

H.852

An act relating to State lands

It is hereby enacted by the General Assembly of the State of Vermont:

Sec. 1. 10 V.S.A. § 2606b is amended to read:

§ 2606b. LICENSE OF ~~FOREST LANDS~~ FORESTLANDS FOR MAPLE  
SUGAR PRODUCTION

(a) The ~~general assembly~~ General Assembly finds and declares that:

(1) Maple sugaring is an important cultural tradition of Vermont life that should be maintained and encouraged.

(2) Maple sugaring is an important component of the agricultural and forest products economy in Vermont and is increasingly necessary for farmers that must diversify in order to continue to farm in Vermont.

(3) Maple sugaring is a sustainable use of ~~forest land~~ forestland.

(4) State ~~forest land~~ forestland should be managed and used for multiple uses, including maple sugar production.

(b) It is hereby adopted as ~~state~~ State policy to permit limited use of designated ~~state-owned~~ State-owned land under the jurisdiction of the ~~department~~ Department for maple sugar production.

(c) ~~Beginning on July 1, 2009, pursuant~~ Pursuant to guidelines developed jointly by the ~~department of forests, parks and recreation and the Vermont maple sugar makers' association~~ Department of Forests, Parks and Recreation,

in consultation with the Vermont Maple Sugar Makers' Association, the ~~department shall~~ Department may issue licenses for the use of ~~state forest land~~ State forestland for the tapping of maple trees, the collection of maple sap, and the transportation of such sap to a processing site located off ~~state forest land~~ State forestland or to sites located on ~~state forest land~~ State forestland if approved by the ~~commissioner~~ Commissioner. All tapping of maple trees authorized under a license shall be conducted according to the guidelines for tapping maple trees ~~agreed to~~ established by the ~~department and the Vermont maple sugar makers' association~~ Department of Forests, Parks and Recreation, in consultation with the Vermont Maple Sugar Makers' Association. Each person awarded a license under this section shall maintain and repair any road, water crossing, or work area according to requirements set by the ~~department~~ Department in the license. Each license shall include such additional terms and conditions set by the ~~department~~ Department as may be necessary to preserve forest health and to assure compliance with the requirements of this chapter and applicable rules. A license shall be issued for a fixed term not to exceed five years and shall be renewable for two five-year terms subsequent to the initial license. Subsequent renewals shall be allowed where agreed upon by the ~~department~~ Department and the licensee. The ~~department~~ Department shall have power to terminate or modify a license for cause, including damage to forest health.

\* \* \*

(f) ~~There shall be an annual license fee~~ A per tap license charge shall be imposed based on the ~~number of taps~~ installed in the license area. ~~The per tap fee for a license issued under this section shall be one quarter of the average of the per pound price of Vermont fancy grade syrup and the per pound price of Vermont commercial grade syrup as those prices are set on May 1 of each year. The fee set each May 1 shall apply to licenses issued by the department for the succeeding period beginning June 1 and ending May 31. The~~ Commissioner shall establish this per tap license charge at a reasonable rate that reflects current market rates. Fees collected under this section shall be deposited in the ~~forest parks revolving fund~~ Lands and Facilities Trust Fund established under ~~section 2609 of this title and shall be used by the department to implement the license program established by this section~~ 3 V.S.A. § 2807.

(g) ~~On or before January 15, 2010, the commissioner of forests, parks and recreation shall submit to the senate and house committees on natural resources and energy and the senate and house committees on agriculture a report regarding the implementation of the requirements of this section. The report shall include:~~

~~(1) A copy of the guidelines required by this section for issuing licenses for the use of state forest land for maple sap collection and production.~~

~~(2) A summary of the process used to identify parcels of state forest land suitable for licensing for maple sap collection and production and the process by which the department allocated licenses.~~

~~(3) A summary of the licenses issued for maple sap collection and production on state forest land.~~

~~(4) An estimate of the fees collected for licenses issued under this section.~~

~~(5) A copy of any rules adopted by or proposed for adoption by the commissioner to implement the requirements of this section. [Repealed.]~~

Sec. 2. 32 V.S.A. § 3757 is amended to read:

§ 3757. LAND USE CHANGE TAX

(a) Land which has been classified as agricultural land or managed forestland pursuant to this chapter shall be subject to a land use change tax upon the development of that land, as defined in section 3752 of this chapter. The tax shall be at the rate of 10 percent of the full fair market value of the changed land determined without regard to the use value appraisal. If changed land is a portion of a parcel, the fair market value of the changed land shall be the fair market value of the changed land as a separate parcel, divided by the common level of appraisal. Such fair market value shall be determined as of the date the land is no longer eligible for use value appraisal. This tax shall be in addition to the annual property tax imposed upon such property. Nothing in

this section shall be construed to require payment of an additional land use change tax upon the subsequent development of the same land, nor shall it be construed to require payment of a land use change tax merely because previously eligible land becomes ineligible, provided no development of the land has occurred.

