HOUSE . . . . . No. 3718

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, October 21, 2013.

The committee on Bonding, Capital Expenditures and State Assets 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 bill ought to pass with an amendment substituting therefore the accompanying bill (House, No. 3718).

For the committee,

ANTONIO F.D. CABRAL.

HOUSE . . . . No. 3718

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:

SECTION 1. To provide for a program of economic development and improvement, the sums set forth in section 2 are hereby made available, subject to the laws regulating the disbursement of public funds and approval thereof, and subject to the prior approval of the secretary of administration and finance; provided, that the amounts specified in an item or for a particular project may be adjusted in order to facilitate projects authorized in this act.

SECTION 2.

EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE

Office of the Secretary of Administration and Finance

1100-1590 Subject to the conditions contained in Section 8, for military installations mission improvement and expansion projects as recommended by the Massachusetts Military Asset and Security Strategy Task Force and base realignment preparation and mitigation projects …….…….$177,000,000

13 SECTION 3. Subsection (a) of section 3 of chapter 23G of the General Laws, as
14 appearing in the 2010 Official Edition, is hereby amended by inserting after clause (34) the
15 following clause:-

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

22 SECTION 4. (a) As used in this section and section 2, the following terms shall, unless
23 the context otherwise requires, have the following meanings:

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

26 "Military installations mission improvement and expansion projects", the planning,
27 permitting, design, acquisition, purchase, ownership, use, reuse, rehabilitation, renovation,
28 improvement, furnishing, equipping, construction, reconstruction, operation, development,
29 mortgaging and sale, or any combination of the foregoing, of military installations, and any
30 components thereof, including military related-education projects on and off such installations in
31 accordance with this act all in furtherance of reducing operating costs and retaining and
32 expanding mission and, whenever appropriate, the term shall also mean all lands, buildings,
33 structures, parking and appurtenances.

34 "Base realignment preparation and mitigation projects", the planning, permitting, design,
35 environmental rehabilitation, or any combination of the foregoing, of military installations, or
36 portions of such installations, scheduled for partial or complete realignment, in order to minimize
37 the economic and social impact of such reduced or eliminated use.

38 (b) MassDevelopment shall be the public agency or instrumentality of the commonwealth
39 authorized and empowered to do all acts and things necessary or convenient to oversee and
40 implement military installations mission improvement and expansion projects including or base
41 realignment preparation and mitigation projects, including, without limitation, the acquisition,
42 management and disposition of all or any portion of military installations, or interests therein,
43 including improvements thereon, and including, without limitation, buildings and utility systems,
44 equipment and personal property, all in accordance with the terms of this act; provided, however,
45 that MassDevelopment shall not transfer or dispose of any real property as part of a base
46 realignment preparation and mitigation project without specific additional authorization from the
47 general court. MassDevelopment may, for the purposes of implementing military installations
48 improvement and expansion projects or base realignment preparation and mitigation projectsin
49 its own name or in conjunction with others, acquire title to the land, buildings and improvements

50 that comprise all or any portion of military installations upon the transfer or disposition of any
51 portion of the military installations by the federal government. Implementation of the projects
52 shall be a corporate purpose of MassDevelopment under chapter 23G of the General Laws, and
53 specifically shall be deemed an exercise of its powers under clause (6) of subsection (a) of
54 section 3 of said chapter 23G. MassDevelopment shall be reimbursed for its reasonable
55 administrative costs and out of pocket expenditures, as determined by the Secretary of
56 Administration and Finance, incurred in implementing the provisions of this subsection.

57 SECTION 5. Notwithstanding sections 32 to 38, inclusive, of chapter 7C of the General
58 Laws or any other general or special law to the contrary, the commissioner of capital asset
59 management and maintenance shall, subject to such terms and conditions as she may prescribe,
60 convey to the Massachusetts Department of Transportation a certain parcel of land owned by the
61 commonwealth located in the Towns of Mashpee, Bourne and Sandwich comprised of the
62 railroad right-of-way generally shown on the plan entitled, "Massachusetts Military Reservation
63 Cantonment Area Map". A copy of the plan is held in the offices of the division of capital asset
64 management and maintenance. The exact boundaries of the parcel of land shall be determined by
65 the commissioner, in consultation with the Massachusetts Department of Transportation, after
66 completion of a land boundary survey to be obtained by the Massachusetts Department of
67 Transportation. The Massachusetts Department of Transportation shall be responsible for all
68 costs and expenses including, but not limited to, costs associated with any engineering, surveys,
69 appraisals and lease preparation related to the conveyance authorized in this act as such costs
70 may be determined by the commissioner of capital asset management and maintenance.

71 SECTION 6. To meet a portion of the expenditures necessary in carrying out section 2,
72 the

73 state treasurer shall, upon request of the governor, issue and sell bonds of the
74 commonwealth in an amount to be specified by the governor from time to time, but not
75 exceeding in the aggregate the sum of $177,000,000. All bonds issued by the commonwealth
76 under this section shall be designated on their face, Military Mission Improvement and
77 Expansion Act of 2013, and shall be issued for a maximum term of years, not exceeding 30
78 years, as the governor may recommend to the general court pursuant to Section 3 of Article LXII
79 of the Amendments to the Constitution. All such bonds shall be payable not later than June 30,
80 2048. All interest and payments on account of principal on these obligations shall be payable
81 from the General Fund. Notwithstanding any general or special law to the contrary, bonds and
82 interest thereon issued under this section shall be general obligations of the commonwealth.

