

# An Act Enabling Partnerships for Growth

## [Chapter 358 of the Acts of 2020](#)

*This document contains excerpts from "An Act Enabling Partnerships for Growth" that relate to agricultural viability in Massachusetts, including the creation of a Healthy Soils Program and a special commission.*

### **HEALTHY SOILS PROGRAM**

SECTION 4. Section 6C of chapter 20 of the General Laws, as appearing in the 2018 Official Edition, is hereby amended by striking out, in line 3, the figure "17" and inserting in place thereof the following figure:- 18.

SECTION 5. Said section 6C of said chapter 20, as so appearing, is hereby further amended by inserting after the word "designee", in line 17, the following words:- ; 1 of whom shall be an expert in healthy soils practices as defined in section 7A of chapter 128, appointed by the secretary of energy and environmental affairs.

SECTION 6. Said section 6C of said chapter 20, as so appearing, is hereby further amended by inserting after the word "foods", in line 58, the following words:- , particularly those foods produced using healthy soils practices as defined in section 7A of chapter 128.

SECTION 7. Subsection (d) of said section 6C of said chapter 20, as so appearing, is hereby further amended by inserting after the word "production", in line 70, the following words:-, particularly through practices that promote healthy soils as defined in section 7A of chapter 128.

SECTION 8. Section 20 of chapter 21 of the General Laws, as so appearing, is hereby amended by adding the following 2 paragraphs:-

(15) To assist in the development of a healthy soils program, as instructed by the director, to: (i) improve soil quality on lands utilized for commercial farming, suburban and urban lawns, yards and gardens, public and private forests, parks and other open or green spaces and non-paved outdoor areas of office complexes, mixed-use facilities, businesses, industries and colleges and other institutions; (ii) increase carbon sequestration or storage on such lands to help reduce harmful atmospheric greenhouse gases and the effects of climate change; and (iii) provide other measurable benefits, determined as applicable under the program to certain types of lands, related to climate change, plant growth, erosion control and water absorption and quality. The commission, in the development of the program or any significant change to the established program, if requested by the director, shall consult with 1 or more of the following organizations, as appropriate for the type of land intended to be covered under the program: (i) the department of agricultural resources; (ii) department of environmental protection; (iii) department of fish and game; (iv) the Nature Conservancy; (v) Massachusetts Forest Alliance Limited; (v) the Massachusetts Association of Conservation Districts, Inc.; (vi) Massachusetts Farm Bureau Federation, Incorporated; (vii) the National Resources Conservation Services within the United States Department of Agriculture; (viii) Massachusetts chapter of the Northeast Organic Farming Association; (ix) the University of Massachusetts Extension; (x) the University of Massachusetts at Amherst and (xi) any individual or other organization designated by the director.

(16) To encourage and promote the use of healthy soils policies and practices by private and public landowners, including commercial farmers, and any assistance available to program participants, which may consist of grants, technical assistance or education on the benefits and implementation of healthy soils best practices, as the director may instruct, to achieve the purposes of the healthy soils program.

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SECTION 13. Chapter 29 of the General Laws is hereby amended by inserting after section 2MMMMM the following 2 sections:-

Section 2NNNNN. There shall be a Student Loan Assistance Trust Fund administered by the office of the attorney general.

Expenditures may be made from the fund to: (i) fund the work of the student loan ombudsman established under section 35 of chapter 12; (ii) provide direct counseling and assistance to student loan borrowers; (iii) receive, review and assist in the resolution of complaints from student loan borrowers; and (iv) pursue legal action on behalf of student loan borrowers including, but not limited to, the investigation of complaints, the costs of personnel and litigation, the engagement of experts and the enforcement of settlements.

Amounts credited to the fund shall not be subject to further appropriation and money remaining in the fund at the end of a fiscal year shall not revert to the General Fund. The fund shall retain all interest earned on sums deposited in the fund.

The fund may receive revenue from: (i) appropriations or other money authorized by the general court designated to the fund; and (ii) funds from public or private sources specifically designated for the purposes of this section, including, but not limited to, gifts, grants, donations, rebates and settlements received by the commonwealth.

The office of the attorney general shall provide an annual report to the house and senate committees on ways and means on the fund's activity. The report shall include, but not be limited to: (i) the total amount of money in the fund, designated by source; (ii) the amount of money received by the fund, designated by source; (iii) if settlement funds were received, the percentage of the total settlement amount deposited into the fund; (iv) an accounting of all expenditures from the fund; (v) a description of the activities and staff supported by the fund; and (vi) revenue and expenditure projections for the current fiscal year and for the next fiscal year.

Section 200000 (a) There shall be established and set upon the books of the commonwealth a separate fund to be known as the Healthy Soils Program Fund. The secretary of energy and environmental affairs shall administer the fund. Notwithstanding any general or special law to the contrary, there shall be credited to the fund any revenue subject to appropriations or other money authorized by the general court and specifically designated to be credited to the fund, including monies appropriated from the Gaming Economic Development Fund, established under section 2DDDD of chapter 29, and any gifts, grants, private contributions, investment income earned by the fund's assets and any designated funds from other sources. No expenditures from the fund shall cause the fund to be in deficiency at the close of the fiscal year. Any money in the fund at the end of the fiscal year shall not revert to the General Fund, shall be available for expenditure in the subsequent year and shall not be subject to section 5C of chapter 29.

