

SENATE No. 42

The Commonwealth of Massachusetts

PRESENTED BY:

Joanne M. Comerford

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 strengthening local food systems.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
Joanne M. Comerford	Hampshire, Franklin and Worcester	
Susannah M. Whipps	2nd Franklin	1/27/2023
Hannah Kane	11th Worcester	1/27/2023
Susan Williams Gifford	2nd Plymouth	1/27/2023
Jason M. Lewis	Fifth Middlesex	1/31/2023
Anne M. Gobi	Worcester and Hampshire	2/6/2023
Thomas M. Stanley	9th Middlesex	2/8/2023
Vanna Howard	17th Middlesex	2/15/2023
Paul W. Mark	Berkshire, Hampden, Franklin and Hampshire	2/15/2023
James B. Eldridge	Middlesex and Worcester	2/20/2023
Walter F. Timilty	Norfolk, Plymouth and Bristol	2/21/2023
Sal N. DiDomenico	Middlesex and Suffolk	3/10/2023
Rebecca L. Rausch	Norfolk, Worcester and Middlesex	7/11/2023
Bruce E. Tarr	First Essex and Middlesex	7/21/2023
Joan B. Lovely	Second Essex	1/18/2024

SENATE No. 42

By Ms. Comerford, a petition (accompanied by bill, Senate, No. 42) of Joanne M. Comerford, Susannah M. Whipps, Hannah Kane, Susan Williams Gifford and other members of the General Court for legislation to strengthen local food systems. Agriculture.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Third General Court
(2023-2024)**

An Act strengthening local food systems.

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 6A of the General Laws is hereby amended by inserting after
2 section 18Z the following section:-

3 Section 18AA. The Massachusetts emergency management agency shall consider and
4 develop, in all emergency preparedness planning efforts, plans for supporting agricultural,
5 seafood, and processed food production in the commonwealth in order to mitigate the impacts of
6 food supply chain disruptions. Plans shall be developed in coordination with the department of
7 agricultural resources, the department of public health, and the department of transitional
8 assistance, and shall include consideration for production, transportation, storage, and
9 distribution.

10 SECTION 2. Section 6C of chapter 20 of the General Laws is amended by inserting after
11 subsection (g) the following subsection:-

12 (h) The council shall appoint a full time food system coordinator as an employee. The
13 food system coordinator shall have access to all relevant agency meetings; serve in an advisory
14 capacity to all relevant departments to inventory existing state programs which relate to the food
15 system across all state agencies, including, but not limited to, agencies associated with the
16 council; facilitate communication and resource collaboration across state agencies; develop and
17 track metrics related to food system goals; identify opportunities to eliminate duplicative efforts
18 and strengthen complementary programs and projects; identify gaps in services and supports and
19 make recommendations; and provide input to help coordinate outreach to underserved
20 communities. The food system coordinator shall submit a report 1 week prior to each council
21 meeting with findings, progress updates, and recommendations to the clerks of the senate and the
22 house of representatives, the council, relevant department secretaries, and relevant department
23 commissioners.

24 SECTION 3. Chapter 20 of the General Laws is hereby amended by inserting after
25 section 6C the following section:-

26 Section 6D. There shall be established within the department a circuit rider program to
27 provide on-site guidance to businesses in the commonwealth that are regulated by the department
28 of agricultural resources about state programs, regulations, and funding opportunities. Subject to
29 appropriation, the commissioner shall designate a program director. The director shall establish
30 places at which and the methods whereby farmers may make requests for a farm visit by program
31 staff at no cost. Program staff shall coordinate with state agencies as necessary to assist farmers
32 with compliance. Farm visits under the circuit rider program shall be made in a non-enforcement
33 capacity.

34 SECTION 4. The second sentence of subsection (a) of section 23 of chapter 20 of the
35 General Laws, as appearing in the 2020 Official Edition, is hereby amended by inserting after the
36 words “agricultural purposes,” in line 14, the following words:- ; provided, that the committee or
37 any independent appraisal to determine the fair market value of the land restricted for
38 agricultural purposes shall include in its valuation the appraised value of any easements and
39 infrastructure including dwellings, structures, plumbing and irrigation systems on the entire
40 parcel in its fair market value consideration or any payment.

