

HOUSE No. 2429

The Commonwealth of Massachusetts

PRESENTED BY:

Josh S. Cutler and John F. Keenan

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 adoption of the accompanying bill:

An Act relative to Community Preservation Act funding and the promotion of regional services.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Josh S. Cutler</i>	<i>6th Plymouth</i>
<i>John F. Keenan</i>	<i>Norfolk and Plymouth</i>
<i>James Arciero</i>	<i>2nd Middlesex</i>
<i>Bruce J. Ayers</i>	<i>1st Norfolk</i>
<i>Michael D. Brady</i>	<i>Second Plymouth and Bristol</i>
<i>Antonio F. D. Cabral</i>	<i>13th Bristol</i>
<i>Gerard J. Cassidy</i>	<i>9th Plymouth</i>
<i>Tackey Chan</i>	<i>2nd Norfolk</i>
<i>Edward F. Coppinger</i>	<i>10th Suffolk</i>
<i>William L. Crocker, Jr.</i>	<i>2nd Barnstable</i>
<i>Claire D. Cronin</i>	<i>11th Plymouth</i>
<i>Daniel R. Cullinane</i>	<i>12th Suffolk</i>
<i>Mark J. Cusack</i>	<i>5th Norfolk</i>
<i>Julian Cyr</i>	<i>Cape and Islands</i>
<i>Angelo L. D'Emilia</i>	<i>8th Plymouth</i>
<i>David F. DeCoste</i>	<i>5th Plymouth</i>
<i>Viriato M. deMacedo</i>	<i>Plymouth and Barnstable</i>
<i>William J. Driscoll, Jr.</i>	<i>7th Norfolk</i>

<i>Paul R. Feeney</i>	<i>Bristol and Norfolk</i>
<i>Dylan A. Fernandes</i>	<i>Barnstable, Dukes and Nantucket</i>
<i>Carole A. Fiola</i>	<i>6th Bristol</i>
<i>William C. Galvin</i>	<i>6th Norfolk</i>
<i>Denise C. Garlick</i>	<i>13th Norfolk</i>
<i>Susan Williams Gifford</i>	<i>2nd Plymouth</i>
<i>Patricia A. Haddad</i>	<i>5th Bristol</i>
<i>Stephan Hay</i>	<i>3rd Worcester</i>
<i>Kevin G. Honan</i>	<i>17th Suffolk</i>
<i>Steven S. Howitt</i>	<i>4th Bristol</i>
<i>Daniel J. Hunt</i>	<i>13th Suffolk</i>
<i>Randy Hunt</i>	<i>5th Barnstable</i>
<i>Louis L. Kafka</i>	<i>8th Norfolk</i>
<i>Patrick Joseph Kearney</i>	<i>4th Plymouth</i>
<i>Kay Khan</i>	<i>11th Middlesex</i>
<i>Kathleen R. LaNatra</i>	<i>12th Plymouth</i>
<i>David Paul Linsky</i>	<i>5th Middlesex</i>
<i>Elizabeth A. Malia</i>	<i>11th Suffolk</i>
<i>Paul W. Mark</i>	<i>2nd Berkshire</i>
<i>Paul McMurtry</i>	<i>11th Norfolk</i>
<i>Joan Meschino</i>	<i>3rd Plymouth</i>
<i>Rady Mom</i>	<i>18th Middlesex</i>
<i>Mathew J. Muratore</i>	<i>1st Plymouth</i>
<i>James M. Murphy</i>	<i>4th Norfolk</i>
<i>Brian W. Murray</i>	<i>10th Worcester</i>
<i>Patrick M. O'Connor</i>	<i>Plymouth and Norfolk</i>
<i>Sarah K. Peake</i>	<i>4th Barnstable</i>
<i>Denise Provost</i>	<i>27th Middlesex</i>
<i>Rebecca L. Rausch</i>	<i>Norfolk, Bristol and Middlesex</i>
<i>John H. Rogers</i>	<i>12th Norfolk</i>
<i>Michael F. Rush</i>	<i>Norfolk and Suffolk</i>
<i>Paul A. Schmid, III</i>	<i>8th Bristol</i>
<i>Timothy R. Whelan</i>	<i>1st Barnstable</i>

HOUSE No. 2429

By Representative Cutler of Duxbury and Senator Keenan, a joint petition (accompanied by bill, House, No. 2429) of Josh S. Cutler, John F. Keenan and others relative to Community Preservation Act funding and the promotion of regional services. Revenue.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-First General Court
(2019-2020)**

An Act relative to Community Preservation Act funding and the promotion of regional services.

