

HOUSE No. 1066

The Commonwealth of Massachusetts

DEPARTMENT OF CORPORATIONS AND TAXATION,
STATE HOUSE, BOSTON, January 18, 1933.

To the Honorable House Committee on Rules.

The Durant, Incorporated, was organized November 30, 1920, under Revised Laws, chapter 125 (now chapter 180, General Laws, Tercentenary Edition), for the purpose of promoting among women and children education and charity, and to promote and encourage the public worship of God. By the passage of chapter 27 of the Acts of 1929 authority was given the corporation to hold property to an amount not to exceed five million dollars.

So much of the corporation's activities as are charitable in nature are subject, as provided by the provisions of chapter 180 of the General Laws, to certain control by the Department of Public Welfare.

The corporation now petitions for special legislation to enlarge upon the general law in providing that the Department of Public Welfare regulate the use of its property, "rental and other charges made by it, rate of return, and areas and methods of operation." This cannot be done under the general law.

In my opinion this petition need not be submitted to me under the provisions of section 7 of chapter 3 of the General Laws (Ter. Ed.). That section provides that, "whoever intends to present to the general court a petition for the establishment or revival, or for the amendment, alteration or extension of the charter or corporate powers or privileges . . . of any corporation . . .", shall "deposit the same . . . in the office of the commissioner . . ."

This petition seeks to extend the provisions of the general law in respect to control by the Department of Public Welfare and does not seek to amend, alter or extend its own charter or corporate powers or privileges unless it can be said that by seeking special regulation it is altering the privileges under the general law which are granted to all corporations organized under chapter 180.

If this petition is subject to section 7 of chapter 3 it should have been filed with the Commissioner of Corporations and Taxation on or before November first, prior to its presentation to the General Court. Filing not being so made the Legislature only is authorized to permit consideration of the petition.

This corporation not being organized for business or profit, so much of section 7 of chapter 3 of the General Laws as requires payment of a filing fee with petitions is not applicable and none is paid.

Respectfully yours,

HENRY F. LONG,

Commissioner of Corporations and Taxation.

By Mr. Hays of Boston, petition of the board of governors of The Durant, Inc., that said corporation be subjected to regulation by the Department of Public Welfare. Mercantile Affairs.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Thirty-Three.

An Act subjecting The Durant, Incorporated, to further Regulation by the Department of Public Welfare.

1 *Whereas*, The deferred operation of this act would
2 tend to defeat its purpose, therefore it is hereby de-
3 clared to be an emergency law, necessary for the im-
4 mediate preservation of the public convenience.

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

1 The Durant, Incorporated, a Massachusetts corpora-
2 tion organized under general law, shall, in carrying out
3 its corporate purposes, be subject to regulation by the
4 department of public welfare with respect to the fol-
5 lowing:

6 Use of property of the corporation, rental and other
7 charges made by it, rate of return, and areas and
8 methods of operation.

9 Such regulation by said department shall be in
10 addition to that provided by general law with respect
11 to corporations organized for charitable purposes.

