

By Mr. Turkington of Falmouth, petition of Eric Turkington and Robert O'Leary relative to the Nantucket Island Land Bank transfer fee. Taxation.

The Commonwealth of Massachusetts

In the Year Two Thousand and One.

AN ACT RELATIVE TO THE NANTUCKET ISLANDS LAND BANK.

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. The definition of "Real property interest", in
2 section 1 of chapter 669 of the acts of 1983, is hereby amended by
3 adding the following words:— or limited liability company,
4 except as provided in section 10A.

1 SECTION 2. The second paragraph of section 10A of said
2 chapter 669, added by section 5 of chapter 666 of the acts of 1987,
3 is hereby amended by inserting after the word "partnership", in
4 lines 6, 7 and 12, in each instance, the following words:— or lim-
5 ited liability company.

1 SECTION 3. Said second paragraph of said section 10A of said
2 chapter 669 is hereby further amended by inserting after the word
3 "partnerships", in lines 10 and 13, in each instance, the following
4 words:— or limited liability companies.

1 SECTION 4. Paragraph (i) of section 12 of said chapter 669, as
2 amended by section 3 of chapter 392 of the acts of 1991, is hereby
3 amended by inserting after the word "partnership", in lines 1, 7, 9
4 and 10, in each instance, the following words:— or limited lia-
5 bility company.

1 SECTION 5. Said section 12 of said chapter 669 is hereby fur-
2 ther amended by striking paragraph (j), as amended by section 7

3 of chapter 666 of the acts of 1987 and inserting in place thereof
4 the following paragraph:—

5 (j) Transfers made to a stockholder of a corporation in liquida-
6 tion of the corporation, and transfer made to a partner of a partner-
7 ship or to a member of a limited liability company; provided,
8 however, that such transfer shall be exempt only in the event that
9 (i) with respect to a corporation, the transferor retains a control-
10 ling interest in such corporation after such formation, or (ii), with
11 respect to a partnership or limited liability company, the transferor
12 retains after such formation rights to capital interests in excess of
13 50 percent of the capital interests within such partnership or lim-
14 ited liability company or retains rights to profit interests within
15 such partnership or limited liability company in excess of fifty
16 percent of the total profit interests within such partnership or lim-
17 ited liability company.

1 SECTION 6. Subsection (m) of said section 12 of said
2 chapter 669, as amended by section 8 of chapter 666 of the acts of
3 1987, is hereby further amended by striking out the word “one,”
4 in line one, and inserting in place thereof the following:— two.

1 SECTION 7. The provisions of section 6 of this act shall apply
2 to all transactions occurring after the effective date hereof.

1 SECTION 8. This act shall take effect upon its passage.