from participating in or contributing to any
7 political campaign for such re-election.

1 SECTION 11. Section seven of this act shall take effect on
2 January first, nineteen hundred and ninety-one and shall apply
3 to taxes assessed after said date. The remainder of this act shall
4 take effect upon passage.