(b) Amounts credited to the fund shall be expended, without further appropriation, for the purpose to implement, administer and develop healthy soils practices under the healthy soils program, including, but not limited to, program research and development, education and training in program practices and policies and to provide grants on a competitive basis to individuals, public and private entities and charitable organizations to implement healthy soils practices; provided, however, that no loans shall be made from said fund. Expenditures made from the fund shall complement and not replace existing local, state, private or federal funding for related training and educational programs for healthy soils practices.

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SECTION 73. Section 7A of chapter 128 of the General Laws, as so appearing, is hereby amended by inserting after the definition of "Garden" the following 3 definitions:-

"Greenhouse gas benefits", greenhouse gas emissions source reduction or carbon sequestration.

"Healthy soils", soils that enhance their continuing capacity to function as a biological system, increase soil organic matter, improve soil structure and water and nutrient-holding capacity and result in net long-term greenhouse gas benefits.

"Healthy soils practices", practices that: (i) improve measurable soil health on lands utilized for commercial farming, suburban and urban lawns, yards and gardens, public and private forests, parks and other open spaces and non-paved outdoor areas of office complexes, mixed-use facilities, businesses, industries and colleges and other institutions; (ii) provide 1 or more of the following benefits: (A) improve food production; (B) encourage the health, growth and biological diversity of plants and forests; (C) increase water infiltration reducing storm water run-off; (D) provide drought and crop resilience; (E) enhance water quality; and (F) reduce the use of fertilizers and herbicides; and (iii) provide greenhouse gas benefits.

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### **SPECIAL COMMISSION**

SECTION 94. There is hereby established a special commission pursuant to section 2A of chapter 4 of the General Laws to conduct an investigation and study regarding the needs of agriculture in the commonwealth in the 21st century, including the viability, efficiency, climate change resiliency, education, technical assistance and energy needs of farms and means of ensuring farms' ability to adapt to changing economic, climate and energy conditions.

The commission shall consist of 1 member who shall be appointed by the senate president, who shall serve as co-chair; 1 member who shall be appointed by the minority leader of the senate; 1 member who shall be appointed by the speaker of the house of representatives, who shall serve as co-chair; 1 member who shall be appointed by the minority leader of the house of representatives; the house and senate chairs of the joint committee on environment, natural resources and agriculture; the house and senate chairs of the joint committee on telecommunications, utilities and energy; the secretary of energy and environmental affairs or a designee; the secretary of housing and economic development or a designee; the commissioner of agricultural resources or a designee; a representative of the Massachusetts Farm Bureau Federation, Incorporated; a representative of the University of Massachusetts center for agriculture, food and the environment; a representative of the Massachusetts chapter of the Northeast Organic Farming Association; a representative of the Cape Cod Cranberry Growers' Association; and a representative of the Massachusetts Association of Dairy Farmers, Inc. Members shall not receive compensation for their services but may receive reimbursement for the reasonable expenses incurred in carrying out their responsibilities as members of the commission. The executive office of energy and environmental affairs and executive office of housing and economic development may furnish reasonable staff and other support for the work of the commission.

The commission shall review: (i) methods of supporting farms including development of tax incentives and credits for equipment related to farm-based renewable energy projects; (ii) effects of zoning ordinances and bylaws on farm-based renewable energy projects and means of reducing administrative and regulatory barriers to such projects; (iii) potential zoning exemptions

of farm renewable energy systems; (iv) the feasibility of establishing an incentive program to facilitate the growth of non-solar renewable-energy distributed-generation projects on farms; (v) methods of encouraging the use of renewable energy resources on farms; (vi) development of potential grant programs in support of farms to develop farm-based renewable energy capabilities including wind harvesting, energy conserving refrigerated food storage pilot projects, methane capture and green combustion and solar and photovoltaic energy projects; (vii) feasibility of using farms as resiliency centers during power outages or extreme weather events by installing technology such as battery storage or microgrids; (viii) the effects of climate change and means by which farms may seek to adapt to climate change; (ix) methods of promoting and facilitating more prompt interconnection of energy projects owned or operated by agricultural producers; (x) the development of a single uniform application for use by owners of farms in the commonwealth for application to any and all grant and other assistance programs administered by the department of agricultural resources and consistent with federal grant and program application criteria; (xi) the benefits of designating an administrator or separate office within the department of agricultural resources to provide advice, technical assistance and other guidance to owners of farms who apply for grants and other programs; (xii) ways to support, expand and enhance opportunities for agricultural tourism; (xiii) the timing of grant applications to the department of agricultural resources and department responses with a view to facilitating more efficient and timely use of grant funds; (xiv) administrative and regulatory barriers to and restrictions on farm owners placing renewable energy structures on farmland; (xv) means of addressing the need for education and technical assistance to farmers; and (xvi) any other matters the commission deems relevant to supporting the viability of farms in the commonwealth.

The commission shall file a report of its findings and recommendations, together with drafts of legislation necessary to carry those recommendations into effect, by filing the same with the clerks of the senate and the house of representatives, the chairs of the senate and house committees on ways and means, the senate and house chairs of the joint committee on environment, natural resources and agriculture, and the house and senate chairs of the joint committee on telecommunications, utilities and energy not later than June 30, 2021.

<https://malegislature.gov/Laws/SessionLaws/Acts/2020/Chapter358>

<https://malegislature.gov/Bills/191/H5250>