HOUSE DOCKET, NO. 867 FILED ON: 1/15/2013

HOUSE . . . . . No. 798

The Commonwealth of Massachusetts

PRESENTED BY:

Paul A. Schmid, III

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 passage of the accompanying:

An Act protecting the viability of farms in the Commonwealth.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Paul A. Schmid, III	*8th Bristol*
Chris Walsh	*6th Middlesex*
Patricia A. Haddad	*5th Bristol*

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HOUSE . . . . . No. 798

By Mr. Schmid of Westport, a petition (accompanied by bill, House, No. 798) of Paul A. Schmid, III, Chris Walsh and Patricia A. Haddad for legislation to protect the viability of farms and farming in the Commonwealth. Environment, Natural Resources and Agriculture.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE
HOUSE
, NO. *1158* OF 2011-2012.]

The Commonwealth of Massachusetts

An Act protecting the viability of farms 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:

SECTION 1. Chapter 30A of the General Laws, as appearing in the 2006 Official Edition, is hereby amended by adding at the end thereof the following:-

Section 18. All state and regional agencies, boards and commissions shall, before any rule, regulation, or other regulatory requirement is promulgated, make public and post in writing whether or not such rule, regulation, or other regulatory requirement will potentially have an adverse impact on commercial agricultural operations based in the Commonwealth. For the purposes of this section, “agricultural” shall mean pertaining to agriculture as defined in section one A of chapter one hundred and twenty-eight. Further, if such rule, regulation, or other regulatory requirement is determined to have such a potential impact on agriculture, the responsible agency, board, or commission, in conjunction with the department of food and agriculture, shall conduct an impact assessment to determine the extent of such impact, including, but not limited to, the effect on future land use and related environmental impacts, including costs, and submit to the joint committee on natural resources and agriculture and to the house and senate committees on ways and means a copy of their findings at least forty-five days prior to promulgation.

All city and town agencies, boards, and commissions shall, before enacting any rule, regulation, law, bylaw, ordinance, or other regulatory requirement that will potentially have an adverse impact on commercial agricultural operations based in the Commonwealth, complete a

form prescribed by the department of food and agriculture at least ninety days prior to final enactment of the regulatory requirement. In the case of by-laws, ordinances, and other requirements subject to review by the Attorney General, such form shall be submitted to the department of food and agriculture on the same date a by-law, ordinance, or other requirement is submitted to the Attorney General. No regulatory action described in this section, except those of an emergency nature expiring in six months or less for the purposes of protecting health and safety of persons, shall take effect until the provisions of this section have been complied with.