\* \* \*

(f)(1) When the application for use value appraisal of agricultural and forestland has been approved by the State, the State shall record a lien against the enrolled land in the land records of the municipality ~~which~~ that shall constitute a lien to secure payment of the land use change tax to the State upon development. The landowner shall bear the recording cost. The land use change tax and any obligation to repay benefits paid in error shall not constitute a personal debt of the person liable to pay the same, but shall constitute a lien which shall run with the land. All of the administrative provisions of chapter 151 of this title, including those relating to collection and enforcement, shall apply to the land use change tax. The Director shall release the lien when notified that:

(A) the land use change tax is paid;

(B) the land use change tax is abated pursuant to this section;

(C) the land use change tax is abated pursuant to subdivision 3201(5)

of this title;

(D) the land is exempt from the levy of the land use change tax pursuant to this section and the owner requests release of the lien; or

(E) the land is exempt from the levy of the land use change tax pursuant to this section and the land is developed.

(2) Nothing in this subsection shall be construed to allow the enrollment of agricultural land or managed forestland without a lien to secure payment of the land use change tax. Any fees related to the release of a lien under this subsection shall be the responsibility of the owner of the land subject to the lien.

(g) Upon application, the Commissioner may abate a use change tax levy concerning agricultural land found eligible for use value appraisal under subdivision 3752(1)(A) of this title, in the following cases:

(1) If a disposition of such property resulting in a change of use of it takes place within five years of the initial assessment at use value because of the permanent physical incapacity or death of the individual farmer-owner or farmer-operator of the property.

(2) If a disposition of the property was necessary in order to raise funds to continue the agriculture operation of the seller. In this case, the Commissioner shall consider the financial gain realized by the sale of the land and whether, in respect to that gain, payment of the use change tax would

significantly reduce the ability of the seller to continue using the remaining property, or any part thereof, as agricultural land.

(h) Land condemned as a result of eminent domain or sold voluntarily to a condemning authority in anticipation of eminent domain proceedings is exempt from the levy of a land use change tax under this section.

\* \* \*

(j)(1) Land transferred to the ~~United States~~ U.S. Forest Service is exempt from the levy of a use change tax under this section, provided ~~all~~ one of the following ~~apply~~ applies:

~~(1)~~(A) land transferred is eligible for use value appraisal at the time of the transfer;

~~(2)~~(B) the transfer is in consideration for the receipt from the ~~United States~~ U.S. Forest Service of land of approximately equal value, as determined by the Commissioner; ~~and~~ or

~~(3)~~(C) the landowner has submitted to the Commissioner in writing a binding document that would substitute the land received for the land transferred to the Forest Service, for the purposes of this chapter.

(2) Land acquired by the Green Mountain National Forest for public use is exempt from the levy of a use change tax under this section.

(k) Conservation and preservation rights and interests held by an agency of the United States or by a qualified holder, as defined in 10 V.S.A. chapter 34,

shall be exempt from the levy of a use change tax. Upon request of the agency or qualified holder, the Commissioner may petition the Director to release the conservation and preservation rights and interests from any lien recorded pursuant to this chapter.

(1) Land acquired by the Agency of Natural Resources; the Department of Forests, Parks and Recreation; the Department of Fish and Wildlife; or the Department of Environmental Conservation for public uses, as authorized by 10 V.S.A. § 6301(a)(1)–(4), is exempt from the levy of a land use change tax under this section.

Sec. 3. DEPARTMENT OF FORESTS, PARKS AND RECREATION;

WORKING GROUP ON INTERGENERATIONAL TRANSFER OF  
FORESTLAND

(a) On or before August 1, 2016, the Commissioner of Forests, Parks and Recreation shall establish a working group of interested parties to develop recommendations for a statewide program to improve the capacity of providing successional planning technical assistance to forestland owners in Vermont.

The working group shall:

(1) develop recommended priorities for succession planning for forestland owners;

(2) develop strategies for improving conservation investments or incentives that facilitate the intergenerational transfers of intact forestland;

(3) develop other strategies for lessening the impact of estate taxes or other pressures that could lead to the breaking up and subdivision of intact forest parcels;

(4) develop recommended legislative changes that may be needed to implement its recommendations and strategies; and

(5) identify fiscal issues related to its recommendations.

(b) On or before February 1, 2017, the Commissioner shall submit a report to the House Committees on Natural Resources and Energy and on Ways and Means and the Senate Committees on Natural Resources and Energy and Finance that shall include the working group's findings and any recommendations for legislative action.

Sec. 4. EFFECTIVE DATE

This act shall take effect on July 1, 2016.