

HOUSE No. 3736

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, November 4, 2013.

The committee on Ways and Means, to whom was referred the Bill encouraging the improvement, expansion and development of military installations in the Commonwealth (printed in House, No. 3334), reports recommending that the same ought to pass with an amendment substituting therefor the accompanying bill (House, No. 3736).

For the committee,

BRIAN S. DEMPSEY.

HOUSE No. 3736

The Commonwealth of Massachusetts

In the Year Two Thousand Thirteen

An Act encouraging the improvement, expansion and development of military installations in the Commonwealth.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to stimulate employment and encourage the improvement, expansion and development of military installations in the commonwealth, therefore, it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

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. To provide for a program of economic development and improvement, the
2 sums set forth in section 2 are hereby made available, subject to the laws regulating the
3 disbursement of public funds and approval thereof, and subject to the prior approval of the
4 secretary of administration and finance; provided, that the amounts specified in an item or for a
5 particular project may be adjusted in order to facilitate projects authorized in this act.

6 SECTION 2.

7 EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE

8 *Office of the Secretary of Administration and Finance*

9 1100-1590 For the improvement, expansion and development of military installations as
10 recommended by the Massachusetts Military Asset and Security Strategy Task Force and for
11 base realignment preparation and mitigation projects.....\$177,000,000

12 SECTION 3. Chapter 6 of the General Laws is hereby amended by inserting after section
13 215, as appearing in the 2012 Official Edition, the following section:-

14 Section 216. (a) Within the office of the governor, there shall be established the military
15 asset and security strategy task force which shall be chaired by the governor. The task force shall

16 also be co-chaired with up to 2 current or former elected officials to be appointed by the
17 governor, and shall include at least 1 member of the federal congressional delegation, which
18 member shall serve on the task force through at least the first full year of a new gubernatorial
19 administration for continuity purposes. The task force shall consist of the following members:
20 the secretary of public safety and security, or a designee; the adjutant general of the
21 Massachusetts National Guard, or a designee; the commander of the Massachusetts Air National
22 Guard, or a designee; the secretary of housing and economic development, or a designee; the
23 secretary of labor and workforce development, or a designee; the secretary of energy and
24 environmental affairs, or a designee; the secretary of education, or a designee; the secretary of
25 administration and finance, or a designee; the secretary of the department of transportation, or a
26 designee; the chief executive officer of the Massachusetts Port Authority, or a designee; the
27 secretary of the department of veterans services, or a designee; the president and chief executive
28 officer of Massachusetts Development Finance Agency, or a designee; 2 representatives from the
29 defense sector appointed by the governor; 2 representatives from institutions of higher education
30 appointed by the governor; 1 member of the senate appointed by the senate president; and 1
31 member of the house of representatives appointed by the speaker of the house.

32 (b) The military asset and security strategy task force shall have the power to:

33 (1) engage with representatives from the military, business community and government,
34 including municipal officials, and community members surrounding each installation in order to
35 enhance, expand, add or otherwise improve missions, programs, facilities, and operations on or
36 affecting the military installations;

37 (2) engage with community partners, including, but not limited to, chambers of
38 commerce, business associations, education officials, workforce development officials,
39 municipal officials, elected officials, and veteran and military family support agencies, located
40 in the vicinity of each military installation to create and expand upon the impact each
41 installation has on the municipality and surrounding cities and towns;

42 (3) develop, coordinate, and implement workforce training programs, infrastructure
43 improvements, environmental and utility savings, housing renovations or construction, and
44 transportation improvements to support the missions at each military installation;

45 (4) identify initiatives that can be implemented to address or resolve operational or
46 mission weaknesses at the military installations;

47 (5) identify opportunities for local businesses, municipalities, state or public agencies,
48 community colleges or other institutions of higher education to contract and partner with the
49 military installations to provide goods, services, training or education; and

50 (6) advise the governor and executive and legislative branch officials regarding the
51 ongoing efforts by the United States Department of Defense to close, realign, restructure,
52 streamline, or otherwise take actions that would impact the military installations.

53 (c) To the extent permitted by law, every agency within the executive branch and public
54 agencies or authorities shall make all reasonable efforts to cooperate with the task force and to
55 furnish all information and assistance requested by the task force.

56 (d) The office of the governor, in consultation with the Massachusetts Development
57 Finance Agency and the Massachusetts National Guard, shall serve as the point of contact for the
58 military asset and security strategy task force with federal, state, and local elected and non-
59 elected officials to coordinate with the military, government, and the public and private sectors.

