

**HOUSE . . . . . No. 851**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

***Ruth B. Balsler***

*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 preserving open space in the Commonwealth.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Ruth B. Balsler</i>	<i>12th Middlesex</i>	<i>1/15/2021</i>
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>	<i>1/15/2021</i>
<i>Jack Patrick Lewis</i>	<i>7th Middlesex</i>	<i>1/20/2021</i>
<i>Tami L. Gouveia</i>	<i>14th Middlesex</i>	<i>1/21/2021</i>
<i>Alice Hanlon Peisch</i>	<i>14th Norfolk</i>	<i>1/27/2021</i>
<i>Danillo A. Sena</i>	<i>37th Middlesex</i>	<i>1/28/2021</i>
<i>Tommy Vitolo</i>	<i>15th Norfolk</i>	<i>1/29/2021</i>
<i>Natalie M. Blais</i>	<i>1st Franklin</i>	<i>1/29/2021</i>
<i>Thomas M. Stanley</i>	<i>9th Middlesex</i>	<i>1/29/2021</i>
<i>Brian W. Murray</i>	<i>10th Worcester</i>	<i>1/29/2021</i>
<i>Tram T. Nguyen</i>	<i>18th Essex</i>	<i>1/29/2021</i>
<i>Lindsay N. Sabadosa</i>	<i>1st Hampshire</i>	<i>1/29/2021</i>
<i>Jay D. Livingstone</i>	<i>8th Suffolk</i>	<i>1/29/2021</i>
<i>Paul J. Donato</i>	<i>35th Middlesex</i>	<i>1/29/2021</i>
<i>Steven Ultrino</i>	<i>33rd Middlesex</i>	<i>1/29/2021</i>
<i>Christina A. Minicucci</i>	<i>14th Essex</i>	<i>1/29/2021</i>
<i>Kay Khan</i>	<i>11th Middlesex</i>	<i>1/29/2021</i>
<i>Angelo J. Puppolo, Jr.</i>	<i>12th Hampden</i>	<i>1/29/2021</i>

<i>Carmine Lawrence Gentile</i>	<i>13th Middlesex</i>	<i>2/1/2021</i>
<i>Adrian C. Madaro</i>	<i>1st Suffolk</i>	<i>2/2/2021</i>
<i>Christine P. Barber</i>	<i>34th Middlesex</i>	<i>2/3/2021</i>
<i>Steven C. Owens</i>	<i>29th Middlesex</i>	<i>2/3/2021</i>
<i>Carolyn C. Dykema</i>	<i>8th Middlesex</i>	<i>2/3/2021</i>
<i>Kenneth I. Gordon</i>	<i>21st Middlesex</i>	<i>2/3/2021</i>
<i>Brendan P. Crighton</i>	<i>Third Essex</i>	<i>2/5/2021</i>
<i>Brian M. Ashe</i>	<i>2nd Hampden</i>	<i>2/5/2021</i>
<i>David Allen Robertson</i>	<i>19th Middlesex</i>	<i>2/9/2021</i>
<i>James K. Hawkins</i>	<i>2nd Bristol</i>	<i>2/9/2021</i>
<i>Jessica Ann Giannino</i>	<i>16th Suffolk</i>	<i>2/10/2021</i>
<i>John Barrett, III</i>	<i>1st Berkshire</i>	<i>2/16/2021</i>
<i>Jason M. Lewis</i>	<i>Fifth Middlesex</i>	<i>2/16/2021</i>
<i>Sean Garballey</i>	<i>23rd Middlesex</i>	<i>2/16/2021</i>
<i>John J. Lawn, Jr.</i>	<i>10th Middlesex</i>	<i>2/17/2021</i>
<i>Lenny Mirra</i>	<i>2nd Essex</i>	<i>2/17/2021</i>
<i>Smitty Pignatelli</i>	<i>4th Berkshire</i>	<i>2/17/2021</i>
<i>Michelle L. Ciccolo</i>	<i>15th Middlesex</i>	<i>2/17/2021</i>
<i>Richard M. Haggerty</i>	<i>30th Middlesex</i>	<i>2/19/2021</i>
<i>Danielle W. Gregoire</i>	<i>4th Middlesex</i>	<i>2/22/2021</i>
<i>Dylan A. Fernandes</i>	<i>Barnstable, Dukes and Nantucket</i>	<i>2/22/2021</i>
<i>Rob Consalvo</i>	<i>14th Suffolk</i>	<i>2/24/2021</i>
<i>Paul McMurtry</i>	<i>11th Norfolk</i>	<i>2/24/2021</i>
<i>Edward F. Coppinger</i>	<i>10th Suffolk</i>	<i>2/25/2021</i>
<i>James J. O'Day</i>	<i>14th Worcester</i>	<i>2/25/2021</i>
<i>Michael S. Day</i>	<i>31st Middlesex</i>	<i>2/25/2021</i>
<i>Kate Lipper-Garabedian</i>	<i>32nd Middlesex</i>	<i>2/26/2021</i>
<i>Natalie M. Higgins</i>	<i>4th Worcester</i>	<i>2/26/2021</i>
<i>David M. Rogers</i>	<i>24th Middlesex</i>	<i>2/26/2021</i>
<i>Mary S. Keefe</i>	<i>15th Worcester</i>	<i>2/26/2021</i>
<i>Edward R. Philips</i>	<i>8th Norfolk</i>	<i>3/2/2021</i>
<i>Bruce J. Ayers</i>	<i>1st Norfolk</i>	<i>3/4/2021</i>
<i>Patrick M. O'Connor</i>	<i>Plymouth and Norfolk</i>	<i>3/5/2021</i>
<i>Erika Uyterhoeven</i>	<i>27th Middlesex</i>	<i>3/8/2021</i>
<i>Adam J. Scanlon</i>	<i>14th Bristol</i>	<i>3/8/2021</i>
<i>Joanne M. Comerford</i>	<i>Hampshire, Franklin and Worcester</i>	<i>3/11/2021</i>
<i>Michael D. Brady</i>	<i>Second Plymouth and Bristol</i>	<i>3/16/2021</i>
<i>Bruce E. Tarr</i>	<i>First Essex and Middlesex</i>	<i>3/24/2021</i>
<i>Tackey Chan</i>	<i>2nd Norfolk</i>	<i>3/26/2021</i>