41 SECTION 5. Chapter 20 of the General Laws is hereby amended by inserting after
42 section 32 the following section:-

43 Section 33. Notwithstanding any general or special law to the contrary, the secretary of
44 energy and environmental affairs shall establish a program to acquire by purchase, gift, lease,
45 eminent domain, or otherwise lands and waters and easements therein to protect and conserve
46 land for the purpose of furthering the department’s mission, including, but not limited to,
47 retaining land in agricultural or horticultural use as defined by section 1A of chapter 128 and
48 providing affordable and equitable access to agricultural and horticultural lands.

49 The commissioner may, from funds appropriated to carry out this section or from funds
50 received from other sources, compensate a landowner for the acquisition of real estate in such
51 amount as is determined by the commissioner to be equitable in consideration of anticipated
52 benefits from such acquisition in accordance with land acquisition regulations of the department.
53 The commissioner may use departmental funds to create, replace, and maintain appropriate
54 infrastructure and improvements that the department deems consistent with the goals of this
55 section and the department’s mission.

56 The department may lease, license, or otherwise manage these lands as it sees fit in its
57 sole discretion to best carry out this section and the department’s mission and goals.

58 Acquisition of land or water under this section shall not guarantee any public access
59 unless otherwise agreed to by the department.

60 The department may promulgate rules and regulations relative to the rights, privileges
61 and use of lands, waters, real estate interests and associated improvements acquired and
62 maintained hereunder.

63 The department may dispose of such real estate as permitted under section 5A of chapter
64 3 or through the sale to a qualified farmer or beginning farmer in conjunction with permanent
65 protection of the real estate interest such as through an agricultural preservation restriction to the
66 commonwealth or other qualified conservation entity.

67 SECTION 6. Chapter 29 of the General Laws is hereby amended by inserting after
68 section 2QQQQQ the following section:-

69 Section 2RRRRR. (a) There shall be established and set up on the books of the
70 commonwealth a separate fund to be known as the Next Generation Farmers Fund. The fund
71 shall be administered by the secretary of energy and environmental affairs, in consultation with
72 the secretary of labor and workforce development.

73 (b) The fund shall be credited with \$3,000,000 annually from the Massachusetts
74 Alternative and Clean Energy Investment Trust Fund, established by section 35FF of chapter 10,
75 for an agricultural workforce development grant program. Said program shall award grants to the
76 commonwealth’s higher education institutions, vocational technical schools, or community-

77 based organizations that have existing programs for providing workforce development training to
78 first time farmers or the capacity to create such programs. Priority consideration shall be given to
79 programs that serve a high percentage of minority or low-income students or people with
80 disabilities, as well as programs that include hands-on training and training in agricultural
81 practices that mitigate climate change and protect the environment. Not less than \$3,000,000
82 annually from this fund shall go to programs that provide training in agriculture as defined by
83 section 1A of chapter 128, provided that not more than \$1,000,000 shall be granted annually to
84 programs providing training in the growing and harvesting of forest products upon forest land.

85 (c) A report detailing the expenditures of the fund shall be submitted annually on or
86 before May 30 to the clerks of the house of representatives and the senate, the house and senate
87 committees on ways and means, the committees on economic development and emerging
88 technologies and the committee on environment, natural resources and agriculture.

89 SECTION 7. Chapter 61A of the General Laws is hereby amended by striking out section
90 2 and inserting in place thereof the following section:-

91 Section 2. Land shall be considered to be in horticultural use when primarily and directly
92 used in raising fruits, vegetables, berries, nuts and other foods for human consumption, feed for
93 animals, tobacco, flower, sod, trees, nursery or greenhouse products, and ornamental plants and
94 shrubs for the purpose of selling these products or a product derived from such plants in the
95 regular course of business; or when primarily and directly used in raising forest products under a
96 certified forest management plan, approved by and subject to procedures established by the state
97 forester, designed to improve the quantity and quality of a continuous crop for the purpose of
98 selling these products in the regular course of business; or when primarily and directly used in a

99 related manner which is incidental to those uses and represents a customary and necessary use in
100 raising these products and preparing them for market or the products derived therefrom for
101 market.