60 (e) The military asset and security strategy task force shall meet at times and places to be
61 determined by the chair or co-chairs and may establish working groups, meetings, forums and
62 any other activity deemed necessary to carry out its mandate.

63 (f) The military asset and security strategy task force, through the Massachusetts
64 Development Finance Agency, may engage or contract with the University of Massachusetts or
65 other institutions or entities to supply statistical data, reports, curriculum, and other information
66 and assistance necessary to support the work of the task force.

67 SECTION 4. Subsection (a) of section 3 of chapter 23G of the General Laws, as so
68 appearing, is hereby amended by inserting after clause (34) the following clause:-

69 (35) to contract or enter into agreements, licenses, and easements, with municipalities,
70 the federal government, any agency thereof or any other person or entity, including, without
71 limitation, the commonwealth, state and public agencies of the commonwealth, regional entities,
72 and utility companies, to provide utility services, including, but not limited to, electricity, gas,
73 cable television, broadband and telephone services and to acquire, construct, maintain and
74 operate any such systems for utility services.

75 SECTION 5. (a) As used in this section and section 2, the following terms shall, unless
76 the context otherwise requires, have the following meanings:

77 "MassDevelopment", the Massachusetts Development Finance Agency established by
78 chapter 23G of the General Laws.

79 "Military installations mission improvement and expansion projects", the planning,
80 permitting, design, acquisition, purchase, ownership, use, reuse, rehabilitation, renovation,
81 improvement, furnishing, equipping, construction, reconstruction, operation, development,
82 mortgaging and sale, or any combination of the foregoing, of military installations, and any
83 components thereof, including military related-education projects on and off such installations,
84 in accordance with this act all in furtherance of reducing operating costs and retaining and

85 expanding mission and, whenever appropriate, the term shall also mean all lands, buildings,
86 structures, parking and appurtenances.

87 “Base realignment preparation and mitigation projects”, the planning, permitting, design,
88 environmental rehabilitation, or any combination of the foregoing, of military installations, or
89 portions of such installations, scheduled for partial or complete realignment, in order to minimize
90 the economic and social impact of such reduced or eliminated use.

91 (b) MassDevelopment shall be the public agency or instrumentality of the commonwealth
92 authorized and empowered to do all acts and things necessary or convenient to oversee and
93 implement military installations mission improvement and expansion projects or base
94 realignment preparation and mitigation projects, including, without limitation, the acquisition,
95 management and disposition of all or any portion of military installations, or interests therein,
96 including improvements thereon, and including, without limitation, buildings and utility systems,
97 equipment and personal property, all in accordance with the terms of this act. MassDevelopment
98 may, for the purposes of implementing military installations improvement and expansion
99 projects or base realignment preparation and mitigation projects in its own name or in
100 conjunction with others, acquire title to the land, buildings and improvements that comprise all
101 or any portion of military installations upon the transfer or disposition of any portion of the
102 military installations by the federal government. Implementation of the projects shall be a
103 corporate purpose of MassDevelopment under chapter 23G of the General Laws, and specifically
104 shall be deemed an exercise of its powers under clause (6) of subsection (a) of section 3 of said
105 chapter 23G. MassDevelopment shall be reimbursed for its reasonable administrative costs and
106 out of pocket expenditures, as determined by the secretary of administration and finance,
107 incurred in implementing the provisions of this subsection.

108 SECTION 6. Notwithstanding sections 32 to 38, inclusive, of chapter 7C of the General
109 Laws or any other general or special law to the contrary, the commissioner of capital asset
110 management and maintenance shall, subject to such terms and conditions as she may prescribe,
111 convey to the Massachusetts Department of Transportation a certain parcel of land owned by the
112 commonwealth located in the Towns of Mashpee, Bourne and Sandwich comprised of the
113 railroad right-of-way generally shown on the plan entitled, "Massachusetts Military Reservation
114 Cantonment Area Map". A copy of the plan is held in the offices of the division of capital asset
115 management and maintenance. The exact boundaries of the parcel of land shall be determined by
116 the commissioner, in consultation with the Massachusetts Department of Transportation, after
117 completion of a land boundary survey to be obtained by the Massachusetts Department of
118 Transportation. The Massachusetts Department of Transportation shall be responsible for all
119 costs and expenses including, but not limited to, costs associated with any engineering, surveys,
120 appraisals and lease preparation related to the conveyance authorized in this act as such costs
121 may be determined by the commissioner of capital asset management and maintenance.

