

SENATE No. 1982

The Commonwealth of Massachusetts

In the Year Two Thousand Fourteen

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 [Emergency Preamble Context].

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
34 government, including municipal officials, and community members surrounding each
35 installation in order to enhance, expand, add or otherwise improve missions, programs, facilities,
36 and operations on or 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) engage with regional partners, including, but not limited to, Connecticut,
43 Maine, New Hampshire, Vermont and Rhode Island to identify opportunities to finance and
44 otherwise support military installations on a regional basis;

45 (4) develop, coordinate, and implement workforce training programs,
46 infrastructure improvements, environmental and utility savings, housing renovations or
47 construction, and transportation improvements to support the missions at each military
48 installation;

49 (5) identify initiatives that can be implemented to address or resolve operational
50 or mission weaknesses at the military installations;

51 (6) identify initiatives that will both support existing military installations and will
52 allow for future adaptive civilian use;

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

56 (8) consider establishing “military enterprise zones” for the purpose of offering
57 low-cost loans and other state assistance to municipalities and private businesses for initiatives
58 that support existing military installations, encourage private investment and job creation, and
59 diversify and revitalize local economies, without encroaching on existing military installations;
60 and

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

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

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

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

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

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

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

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

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

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

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

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

119 SECTION 6. Notwithstanding sections 32 to 38, inclusive, of chapter 7C of the General
120 Laws or any other general or special law to the contrary, the commissioner of capital asset
121 management and maintenance shall, subject to such terms and conditions as she may prescribe,
122 convey to the Massachusetts Department of Transportation a certain parcel of land owned by the

123 commonwealth located in the Towns of Mashpee, Bourne and Sandwich comprised of the
124 railroad right-of-way generally shown on the plan entitled, "Massachusetts Military Reservation
125 Cantonment Area Map". A copy of the plan is held in the offices of the division of capital asset
126 management and maintenance. The exact boundaries of the parcel of land shall be determined by
127 the commissioner, in consultation with the Massachusetts Department of Transportation, after
128 completion of a land boundary survey to be obtained by the Massachusetts Department of
129 Transportation. The Massachusetts Department of Transportation shall be responsible for all
130 costs and expenses including, but not limited to, costs associated with any engineering, surveys,
131 appraisals and lease preparation related to the conveyance authorized in this act as such costs
132 may be determined by the commissioner of capital asset management and maintenance.

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

144 SECTION 8. The secretary of administration and finance shall submit a report on the
145 progress of any projects funded under this act and included in the governor's five-year capital
146 investment plan to the clerks of the senate and house of representatives, the chairs of the senate
147 and house committees on ways and means, and the senate and house chairs of the senate and
148 house committees on bonding, capital expenditures and state assets. The report shall include, but
149 not be limited to: the previous year planned spending, previous year spending, current year
150 planned spending, current year spending to date, original estimated total project cost, project
151 description, including the purpose and intended use of the project, location of the project, type of
152 spending, type of asset and useful life of the project once completed. The report shall be
153 submitted on June 30 and December 31 of each year for a period of 8 years after the effective
154 date of this act.

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

162 SECTION 10. Notwithstanding any general or special law to the contrary, the
163 unexpended and unencumbered balances of the bond-funded authorizations in the following
164 accounts shall cease to be available for expenditure 90 days after the effective date of this act:
165 1100-1570, 1100-1580.

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

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