SENATE DOCKET, NO. FILED ON: 4/10/2012

SENATE . . . . . No. 2215

The Commonwealth of Massachusetts

In the Year Two Thousand Twelve

An Act authorizing a lease of a certain parcel of land under the control of the Department of Fish and Game to the Bourne Water District for water distribution purposes..

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Notwithstanding any general or special law to the contrary, the division of fisheries and wildlife in the department of fish and game, may lease to the Bourne Water District, for not more than 99 years, a certain parcel of land situated on the Massachusetts Military Reservation and currently under the care and control of the department of fish and game for the purpose of said district's construction, operation and maintenance of a water pumping station, provided, however, that 50 years after commencement of the lease, the legislature shall affirm, based on an evaluation of the continued need for the water withdrawals from the water pumping station and any resulting impacts of such use on the reserve, the necessity of continuing the full 99-year term of the lease. The land to be leased to the district is located within an area in the reserve shown as "Parcel 3 (NEW LEASE AREA)" on a plan entitled "Easement Plan of Land in Bourne, Mass. of Area to be Leased by Bourne Water District for WS-4 Pump Station Site," prepared by Warwick & Associates, Inc and dated 7/6/11, which plan is on file at with said department.

14 The lease agreement shall be subject to the terms and conditions as the division
15 may prescribe and shall be executed without warranties or representations by the commonwealth.

16 SECTION 2. Notwithstanding any general or special law to the contrary, the lease
17 authorized in section 1 shall be for the construction, operation and maintenance of a water
18 pumping station to extract water for Bourne residents from a site designated as WS4.

19 SECTION 3. Nothwithstanding any other provision of this act, 1 year before the end of
20 the legislative session that occurs in the fiftieth year following execution of the lease, the
21 division of fisheries and wildlife, in consultation with the Bourne Water District, shall file a
22 report with the house and senate committees on ways and means, the chairmen of the joint
23 committee on the environment, natural resources and agriculture and the chairmen of the joint
24 committee on state administration containing the division's recommendation on whether the
25 general shall affirm the full 99-year term of the lease. In the event that the general court fails to
26 take action or votes not to affirm the full 99-year term of the lease before the end of the
27 legislative session that occurs in the fiftieth year, the lease shall expire not later than 1 year
28 thereafter.

29 SECTION 4. Notwithstanding any general or special law to the contrary, the Bourne
30 Water District shall be responsible for all costs and expenses including, but not limited to, costs
31 associated with any engineering, surveys, appraisals, and document preparation related to the
32 lease authorized in section 1 as such costs may be determined by the division of fisheries and
33 wildlife.

34 SECTION 5. Notwithstanding any general or special law to the contrary, the inspector
35 general shall review and approve the lease agreement and any terms and conditions contained

36 therein. The division shall, 30 days before the execution of the lease authorized in this act or any
37 subsequent amendment thereto, submit the proposed lease or amendment and a report thereon to
38 the inspector general for review and comment. The inspector general shall issue such review and
39 comment within 15 days after receipt of the proposed lease or amendment. The division shall
40 submit the proposed lease or amendment, and the reports and the comments of the inspector
41 general, if any, to the house and senate committees on ways and means and the joint committee
42 on bonding, capital expenditures and state assets at least 15 days before the execution of the
43 lease.

44 SECTION 6. Nothing in this act shall be construed to modify or otherwise affect the
45 amount of water the Bourne Water District is authorized to withdraw from the water pumping
46 station on the site designated as WS4 during the term of the lease.