HOUSE . . . . . No. 4935

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, August 3, 2020.

The committee on State Administration and Regulatory Oversight to whom was referred the petition (accompanied by bill, House, No. 2742) of Jay D. Livingstone, Joseph A. Boncore and José F. Tosado relative to authorizing the commissioner of Capital Asset Management and Maintenance to grant easements in land for the benefit of the State House grounds and property appurtenant thereto, reports recommending that the accompanying bill (House, No. 4935) ought to pass.

For the committee,

DANIELLE W. GREGOIRE.

FILED ON: 7/31/2020

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The Commonwealth of Massachusetts

In the One Hundred and Ninety-First General Court
(2019-2020)

An Act relative to conditional access to State House grounds for temporary construction 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. Chapter 10 of the General Laws is hereby amended by inserting after section 35CCC the following section:-

Section 35DDD. There shall be established upon the books of the commonwealth a separate fund to be known as the State House Capital Fund. The fund shall be credited with all the proceeds of any license of real property related to the state house or the grounds of the state house. All monies, grants, gifts or bequests or other contributions received by the superintendent under this section shall be made payable to and deposited in the fund; provided, however that the superintendent may retain funds to be expended, after consultation with the committee on rules of the 2 branches, acting concurrently, for capital improvements to the state house or the grounds of the state house. Any revenues, deposits, receipts or funds received by the fund shall be deposited in the fund, and shall be available to the superintendent for the purposes described in this section, without further appropriation. All available moneys in the fund that are unexpended

at the end of the fiscal year shall not revert to the General fund and shall be available for expenditure in any subsequent fiscal year.

SECTION 2. (a) Notwithstanding sections 32-37, inclusive of chapter 7C of the General Laws or any other general or special law to the contrary, the governor may, in consultation with the Massachusetts Historical Commission, the commissioner of the division of capital asset management and maintenance, the commissioner of the department of conservation and recreation and the superintendent of the state police, grant a temporary construction license to the owners of and estates abutting on the land acquired by the commonwealth pursuant to chapter 256 of the acts of 1915 and chapter 250 of the acts of 1916 permitting entrance upon the grounds of the State House, including portions that may be located on Joy Place, for the erection of temporary construction equipment, including scaffolding and related appurtenances, to the extent necessary for exterior maintenance and repair of party walls and walls of buildings abutting lot lines of the state house property, and appurtenances thereto, and to perform construction work as authorized herein. The temporary construction license shall automatically terminate and expire upon the date the maintenance, repairs and construction agreed to herein are completed. The owners shall act at all times to safeguard the property and shall indemnify and hold harmless the State, including its Departments, its agents, officers and employees against any and all claims, liabilities and costs for any personal injury or property damage or other damages the state may sustain which arise out of or in connection with the temporary construction license, including negligence, reckless or intentional conduct of owners, its agents, officers, employees, contractors or subcontractors.

(b) The consideration for said license shall be for such reasonable amount as may be determined by the governor in consultation with the Massachusetts Historical Commission, the

commissioner of the division of capital asset management and maintenance, the commissioner of the department of conservation and recreation and the superintendent of the state police. All revenue received from the issuance of said license shall be deposited in the State House Capital Fund established pursuant to section 35DDD of chapter 10 of the General Laws.