<i>Walter F. Timilty</i>	<i>Norfolk, Bristol and Plymouth</i>	<i>3/26/2021</i>
<i>Vanna Howard</i>	<i>17th Middlesex</i>	<i>4/16/2021</i>
<i>Nika C. Elugardo</i>	<i>15th Suffolk</i>	<i>5/11/2021</i>
<i>Marc R. Pacheco</i>	<i>First Plymouth and Bristol</i>	<i>5/12/2021</i>
<i>Paul F. Tucker</i>	<i>7th Essex</i>	<i>5/14/2021</i>
<i>Michael P. Kushmerek</i>	<i>3rd Worcester</i>	<i>5/18/2021</i>

**HOUSE . . . . . No. 851**

By Ms. Balsler of Newton, a petition (accompanied by bill, House, No. 851) of Ruth B. Balsler and others relative to preserving open space in the Commonwealth. Environment, Natural Resources and Agriculture.

[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE HOUSE, NO. 5242 OF 2019-2020.]

**The Commonwealth of Massachusetts**

\_\_\_\_\_  
**In the One Hundred and Ninety-Second General Court  
(2021-2022)**  
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An Act preserving open space 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:*

1 SECTION 1. Chapter 3 of the General Laws is hereby amended by inserting after section  
2 5 the following section:-

3 Section 5A. (a) In order to change the use of or otherwise dispose of land or easements  
4 taken or acquired pursuant to Article XCVII of the Amendments to the Constitution of the  
5 commonwealth or designated in perpetuity for Article XCVII purposes, the commonwealth, any  
6 agency, authority, board, bureau, commission, committee, council, county, department, division,  
7 institution, municipality, officer, quasi-public agency, public instrumentality or any political  
8 subdivision thereof, shall: (i) perform an alternatives analysis and notify the public and the  
9 secretary of energy and environmental affairs; (ii) identify replacement land, not already so  
10 taken, acquired or dedicated, that is of equal or greater natural resource value as determined by

11 the secretary of energy and environment, acreage, fair market value and of comparable location;  
12 and (iii) dedicate the replacement land identified pursuant to clause (ii) in perpetuity for the same  
13 Article XCVII purposes. Upon request, the secretary of energy and environmental affairs may  
14 waive the replacement land requirement pursuant to clauses (ii) and (iii) of the first sentence, if  
15 the disposition is a transfer between public entities and does not involve any other change,  
16 including, but not limited to, a change allowing the land to be used for other purposes.

17 (b) Any petition to the general court to authorize the use for other purposes or otherwise  
18 dispose of land or easements taken or acquired pursuant to Article XCVII of the Amendments to  
19 the Constitution of the commonwealth or designated in perpetuity for Article XCVII purposes  
20 shall be accompanied by the alternatives analysis and a description of the land to be dedicated  
21 pursuant to subsection (a) or a copy of any waiver provided for in said subsection (a).

22 SECTION 2. The secretary of energy and environmental affairs shall promulgate  
23 regulations to implement subsection (a) of section 5A of chapter 3 of the General Laws within 1  
24 year of passage of this act.