HOUSE DOCKET, NO. 536 FILED ON: 1/13/2015

HOUSE . . . . . No. 689

The Commonwealth of Massachusetts

PRESENTED BY:

Kate Hogan

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 to establish municipal agricultural commissions.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
Kate Hogan	*3rd Middlesex*	*1/13/2015*
Ann-Margaret Ferrante	*5th Essex*	*9/3/2019*
Jennifer E. Benson	*37th Middlesex*	*9/3/2019*
John W. Scibak	*2nd Hampshire*	*9/3/2019*
Stephen Kulik	*1st Franklin*	*9/3/2019*
Keiko M. Orrall	*12th Bristol*	*9/3/2019*
Steven S. Howitt	*4th Bristol*	*9/3/2019*
Timothy R. Madden	*Barnstable, Dukes and Nantucket*	*9/3/2019*
Carolyn C. Dykema	*8th Middlesex*	*9/3/2019*
Sarah K. Peake	*4th Barnstable*	*2/4/2015*
James B. Eldridge	*Middlesex and Worcester*	*9/3/2019*
Gailanne M. Cariddi	*1st Berkshire*	*9/3/2019*
Barbara A. L'Italien	*Second Essex and Middlesex*	*9/3/2019*
Chris Walsh	*6th Middlesex*	*9/3/2019*
Elizabeth A. Malia	*11th Suffolk*	*9/3/2019*

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By Ms. Hogan of Stow, a petition (accompanied by bill, House, No. 689) of Kate Hogan and others that cities and towns be authorized to establish agricultural commissions for the promotion and development of agricultural resources. Environment, Natural Resources and Agriculture.

The Commonwealth of Massachusetts

In the One Hundred and Eighty-Ninth General Court
(2015-2016)

An Act to establish municipal agricultural commissions.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

Chapter 40 of the General Laws is hereby amended by inserting the following after section 8K:

Section 8L. A city or town which accepts this section may establish an agricultural commission hereinafter called the commission, for the promotion and development of the agricultural resources of said city or town and to buy, hold, manage, license or lease land for agricultural purposes. Such commission shall educate the public on agricultural issues, advocate for farmers, farm businesses and farm interests, assist in resolving farm related problems or conflicts, conduct research into its local land areas and shall seek to co-ordinate the activities of unofficial bodies organized for similar purposes, and may advertise, prepare, print and distribute books, maps, charts, plans and pamphlets which in its judgment it deems necessary for its work. Among such plans may be a plan which shall be, as far as possible, consistent with the town master plan and with any regional plans relating to the area. The commission may, from time to

time, amend such plan. Such plan shall show agricultural facilities areas and any other matters which may be shown on a plat index under section thirty-three of chapter one hundred and eighty-four. Acquisitions of interests in land under this section and other municipal open lands shall be shown thereon as well as lands owned by other entities kept open through any legal requirement. Such plan shall show other areas which public necessity requires to be retained for agricultural use. It shall keep accurate records of its meetings and actions and shall file an annual report which shall be printed in the case of towns in the annual town report. The commission may appoint a director, clerks, consultants and other employees, and may contract for materials and services within available funds insofar as the same are not supplied by other departments. The commission shall consist of not less than three nor more than seven members of which a majority shall be farmers or employed in some facet of agriculture. In the event such farmers do not exist in the city or town the commission shall include a majority of members with knowledge and experience in agricultural practices or knowledge of related agricultural business. In cities the members shall be appointed by the mayor, subject to the provisions of the city charter, except that in cities having or operating under a Plan D or Plan E form of city charter, said appointments shall be by the city manager, subject to the provisions of the charter; and in towns they shall be recommended by the commission once the commission is established and appointed by the selectmen, excepting towns having a manager form of government, in which towns appointments shall be made by the town manager, subject to the approval of the selectmen. When a commission is first established, the terms of the members shall be for one, two or three years, and so arranged that the terms of approximately one third of the members will expire each year, and their successors shall be appointed for terms of three years each. Any member of a commission so appointed may, after a public hearing, if requested, be removed for cause by the

appointing authority. A vacancy occurring otherwise than by expiration of a term shall in a city or town shall be filled for the unexpired term in the same manner as an original appointment. Said commission may receive gifts, bequests or devises of personal property or interests in real property of the kinds mentioned below in the name of the city or town, subject to the approval of the city council in a city or of the selectmen in a town. It may purchase interests in such land with sums available to it. If insufficient funds are available or other reasons so require, a city council or a town meeting may raise or transfer funds so that the commission may acquire in the name of the city or town by option, purchase, lease or otherwise the fee in such land or water rights, conservation or agricultural restrictions, easements or other contractual rights including conveyances on conditions or with limitations or reversions, as may be necessary to acquire, maintain, improve, protect, limit the future use of or otherwise conserve and properly utilize open spaces in land and water areas within its city or town, and it shall manage and control the same. The commission shall adopt rules and regulations governing the use of land and waters under its control, and prescribe penalties, not exceeding a fine of one hundred dollars, for any violation thereof. Any commission duly formed prior to the passage of this act shall be grandfathered and no further action is necessary by that municipality and the prior existing commissions shall have that authority enacted by this Act.

A city or town may appropriate money in any year to an agricultural preservation fund of which the treasurer shall be the custodian. The custodian may deposit or invest the proceeds of said fund in savings banks, trust companies incorporated under the laws of the commonwealth, banking companies incorporated under the laws of the commonwealth which are members of the Federal Deposit Insurance Corporation, or national banks, or invest it in paid up shares and accounts of and in co-operative banks or in shares of savings and loan associations or in shares

of federal savings and loan associations doing business in the commonwealth, and any income therefrom shall be credited to the fund. Money in said fund may be expended by said commission for any purpose authorized by this section.