

By Mr. Wetmore, a petition (accompanied by bill, Senate, No. 1224) of Charles B. Keresey and Robert D. Wetmore for legislation to authorize and direct the Division of Capital Planning and operations to transfer the management of certain state-owned agricultural lands to the Department of Food and Agriculture. State Administration.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Eighty-Eight.

AN ACT AUTHORIZING AND DIRECTING THE DIVISION OF CAPITAL PLANNING AND OPERATIONS TO TRANSFER THE MANAGMENT OF CERTAIN STATE-OWNED AGRICULTURAL LANDS TO THE DEPARTMENT OF FOOD AND AGRICULTURE.

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. Definitions.

2 "Agriculture" — Those uses of land enumerated under
3 agriculture and horticulture as defined in MGL Chapter 61-A,
4 Sections 1 and 2.

5 "Agricultural Land" — Land shall be deemed to be agri-
6 cultural when the type of soils of such land are suitable for
7 commercial agriculture or community gardening and are presently
8 or have been used for agriculture or community gardening within
9 the past 25 years. Lands identified as agricultural shall be
10 designated on a map provided by the USDA soil conservation
11 service or the department of food and agriculture. If a tract of
12 land includes other than agricultural land, only the agricultural
13 land shall be affected by this act, except those contiguous lands
14 including but not limited to hedgerows, wetlands, and other land
15 naturally associated with the agricultural land.

16 "State-owned land" — Land held in title by the Commonwealth
17 or in the name of a state agency, or the board of trustees of a
18 facility of a state agency, shall be deemed state-owned land. For

19 purposes of identifying state-owned land, the best available state
20 agency data and information shall be utilized, including records
21 maintained by the division of capital planning and operations.

22 “Division” — as used in this act means the division of capital
23 planning and operations.

24 “State Agency Farm Operation” — a state agency farm
25 operation shall be deemed to exist when the clients or inmates
26 of a state institution are directly engaged in agricultural
27 production on state-owned agricultural land, or when a state
28 agency is otherwise utilizing such land for the direct production
29 of its own food needs.

30 “Administrative head” — any secretary, commissioner,
31 director, chief or other state agency administrator having any
32 responsibility for the care, control, use or management of any
33 state-owned land.

1 SECTION 2. DCPO Transfer; DEM and DFW Lands 2 Exempt.

3 The division of capital planning and operations, as provided
4 in section 11 of chapter 579 of the acts of 1980, acting in the name
5 of and on behalf of the Commonwealth, is hereby authorized and
6 directed to transfer the management of state-owned agricultural
7 lands to the department of food and agriculture, as herein
8 provided. Exempt from this act shall be agricultural lands
9 managed by the department of environmental management and
10 the department of fisheries, wildlife and environmental law
11 enforcement.

1 SECTION 3. Classifying and Locating Ag Land.

2 By 1987, and from time to time thereafter, the secretary of
3 environmental affairs, pursuant to MGL chapter 7, section 40A,
4 subsection (4), shall define the locations of parcels of state-owned
5 agricultural land and shall classify said parcels as agricultural. The
6 division shall assist the secretary and shall determine the
7 availability of various parcels of state-owned agricultural land, as
8 the secretary has defined their locations, for transfer to the
9 department of food and agriculture.

1 SECTION 4. DCPO Inquiry to State Agencies and Response.

2 Upon notice as to the locations of state-owned agricultural
3 lands from the secretary of environmental affairs, the division
4 shall inquire to the administrative heads of respective state
5 agencies to ascertain if state agency farm operations are then
6 presently active on the respective parcels of state-owned
7 agricultural land. The administrative heads shall respond in
8 writing to the division within 45 days of receipt of such inquiry.

1 SECTION 5. Land Transfer to DFA.

2 Upon such response from administrative heads, the division
3 shall, within thirty days, transfer to the department of food and
4 agriculture the management of all parcels of state-owned
5 agricultural land which are not then currently used for state
6 agency farm operations. The department of food and agriculture
7 shall develop land use management plans for the transferred lands.

1 SECTION 6. DFA Management of Land.

2 The bureau of land use within the department of food and
3 agriculture, in accordance with MGL Chapter 20 and the rules
4 and regulations thereunder, shall act as the permitting agent for
5 the agricultural land transferred to said department. The bureau
6 shall manage the land for agricultural purposes only.

1 SECTION 7. Land Transfer from DFA to State Agency Farm
2 Operation.

3 In the event that a state agency wishes to commence a state
4 agency farm operation or expand an existing such operation onto
5 state-owned agricultural land managed by the department of food
6 and agriculture, the administrative head of said agency shall notify
7 the division of the need for a parcel of said land, and the division
8 shall subsequently notify the commissioner of food and
9 agriculture within thirty days of the division's receipt of the initial
10 notification from the administrative head. The division is hereby
11 authorized to transfer management of any state-owned
12 agricultural land to any state agency for the purpose of a state
13 agency farm operation, provided however that the land shall not

14 be transferred for said purpose until after the expiration of any
15 current permits issued by the department of food and agriculture
16 under Chapter 20 rules and regulations. In no event shall the use
17 or management of any portion or parcel of state-owned
18 agricultural land which is under the department of food and
19 agriculture be transferred to any other state agency when such
20 portion or parcel has been used for community gardening for a
21 period of five consecutive years or more.

1 SECTION 8. Termination of State Agency Farm Operation.

2 In the event that a state agency wishes to terminate a state
3 agency farm operation, the administrative head of said agency
4 shall notify the division not less than six months prior to the
5 anticipated date of termination. The division shall, within thirty
6 days of notification from the administrative head, transfer the
7 management of the state-owned agricultural land to the
8 department of food and agriculture. The bureau of land use shall
9 issue permits for the agricultural use of said land, to commence
10 when the state agency farm operation terminates its use of the
11 land.