

HOUSE No. 1541

The Commonwealth of Massachusetts

PRESENTED BY:

Randy Hunt

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act to clarify the net-worth measure of the corporate excise.

PETITION OF:

| NAME: | DISTRICT/ADDRESS: |
|-------------------------------|-----------------------|
| <i>Randy Hunt</i> | <i>5th Barnstable</i> |
| <i>David F. DeCoste</i> | <i>5th Plymouth</i> |
| <i>F. Jay Barrows</i> | <i>1st Bristol</i> |
| <i>Shawn Dooley</i> | <i>9th Norfolk</i> |
| <i>Kimberly N. Ferguson</i> | <i>1st Worcester</i> |
| <i>Susan Williams Gifford</i> | <i>2nd Plymouth</i> |
| <i>Sheila C. Harrington</i> | <i>1st Middlesex</i> |
| <i>Steven S. Howitt</i> | <i>4th Bristol</i> |
| <i>Jay R. Kaufman</i> | <i>15th Middlesex</i> |
| <i>Leonard Mirra</i> | <i>2nd Essex</i> |
| <i>Mathew Muratore</i> | <i>1st Plymouth</i> |
| <i>Timothy R. Whelan</i> | <i>1st Barnstable</i> |

HOUSE No. 1541

By Mr. Hunt of Sandwich, a petition (accompanied by bill, House, No. 1541) of Randy Hunt and others relative to the calculation of net worth in determining corporate excise taxes. Revenue.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 3639 OF 2015-2016.]

The Commonwealth of Massachusetts

**In the One Hundred and Ninetieth General Court
(2017-2018)**

An Act to clarify the net-worth measure of the corporate excise.

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. Paragraph 8 of Section 30 of chapter 63, as amended by section 105 of
2 chapter 165 of the acts of 2014, is hereby amended by striking out the last sentence and inserting
3 in place thereof the following sentence:-

4 In determining whether an item shown on the books of a corporation is to be treated as
5 reflecting debt or equity, the taxpayer’s treatment of the item for accounting purposes shall be
6 considered to be controlling, unless the commissioner establishes that such treatment is not in
7 accordance with the accounting standards used by that taxpayer for making financial reports to
8 shareholders, such as, without limitation, generally accepted accounting principles or
9 International Financial Reporting Standards; and in determining the book value of any asset, the

10 commissioner may disallow any reserve, in whole or in part, established with respect thereto
11 which, in his judgment, is not reasonable and proper.

12

13 SECTION 2. Section 38(f) of chapter 63 is hereby amended after the word “include” by
14 adding the following phrase:-

15 “an item of income of a corporation that is organized outside of the United States to the
16 extent that such item is exempt from United States federal income tax either by virtue of a
17 federal income tax treaty or otherwise, or”

18 SECTION 3. By this act the general court clarifies its original intention that the
19 treatment of an item on the books of a corporation shall be controlling in determining its net
20 worth. This act shall be effective upon its passage, and shall be applicable to all open tax years.