

SENATE No. 483

The Commonwealth of Massachusetts

PRESENTED BY:

Anne M. Gobi

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 relative to encouraging the growth of a healthy forest and wood products sector in Massachusetts.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
<i>Anne M. Gobi</i>	<i>Worcester, Hampden, Hampshire and Middlesex</i>	
<i>Kimberly N. Ferguson</i>	<i>1st Worcester</i>	<i>1/29/2019</i>
<i>Jonathan D. Zlotnik</i>	<i>2nd Worcester</i>	<i>1/31/2019</i>
<i>Paul W. Mark</i>	<i>2nd Berkshire</i>	<i>2/1/2019</i>

SENATE No. 483

By Ms. Gobi, a petition (accompanied by bill, Senate, No. 483) of Anne M. Gobi, Kimberly N. Ferguson, Jonathan D. Zlotnik and Paul W. Mark for legislation relative to encouraging the growth of a healthy forest and wood products sector in Massachusetts. Environment, Natural Resources and Agriculture.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-First General Court
(2019-2020)**

An Act relative to encouraging the growth of a healthy forest and wood products sector in Massachusetts.

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 20 of the General Laws is hereby amended by adding the following
2 section:-

3 Section 33. The secretary of energy and environmental affairs shall establish a program to
4 assist the commonwealth in the acquisition of a forest products preservation restriction as
5 defined in section 31 of Chapter 184, for land actively devoted to the activities as defined in said
6 section 31 of Chapter 184. The commissioner of agricultural resources may, from funds
7 appropriated to carry out this section or from funds received from other sources, pay a forest
8 products land owner an amount determined by the commissioner of agricultural resources to be
9 equitable in consideration of anticipated benefits from such project but not to exceed the
10 difference between the fair market value of the land and the and the fair market value of the land
11 restricted for forest products purposes pursuant to this section. Title to forest products

12 preservation restrictions shall be held in the name of the commonwealth. Projects shall be
13 administered by the commissioner of agriculture or his designee within the department of
14 agricultural resources and the commissioner, subject to the approval of the secretary, shall
15 establish procedures for management of the program.

16 SECTION 2. Chapter 63 of the General Laws is hereby amended by adding the following
17 2 sections:

18 63:38GG. Forest Products Tax Credits

19 Section 63GG (a) There shall be established a forest products tax credit under which a
20 business corporation that is engaged in the growing and harvesting of forest products on forest
21 land and any forestry or lumbering operation as defined in section 1A of chapter 128 may be
22 allowed a tax credit to offset the cyclical downturns in prices paid to forest products businesses.
23 The tax credit shall be equal to 25% of all Massachusetts production expenses, including but
24 limited to those expenses incurred in the growing and harvesting of said forest products and their
25 manufacture into merchantable goods. Such expenses shall include the costs of equipment, fuel,
26 tools, materials, parts, and labor.

27 (b) There shall be established additional tax credits under which a business corporation
28 that is engaged in the growing and harvesting of forest products on forest land and any forestry
29 or lumbering operation as defined in section 1 A of chapter 128 may be allowed tax credits up to
30 75% of the market value up to \$100,000.00. These tax credits may be taken over ten years. These
31 tax credits shall include the costs for sustainable forest business plans and investments or raw
32 material purchases made for the purpose of implementing these plans, including producing on-
33 site renewable wood based heat and/or electricity generation, energy efficiency or environmental

34 quality improvements made to existing heat or electricity systems at forestry businesses, and
35 investments that create value-added primary forest products that modernize forest industry
36 infrastructure, make it more competitive in expanding local and global markets for forest
37 products. All sustainable forest business plans and implementation costs associated with such
38 plans shall be approved by the Executive Office of Environmental Affairs in order to be eligible
39 for provisions of this law. Investments made with state grants are not eligible for this tax
40 deduction.

