

1 H.424

2 Introduced by Representative Sheldon of Middlebury

3 Referred to Committee on

4 Date:

5 Subject: Conservation and development; taxation; forestland; donation

6 Statement of purpose of bill as introduced: This bill proposes to authorize a
7 person who owns managed forestland or reserve forestland in the State to gift
8 or donate that land to the Department of Forests, Parks and Recreation without
9 incurring the land use change tax. The bill also would require the Department
10 of Forests, Parks and Recreation to accept proffered gifts or donation of land
11 when the land is directly adjacent to other State land managed by the
12 Department of Forests, Parks and Recreation and the land is located within a
13 high priority forest block.

14 An act relating to the donation to the State of managed forestland enrolled
15 in current use

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

17 Sec. 1. 32 V.S.A. § 3763b is added to read:

18 § 3763b. DONATION OF MANAGED OR RESERVE FORESTLAND TO

19 THE STATE

1 (a) A person who owns managed forestland or reserve forestland in fee
2 simple may donate the forestland to the Department of Forests, Parks and
3 Recreation without incurring the land use change tax under section 3757 of this
4 title.

5 (b) Notwithstanding the requirement in 10 V.S.A. § 2606 that the Governor
6 approve of the acceptance of a gift or donation of land to the State, the
7 Commissioner of Forests, Parks and Recreation shall accept a gift or donation
8 of land if:

9 (1) the gift or donation is absolute and is not subject to conditions or
10 reservations on use of the land;

11 (2) the owner of the forestland is in good standing under this chapter;
12 and

13 (3) the land:

14 (A) is directly adjacent to State lands owned and managed by the
15 Department of Forests, Parks and Recreation; and

16 (B) the land is located within a high priority forest block.

17 (c) All lands accepted by the Department of Forests, Parks and Recreation
18 under this section shall be managed either as State forestland or as part of a
19 State Park.

20 (d) When the Department of Forests, Parks and Recreation accepts a gift or
21 donation of land under this section, the Department shall provide the person

1 gifting or donating the land with an assessment of the value of the property for
2 the purpose of the person providing the gift or donation seeking a federal
3 charitable income tax deduction.

4 Sec. 2. 32 V.S.A. § 3752(5) is amended to read:

5 (5)(A) “Development” means, for the purposes of determining whether
6 a land use change tax is to be assessed under section 3757 of this chapter, the
7 construction of any building, road, or other structure, or any mining,
8 excavation, or landfill activity.

9 (B) “Development” also means the subdivision of a parcel of land
10 into two or more parcels, regardless of whether a change in use actually occurs,
11 where one or more of the resulting parcels contains less than 25 acres each; but
12 if subdivision is solely the result of a transfer to one or more of a spouse, ex-
13 spouse in a divorce settlement, parent, grandparent, child, grandchild, niece,
14 nephew, or sibling of the transferor, or to the surviving spouse of any of the
15 foregoing, then “development” shall not apply to any portion of the newly
16 created parcel or parcels that qualify for enrollment and for which, within 30
17 days following the transfer, each transferee or transferor applies for
18 reenrollment in the Use Value Appraisal Program.

19 (C) “Development” also means the cutting of timber on property
20 appraised under this chapter at use value in a manner contrary to a forest or
21 conservation management plan as provided for in subsection 3755(b) of this

1 title during the remaining term of the plan, or contrary to the minimum
2 acceptable standards for forest management if the plan has expired; or a
3 change in the parcel or use of the parcel in violation of the conservation
4 management standards established by the Commissioner of Forests, Parks and
5 Recreation.

6 (D) “Development” also means notification of the Director by the
7 Secretary of Agriculture, Food and Markets under section 3756 of this title that
8 the owner or operator of agricultural land or a farm building is violating the
9 water quality requirements of 6 V.S.A. chapter 215 or is failing to comply with
10 the terms of an order issued under 6 V.S.A. chapter 215, subchapter 10.

11 (E) The term “development” does not include the construction,
12 reconstruction, structural alteration, relocation, or enlargement of any building,
13 road, or other structure for farming, logging, forestry, or conservation
14 purposes, but shall include the subsequent commencement of a use of that
15 building, road, or structure for other than farming, logging, or forestry
16 purposes.

17 (F) The term “development” shall not include the location of any
18 solar generation facility that is, in the aggregate, on 0.1 of an acre of land or
19 less, provided that the underlying land qualifies under this chapter as
20 agricultural land or open land that qualifies as managed forestland in

1 accordance with standards established by the Commissioner of Forests, Parks
2 and Recreation.

3 (G) The term “development” does not include the gift or donation of
4 land to the State under section 3763b of this title.

5 Sec. 3. EFFECTIVE DATE

6 This act shall take effect on July 1, 2025.