

By Mr. Scaccia of Boston, petition of Angelo M. Scaccia for legislation to authorize and direct the Division of Capital Planning and Operations to transfer the management of certain Commonwealth agricultural lands to the Department of Food and Agriculture for the protection and promotion of agriculture. State Administration.

The Commonwealth of Massachusetts

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

AN ACT AUTHORIZING AND DIRECTING THE DIVISION OF CAPITAL PLANNING AND OPERATIONS TO TRANSFER THE MANAGEMENT OF CERTAIN COMMONWEALTH AGRICULTURAL LANDS TO THE DEPARTMENT OF FOOD AND AGRICULTURE FOR THE PROTECTION AND PROMOTION OF AGRICULTURE IN THE COMMONWEALTH.

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. *Whereas*, agricultural land is the essential resource
2 for conducting and sustaining agricultural operations, and that the
3 high cost of land is a major barrier to entry into farming and to
4 expansion of production, it is the purpose of this bill to help
5 alleviate dependency on out-of-state food supplies and to aid Mas-
6 sachusetts farmers and community gardeners gain access to land.

1 SECTION 2. Definitions. "Agricultural Land": — Land shall
2 be deemed to be agricultural when the type of soils of such land are
3 suitable for commercial agriculture; have not been developed for
4 non-agricultural uses; and used for agriculture or community gar-
5 dening within the past 15 years. Land identified as agricultural shall
6 be designated on a map provided by the USDA Soil Conservation
7 Service of the Department of Food and Agriculture. If tract of land
8 includes other than agricultural land, only the agricultural land
9 shall be affected by this Act, except those contiguous lands includ-
10 ing but not limited to hedgerows, wetlands, and other land natu-
11 rally associated with the agricultural land.

12 “State-owned land”: — Land held in title by the Commonwealth,
13 or in the name of a state agency, or the board of trustees of a facility
14 of a state agency, shall be deemed state-owned land. For purposes
15 of identifying state-owned land the best available state agency data
16 and information shall be utilized, including records maintained by
17 the Division of Capital Planning and Operations.

1 SECTION 3. The Division of Capital Planning and Operations,
2 as provided in section II of chapter five hundred and seventy-nine
3 of the acts of nineteen hundred and eighty acting in the name and on
4 behalf of the Commonwealth, is hereby authorized and directed to
5 transfer the control and use of state-owned agricultural lands to the
6 Department of Food and Agriculture, Agricultural lands at the
7 Fernald School in Templeton, Northampton State Hospital, and
8 the Department of Corrections institutions shall be exempt from
9 this Act if state agency farm operations are presently active. Agri-
10 cultural lands managed by the Department of Environmental
11 Management are also exempt from this Act.

1 SECTION 4. The Department of Food and Agriculture, in
2 accordance with Ch. 20 rules and regulations, shall act as the
3 permitting and leasing agent for the agricultural lands. The
4 Department shall manage the land for agricultural uses only.

1 SECTION 5. The Department of Food and Agriculture shall
2 develop land use management plans for the transferred lands.