

# HOUSE . . . . No. 489

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Accompanying the petition of Walter T. Creese relative to the taxation of corporations. Taxation. January 14.

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## The Commonwealth of Massachusetts.

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

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### AN ACT

Relative to the Taxation of Corporations.

*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. Every foreign and domestic corporation  
2 subject to the provisions of chapter three hundred and  
3 fifty-five, acts of nineteen hundred and nineteen, shall  
4 pay annually a tax at the rate of of one per  
5 cent upon its gross sales attributable to Massachusetts as  
6 hereinafter defined. The term "gross sales attributable  
7 to Massachusetts" as used in this act shall, subject to  
8 the provisions of section two, include all sales except  
9 those negotiated or effected in behalf of the corporation  
10 by agents or agencies chiefly situated at, connected with  
11 or sent out from premises for the transaction of business  
12 which are owned or rented by the corporation outside of  
13 the commonwealth, and sales otherwise determined by

14 the commissioner of corporations and taxation to be at-  
15 tributable to the business conducted on such premises.

1 SECTION 2. Sales arising from the disposition of its  
2 capital assets by a corporation or from the transfers of  
3 property between two or more affiliated corporations  
4 doing business solely in the commonwealth shall not be  
5 included in returns called for by this act, but sales made  
6 upon instalments or contracts of sale shall be included.

1 SECTION 3. Every corporation subject to the pro-  
2 visions of this act shall within sixty days after the close  
3 of its fiscal year make return, under oath, to the com-  
4 missioner of corporations and taxation, in such form as  
5 he may from time to time prescribe, of the amount of  
6 its gross sales taxable under this act, together with such  
7 further information relative thereto as the commissioner  
8 may require. From the return or in any other manner,  
9 the commissioner shall determine the gross sales taxable  
10 under this act, and shall assess the tax and give notice  
11 thereof within thirty days after the last day upon which  
12 the return is due. The commissioner may thereafter, on  
13 the discovery that additional amounts are due, assess  
14 such additional taxes. All taxes assessed under the pro-  
15 visions of this act shall be due within fourteen days after  
16 notice thereof, and shall be payable to the treasurer and  
17 receiver general of the commonwealth. All provisions of  
18 chapter three hundred and fifty-five of the General Acts  
19 of nineteen hundred and nineteen relative to the assess-  
20 ment, collection, payment, abatement, penalties and ad-  
21 ministration shall, so far as pertinent, be applicable to  
22 the taxes due under this act.

1 SECTION 4. Taxes paid by a corporation under the pro-  
2 visions of this act in respect to its gross sales of any  
3 year may be claimed by the corporation as a credit to  
4 that portion of its excise tax assessed upon its income of  
5 the same year under the provisions of chapter three  
6 hundred and fifty-five, acts of nineteen hundred and nine-  
7 teen, and amendments thereto.

