

SENATE No. 1330

The Commonwealth of Massachusetts

In the Year Two Thousand Nine

An Act relative to the reimbursement for taxes lost on certain state-owned properties..

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 13 of chapter 58 of the General Laws, as appearing in the 1996
2 official edition, is hereby amended by striking out, in line 1, the word "fifth" and inserting in
3 place thereof the following word:- "third".

4 SECTION 2. Section 15 of said chapter 58, as so appearing, is hereby amended by
5 striking out, in line 4, the word "four" and inserting in place thereof the following word:- "two".

6 SECTION 3. Said chapter 58 is hereby amended by inserting after section 17C, as so
7 appearing, the following seven sections:

8 Section 17D. For the purposes of this section, and sections 17E through 17I of this
9 chapter, the following words have the following meanings:

10 "State facilities", all structures owned and operated by the commonwealth for the purpose
11 of carrying out state functions, except the structures of state authorities.

12 "Tax exempt housing facilities", all tax-exempt housing owned or operated by local
13 housing authorities as defined in section 3 of chapter 121B, community development
14 corporations and public colleges and universities.

15 "State authorities", any public instrumentality of the commonwealth which is not subject
16 to the supervision and control of the legislative, executive or judicial departments of state or
17 local government as further defined in section 1 of chapter 29 with the exception of tax exempt
18 housing facilities.

19 "Cost of essential municipal services", the total cost of the following services: public
20 safety services, including, but not limited to: police, fire and ambulatory services; educational
21 services, including kindergarten through grade twelve public education; waste collection; street
22 cleaning; street lighting; snow and ice removal and transportation services, as most recently
23 reported to the commissioner under the annual reporting requirements pursuant to the provisions
24 of section 43 of chapter 44.

25 "Property tax levy," as most recently reported to the commissioner under section 21D of
26 chapter 59.

27 "State aid," the amount due each city and town as most recently reported by the
28 commissioner under the provisions of section 25A of chapter 58.

29 "Total value of taxable property," the fair cash value of structures subject to taxation, as
30 most recently certified by the commissioner under the provisions of section 2A of chapter 59.

31 "Structures," shall include buildings, improvements or other things erected thereon or
32 affixed to land, but shall not include land.

33 Section 17E. Each year, not later than June 1, the board of assessors of each city and
34 town shall notify the commissioner of the fair cash value, as of January 1, as hereinafter provided
35 of state facilities located within its city or town.

36 The determination of value made under this section shall be in such detail as to lots,
37 subdivisions or acreage as the commissioner may deem necessary. To assist in making such
38 determination the assessors may require oral or written information from any officer or agent of
39 the commonwealth or of any county or town therein and from any other inhabitant thereof, and
40 may require such information to be an oath. Such officers, agents and persons, so far as able,
41 shall furnish the assessors with the required information in such form as the assessor may
42 indicate, within 15 days after being so requested by the assessor.

43 Section 17F. The commissioner, not later than August 1, shall on the basis of said
44 notification by the board of assessors certify the full fair value of said state facilities and provide
45 written notice to the assessors of such certified valuation. The commissioner may, on the basis
46 of any contrary information, adjust the full fair cash valuation.

47 Section 17G. A board of assessors aggrieved by the commissioner's determination of
48 value of any state facilities as valued under section 17F may make a written application for a
49 correction thereof to the appellate tax board within 30 days of said notice, setting forth the
50 grounds for such application for correction. Not later than September 30 following, said board
51 shall, upon the basis of such application or after giving such assessors a hearing, as the board
52 may determine, make a finding whether the commissioner acted in accordance with section 17F.
53 If the board finds that the commissioner failed to so act, it shall make a determination of value

54 and notify said board of assessors and the commissioner of its determination, and its decision
55 shall be final.

56 Section 17H. Each year, not later than November 20, the treasurer shall make a payment
57 to cities and towns for the municipal services provided to state facilities. The amount of said
58 payment, as determined by the commissioner, shall be determined by multiplying the "cost of
59 essential municipal services from tax revenues" in such city or town by the "percentage of state
60 facilities" in such city or town.

61 The "cost of essential municipal services from tax revenues" shall be determined by
62 adding the cost of municipal services and dividing said sum by the sum of the property tax levy
63 and state aid and multiplying the result of said quotient by the property tax levy.

64 The "percentage of state facilities" shall be determined by dividing the total value of state
65 facilities by the total value of taxable property.

66 Section 17I. Notwithstanding the provisions of any general or special law, rule or
67 regulation to the contrary, the commonwealth shall be liable to municipalities for late penalty
68 interest on any unpaid portion of said municipality's payment in lieu of taxes or payment for
69 municipal services reimbursement pursuant to this chapter. If the appropriation is not fully

70 funded pursuant to section 17 of chapter 58, the commonwealth shall pay interest on the
71 amount by which the reimbursement falls short. Said interest shall accrue 45 days after the
72 November 20 reimbursement date in accordance with the following provisions:-

73 (a) that the late penalty interest provided for under this section shall be computed at a rate
74 to be set semi-annually by the commissioner of administration on January 1 and July 1 of each

75 year; provided, however, that said rate shall be equal to the discount rate charged on said dates
76 by the federal reserve bank of Boston.

77 (b) that the provisions of this section shall not apply to the delivery of any property of
78 services made at the beginning of any fiscal year unless a general appropriations act is in effect
79 for said fiscal year. Upon the passage of a general appropriations act, a required payment date
80 may be set or the 45-day period as provided in paragraph (a) may be commenced.

81 The commissioner of administration shall, not more than 60 days after the conclusion of
82 each fiscal year, file with the house and senate committees on ways and means a summary report
83 on any interest penalties made under this section during the preceding fiscal year. Such report
84 shall include the number, amounts and frequency of interest penalty payments and reasons such
85 interest payments were made.

86 SECTION 4. Notwithstanding the provisions of any general or special law, rule,
87 or regulation to the contrary, state forest land owned by the commonwealth, pursuant to sections
88 31 and 33 of chapter 132, shall be made available to the cities and towns in which such state
89 forest is located for the purposes of timber management, improvement and harvesting.

90 A city, upon approval by its mayor, and a town, upon approval by its board of selectmen,
91 may develop forest management plans for state forest land located within its boundaries. Said
92 plan shall be developed by a professional forester licensed by the commonwealth, pursuant to
93 section 46 of chapter 132, and in accordance with generally accepted standards for forest
94 management and silvacultural practices. Said plan shall be submitted for approval to the
95 conservation commission of the city or town in which the state forest is located, and to the chief

96 forester in the division of forests and parks in the state department of environmental
97 management.

98 Upon receiving approval of the forest management plan by the conservation commission
99 and the chief forester, the town may enter into contractual agreements for the harvesting of
100 timber in accordance with the specifications contained in the forest management plan. Said
101 forest management and harvesting plan shall be in effect for a period not to exceed 10 years,
102 after which time the plan may be updated or a new plan may be developed.

103 Revenue received for the sale of timber shall be divided between the city or town, which
104 shall received 70 per cent of said revenue, and the commonwealth, which shall receive 30 per
105 cent of said revenue. The amount to be divided shall be exclusive of expenses for the
106 development of the forest management plan, which shall be deducted from the total revenues
107 received for timber sales.

108 The chief forester in the division of forests and parks in the department of environmental
109 management may suspend such plan and the harvesting of timber in the event of a violation of
110 the specifications for timber management and harvesting in the forest management plan.