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 23 of chapter 546 of the acts of 1969 is hereby repealed.

2 SECTION 2. Section 1 of chapter 64D of the General Laws, as appearing in the 2016
3 Official Edition, is hereby amended by striking out, in line 12, the word “two dollars” and
4 inserting in place thereof the following words:- \$2.75

5 SECTION 3. Said section 1 of said chapter 64D, as so appearing, is hereby further
6 amended by striking out, in line 14, the word “two dollars” and inserting in place thereof the
7 following words:- \$2.75

8 SECTION 4. Said section 1 of said chapter 64D, as so appearing, is hereby further
9 amended by striking out, in line 15, the word “one dollar and fifty cents” and inserting in place
10 thereof the following words:- \$2.50

11 SECTION 5. Section 11 of chapter 64D of the General Laws, as appearing in the 2016
12 Official Edition, is hereby amended by striking out, in line 9, the word “10.625” and inserting in
13 place thereof the following word:- 5

14 SECTION 6. Said section 11 of chapter 64D, as so appearing, is hereby further amended
15 by striking out, in line 35, the word “10.625” and inserting in place thereof the following word:-
16 5

17 SECTION 7. Said section 11 of chapter 64D, as so appearing, is hereby further amended
18 by striking out, in line 43, the words “The remaining percentage of taxes collected under this
19 chapter, including all taxes collected under this chapter in Barnstable and Suffolk counties and
20 all counties the government of which has been abolished by chapter 34B or other law, but not
21 including the additional excise authorized in section 2 of chapter 163 of the acts of 1988, shall be
22 transmitted to and retained by the General Fund in accordance with section 10.” and inserting in
23 place thereof the following words:- Fifteen percent of the taxes collected under this chapter,
24 excluding taxes collected under this chapter in Barnstable county, shall be transmitted to the
25 Massachusetts Community Preservation Trust Fund, established in section 9 of Chapter 44B.
26 Sixteen and one half per cent percent of the taxes collected under this chapter in Barnstable
27 county shall be transmitted to the Massachusetts Community Preservation Trust Fund,
28 established in section 9 of Chapter 44B. The remaining percentage of taxes collected under this
29 chapter, including all taxes not dedicated to the Massachusetts Community Preservation Trust
30 Fund collected under this chapter in Barnstable and Suffolk counties and all counties the
31 government of which has been abolished by chapter 34B or other law, but not including the
32 additional excise authorized in section 2 of chapter 163 of the acts of 1988, shall be transmitted
33 to and retained by the General Fund in accordance with section 10.

34 SECTION 8. Said section 11 of chapter 64D of the General Laws, as so appearing, is
35 hereby further amended by striking out, in line 52, the word “10.625” and inserting in place
36 thereof the following word:- 5

37 SECTION 9. Said section 11 of chapter 64D, as so appearing, is hereby further amended
38 by striking out, in line 77, the word “10.625” and inserting in place thereof the following word:-
39 5

