

HOUSE No. 2117

The Commonwealth of Massachusetts

PRESENTED BY:

Carolyn C. Dykema

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 adoption of the accompanying bill:

An Act relative to municipal assistance for clean water and economic development infrastructure.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Carolyn C. Dykema</i>	<i>8th Middlesex</i>
<i>Chris Walsh</i>	<i>6th Middlesex</i>
<i>Richard J. Ross</i>	<i>Norfolk, Bristol and Middlesex</i>
<i>Sarah K. Peake</i>	<i>4th Barnstable</i>
<i>Denise Provost</i>	<i>27th Middlesex</i>
<i>Frank I. Smizik</i>	<i>15th Norfolk</i>
<i>Jennifer E. Benson</i>	<i>37th Middlesex</i>
<i>Jason M. Lewis</i>	<i>Fifth Middlesex</i>
<i>Kenneth I. Gordon</i>	<i>21st Middlesex</i>
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>
<i>Barbara A. L'Italien</i>	<i>Second Essex and Middlesex</i>
<i>Jonathan Hecht</i>	<i>29th Middlesex</i>
<i>Antonio F. D. Cabral</i>	<i>13th Bristol</i>
<i>Brian Murray</i>	<i>10th Worcester</i>
<i>Kate Hogan</i>	<i>3rd Middlesex</i>
<i>Louis L. Kafka</i>	<i>8th Norfolk</i>
<i>James M. Cantwell</i>	<i>4th Plymouth</i>

<i>Paul McMurtry</i>	<i>11th Norfolk</i>
<i>Paul Brodeur</i>	<i>32nd Middlesex</i>
<i>Sean Garballey</i>	<i>23rd Middlesex</i>
<i>Michael J. Barrett</i>	<i>Third Middlesex</i>
<i>Mary S. Keefe</i>	<i>15th Worcester</i>
<i>Colleen M. Garry</i>	<i>36th Middlesex</i>
<i>James M. Murphy</i>	<i>4th Norfolk</i>
<i>Paul R. Heroux</i>	<i>2nd Bristol</i>
<i>Michael S. Day</i>	<i>31st Middlesex</i>
<i>Michael O. Moore</i>	<i>Second Worcester</i>
<i>Christopher M. Markey</i>	<i>9th Bristol</i>
<i>Thomas A. Golden, Jr.</i>	<i>16th Middlesex</i>
<i>James Arciero</i>	<i>2nd Middlesex</i>

HOUSE No. 2117

By Ms. Dykema of Holliston, a petition (accompanied by bill, House, No. 2117) of Carolyn C. Dykema and others relative to the establishment of a water infrastructure improvement fund to provide assistance to cities and towns for clean water and economic development. Environment, Natural Resources and Agriculture.

The Commonwealth of Massachusetts

**In the One Hundred and Ninetieth General Court
(2017-2018)**

An Act relative to municipal assistance for clean water and economic development infrastructure.

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 capital outlay program of maintenance and improvements
2 to municipal drinking, waste and storm water infrastructure assets of the commonwealth, the sum
3 set forth in section 2 for the several purposes and subject to the conditions specified in this act, is
4 hereby made available, subject to the laws regulating the disbursement of public funds, which
5 sum is in addition to any other amounts previously appropriated for these purposes.

6 SECTION 2.

7 Massachusetts Clean Water Trust

8 For the Massachusetts Clean Water Trust established in section 2 of chapter 29C of the
9 General Laws for deposit in the Water Infrastructure Improvement Fund established in section
10 2RRRR of chapter 29 of the General Laws for application by the trust to the purposes specified

11 in section 19 of said chapter 29C; provided, that a local government unit shall comply with the
12 procedures established by the Massachusetts Clean Water Trust; provided further, that any such
13 local government unit may appropriate for such projects amounts not in excess of the amount
14 provided to the local government unit under this item, preliminary notice of which shall be
15 provided by the Massachusetts Clean Water Trust to the local government unit not later than
16 April 1 of each year; provided further, that the Massachusetts Clean Water Trust shall reimburse
17 any such local government unit under this item within 30 days after receipt by the Massachusetts
18 Clean Water Trust of a request for reimbursement from the local government unit, which request
19 shall include certification by the local government unit that actual expenses have been incurred
20 on projects eligible for reimbursement under this item, and that the work has been completed to
21 the satisfaction of the local government unit according to the specifications of the project and in
22 compliance with applicable laws and procedures established by the Massachusetts Clean Water
23 Trust.....[\$1,000,000,000]

