

HOUSE No. 5242

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-First General Court
(2019-2020)**

An Act preserving open space 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. Chapter 3 of the General Laws is hereby amended by inserting after section
2 5 the following section:-

3 Section 5A. (a) In order to change the use of or otherwise dispose of land or easements
4 taken or acquired pursuant to Article XCVII of the Amendments to the Constitution of the
5 commonwealth or designated in perpetuity for Article XCVII purposes, the commonwealth, any
6 agency, authority, board, bureau, commission, committee, council, county, department, division,
7 institution, municipality, officer, quasi-public agency, public instrumentality or any political
8 subdivision thereof, shall: (i) perform an alternatives analysis and notify the public and the
9 secretary of energy and environmental affairs; (ii) identify replacement land, not already so
10 taken, acquired or dedicated, that is of equal or greater natural resource value as determined by
11 the secretary of energy and environment, acreage, fair market value and of comparable location;
12 and (iii) dedicate the replacement land identified pursuant to clause (ii) in perpetuity for the same
13 Article XCVII purposes. Upon request, the secretary of energy and environmental affairs may
14 waive the replacement land requirement pursuant to clauses (ii) and (iii) of the first sentence, if

15 the disposition is a transfer between public entities and does not involve any other change,
16 including, but not limited to, a change allowing the land to be used for other purposes.

17 (b) Any petition to the general court to authorize the use for other purposes or otherwise
18 dispose of land or easements taken or acquired pursuant to Article XCVII of the Amendments to
19 the Constitution of the commonwealth or designated in perpetuity for Article XCVII purposes
20 shall be accompanied by the alternatives analysis and a description of the land to be dedicated
21 pursuant to subsection (a) or a copy of any waiver provided for in said subsection (a).

22 SECTION 2. The secretary of energy and environmental affairs shall promulgate
23 regulations to implement subsection (a) of section 5A of chapter 3 of the General Laws within 1
24 year of passage of this act.