

SENATE No. 347

The Commonwealth of Massachusetts

PRESENTED BY:

Sonia Chang-Diaz

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act designating conservation districts as bodies politic and corporate, and granting them real property authority.

PETITION OF:

NAME:

DISTRICT/ADDRESS:

Sonia Chang-Diaz

Second Suffolk

Christopher M. Markey

9th Bristol

SENATE No. 347

By Ms. Chang-Diaz, a petition (accompanied by bill, Senate, No. 347) of Sonia Chang-Diaz and Christopher M. Markey for legislation to designate conservation districts as bodies politic and corporate, and granting them real property authority. Environment, Natural Resources and Agriculture.

The Commonwealth of Massachusetts

In the Year Two Thousand Thirteen

An Act designating conservation districts as bodies politic and corporate, and granting them real property authority.

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. Section 21 of chapter 21 of the General Laws, as appearing in the 2010
2 Official Edition, is hereby amended by inserting after the word “determinations,” in line 26, the
3 following words:– , and such record shall be conclusive evidence of the existence, boundaries, or
4 dissolution of the district

5 SECTION 2. Section 24 of said chapter 21, as so appearing, is hereby amended by
6 striking out, in lines 1 and 2, the words “The supervisors of a conservation district shall also have
7 the following powers and duties:” and inserting in place thereof the following words:– A
8 conservation district organized under the provisions of this chapter shall constitute a public
9 instrumentality, and a body politic and corporate, and the exercise by a conservation district of
10 the powers conferred by this chapter shall be considered to be the performance of an essential
11 governmental function. Such conservation districts, and the supervisors thereof, shall have the
12 following powers, in addition to others granted in other sections of this chapter:

13 SECTION 3. Said section 24 of said chapter 21, as so appearing, is hereby further
14 amended by inserting after paragraph (4) the following paragraph:–

15 (4A) To obtain options upon and to acquire, by purchase, exchange, lease, gift, grant,
16 bequest, devise, or otherwise, any property, real or personal, or rights or interests therein, and to
17 hold such property in the name of the conservation district; to maintain, administer, and improve
18 any properties acquired, to receive income from such properties and to expend such income in

19 carrying out the purposes and provisions of this chapter; to sell, lease, or otherwise dispose of
20 any of its property or interests therein in furtherance of the purposes and provisions of this
21 chapter; provided that real property acquired for conservation purposes may not be used or
22 disposed of except in furtherance of such conservation purpose. All such property, including any
23 profit made on the sale thereof, shall be exempt from taxation for state, county and municipal
24 purposes and from betterments and special assessments.

25 SECTION 4. (a) Notwithstanding any general or special law to the contrary,
26 conservation districts properly formed and existing immediately before the effective date of this
27 act are hereby constituted public instrumentalities, and bodies politic and corporate, with all
28 powers and duties granted to such conservation districts in said chapter 21, and shall continue to
29 perform their duties until modified or dissolved in accordance with said chapter 21.

30 (b) Notwithstanding any general or special law to the contrary, any person holding the
31 position of district supervisor with a conservation district immediately before the effective date
32 of this act shall retain such position and shall continue to perform the duties of district supervisor
33 until the qualification of their respective successors or their otherwise lawful removal from such
34 position. Nothing in this section shall be construed to confer upon any district supervisor any
35 right not held immediately before the effective date of this act, or prohibit the dissolution of a
36 conservation district or the removal of such district supervisor.

37 (c) Notwithstanding any general or special law to the contrary, any employee of a
38 conservation district immediately before the effective date of this act shall retain such position
39 and shall continue to perform the duties of their respective positions until such time as their
40 employment is lawfully terminated. Nothing in this section shall be construed to confer upon
41 any employee any right not held immediately before the effective date of this act, or to prohibit
42 any reduction of salary, transfer, reassignment, suspension, discharge, layoff or abolition of
43 position not prohibited before such date.

44 (d) Notwithstanding any general or special law to the contrary, all by-laws, rules and
45 plans duly made and all approvals duly granted by a conservation district, which are in force
46 immediately before the effective date of this act, and which are not specifically or by implication
47 repealed hereby, shall continue in full force and effect until amended or repealed, or rescinded in
48 due course by such conservation district, or until they expire by their own limitation.

49 (e) Notwithstanding any general or special law to the contrary, all books, papers, records,
50 documents, equipment, cash and other personal property, including all personal property held in
51 trust, which immediately before the effective date of this act are in the custody of a conservation
52 district shall continue to be vested in such conservation district.

53 (f) Notwithstanding any general or special law to the contrary, all duly existing contracts,
54 leases obligations and other instruments entered into or executed by or to a conservation district
55 shall continue in effect, and all writs, prosecutions, actions and causes of action shall continue

56 without abatement and remain unaffected by this act, and no legal act done by or in favor of a
57 conservation district shall be rendered invalid by reason of the adoption of this act.