122 SECTION 7. To meet a portion of the expenditures necessary in carrying out section 2,
123 the state treasurer shall, upon request of the governor, issue and sell bonds of the commonwealth
124 in an amount to be specified by the governor from time to time, but not exceeding in the
125 aggregate the sum of \$177,000,000. All bonds issued by the commonwealth under this section
126 shall be designated on their face, Military Mission Improvement and Expansion Act of 2013, and
127 shall be issued for a maximum term of years, not exceeding 30 years, as the governor may
128 recommend to the general court pursuant to Section 3 of Article LXII of the Amendments to the
129 Constitution. All such bonds shall be payable not later than June 30, 2048. All interest and
130 payments on account of principal on these obligations shall be payable from the General Fund.
131 Notwithstanding any general or special law to the contrary, bonds and interest thereon issued
132 under this section shall be general obligations of the commonwealth.

133 SECTION 8. The secretary of administration and finance shall submit a report on the
134 progress of any projects funded under this act and included in the governor's five-year capital
135 investment plan to the clerks of the senate and house of representatives, the chairs of the senate
136 and house committees on ways and means, and the senate and house chairs of the senate and
137 house committees on bonding, capital expenditures and state assets. The report shall include, but
138 not be limited to: the previous year planned spending, previous year spending, current year
139 planned spending, current year spending to date, original estimated total project cost, project
140 description, including the purpose and intended use of the project, location of the project, type of
141 spending, type of asset and useful life of the project once completed. The report shall be
142 submitted on June 30 and December 31 of each year for a period of 8 years after the effective
143 date of this act.

144 SECTION 9. The secretary of administration and finance shall, at least 30 days prior to
145 the Massachusetts Development Finance Agency's execution of any contract in furtherance of
146 any military installations mission improvement and expansion project or base realignment
147 preparation and mitigation project, submit a report containing a description of the project, the
148 purpose of the project, and its projected cost to the clerks of the senate and house of
149 representatives, the chairs of the senate and house committees on ways and means, and the chairs
150 of the senate and house committees on bonding, capital expenditures and state assets.

151 SECTION 10. Notwithstanding any general or special law to the contrary, the
152 unexpended and unencumbered balances of the bond-funded authorizations in the following
153 accounts shall cease to be available for expenditure 90 days after the effective date of this act:
154 1100-1570, 1100-1580.

155 SECTION 11. Notwithstanding any general or special law to the contrary, with the
156 exception of section 138 of chapter 33 of the general laws, the term the Massachusetts Military
157 Reservation or MMR, wherever either appears in a general or special law, shall mean Joint Base
158 Cape Cod.

159 SECTION 12. Notwithstanding sections 32 to 38, inclusive, of chapter 7C of the General
160 Laws or any other general or special law to the contrary, the commissioner of capital asset
161 management and maintenance may, with the concurrence of the adjutant general of the military
162 forces of the commonwealth, convey to the Massachusetts Development Finance Agency for \$1
163 fee interests or any other title interest in or easements on any land or infrastructure owned by the
164 commonwealth and located at Joint Base Cape Cod in the towns of Bourne, Falmouth, Mashpee
165 and Sandwich and as more generally shown on a plan entitled “Massachusetts Military
166 Reservation Cantonment Area Map” dated February 2007, by 1 or more conveyances or grants
167 of easements. A copy of such plan is held in the offices of the division of capital asset
168 management and maintenance. The exact boundaries of any land to be conveyed or easements to
169 be granted shall be determined by the commissioner, in consultation with Massachusetts
170 Development Finance Agency, after completion of a land boundary survey by Massachusetts
171 Development Finance Agency in the event that such boundaries are not known. The
172 Massachusetts Development Finance Agency shall be responsible for all costs and expenses
173 including, but not limited to, costs associated with any engineering, surveys, and appraisals
174 related to the conveyance authorized in this section as such costs may be determined by the
175 commissioner of capital asset management and maintenance. Any land conveyed from the
176 commonwealth to Massachusetts Development Finance Agency shall be used for military
177 purposes, or used for purposes consistent with chapter 23G of the General Laws, provided the
178 land shall be used to encourage the development of marine science, education, energy, defense,
179 aviation, or environmental related businesses, or any other economic development use that the
180 adjutant general approves.