

SENATE NO. 484

AN ACT ESTABLISHING THE OPEN SPACE PRESERVATION FUND

*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. There is hereby established and placed within the Massachusetts Department of
2 Agricultural Resources, referred to in this section as the department, the Open Space
3 Preservation Fund, referred to in this section as the fund, into which shall be credited retail milk
4 dealer fees established under Chapter 94 A.

5 2. The department shall hold the fund in an account segregated from other department funds
6 and accounts and shall utilize, invest or reinvest the proceeds of the fund and income derived
7 therefrom for the following general purposes:

- 8 a. To compensate existing dairy farmers for providing the public
9 benefit of preserving open space from development pressure;
- 10 b. To compensate existing dairy farmers for providing the public benefit
11 of providing working landscapes in the Commonwealth;
- 12 c. To compensate existing dairy farmers for providing the public benefit
13 of fostering agro-tourism in the Commonwealth;
- 14 d. To compensate existing dairy farmers for providing the public benefit
15 of preserving agrarian traditions and rural culture in the
16 Commonwealth;

17 e. To purchase with funds not immediately required for use pursuant to
18 clauses (1) through (4) such securities as may be lawful investments for
19 fiduciaries in the Commonwealth;

20 3. The department shall make continuing grants to all dairy producers licensed as of April 2007
21 in the Commonwealth on a monthly basis. The grants shall be an amount equal to the
22 difference between the average net raw milk price per hundredweight received by producers and
23 \$18.00 per hundredweight multiplied by the average monthly production volume of each such
24 dairy producer for the three years preceding April 2007. The department may not impose
25 further conditions upon receipt of said grants.

26 4. Beginning dairy farmers starting new dairy production facilities after April 2007 may apply
27 for eligibility to receive grants for the fund in the same manner as existing licensed dairy
28 producers. The department may approve such applications, after providing the opportunity for a
29 hearing after determining whether approval will further the purposes of this Act. The
30 department may condition or limit approval or amount of any such grants based upon the size,
31 ownership, management, or character of the new dairy production facility utilizing criteria
32 determined relevant and appropriate by the department.

33 5. Severability: If any section, part, clause or phrase in this Act. is for any reason held to be
34 invalid or unconstitutional, sections parts, clauses and phrases in said act not held to be invalid
35 or unconstitutional shall not be affected and shall remain in full force and effect.