

# SENATE, No. 2146

[Senate, September 10, 2009 – New Draft of Senate, No. 747 reported from the committee on State Administration and Regulatory Oversight.]

## The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

### AN ACT RELATIVE TO MARTHA'S VINEYARD HOSPITAL.

*Whereas*, the deferred operation of this act would tend to defeat its purpose, which is to forthwith provide for the exchange of certain parcels of land in the towns of Oak Bluffs and Tisbury, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

*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.** The commissioner of capital asset management and maintenance may, in  
2           consultation with the commissioner of mental health, notwithstanding the provisions of sections 40E to  
3           40J, inclusive, of chapter 7 of the General Laws, for the consideration set forth in section 2, convey to the  
4           Martha's Vineyard Hospital, a certain parcel of land containing 1.7 acres more or less, located on  
5           Eastville Avenue in the town of Oak Bluffs, shown as lot 151 on assessor's map 4, presently under the  
6           care and control of the department of mental health and more particularly described in the deed recorded  
7           in book 303, page 516 at the Dukes County Registry of Deeds.

8           **SECTION 2.** As consideration for the conveyance of the parcel of land described in section 1,  
9           the commissioner of the division of capital asset management and maintenance shall receive not less than  
10          the fair market value of the property to be conveyed. The commissioner may receive for the department  
11          of mental health title to a certain property located at 364 State Road, in the town of Tisbury, consisting of  
12          0.38 acres more or less and more particularly described in the instrument recorded in book 565, page 745  
13          at the Dukes County Registry of Deeds, or such other real property as the commissioner in consultation  
14          with the department of mental health may deem appropriate. Said commissioner shall also receive such

15 additional consideration established to be the difference between the full and fair market value of the  
16 parcel of land described in section 1 to be conveyed and the full and fair market value of the parcel  
17 described herein to be received. Under no circumstances shall the commonwealth be obligated to pay any  
18 additional consideration to the grantee. The full and fair market value of both properties shall be  
19 determined by said commissioner on the basis of independent appraisals commissioned by said  
20 commissioner.

21 The inspector general shall review and approve said appraisals including the methodology  
22 utilized for said appraisals. Said commissioner shall, 30 days prior to the conveyance authorized by this  
23 act submit said appraisals and a report thereon to said inspector general. Said inspector general shall  
24 prepare a report of his review and approval of said appraisal and file said report with the commissioner,  
25 and copies of the same shall be filed with the house and senate committees on ways and means and with  
26 the chairmen of the joint committee on state administration at least 15 days prior to said execution.

27 **SECTION 3.** At the option of the commissioner of capital asset management, in consultation  
28 with the commissioner of mental health, any additional consideration to be paid by Martha's Vineyard  
29 Hospital may be provided by in-kind contribution in the form of goods or services including construction  
30 or renovation services, provided that the provision of an any such in-kind contribution by the hospital  
31 shall be exempt from the procurement and construction laws of the commonwealth. Any monetary  
32 consideration paid to the commonwealth for the conveyance authorized by this act shall be deposited into  
33 the General Fund.

34 **SECTION 4.** Martha's Vineyard Hospital shall be responsible for any and all costs that the  
35 commissioner of capital asset management may deem necessary in connection with the conveyances  
36 provided for in sections 1 and 2 of this act, including, but not limited to, the costs of all appraisals,  
37 surveys, deed and other document preparation, recording or filing fees and any other expenses incurred in  
38 connection with the conveyances.