41 63:38HH. Forest Management Tax Credit

42 Section 38HH. The forest management tax credit is equal to 100% of the fair market
43 value of investments made by forest landowners for forest management or stewardship plans
44 completed by Massachusetts' Licensed Foresters that meet the requirements of Chapter 61 and
45 61a of the general laws or Title XII, a Cooperative Forestry Assistance Act of 1978 of the federal
46 laws. This tax credit can be taken over two years by the taxpayer.

47 SECTION 3. Section 2 of chapter 128 of the General Laws, as appearing in the 2016
48 Official Edition, is hereby amended by inserting in line 4 after the word "grading" the following
49 words:- , forest products including the growing and harvesting of forest products and lumbering,
50 as defined in section 1A.

51 SECTION 4. Chapter 132 of the General Laws is hereby amended by inserting after
52 Section 1A the following new section:-

53 Section 1B: Director of Commercial Forestry

54 Section 1B. The director of the division of commercial forestry and lumbering of the
55 department of agricultural resources, in this chapter called the director of commercial forestry
56 and lumbering shall promote the perpetuation, extension, and innovative growth of the forestry
57 and lumbering sector of the Massachusetts agricultural economy and shall perform such other
58 duties as may be imposed upon him by the governor or the commissioner of agriculture.

59 SECTION 5. Section 40 of said chapter 132, as appearing in the 2016 Official Edition, is
60 hereby amended by inserting at the end of the first paragraph the following words:-

61 Each tract of forest land acquired by the Commonwealth and held as public lands must be
62 managed in a manner which is inclusive of all of these collective goals.

63 SECTION 6. Section 41 of said chapter 132, as so appearing, is hereby amended by
64 striking, in lines 6 and 7, the words “forest and parks” and inserting in place thereof the
65 following words:- commercial forestry and lumbering.

66 SECTION 7. Said section 41 of said chapter 132, as so appearing, is hereby further
67 amended by striking, in line 26, the words “environmental management” and inserting in place
68 thereof the following word:- agriculture.

69 SECTION 8. Section 42 of said chapter 132, as appearing in the 2016 Official Edition, is
70 hereby amended by inserting, in line 8, after the word “mail”, the following words:- , electronic
71 mail.

72 SECTION 9. Section 46 of said chapter 132, as appearing in the 2016 Official Edition, is
73 hereby amended by inserting, in line 5, after the word “director”, the following words:- of
74 commercial forestry and lumbering.

75 SECTION 10. Said section 46 of said chapter 132, as so appearing, is hereby further
76 amended by inserting, in line 10, after the word “director”, the following words:- of commercial
77 forestry and lumbering.

78 SECTION 11. Section 49 of said chapter 132, as appearing in the 2016 Official Edition,
79 is hereby amended by striking, in line 1, the words “forests and parks”, and inserting in place
80 thereof the following words:- commercial forestry and lumbering.

81 SECTION 12. Said section 49 of said chapter 132, as so appearing, is hereby amended by
82 striking the third sentence and inserting in place thereof the following words:- Licenses issued by
83 said director of commercial forestry and lumbering shall expire after 3 years on the anniversary
84 date of the license granted for said forester.

85 SECTION 13. Section 50 of said chapter 132, as appearing in the 2016 Official Edition,
86 is hereby amended by striking, in line 3, the words “forests and parks” and inserting in place
87 thereof the following words:- commercial forestry and lumbering.

88 SECTION 14. Said section 50 of said chapter 132, as so appearing, is hereby further
89 amended by striking, in line 6, the word “six” and inserting in place thereof the following
90 figure:- 8.

91 SECTION 15. Said section 50 of said chapter 132, as so appearing, is hereby further
92 amended by inserting, in line 11, after the word “affairs”, the following words:- , one of whom
93 shall be a representative of a wood using industry of the commonwealth, one of whom shall be a
94 shall be a representative from the office of the state fire warden.

95 SECTION 16. Section 51 of said chapter 132, as appearing in the 2016 Official Edition,
96 is hereby amended by striking the first sentence and inserting in place thereof the following
97 words:- The Robert D. Wetmore Center for Innovation in Design, Technology and Resource
98 Development at Mount Wachusett Community College shall establish a Forest and Wood
99 Products Institute and establish experimental sites for the purpose of achieving its mission.

