

By Mr. Hodgkins of Lee, petition of Christopher J. Hodgkins and Shaun P. Kelly relative to the financing and development of a criminal detention facility and boot camp in Berkshire County. State Administration.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Ninety-Five.

AN ACT FACILITATING THE FINANCING AND DEVELOPMENT OF A NEW CRIMINAL DETENTION FACILITY AND BOOT CAMP IN BERKSHIRE COUNTY.

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. As used in this act, the following words shall have
2 the following meanings: —

3 “County”, Berkshire county, acting through its duly elected
4 commissioners or other duly authorized representatives, or any
5 governmental unit or body succeeding to the rights, properties,
6 powers, duties and responsibilities of such county.

7 “Department”, the Berkshire county sheriff’s department, or any
8 successor to the rights, powers, duties and responsibilities thereof.

9 “Financing lease”, a lease, whether entered into prior to or after
10 the effective date of this act, by the county of the site on which the
11 project is to be located to one or more entities and the simulta-
12 neous or subsequent leaseback by the county of the project for a
13 term not to exceed forty years from the date of commencement of
14 said leaseback, subject to the option or options of the county to
15 acquire the project during or upon expiration of the term of the
16 leaseback for an amount or amounts specified in the leaseback.

17 “Project”, the criminal detention facility and boot camp, so
18 called, to be constructed on a site located in the county, which
19 criminal detention facility is designed to accommodate up to four
20 hundred fifty beds and which boot camp is designed to accommo-
21 date up to two hundred beds available for the detention of pris-
22 oners of the county, the commonwealth and other political
23 subdivisions of the commonwealth.

1 SECTION 2. The design, construction and equipping, con-
2 struction management, development, financing, leasing and lease-
3 back of the project, or any part of the project, and any contract
4 relating directly or indirectly to said design, construction and
5 equipping, construction management, development, financing,
6 leasing or leaseback, shall be exempt from the provisions of sec-
7 tions thirty-eight A½ to thirty-eight O, inclusive, cause (c) of sec-
8 tion thirty-nine B, sections forty A to forty C, inclusive, section
9 forty-one B and the second and fourth paragraphs of section forty-
10 two C of chapter seven of the General Laws, section thirty-nine M
11 of chapter thirty of the General Laws, sections forty-four A to
12 forty-four M, inclusive, of chapter one hundred and forty-nine of
13 the General Laws and any other general or special law or regula-
14 tion providing for the advertising or bidding of contracts relating
15 to improvements to, leasing of, or the acquisition or disposition of
16 interests in, real or personal property.

1 SECTION 3. Notwithstanding the provisions of the first para-
2 graph of section fourteen of chapter thirty-four of the General
3 Laws, Berkshire county shall not be required to offer the real
4 estate for the project for sale or lease to the commonwealth or the
5 city or town in which it is located; nor shall said county be
6 required to further comply with the notification, publication, or
7 public hearing requirements of said section fourteen of said
8 chapter thirty-four.

1 SECTION 4. Notwithstanding the provisions of section thirty-
2 four of chapter thirty-five of the General Laws, the financing lease
3 for the project may be entered into for a period not to exceed forty
4 years.

1 SECTION 5. Notwithstanding the provisions of any general or
2 special law to the contrary, all sales, purchases and lease payments
3 made in connection with the construction, including the acquisi-
4 tion of any related personal property, operation and leasing of the
5 project, or any part of the project, shall be exempt from the provi-
6 sions of chapter sixty-four H and chapter sixty-four I of the
7 General Laws.

1 SECTION 6. No contracts may be entered into for the design,
2 construction, development, financing, management, operation,
3 leasing or leaseback of the project, or any part of the project,
4 without the approval of the county and the department, in addition
5 to any other approvals required by law. The county and the
6 department shall contract with a qualified individual or firm here-
7 inafter called the technical representative to (1) assist in the nego-
8 tiation of all contracts for the design, construction and
9 development of the project and (2) perform the functions here-
10 inafter described. Neither the county nor the department shall
11 approve any contracts in excess of one hundred thousand dollars
12 until it receives from the technical representative written findings
13 that (a) the terms of any contracts covered by the foregoing provi-
14 sion are fair and competitive; (b) the contracting parties have the
15 necessary qualifications to perform their contractual obligations
16 in a timely and satisfactory manner; (c) the design of the project
17 would satisfy the criteria established under any agreements then
18 in effect providing for the use of the project as a criminal deten-
19 tion facility and boot camp by the county, the commonwealth or
20 any political subdivision thereof and (d) the materials, if any, to
21 be used in the performance of the contract are appropriate for
22 their intended use.

1 SECTION 7. The county and the department shall jointly pre-
2 pare and file with the clerk of the house and the clerk of the
3 senate who shall forward the same to the house and senate
4 chairmen of the committees on counties within sixty days after
5 the close of each fiscal year of the county during which the pro-
6 ject is being constructed a report of the county's and the depart-
7 ment's operations and procedures under the provisions of this act.

1 SECTION 8. Notwithstanding the provisions of any general or
2 special law to the contrary, the number of prisoners of the com-
3 monwealth that are accommodated by the criminal detention
4 facility described in section one shall continue to be thirty-three
5 percent of said facility's capacity, and the boot camp facility shall
6 be fully funded by the commonwealth.

1 SECTION 9. This act shall take effect upon its passage.

The first part of the paper is devoted to a general discussion of the problem. It is shown that the problem is of great importance in the theory of the structure of matter. The second part is devoted to a detailed study of the problem. It is shown that the problem is of great importance in the theory of the structure of matter. The third part is devoted to a detailed study of the problem. It is shown that the problem is of great importance in the theory of the structure of matter. The fourth part is devoted to a detailed study of the problem. It is shown that the problem is of great importance in the theory of the structure of matter. The fifth part is devoted to a detailed study of the problem. It is shown that the problem is of great importance in the theory of the structure of matter. The sixth part is devoted to a detailed study of the problem. It is shown that the problem is of great importance in the theory of the structure of matter. The seventh part is devoted to a detailed study of the problem. It is shown that the problem is of great importance in the theory of the structure of matter. The eighth part is devoted to a detailed study of the problem. It is shown that the problem is of great importance in the theory of the structure of matter. The ninth part is devoted to a detailed study of the problem. It is shown that the problem is of great importance in the theory of the structure of matter. The tenth part is devoted to a detailed study of the problem. It is shown that the problem is of great importance in the theory of the structure of matter.