83 SECTION 7. The secretary of administration and finance shall submit a report on the
84 progress of any projects funded under this act and included in the governor's five-year capital
85 investment plan to the clerks of the senate and house of representatives, the chairs of the senate
86 and house committees on ways and means, and the senate and house chairs of the senate and
87 house committees on bonding, capital expenditures and state assets. The report shall include, but

88 not be limited to: the previous year planned spending, previous year spending, current year
89 planned spending, current year spending to date, original estimated total project cost, project
90 description, including the purpose and intended use of the project, location of the project, type of
91 spending, type of asset and useful life of the project once completed. The report shall be
92 submitted on June 30 and December 31 of each year for a period of 8 years after the effective
93 date of this act.

94 SECTION 8. The authorization contained in Section 2 is made subject to the satisfaction
95 of the following requirement: the secretary of administration and finance shall, at least sixty days
96 prior to MassDevelopment's execution of any contract in furtherance of any military installations
97 mission improvement and expansion project or base realignment preparation and mitigation
98 project, submit a report containing a description of the project, the purpose of the project and its
99 projected cost to the clerks of the senate and house of representatives, the chairs of the senate and
100 house committees on ways and means, and the chairs of the senate and house committees on
101 bonding, capital expenditures and state assets. Expenditures for military installations mission
102 improvement and expansion projects or base realignment preparation and mitigation projects for
103 which such reports are not submitted by the secretary of administration and finance are not
104 authorized.

105 SECTION 9. Notwithstanding any general or special law to the contrary, the unexpended
106 and unencumbered balances of the bond-funded authorizations in the following accounts shall
107 cease to be available for expenditure 90 days after the effective date of this act: 1100-1570,
108 1100-1580.

109 SECTION 10. Notwithstanding any general or special law to the contrary, with the
110 exception of section 138 of chapter 33 of the general laws, the term the Massachusetts Military
111 Reservation or MMR, wherever either appears in a general or special law, shall mean Joint Base
112 Cape Cod.

113 SECTION 10. Notwithstanding sections 32 to 38, inclusive, of chapter 7C of the general
114 laws or any other general or special law to the contrary, the commissioner of capital asset
115 management and maintenance may, with the concurrence of The Adjutant General, Military
116 Division, convey to the Massachusetts Development Finance Agency for one dollar fee interests
117 or any other title interest in or easements on any land or infrastructure owned by the
118 commonwealth of Massachusetts and located at Joint Base Cape Cod in the towns of Bourne,
119 Falmouth, Mashpee and Sandwich and as more generally shown on a plan entitled,
120 Massachusetts Military Reservation Cantonment Area Map dated February 2007, by one or more
121 conveyances or grants of easements. A copy of such plan is held in the offices of the division of
122 capital asset management and maintenance. The exact boundaries of any land to be conveyed or
123 easements to be granted shall be determined by the commissioner, in consultation with
124 Massachusetts Development Finance Agency, after completion of a land boundary survey by
125 Massachusetts Development Finance Agency in the event that such boundaries are not known.

126 Any land conveyed from the commonwealth of Massachusetts to Massachusetts Development
127 Finance Agency shall be used for military purposes, or used for purposes consistent with chapter
128 23G of the general laws, provided the land shall be used to encourage the development of marine
129 science, education, energy, defense, aviation, or environmental related businesses, or any other
130 economic development use that The Adjutant General approves.

131 SECTION 10. Chapter 6 is hereby amended by inserting after section 215 the following
132 section:

133 Section 216 (a) within the office of the governor there shall be established the military
134 asset and security strategy task force which shall be chaired by the governor. The task force shall
135 also be co-chaired with up to two current or former elected officials to be appointed by the
136 governor, and shall include at least one member of the federal congressional delegation, which
137 member shall serve on the task force through at least the first full year of a new gubernatorial
138 administration for continuity purposes. The task force shall consist of the following members:
139 the secretary of the executive office of public safety and security, or their designee; The Adjutant
140 General of the Massachusetts National Guard, or their designee; the Commander of the
141 Massachusetts Air National Guard, or their designee; the secretary of the executive office of
142 housing and economic development, or their designee; the secretary of the executive office of
143 labor and workforce development, or their designee; the secretary of energy and environmental
144 affairs, or their designee; the secretary of the executive office of education, or their designee; the
145 secretary of administration and finance, or their designee; the secretary of the department of
146 transportation, or their designee; the chief executive officer of the Massachusetts Port Authority,
147 or their designee; the secretary of the department of veterans services, or their designee; the
148 president and chief executive officer of Massachusetts Development Finance Agency, or their
149 designee; 2 representatives from the defense sector appointed by the Governor; 2 representatives
150 from institutions of higher education appointed by the Governor; 1 member of the senate
151 appointed by the senate president; and 1 member from the house of representatives appointed by
152 the speaker of the house.

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

154 (1) engage with leaders from the military, industry, and government and with municipal
155 officials, and community members surrounding each installation in order to enhance, expand,
156 add or otherwise improve missions, programs, facilities, and operations on or affecting the
157 military installations;

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

163 (3) develop, coordinate, and implement workforce training programs, infrastructure
164 improvements, environmental and utility savings, housing renovations or construction, and
165 transportation improvements to support the missions at each military installations;

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

168 (5) identify opportunities for local businesses, municipalities, state or public agencies,
169 community colleges or other institutions of higher education to contract and/or partner with the
170 military installations to provide goods, services, training or education.

171 (6) advise the governor and executive and legislative branch officials regarding the
172 ongoing efforts by the united states department of defense to close, realign, restructure,
173 streamline, or otherwise take actions that would impact the military installations.

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

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

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

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

188 (g) The military asset and security strategy task force will be staffed by an executive
189 director who shall be housed within the governor's office or within the Massachusetts
190 Development Finance Agency, with advice also taken from the Adjutant General of the
191 Massachusetts National Guard.