HOUSE DOCKET, NO. FILED ON: 1/12/2009

**HOUSE . . . . . . . . . . . . . . No.**

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The Commonwealth of Massachusetts

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

PRESENTED BY:

**Bradley H. Jones, Jr.**

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

*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 passage of the accompanying bill:

An Act relative to golf courses owned by the Commonwealth.

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

PETITION OF:

|  |  |
| --- | --- |
| Name: | District/Address: |
| Viriato Manuel deMacedo | 1st Plymouth |
| Bradley H. Jones, Jr. | 20th Middlesex |
| George N. Peterson, Jr. | 9th Worcester |
| Elizabeth Poirier | 14th Bristol |

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 33 OF 2007-2008.]

The Commonwealth of Massachusetts

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**In the Year Two Thousand and Nine**

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

An Act relative to golf courses owned by the Commonwealth.

 *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. The commissioner of the division of capital asset management and maintenance, hereinafter referred to as the commissioner, on behalf of and in consultation with the department of conservation and recreation, hereinafter referred to as the department, is hereby authorized, notwithstanding sections 40E to 40J, inclusive, of chapter 7 of the General Laws and section 54 of said chapter, and using such competitive proposal process as the commissioner of said division deems necessary or appropriate, to enter into lease or other agreements, for terms not to exceed 25 years, to provide for the continued use, operation, maintenance, repair and improvement of the following state-owned structures and facilities together with the land and appurtenances associated therewith: Ponkapoag Golf Course, Canton, and Leo J. Martin Memorial Golf Course, Weston, both of which hereinafter referred to as the properties.

Any such lease shall or agreement shall contain a provision requiring the lessee to carry comprehensive general liability insurance with the commonwealth named as a co-insured and protecting the commonwealth against any and all personal injury or property damage on the land during the term of the lease.

Such leases and other agreements shall be on terms acceptable to the commissioner after consultation with the department, and notwithstanding any general or special law to the contrary, shall provide for the management, operation, improvement, repair, and maintenance of the properties. Any provisions in such leases or agreements relative to capital improvements to the properties shall include (i) a description of the required capital improvements and (ii) performance specifications. Such leases and other agreements shall provide that any benefits to the commonwealth and the costs of improvements and repairs made to the properties provided by the tenants or the recipients of the properties shall be taken into account in determining the amount of lease payments. The commissioner, in consultation with the department, shall structure each lease or other agreement to minimize disturbance of the current rights of any tenants who may currently use any part of properties, whether under a written lease or other arrangement. All consideration paid in connection with any lease of the properties shall be deposited in the General Fund. The lessees of the properties shall bear all costs deemed necessary or appropriate by the commissioner of the division of capital asset management and maintenance for the transaction, including, without limitation, all costs for legal work, survey, title and the preparation of plans and specifications.

The division of capital asset management and maintenance, in consultation with and on behalf of the department of conservation and recreation, shall solicit proposals through a request for proposals which shall include key contractual terms and conditions to be incorporated into the contract, including but not limited to (1) a comprehensive list of all golf courses operated by the responsive bidder in the last four years, (2) other facilities management or experience of the responsive bidder, (3) other sports management experience of the responsive bidder, (4) a residential discount program, (5) reservation policies, (6) proposed reasonable rates that will ensure continued public access, (7) required financial audits, (8) policies to encourage use of the course by persons of all races and nationalities, (9) safety and security plans, (10) seasonal opening and closing dates, and (11) hours of operation.

The inspector general shall review and approve any request for proposal issued by the division before issuance.

The division, in consultation with the department, when evaluating proposals that are otherwise comparable, shall prefer any proposal to lease a course that is submitted by a city or town where the course is located.

It shall be a mandatory term of any request for proposals issued by the commissioner and of any contract entered into by the commonwealth with any party regarding the subject matter of this section that any party which has entered into a contract pursuant to this section with the commonwealth shall require, in order to maintain stable and productive labor relations and to avoid interruption of the operation of the courses and to preserve the safety and environmental conditions of those courses, that all employees currently working on the operation and maintenance of the courses be offered employment by any party entering into a contract pursuant to this section. Upon the execution of any agreements authorized by this section, the department of conservation and recreation shall reassign or relocate those employees who do not accept employment with the lesser, to comparable positions within the department subject to applicable collective bargaining agreements.

The provisions of any general or special law or rule or regulation relating to the advertising, bidding or award of contracts, to the procurement of services or to the construction and design of improvements shall not be applicable to any selected lessee which is awarded a contract pursuant to this section, except as provided in this section.