SENATE DOCKET, NO. 1008 FILED ON: 1/20/2011

SENATE . . . . . No. 1508

The Commonwealth of Massachusetts

PRESENTED BY:

Stanley C. Rosenberg

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 passage of the accompanying:

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

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Stanley C. Rosenberg	*Hampshire and Franklin*

SENATE DOCKET, NO. 1008 FILED ON: 1/20/2011

SENATE . . . . . No. 1508

By Mr. Rosenberg, a petition (accompanied by bill, Senate, No. 1508) of Stanley C. Rosenberg for legislation relative to the reimbursement for taxes lost on certain state-owned properties. Revenue.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE
SENATE
, NO. *1330* OF 2009-2010.]

The Commonwealth of Massachusetts

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:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

48 Section 17G. A board of assessors aggrieved by the commissioner's
49 determination of value of any state facilities as valued under section 17F may make a written
50 application for a correction thereof to the appellate tax board within 30 days of said notice,

51 setting forth the grounds for such application for correction. Not later than September 30
52 following, said board shall, upon the basis of such application or after giving such assessors a
53 hearing, as the board may determine, make a finding whether the commissioner acted in
54 accordance with section 17F. If the board finds that the commissioner failed to so act, it shall
55 make a determination of value and notify said board of assessors and the commissioner of its
56 determination, and its decision shall be final.

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

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

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

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

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

74 (a) that the late penalty interest provided for under this section shall be
75 computed at a rate to be set semi-annually by the commissioner of administration on January 1
76 and July 1 of each year; provided, however, that said rate shall be equal to the discount rate
77 charged on said dates by the federal reserve bank of Boston.

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

82 The commissioner of administration shall, not more than 60 days after the conclusion of
83 each fiscal year, file with the house and senate committees on ways and means a summary report
84 on any interest penalties made under this section during the preceding fiscal year. Such report

85 shall include the number, amounts and frequency of interest penalty payments and reasons such
86 interest payments were made.

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

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

99 Upon receiving approval of the forest management plan by the conservation
100 commission and the chief forester, the town may enter into contractual agreements for the
101 harvesting of timber in accordance with the specifications contained in the forest management
102 plan. Said forest management and harvesting plan shall be in effect for a period not to exceed
103 10 years, after which time the plan may be updated or a new plan may be developed.

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

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