

Article XCVII (97) to the Amendments to the Constitution

- Article XCVII. Article [XLIX](#) of the Amendments to the Constitution is hereby annulled and the following is adopted in place thereof: -
- The people shall have the right to clean air and water, freedom from excessive and unnecessary noise, and the natural, scenic, historic, and esthetic qualities of their environment; **and the protection of the people in their right to the conservation, development and utilization of the agricultural, mineral, forest, water, air and other natural resources is hereby declared to be a public purpose.**

Article XCVII (97) to the Amendments to the Constitution

- The general court shall have the power to enact legislation necessary or expedient to protect such rights.
- In the furtherance of the foregoing powers, the general court shall have the power to provide for the taking, upon payment of just compensation therefore, or **for the acquisition by purchase or otherwise, of lands and easements or such other interests therein as may be deemed necessary to accomplish these purposes.**
- **Lands and easements taken or acquired for such purposes shall not be used for other purposes or otherwise disposed of except by laws enacted by a two thirds vote, taken by yeas and nays, of each branch of the general court.**

Executive Order #193

- COMMONWEALTH OF MASSACHUSETTS
- BY His Excellency EDWARD J. KING Governor
- EXECUTIVE ORDER #193

Preamble

Agricultural land in Massachusetts is a finite natural resource that is threatened by competing land use pressure.

Executive Order #193

- 1. State funds and federal grants administered by the state shall not be used to encourage the conversion of agricultural land to other uses when feasible alternatives are available.
- 2. State Agency actions shall encourage the protection of state-owned agricultural land by mitigating against the conversion of state-owned land to non- agricultural uses, and by promoting soil and water conservation practices.

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- 3. The Secretary of Environmental Affairs shall identify state-owned land suitable for agricultural use according to the following criteria:
 - a. the presence of soil types capable of supporting or contributing to present or potential commercial agriculture
 - b. current and historic use for agriculture, and
 - c. absence of non-farm development.
- 4. State Agencies controlling state-owned land suitable for agricultural use shall coordinate agricultural land management policy with the Executive Office of Environmental Affairs. In managing said land, State Agencies shall be encouraged to allow for use on a multiple year basis for forage and food crops

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- 5. Surplus state-owned land; identified as suitable for agriculture by the Secretary of Environmental Affairs, shall remain available for agriculture when compatible with state agency objectives.
- 6. For purposes of this Executive Order, "agricultural land" shall be defined as land classified Prime, Unique, or of State and Local Importance by the USDA Soil Conservation Service, as well as land characterized by active agricultural use.

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- 7. For the purposes of this Executive Order, "state-owned land" shall be defined as:
 - a. all land under the custody or control of a state agency,
 - b. all lands purchased in whole or in part with state funds or federal funds administered by the state.
- Given at the Executive Chamber in Boston this 19th day of March in the year of our Lord one thousand nine hundred and eighty one (1981).

What is “Agriculture”

- Chapter 128: Section 1A. Farming, agriculture, farmer; definitions
- Section 1A. “Farming” or “agriculture” shall include farming in all of its branches and the cultivation and tillage of the soil, dairying, the production, cultivation, growing and harvesting of any agricultural, aquacultural, floricultural or horticultural commodities, the growing and harvesting of forest products upon forest land, the raising of livestock including horses, the keeping of horses as a commercial enterprise, the keeping and raising of poultry, swine, cattle and other domesticated animals used for food purposes, bees, fur-bearing animals, and any forestry or lumbering operations, performed by a farmer, who is hereby defined as one engaged in agriculture or farming as herein defined, or on a farm as an incident to or in conjunction with such farming operations, including preparations for market, delivery to storage or to market or to carriers for transportation to market.

Agriculture And Energy

- Energy Conservation
- Renewable Energy
 - Photovoltaic and Solar
 - Wind Turbine
 - Methane Digesters
- Bio-Fuels
 - Switch grass
 - Oil crops

Agriculture and Energy

- Massachusetts Farm Energy Program
- Partnership with DAR, U.S. Department of Agriculture and Berkshire-Pioneer Resources Conservation and Development Area
- \$400,000 in joint funds
- Energy Audits and Implementation Grants
- Formative Stages of eligibility and applications