

By Mr. Bickford of Berlin, petition of Walter E. Bickford relative to withholding the use of state funds from projects which would have the effect of converting or removing agricultural land of five or more acres. Natural Resources and Agriculture.

The Commonwealth of Massachusetts

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

AN ACT WITHHOLDING THE USE OF STATE FUNDS FROM PROJECTS WHICH WOULD HAVE THE EFFECT OF CONVERTING OR REMOVING AGRICULTURAL LAND OF FIVE OR MORE ACRES.

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 active farmland, and agricultural land
2 with important soils are a limited and valuable resource, and
3 whereas state agencies can substantially improve upon their analy-
4 sis of impacts on agricultural lands in the project planning process,
5 state funds shall not be provided for a project when the action of
6 the proposed project would have a significant negative effect on
7 five or more acres of agricultural land actively devoted to agricul-
8 tural or horticultural use as defined in sections one to five, inclu-
9 sive, of chapter 61A M.G.L., or a negative effect on five or more
10 contiguous acres of land classified as prime, unique, or statewide
11 and local importance.

1 SECTION 2. Definitions.

2 "Significant negative effect": shall mean the removal or conver-
3 sion of the land or rendering unusable for agricultural activity;

4 "Prime", "Unique", and farmland of "State-Wide and Local
5 Importance", is so defined by the U.S.D.A. Soil Conservation
6 Service;

7 "Project: an undertaking by a state agency which is to be fi-
8 nanced or funded by the issue of bonds, notes or other indebted-

9 ness of the Commonwealth or any public agency thereof, or any
10 such undertaking which is to be financed or funded by an appropri-
11 ation in the annual budget or other appropriation by statute; and
12 shall include but not be limited to projects applying to the follow-
13 ing state financing assistance program: Mass. Housing Finance
14 Agency, the Mass. Industrial Finance Agency, the State Highway
15 Fund, the Mass. Business Development Corporation, the Com-
16 munity Development Finance Agency (M.G.L. Ch. 40F), the
17 Mass. Home Mortgage Finance Agency, the Department of Com-
18 munities and Development (Ch. 121A), and the Government Land
19 Bank. A project for highway purposes shall be exempt from this act
20 if limited to the widening of roadways, the elimination of curbs, or
21 reconstruction.

1 SECTION 3. In the event that an Environmental Impact Re-
2 port (EIR) is required for any project defined in Section 3, and the
3 EIR, upon approval of the Secretary of Environmental Affairs,
4 demonstrates that there are no significant negative effects on agri-
5 cultural lands herein defined, then those projects shall be exempt
6 from this act.

1 SECTION 4. Project proponents applying for funding from
2 state financing programs shall be required to state whether five or
3 more acres of prime or unique agricultural land would be affected
4 in the use of funding.

1 SECTION 5. A majority vote of the legislature is required to
2 exempt any project from the provisions of this Act.