SENATE DOCKET, NO. FILED ON: 1/16/2009

**SENATE . . . . . . . . . . . . . . No.**

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The Commonwealth of Massachusetts

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PRESENTED BY:

**Brian A. Joyce**

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*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 to authorize the leasing of the Ponkapoag golf course.

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

PETITION OF:

|  |  |
| --- | --- |
| Name: | District/Address: |
| Brian A. Joyce | Norfolk, Bristol and Plymouth |

The Commonwealth of Massachusetts

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**In the Year Two Thousand and Nine**

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

An Act to authorize the leasing of the Ponkapoag golf course.

*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. . Subsection (a) of section 103 of chapter 182 of the acts of 2008 is hereby amended by striking out the first paragraph and inserting in place thereof the following paragraph:-

Notwithstanding sections 40E to 40K, inclusive, and sections 52 to 55, inclusive, of chapter 7 of the General Laws or any other general or special law to the contrary, the division of capital asset management and maintenance, on behalf of and in consultation with the department of conservation and recreation may, using such competitive proposal process as the division considers necessary or appropriate, lease and enter into other agreements, for terms not to exceed 25 years with 1 or more operators, for the Ponkapoag golf course in the town of Canton so as to provide for the continued use, operation, maintenance, repair and improvement of the golf courses, practice greens, driving range, restaurant or any other structure and associated lands which constitute the facilities of the Ponkapoag golf course; provided, however, that the division of capital asset management and maintenance, in consultation with the department of conservation and recreation shall give priority to a proposal submitted by the town of Canton or by a nonprofit organization within the town of Canton which complies with the requirements of this section.  The division of capital asset management and maintenance shall provide the town of Canton with not less than 45 days to determine whether the town shall submit a proposal before soliciting proposals under subsection (b); and provided further, that if the town of Canton executes a lease of the golf course under this section it shall not assign or otherwise transfer the lease to a third party.

SECTION 2.  The third paragraph of said subsection (a) of said section 103 of said chapter 182 is hereby amended by striking out the words "General Fund" and inserting in place thereof the following words:-   Blue Hills Reservation Trust Fund in accordance with section 34C of chapter 92 of the General Laws.

SECTION 3. Subsection (b) of said section 103 of said chapter 182 is hereby amended by striking out the first paragraph and inserting in place thereof the following paragraph:-  
            If no lease agreement is reached with the town of Canton under subsection (a) before April 1, 2009, 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 recreational facilities operated by the responsive bidder or offeror in the last 4 years; (2) other facilities management or experience of the responsive bidder or offeror; (3) a senior citizens’ and children’s discount program; (4) reservation policies; (5) proposed reasonable rates that to ensure continued public access; (6) required financial audits; (7) policies to encourage use of the golf course by persons of all races and nationalities; (8) safety and security plans; (9) seasonal opening and closing dates; (10) hours of operation; (11) holiday recognition; (12) grievance processes; (13) clubhouse license; (14) a provision that the facility shall be maintained as a 36-hole public golf course; (15) a provision that the lessee shall not construct any facilities on the grounds of the golf course or any property appurtenant thereto; provided, however, that the lessee may construct facilities with the written approval of the commissioner of conservation and recreation and the majority vote of the board of selectmen in the town of Canton; and (16) a host community agreement between the designated operator and the town of Canton. Any increase in fees, including fees for season passes or club memberships, and any increase in charges for greens’ fees or golf cart or club rentals shall be approved in writing by the commissioner of conservation and recreation; provided, however, that in considering any request for an increase in fees, the commissioner shall consider, without limitation: (i) any capital investment made by the contractor or lessee; (ii) the fees and charges at other public golf courses within reasonable proximity; and (iii) the length of time since the last fee increase.

SECTION 4.  The third paragraph of section 104 of said chapter 182 is hereby amended by striking out the words "General Fund" and inserting in place thereof the following words:-  Blue Hills Reservation Trust Fund in accordance with section 34C of chapter 92 of the General Laws.

SECTION 5.  The third paragraph of subsection (a) of section 105 of said chapter 182 is hereby amended by striking out the words "General Fund" and inserting in place thereof the following words:-  Blue Hills Reservation Trust Fund in accordance with section 34C of chapter 92 of the General Laws