

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

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**The Commonwealth of Massachusetts**

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PRESENTED BY:

**Mr. Downing**  
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*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 establishing a woody biomass tax credit.

\_\_\_\_\_  
PETITION OF:

NAME:

Mr. Downing

DISTRICT/ADDRESS:

Berkshire, Hampshire and Franklin

# The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

## AN ACT ESTABLISHING A WOODY BIOMASS TAX CREDIT.

*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. Chapter 63 of the General Laws is hereby amended by inserting after Section 38H the  
2 following new section:-  
3 SECTION 63H 1/2. Alternative energy sources; credit.  
4 Section 63H 1/2. A domestic or foreign corporation, association or organization shall be allowed a credit  
5 against its excise due under this chapter equal to 20 dollars per ton of harvested and processed woody  
6 biomass. Said credit shall only be available for the harvesting of woody biomass on land for which the  
7 collection of woody biomass is a sustainable use, and when said biomass is provided to biomass and  
8 biofuel facilities located in Massachusetts as a renewable source of energy. Said credit shall be eligible  
9 for sale or for transfer, and any corporation eligible for said credit shall be allowed to use said credit in  
10 any of the three tax years following harvesting of the woody biomass for which the credit is taken.

11 For the purposes of this section, "woody biomass" shall be defined as residue that results from  
12 normal or preventive timber harvest or production, including but not limited to slash, saw dust,  
13 shavings, edgings, slabs, leaves, bark, and timber thinnings, that would not otherwise be used for  
14 higher-value products.

15           The Department of Revenue, in consultation with the Department of Conservation and  
16 Recreation, shall issue regulations to implement this section.

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18 Section 2. Chapter 61 of the General Laws is hereby amended by inserting after Section 8 the following  
19 new section:-

20 SECTION 9. Alternative energy sources; credit.

21 Section 9. An owner shall be allowed a credit against its excise due under this chapter equal to 20 dollars  
22 per ton of harvested and processed woody biomass. Said credit shall only be available for the harvesting  
23 of woody biomass on land for which the collection of woody biomass is a sustainable use, and when said  
24 biomass is provided to biomass and biofuel facilities located in Massachusetts as a renewable source of  
25 energy. Said credit shall be eligible for sale or for transfer, and any owner eligible for said credit shall be  
26 allowed to use said credit in any of the three tax years following harvesting of the woody biomass for  
27 which the credit is taken.

28           For the purposes of this section, “woody biomass” shall be defined as residue that results from  
29 normal or preventive timber harvest or production, including but not limited to slash, saw dust,  
30 shavings, edgings, slabs, leaves, bark, and timber thinnings, that would not otherwise be used for  
31 higher-value products.

32           The Department of Revenue, in consultation with the Department of Conservation and  
33 Recreation, shall issue regulations to implement this section.

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