S T A T E O F N E W Y O R K

5828

2011-2012 Regular Sessions

I N A S S E M B L Y

March 2, 2011

Introduced by M. of A. GUNTHER -- read once and referred to the Committee on Real Property Taxation

AN ACT to prohibit local assessors from increasing the assessed value of real property based on the stumpage value of the trees thereon and to establish the forestland taxation task force; and providing for the repeal of such provisions upon the expiration thereof

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Legislative findings. The legislature hereby finds and declares that in light of significant increases in real property taxes in many parts of the state, due to a variety of factors including but not limited to increases in market value of real property, growth in school and local spending, a declining commercial and industrial tax base, and assessment valuation practices which may not accurately reflect the actual value of timber, that now more than ever an increasing proportion of lands in the state devoted to the growth of forest crops are assessed at a level which renders the continued dedication to such use uneconomical. It is the purpose of this act to chart a path by which present and future forestlands may be protected and enhanced as a viable segment of the state's economy, and as an environmental resource.

S 2. On and after January 1, 2011, no assessor of any local assessing unit shall increase that portion of the assessment of real property which pertains to the stumpage value of trees on any parcel of privately owned real property to which a stumpage value is assigned on the effective date of this act, as determined from the assessment from the immediately preceding assessment roll.

S 3. Commencing with the 2011 assessment roll, an assessor of any local assessing unit shall assign a value for trees upon any parcel of real property which does not bear a stumpage value immediately prior to the effective date of this act.

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [ ] is old law to be omitted.

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S 4. The provisions of sections two and three of this act shall not apply to state owned land.

S 5. As used in this act, "stumpage value" shall mean that portion of privately owned forestland which is in addition to the bare land value and pertains to real property upon which the assessor has calculated a contributory value for the trees pursuant to guidelines for the valuation of forestlands issued by the commissioner of taxation and finance.

S 6. A forestland taxation task force is hereby established to examine, evaluate and make recommendations concerning the existing methods of assessing and taxing private forestlands, and alternative methods of assessing and taxing private forestlands which are consistent with promoting sustainable forestry practices, encouraging private investment in working forests and maintaining open space.

S 7. The forestland taxation task force shall consist of 7 members to be appointed as follows: 2 shall be appointed by the temporary president of the senate, 2 shall be appointed by the speaker of the assembly, 1 shall be appointed by the minority leader of the senate, 1 shall be appointed by the minority leader of the assembly, and 1 shall be appointed by the governor. The members of the task force shall include a representative from each of the following: family forest operations, timber investment management organizations, farm woodlot owners, local governments, the forest products industry, private forest landowners and environmental organizations. Vacancies in the membership of the task force shall be filled in the manner provided for original appointments.

S 8. The forestland taxation task force may meet within and without the state, shall hold public hearings and shall have all the powers of a legislative committee pursuant to the legislative law. To the maximum extent feasible, the members of the task force shall be entitled to request and receive, and shall utilize and be provided with such facilities, resources and data of any court, department, division, board, bureau, commission and agency of the state or any political subdivision thereof as it may reasonably request to properly carry out its powers and duties pursuant to this act.

S 9. The members of the forestland taxation task force shall receive no compensation for their services, but shall be allowed their actual and necessary expenses incurred in the performance of their duties pursuant to this act.

S 10. The forestland taxation task force shall report, to the governor and the legislature, its findings, conclusions and recommendations on or before April 30, 2012, and shall submit with its report such legislative proposals as it deems necessary to implement its recommendations.

S 11. This act shall take effect immediately and shall expire and be deemed repealed May 1, 2012.