

**SENATE . . . . . No.**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

**Rosenberg, Stan (SEN)**

*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 bill:

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

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Rosenberg, Stan (SEN)	Hampshire and Franklin

[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE SENATE, NO. S01791 OF 2007-2008.]

## The Commonwealth of Massachusetts

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In the Year Two Thousand and Nine

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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 official edition, is  
2 hereby amended by striking out, in line 1, the word "fifth" and inserting in place thereof the following  
3 word:- "third".

4 SECTION 2. Section 15 of said chapter 58, as so appearing, is hereby amended by striking out, in line 4,  
5 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 appearing, the  
7 following seven sections:

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

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

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

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

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

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

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

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

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

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

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

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

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

46 correction. Not later than September 30 following, said board shall, upon the basis of such application or  
47 after giving such assessors a hearing, as the board may determine, make a finding whether the  
48 commissioner acted in accordance with section 17F. If the board finds that the commissioner failed to so  
49 act, it shall make a determination of value and notify said board of assessors and the commissioner of its  
50 determination, and its decision shall be final.

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

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

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

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

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

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

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

75 The commissioner of administration shall, not more than 60 days after the conclusion of each fiscal year,  
76 file with the house and senate committees on ways and means a summary report on any interest penalties

77 made under this section during the preceding fiscal year. Such report shall include the number, amounts  
78 and frequency of interest penalty payments and reasons such interest payments were made.

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

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

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

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

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