

By Mr. Brewer, a petition (accompanied by bill, Senate, No. 483) of Stephen M. Brewer, Bruce E. Tarr and Anne M. Gobi for legislation relative to protecting the viability of farms in the Commonwealth. Environment, Natural Resources and Agriculture.

The Commonwealth of Massachusetts

In the Year Two Thousand and Five.

AN ACT PROTECTING THE VIABILITY OF FARMS 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 Chapter 30A of the General Laws, as appearing in the 2000
2 Official Edition, is hereby amended by adding at the end thereof
3 the following:—

4 Section 18. All state and regional agencies, boards and com-
5 missions shall, before any rule, regulation, or other regulatory
6 requirement is promulgated, make public and post in writing
7 whether or not such rule, regulation, or other regulatory require-
8 ment will potentially have an adverse impact on commercial agri-
9 cultural operations based in the Commonwealth. For the purposes
10 of this section, "agricultural" shall mean pertaining to agriculture
11 as defined in section one A of chapter one hundred and twenty-
12 eight. Further, if such rule, regulation, or other regulatory require-
13 ment is determined to have such a potential impact on agriculture,
14 the responsible agency, board, or commission, in conjunction with
15 the department of food and agriculture, shall conduct an impact
16 assessment to determine the extent of such impact, including, but
17 not limited to, the effect on future land use and related environ-
18 mental impacts, including costs, and submit to the joint committee
19 on natural resources and agriculture and to the house and senate
20 committees on ways and means a copy of their findings at least
21 forty-five days prior to promulgation.

22 All city and town agencies, boards, and commissions shall,
23 before enacting any rule, regulation, law, bylaw, ordinance, or

24 other regulatory requirement that will potentially have an adverse
25 impact on commercial agricultural operations based in the Com-
26 monwealth, complete a form prescribed by the department of food
27 and agriculture at least ninety days prior to final enactment of the
28 regulatory requirement. In the case of by-laws, ordinances, and
29 other requirements subject to review by the Attorney General,
30 such form shall be submitted to the department of food and agri-
31 culture on the same date a by-law, ordinance, or other requirement
32 is submitted to the Attorney General. No regulatory action
33 described in this section, except those of an emergency nature
34 expiring in six months or less for the purposes of protecting health
35 and safety of persons, shall take effect until the provisions of this
36 section have been complied with.