

HOUSE No. 2559

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, March 16, 1954.

The committee on Bills in the Third Reading, to whom was referred the Bill making provisions for reports by voluntary associations and certain trusts (House, No. 116, changed), report recommending that the same be amended by the substitution of the accompanying bill (House, No. 2559).

For the committee,

WILLIAM I. RANDALL.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Fifty-Four.

AN ACT MAKING PROVISIONS FOR REPORTS BY VOLUNTARY ASSOCIATIONS AND CERTAIN TRUSTS.

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. Section 1 of chapter 182 of the General
2 Laws, as appearing in the Tercentenary Edition, is
3 hereby amended by inserting after the word “inclu-
4 sive” in line 8 the words: — , and twelve to fourteen,
5 inclusive, — so as to read as follows:— *Section 1.*
6 The following words, as used in this chapter, shall,
7 except as otherwise expressly provided in section
8 two A, have the following meanings: “Association”,
9 a voluntary association under a written instrument
10 or declaration of trust, the beneficial interest under
11 which is divided into transferable certificates of
12 participation or shares. “Commissioner”, the com-
13 missioner of corporations and taxation. “Depart-
14 ment”, the department of public utilities. When
15 used in sections two to seven, inclusive, and twelve
16 to fourteen, inclusive, of this chapter, the word “trust”
17 shall, except as otherwise expressly provided in sec-
18 tion two A, mean a trust operating under a written
19 instrument or declaration of trust, the beneficial
20 interest under which is divided into transferable
21 certificates of participation or shares, other than a
22 trust established for the sole purpose of exercising the
23 voting rights pertaining to corporate stock or other
24 securities in accordance with the terms of a written
25 instrument.

1 SECTION 2. Said chapter 182 is hereby further
2 amended by adding at the end the following three
3 sections:—

4 *Section 12.* Every association or trust shall an-
5 nually on or before June first file with the state tax
6 commission a report signed under the penalties of
7 perjury by its trustees stating (a) the name of the
8 association or trust; (b) the location (with street
9 address) of its principal office in this commonwealth
10 and elsewhere if the trust or association does business
11 outside the commonwealth; (c) the number of its
12 issued and outstanding transferable certificates of
13 participation or shares; and (d) the names and ad-
14 dresses of its trustees.

15 *Section 13.* The state tax commission shall ex-
16 amine such report, and if it finds that it conforms to
17 the requirements of this chapter, it shall endorse its
18 approval thereon; and upon the payment of a fee
19 of ten dollars, the report shall be filed in the office
20 of the state secretary, who shall receive and preserve
21 it in book form convenient for reference and open to
22 public inspection.

23 *Section 14.* If the trust or association fails to file
24 its report within the time required by law, the com-
25 missioner shall give notice by mail, postage prepaid,
26 to such trust or association in default. If the trust
27 or association omits to file such report within thirty
28 days after such notice of default has been given, it
29 shall forfeit to the commonwealth not less than five
30 dollars nor more than ten dollars for each day during
31 which default continues. Such forfeiture may be
32 recovered by the commonwealth in an action brought
33 in Suffolk county in the name of the commonwealth,
34 or may be recovered by an information in equity in
35 the name of the attorney general at the relation of the
36 state tax commission brought in the supreme judicial
37 court in Suffolk county. Upon such information, the
38 court may issue an injunction restraining the further
39 prosecution of the business of the trust or association
40 until such forfeiture, with interest and costs, has been
41 paid and until such report has been filed.