24

25 SECTION 3. Chapter 29 of the General Laws, as appearing in the 2014 Official Edition,
26 is hereby amended by inserting, after section 2QQQQ, the following section:

27 Section 2RRRR. There shall be established and set up on the books of the commonwealth
28 a separate fund, to be known as the Water Infrastructure Improvement Fund, consisting of
29 amounts credited to the fund by appropriation of the General Court or in accordance with any
30 other general or special law. The fund shall be administered in accordance with the provisions of
31 said chapter 29C by the board of trustees of the Massachusetts Clean Water Trust and shall be
32 held in trust exclusively for the purposes and the beneficiaries described therein. The state

33 treasurer shall be treasurer and custodian of the fund and shall have the custody of its monies and
34 securities. Said amounts shall be used solely for the administration of the provisions of section
35 19 of said chapter 29C.

36 SECTION 4. Chapter 29C of the General Laws is hereby amended by adding the
37 following section:

38 Section 19. (a) For purposes of this section the following terms shall, unless the context
39 clearly requires otherwise, have the following meanings:-

40 “Base allocation”, the sum of: (i) the total number of road miles in the commonwealth
41 multiplied by 58.33; (ii) the population of the commonwealth multiplied by 20.83 per cent; and
42 (iii) the total number of persons employed in the commonwealth multiplied by 20.83%, such sum
43 being divided by the total number of municipalities in the commonwealth.

44 “Employment factor”, the number of persons employed within the borders of the
45 municipality.

46 “Population factor”, the population of a municipality.

47 “Road miles factor”, the number of road miles contained within a municipality.

48 (b) In addition to the powers and duties of the board otherwise provided, the trust is
49 hereby designated to establish and administer the Water Infrastructure Improvement Fund,
50 established under section 2RRRR of chapter 29. The monies in the fund, which shall be under
51 the control of the board and not subject to appropriation, shall be used as provided in subsection
52 (c).

53 (c) The board shall apply monies in the Water Infrastructure Improvement Fund for the
54 purpose of providing grants to local governmental units to provide for a capital outlay program
55 of maintenance and improvements to municipal drinking, waste and storm water infrastructure
56 assets. The amount of percentage of funds available to a municipality fund assets to be allocated
57 as a grant funding for municipalities shall be determined using the following formula: by finding
58 the sum of: (i) the road miles factor multiplied by 58.33 percent; (ii) the population factor
59 multiplied by 20.83 per cent; and (iii) the employment factor multiplied by 20.83 per cent and
60 dividing such sum by the base allocation.

61 (d) In order to receive a grant pursuant to this section, a local governmental unit shall:

62 (1) develop and maintain an asset management plan, which has been approved by the
63 department;

64 (2) implement a full cost pricing program, as prescribed and approved by the department;

65 (3) comply with department regulations, comply with the Water Management Act, and
66 obtain National Pollutant Discharge Elimination permits, as applicable;

67 (4) submit an application for the grant, on such form and at some time as the board shall
68 prescribe.

69 SECTION 5. To meet the expenditures necessary in carrying out section 2, the state
70 treasurer shall, upon request of the governor, issue and sell bonds of the commonwealth in an
71 amount to be specified by the governor from time to time but not exceeding, in the aggregate,
72 \$1,000,000,000. All such bonds issued by the commonwealth shall be designated on their face,
73 Maintenance and Improvement of Municipal Water Infrastructure Act of 2018, and shall be

74 issued for a maximum term of years, not exceeding 30 years, as the governor may recommend to
75 the general court under section 3 of Article LXII of the Amendments to the Constitution;
76 provided, however, that all such bonds shall be payable not later than June 30, 2048. All interest
77 and payments on account of principal on these obligations shall be payable from the General
78 Fund. Notwithstanding any other provision of this act, bonds and interest thereon issued under
79 this section shall be general obligations of the commonwealth.