

SENATE No. 1360

By Mr. Wetmore, a petition (accompanied by bill, Senate, No. 1360) of Robert D. Wetmore and Carol C. Amick 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 in the Commonwealth. Natural Resources and Agriculture.

The Commonwealth of Massachusetts

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

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 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 re-
2 source for conducting and sustaining agricultural operations,
3 and that the high cost of land is a major barrier to entry into
4 farming and to expansion of production, it is the purpose of
5 this bill to help alleviate dependency on out-of-state food sup-
6 plies and to aid Massachusetts farmers and community gard-
7 eners 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
3 land are suitable for commercial agriculture; have not been
4 developed for non-agricultural uses; and used for agriculture
5 or community gardening within the past 15 years. Land identi-
6 fied as agricultural shall be designated on a map provided by
7 the USDA Soil Conservation Service of the Department of
8 Food and Agriculture. If tract of land includes other than
9 agricultural land, only the agricultural land shall be affected
10 by this Act, except those contiguous lands including but not
11 limited to hedgerows, wetlands, and other land naturally asso-
12 ciated with the agricultural land.

13 “State-owned land”: — Land held in title by the Common-
14 wealth, or in the name of a state agency, or the board of
15 trustees of a facility of a state agency, shall be deemed state-
16 owned land. For purposes of identifying state-owned land the
17 best available state agency data and information shall be uti-
18 lized, including records maintained by the Division of Capital
19 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-
3 nine of the acts of nineteen hundred and eighty acting in the
4 name and on behalf of the Commonwealth, is hereby author-
5 lized and directed to transfer the control and use of state-
6 owned agricultural lands to the Department of Food and Agri-
7 cultural. Agricultural lands at the Fernald School in Temple-
8 ton, Northampton State Hospital, and the Department of Cor-
9 rections institutions shall be exempt from this Act if state
10 agency farm operations are presently active. Agricultural
11 lands managed by the Department of Environmental Manage-
12 ment 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.