HOUSE DOCKET, NO. 2986 FILED ON: 1/21/2011

HOUSE . . . . . No. 2516

The Commonwealth of Massachusetts

PRESENTED BY:

Jonathan Hecht

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 passage of the accompanying:

An Act to close the telecom property tax loophole.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Jonathan Hecht	*29th Middlesex*
Thomas M. Stanley	*9th Middlesex*
Jason M. Lewis	*31st Middlesex*
Martha M. Walz	*8th Suffolk*
Carolyn C. Dykema	*8th Middlesex*
Carl M. Sciortino, Jr.	*34th Middlesex*
Denise Andrews	*2nd Franklin*
Karen E. Spilka	*[District]*
Denise Provost	*27th Middlesex*
William N. Brownsberger	*[District]*

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HOUSE . . . . . No. 2516

By Mr. Hecht of Watertown, a petition (accompanied by bill, House, No. 2516) of Jonathan Hecht and others relative to the taxation of telephone or telegraph corporations. Revenue.

The Commonwealth of Massachusetts

In the Year Two Thousand Eleven

An Act to close the telecom property tax loophole.

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

SECTION 1. Section 5 of chapter 59 of the General Laws, as so appearing, is hereby amended by inserting after the word "than", in line 220, the following words:-

a telephone or telegraph corporation subject to tax under section 52A of chapter 63 or.

SECTION 2. Said section 5 of said chapter 59 of the General Laws, as so appearing, is hereby further amended by inserting after the words† "two A", in line 223, the following words:-

, other than a telephone or telegraph corporation,.

SECTION 3. Clause Sixteenth of said section 5 of said chapter 59 of the General Laws is hereby further amended by striking out paragraph (2), as inserted by section 2 of chapter 173 of the acts of 2008, and inserting in place thereof the following paragraph:-

(2) In the case of (a) a business corporation subject to tax under section 39 of chapter 63 that is not a manufacturing corporation, or (b) a telephone or telegraph corporation subject to tax under section 52A of chapter 63, all property owned by the corporation other than the following:- real estate, poles, underground conduits, wires and pipes, and machinery used in the conduct of the business, which term, as used in this clause, shall not be considered to include stock in trade or any personal property directly used in connection with dry cleaning or laundering processes or in the refrigeration of goods or in the air-conditioning of premises or in any purchasing, selling, accounting or administrative function. Notwithstanding the preceding sentence, a telephone or telegraph corporation shall be subject to property tax assessment on machinery used in the conduct of its business and leased to it by a corporation that is not a telephone or telegraph

21 corporation, and the telephone or telegraph corporation shall include such property on its list to
22 the board of assessors where the property is situated under section 29 of this chapter.