

SENATE No. 1880

The Commonwealth of Massachusetts

PRESENTED BY:

Adam G. Hinds

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 to create a forest carbon incentive program to enhance carbon storage on private timber lands.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
<i>Adam G. Hinds</i>	<i>Berkshire, Hampshire, Franklin and Hampden</i>	
<i>Joanne M. Comerford</i>	<i>Hampshire, Franklin and Worcester</i>	<i>3/5/2021</i>
<i>Lindsay N. Sabadosa</i>	<i>1st Hampshire</i>	<i>3/11/2021</i>
<i>Kay Khan</i>	<i>11th Middlesex</i>	<i>3/11/2021</i>
<i>Bradley H. Jones, Jr.</i>	<i>20th Middlesex</i>	<i>3/18/2021</i>
<i>Walter F. Timilty</i>	<i>Norfolk, Bristol and Plymouth</i>	<i>3/29/2021</i>
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>	<i>4/26/2021</i>

SENATE No. 1880

By Mr. Hinds, a petition (accompanied by bill, Senate, No. 1880) of Adam G. Hinds, Joanne M. Comerford, Lindsay N. Sabadosa, Kay Khan and other members of the General Court for legislation to create a forest carbon incentive program to enhance carbon storage on private timber lands. Revenue.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Second General Court
(2021-2022)**

An Act to create a forest carbon incentive program to enhance carbon storage on private timber lands.

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. Forest Resilience Program

2 (a). For the purposes of this section, the following words shall, unless the context clearly
3 requires otherwise, have the following meaning:-

4 “Forest resilience program”, a program overseen by the department of conservation and
5 recreation that outlines forest practices to improve the resilience to climate change impacts and
6 to increase the storage of carbon in forests enrolled. The implementation of these practices shall
7 be approved by the department of conservation and recreation in forest resilience plans and
8 overseen by foresters licensed in compliance with sections 47 to 49 inclusive of chapter 132 of
9 the general laws.

10 (b) Section 6 of chapter 61 of the general laws is hereby amended by adding the
11 following new paragraphs:-

12 In addition to the preferential tax treatment provided to forest land owners who maintain
13 their property as open space for the purposes of timber production under this chapter, each said
14 owner who has an approved 20-year forest resilience plan under the forest resilience program
15 shall also be eligible for an annual grant to improve the stewardship of their forest. Such grants
16 shall include, but not be limited to, reimbursement for costs associated with forest resilience
17 practices. The department of conservation and recreation shall determine reasonable grant
18 amounts for forest land owners, which may be guided by regional carbon markets and policies
19 and incentives for natural and working lands under chapter 21N of the general laws.

20 The municipality where the forest land is located shall also be eligible for grant for the
21 acreage of forest land with an approved 20-year forest resilience plan, the amount and terms of
22 which shall be determined by the executive office of energy and environmental affairs in
23 consultation with the department of conservation and recreation. The grant amount shall mitigate
24 for some of the loss of tax revenue.

25 The global warming solutions trust fund created in section 35ggg of chapter 10 of the
26 general laws or other revenues from appropriations or other financial sources authorized by the
27 general court, including but not limited to bond revenues, shall be utilized to fund grants and
28 technical assistance under the 20-year forest resilience program to enhance the sequestration and
29 storage of carbon by forest land owners enrolled in the forest resiliency program.

30 The department of conservation and recreation shall administer said grant program.

31 SECTION 2. Section 6 of chapter 61 of the general laws is hereby amended by adding
32 the following new paragraph:-

33 Any land in forest production use which is valued, assessed, and taxed under this chapter,
34 and which is enrolled in the forest resilience program for a 20 year term, and which is sold for
35 other use within a period of 20 years after the date of its acquisition or after the earliest date of its
36 uninterrupted use by the current owner in forest production, whichever is earlier, shall be subject
37 to a conveyance tax applicable to the total sales price of that land, which tax shall be in addition
38 to taxes that may be imposed under any other law. Notwithstanding the previous sentence, no
39 conveyance tax shall be assessed if the land involved, or a lesser interest in that land, is acquired
40 for a natural resource purpose by the city or town in which it is situated, by the commonwealth
41 or by a nonprofit conservation organization, but if any portion of the land is sold or converted to
42 commercial, residential or industrial use within 20 years after acquisition by a nonprofit
43 conservation organization, the conveyance tax shall be assessed against the nonprofit
44 conservation organization in the amount that would have been assessed at the time of acquisition
45 of the subject parcel by the nonprofit conservation organization had such transaction been
46 subject to a conveyance tax. The conveyance tax shall be assessed on only that portion of land
47 whose use has changed. The conveyance tax shall be at the following rate: 5 per cent if sold
48 within the first three years of ownership; 6 per cent if sold within the fourth through seventh year
49 of ownership; 7 per cent if sold within the eighth through eleventh year of ownership; 8 per cent
50 if sold within the eleventh through fifteenth year of ownership; 9 per cent if sold within the
51 fifteenth through eighteenth year of ownership; and 10 per cent if sold within the eighteenth
52 through twentieth year of ownership. No conveyance tax shall be imposed under this section
53 after the end of the twentieth year of ownership. The conveyance tax shall be due and payable by

54 the grantor at the time of transfer of the property by deed or other instrument of conveyance and
55 shall be payable to the tax collector of the city or town in which the property is entered upon the
56 tax list, but in the case of taking by eminent domain, the value of the property taken shall be
57 determined in accordance with chapter 79, and the amount of conveyance tax, if any, shall be
58 added as an added value. If there is filed with the board of assessors an affidavit by the purchaser
59 that the land is being purchased for forest production use, no conveyance tax shall be payable by
60 the seller by reasons of the sale, but if the land is not in fact continued in this use for at least 5
61 consecutive years, the purchaser shall be liable for any conveyance tax that would have been
62 payable on the sale as a sale for other use. The conveyance tax shall be assessed on only that
63 portion of land for which the use has changed. Any conveyance tax collected by a municipality
64 based on withdrawal from the forest resilience program must be used to increase the climate
65 resilience of natural and working lands.

66 SECTION 3. Section 2 of chapter 61 of the general laws is hereby amended by adding
67 the following new words after the phrase “at least every ten years”, or at least after every twenty
68 years for the forest resilience program,

69 SECTION 4. Sections 1, 2, and 3 shall take effect on July 31, 2022.

70 SECTION 4. The department of conservation and recreation shall promulgate regulations
71 no less than 180 days after passage of this act.

72 SECTION 5. Section 2 of Chapter 61 of the general laws shall be amended by changing
73 “10” in line 1 to “3”.