

SENATE No.

The Commonwealth of Massachusetts

PRESENTED BY:

Michael J. Rodrigues

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 authorizing the department of capital asset management to lease a certain portion of state-owned land in the city of Fall River to Battleship Cove and the USS Massachusetts Memorial Committee, Inc..

PETITION OF:

NAME:

Michael J. Rodrigues

DISTRICT/ADDRESS:

First Bristol and Plymouth

SENATE No.

By Mr. Rodrigues, a petition (accompanied by bill) (subject to Joint Rule 12) of Michael J. Rodrigues for legislation to authorize the department of capital asset management to lease a certain portion of state-owned land in the city of Fall River to Battleship Cove and the USS Massachusetts Memorial Committee, Inc. State Administration and Regulatory Oversight.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Second General Court
(2021-2022)**

An Act authorizing the department of capital asset management to lease a certain portion of state-owned land in the city of Fall River to Battleship Cove and the USS Massachusetts Memorial Committee, Inc..

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. Notwithstanding sections 32 to 37, inclusive, of chapter 7C of the General
2 Laws or any other general or special law to the contrary, the commissioner of capital asset
3 management and maintenance, in consultation with the commissioner of conservation and
4 recreation, may lease for a term not to exceed 30 years, which may be renewed and extended for
5 an additional term not to exceed 30 years, a certain portion of the state-owned land on the Fall
6 River State Pier in the city of Fall River to Battleship Cove and the USS Massachusetts
7 Memorial Committee, Inc. The lease shall be subject to such terms and conditions as the
8 commissioner of capital asset management and maintenance, in consultation with the
9 commissioner of conservation and recreation, may prescribe to ensure that environmental
10 impacts associated with the use of the parcel shall be addressed and, notwithstanding any general
11 or special law to the contrary, shall provide for the lessees to operate, manage, improve, repair

12 and maintain the property. The exact boundaries of the parcel to be leased shall be determined by
13 the commissioner of capital asset management and maintenance, in consultation with the
14 commissioner of conservation and recreation, after completion of a survey in the discretion of
15 the commissioner.

16 SECTION 2. The parcel is currently held for conservation and recreation purposes under
17 the care and control of the department of conservation and recreation. The authorized use under
18 the lease would be for a war memorial and historic military museum under the care and control
19 of Battleship Cove and the USS Massachusetts Memorial Committee, Inc. The lease shall
20 contain a restriction that the parcel shall only be used for purposes associated with Battleship
21 Cove and the USS Massachusetts Memorial Committee. The consideration for the lease
22 authorized under this act shall be for \$1 annually.

23 SECTION 3. If for any reason the property leased as described in section 1 ceases to be
24 used solely for the purposes described in said section 1 and section 2, the commissioner of
25 capital asset management and maintenance, in consultation with the commissioner of
26 conservation and recreation, may terminate the lease. If the lease is terminated, the property shall
27 revert to the commonwealth under the care and control of the department of conservation and
28 recreation.

29 SECTION 4. Notwithstanding any general or special law to the contrary, the inspector
30 general shall prepare a report of his review and file the report with the commissioner for
31 submission to the house and senate committees on ways and means and the chairmen of the joint
32 committee on state administration. The commissioner shall, 30 days before the execution of any
33 agreement authorized by this act or any subsequent amendment thereto, submit the agreement or

34 amendment and a report thereon to the inspector general for his review and comment. The
35 inspector general shall issue his review and comment within 15 days of receipt of any agreement
36 or amendment. The commissioner shall submit the agreement and any subsequent amendments
37 thereto, the reports and the comments of the inspector general to the house and senate
38 committees on ways and means and the chairmen of the joint committee on state administration
39 at least 15 days before execution.

40 SECTION 5. Notwithstanding any general or special law to the contrary, Battleship Cove
41 and the USS Massachusetts Committee, Inc. shall be responsible for all costs and expenses
42 including, but not limited to, costs associated with any engineering, surveys, appraisals and lease
43 preparation related to the authorizations in this act as such costs may be determined by the
44 commissioner of capital asset management and maintenance.