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October 7, 2025

Chair James Eldridge  
Chair Adrian Madaro  
Joint Committee on Revenue

*Via Email*

### **Re: COST's Opposition to H.3083 and S.2037—Disclosure of Taxpayer Information**

Dear Chair Eldridge, Chair Madaro, and Members of the Joint Committee:

On behalf of the Council On State Taxation (COST), I respectfully submit this testimony in opposition to H.3083 and S.2037. These proposals would eliminate the current requirement that taxpayers identifying information be expunged before information in corporate reports submitted to the Secretary of State are made available to the public. This change would violate taxpayers' privacy rights and longstanding practices of fair tax administration by allowing disclosure of identifiable confidential tax information and making that information publicly searchable. Rather than inform the public policy debate, H.3083 and S.2037 would mislead both legislators and the public and merely serve as a vehicle to harass corporations investing and employing people in Massachusetts.

### **About COST**

COST is a nonprofit trade association based in Washington, DC. COST was formed in 1969 as an advisory committee to the Council of State Chambers of Commerce and today has an independent membership of approximately 500 major corporations engaged in interstate and international business. COST's mission is to preserve and promote the equitable and nondiscriminatory state and local taxation of multijurisdictional business entities. Many COST members have operations in Massachusetts that would be negatively impacted by this legislation.

### **Disclosure of a Specific Taxpayer's Information Serves No Public Policy Purpose**

The COST Board of Directors has adopted a formal policy statement in opposition to disclosure and publication of confidential taxpayer information.<sup>1</sup> The policy position states:

*Taxpayers have a justifiable expectation of privacy. State departments of revenue audit business taxpayers on a regular basis to ensure that all relevant*

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<sup>1</sup> <https://www.cost.org/globalassets/cost/state-tax-resources-pdf-pages/cost-policy-positions/confidentialityoftaxpayerinformation.pdf>

*tax laws are appropriately enforced; releasing specific business tax returns or information from those returns to the public would serve no policy purpose.*

COST has consistently warned of the risks of violating taxpayer confidentiality under the mistaken guise of transparency. Rather than inform the public policy debate, H.3083 and S.2037 would, because of their sole focus on the corporate excise tax, mislead both legislators and the public into thinking that businesses do not pay any tax. In fact, businesses pay substantial tax in the Commonwealth, particularly in areas other than the corporate excise tax<sup>2</sup>. If the Legislature is concerned that certain classes of taxpayers are inappropriately taxed, it should ask the executive branch for aggregated information on these classes of taxpayers. Identifying that a specific taxpayer did not pay corporate excise tax for a given year—because of loss carryovers, current year profitability, tax credits, or some other valid reason—does not provide any useful information to the policy debate. Additionally, disclosures such as those required by H.3083 and S.2037 will make sensitive information available for use by taxpayers' competitors, including competitors not subject to the Commonwealth's tax system.

### **Conclusion**

If enacted, Massachusetts would be an outlier as no other state requires detailed public disclosure of confidential taxpayer information. By eliminating the present law requirement that taxpayers identifying information be expunged before this information can be made available to the public, these bills would put Massachusetts publicly traded corporate taxpayers at a competitive disadvantage to the extent they are subjected to disclosure rules not applicable to their out-of-state competitors and non-publicly traded in-state competitors. H.3083 and S.2037 raise no additional revenue and would merely serve as a vehicle to allow the harassment of certain Massachusetts taxpayers.

For these reasons, COST respectfully urges members of the committee not to advance H.3083, S.2037, or any similar legislation.

Respectfully,



Leonore F. Heavey

cc: COST Board of Directors  
Patrick J. Reynolds, COST President & Executive Director

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<sup>2</sup> Businesses in Massachusetts pay 35.9% of all state and local taxes paid in the Commonwealth. See COST's FY23 State And Local Business Tax Burden Study at [https://www.cost.org/globalassets/cost/state-tax-resources-pdf-pages/cost-studies-articles-reports/score\\_ey-50-state-tax-burden-study\\_final\\_121824.pdf](https://www.cost.org/globalassets/cost/state-tax-resources-pdf-pages/cost-studies-articles-reports/score_ey-50-state-tax-burden-study_final_121824.pdf)