100 SECTION 17. Said section 51 of said chapter 132, as so appearing, is hereby further
101 amended by striking the second paragraph and inserting in place thereof the following
102 paragraph:-

103 There shall be an advisory board constituted for the general purpose of oversight of said
104 center. Said board shall consist of not more than eighteen members, including the president of
105 Mount Wachusett community college, the chief forester of the department of conservation and
106 recreation, the director of commercial forestry and lumbering, the extension forester at the
107 university of Massachusetts; the forest industry specialist at the Massachusetts executive office
108 of housing and economic development, and the forest products and processing specialist of the
109 Northeastern division of the division of state and private forestry of the United States Forest
110 Service. The president of Mount Wachusett Community College shall appoint three additional
111 members, one from each of the following organizations: the Massachusetts Wood Products
112 Manufacturers Association, the Massachusetts Forest Alliance , and the Massachusetts Farm
113 Bureau , and may appoint one additional member at his discretion. Said board shall also include
114 a member of the senate appointed by the senate president and a member of the house of
115 representatives appointed by the speaker of the house of representatives. Upon his election, the
116 advisory board chairman shall appoint one additional member concerned with the issues of
117 private forest landowners, one additional member concerned with the issues of sawmills, and

118 four additional members from the general public who have an interest in furthering the goals and
119 workings of the center. All members shall serve two-year terms.

120 SECTION 18. Section 31 of chapter 184 of the General Laws, as appearing in the 2016
121 Official Edition, is hereby amended by inserting after the fifth paragraph the following
122 paragraph:-

123 A forest products preservation easement means a right, whether or not stated in the form
124 of a restriction, easement, covenant, or condition in any deed, will, or other instrument executed
125 by or on behalf of the owner of the land appropriate to retaining land predominantly used for the
126 milling of timber, concentrating and processing of logs, growing and harvesting of timber, or
127 other site determined by the secretary of energy and environmental affairs to be vital to forest
128 products production whether or not owned by a farmer as defined in Chapter 128, Section 1A, to
129 forbid or limit any or all (a) construction or placing of buildings except those used for primary
130 and primary value-added forest products production of which there shall be no restrictions and
131 (b) any commercial mining activities, quarrying, or other activities unrelated to the primary and
132 primary value-added production of forest products which may adversely affect the land's overall
133 future agricultural potential. Such forest products preservation easements shall be held for a
134 period of no less than five years. All other customary privileges of ownership shall be retained
135 by the owner including the right to privacy and to carry out all regular growing, harvesting, and
136 production practices. Such a restriction shall not disallow the holder of title to the land to
137 develop or further advance the production of primary and primary value-added forest products
138 during the term of the restriction's enforceability.

139 SECTION 19. To provide for a program of forestry education for the students and
140 residents of the Commonwealth, the sums set forth in Sections 3A and 3B, are hereby made
141 available, subject to the laws regulating the disbursement of public funds; provided, however,
142 that the amounts specified in an item or for a particular project may be adjusted in order to
143 facilitate projects authorized in this act.

144 Section 3A Department of Agricultural Resources Student Education

145 For an enhanced mechanized timber harvesting education program to be administered by
146 the Department of Agricultural Resources, funding shall be utilized to purchase a forestry
147 equipment simulator which shall be utilized by the Department of Agricultural Resources at its
148 discretion to promote the development of vocational training in the mechanized timber
149 harvesting sector. The Department of Agricultural Resources shall work together with the several
150 agricultural, vocational, and technical high schools in the Commonwealth to achieve such a
151 program of activities involving equal use of the simulator.....\$70,000.00

152 Section 3B Public Educational Media

153 For providing for better public education on the matters of the role of diverse forest
154 ecosystems, wildlife management, and the roles of partnerships between timber harvesting
155 businesses, the wood using industries of the Commonwealth, and state agencies, funding shall be
156 utilized jointly by the Division of Fisheries and Wildlife and the Department of Agriculture to
157 produce a video for the public covering such topics.....\$30,000.00