SENATE DOCKET, NO. 606 FILED ON: 1/16/2013

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*

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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:

SECTION 1. Section 21 of chapter 21 of the General Laws, as appearing in the 2010 Official Edition, is hereby amended by inserting after the word "determinations," in line 26, the following words:– , and such record shall be conclusive evidence of the existence, boundaries, or dissolution of the district

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

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

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

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

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

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

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

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

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

(f) Notwithstanding any general or special law to the contrary, all duly existing contracts, leases obligations and other instruments entered into or executed by or to a conservation district 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.