40 SECTION 10. Said section 11 of chapter 64D, as so appearing, is hereby further
41 amended by striking out, in line 84, the words “The remaining percentage of taxes collected
42 under this chapter, including all taxes collected under this chapter in Barnstable and Suffolk
43 counties and all counties the government of which has been abolished by chapter 34B or other
44 law, but not including the additional excise authorized in section 2 of chapter 163 of the acts of
45 1988, shall be transmitted to and retained by the General Fund in accordance with section 10.”
46 and inserting in place thereof the following words:- Fifteen percent of the taxes collected under
47 this chapter, excluding taxes collected under this chapter in Barnstable county, shall be
48 transmitted to the Massachusetts Community Preservation Trust Fund, established in section 9 of
49 Chapter 44B. Sixteen and one half per cent percent of the taxes collected under this chapter in
50 Barnstable county shall be transmitted to the Massachusetts Community Preservation Trust
51 Fund, established in section 9 of Chapter 44B. The remaining percentage of taxes collected under
52 this chapter, including all taxes not dedicated to the Massachusetts Community Preservation
53 Trust Fund collected under this chapter in Barnstable and Suffolk counties and all counties the
54 government of which has been abolished by chapter 34B or other law, but not including the
55 additional excise authorized in section 2 of chapter 163 of the acts of 1988, shall be transmitted
56 to and retained by the General Fund in accordance with section 10.

57 SECTION 11. Said chapter 64D is hereby further amended by striking out section 12, as
58 so appearing, and inserting in place thereof the following section:-

59 Section 12. (a) Notwithstanding any general or special law to the contrary, of that portion
60 of the amounts deposited in the Deeds Excise Fund for each county from revenues collected
61 pursuant to this chapter which represents 5 per cent of the taxes collected: (1) not more than 29.5
62 per cent of the deposits shall be disbursed and expended for meeting the costs of the operation
63 and maintenance of the county; and (2) not less than 70.5 per cent shall be disbursed and
64 expended for the automation, modernization and operation of the registries of deeds.

65 (b) Notwithstanding any general or special law to the contrary, with respect to funds
66 appropriated for the purposes designated in clause (2) of subsection (a) and which are not
67 dedicated to the Deeds Excise Fund in each county under section 11, the county budget shall
68 provide a continuing amount of expenditure of not less than 102.5 per cent of the amount
69 expended for that purpose in the preceding fiscal year.

70 SECTION 12. Section 79 of chapter 4 of the acts of 2003 is hereby repealed.

71 SECTION 13. Subsection (a) of section 8 of chapter 44B of the General Laws, as
72 appearing in the 2016 Official Edition, is hereby amended by adding the following sentence:- No
73 surcharge shall apply to a deed, instrument or writing subject to taxation under chapter 64D of
74 the General Laws.

75 SECTION 14. Subsection (b) of section 8 of chapter 44B of the General Laws, as
76 appearing in the 2016 Official Edition, is hereby amended by adding the following sentence:- No
77 surcharge shall apply to a deed, instrument or writing subject to taxation under chapter 64D of
78 the General Laws.

79 SECTION 15. Section 38 of chapter 262 of the General Laws, as appearing in the 2016
80 Official Edition, is hereby amended by striking out, in line 12, the words “For recording a deed
81 or conveyance, \$100;” and inserting in place thereof the following words:- “For recording a deed
82 or conveyance when the consideration of the interest or property conveyed, exclusive of the
83 value of any lien or encumbrance remaining thereon at the time of the sale, exceeds one hundred
84 dollars, \$120;

85 For recording a deed or conveyance when the consideration of the interest or property
86 conveyed, exclusive of the value of any lien or encumbrance remaining thereon at the time of the
87 sale, does not exceed one hundred dollars, \$100;”

88 SECTION 16. Section 39 of chapter 262 of the General Laws, as appearing in the 2016
89 Official Edition, is hereby amended by striking out, in line 39, the words “For the entry of a new
90 certificate of title, including issue of one duplicate, \$100.” and inserting in place thereof the
91 following words:- “For the entry of a new certificate of title, including issue of one duplicate
92 when the consideration of the interest or property conveyed, exclusive of the value of any lien or
93 encumbrance remaining thereon at the time of the sale, exceeds one hundred dollars, \$120.

94 For the entry of a new certificate of title, including issue of one duplicate when the
95 consideration of the interest or property conveyed, exclusive of the value of any lien or
96 encumbrance remaining thereon at the time of the sale, does not exceed one hundred dollars,
97 \$100.”

98 SECTION 17. This act shall take effect upon its passage; provided, however, that
99 sections 9, 10 and 11 shall take effect on July 1, 2024.