

HOUSE No. 3690

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, October 21, 2013.

The committee on State Administration and Regulatory Oversight to whom was referred the message from His Excellency the Governor recommending legislation relative to providing for capital facility repairs and improvements for the Commonwealth (House, No. 3335), reports recommending that the accompanying bill (House, No. 3690) ought to pass.

For the committee,

PETER V. KOCOT.

The Commonwealth of Massachusetts

—————
In the Year Two Thousand Thirteen
—————

An Act providing for capital facility repairs and improvements for the Commonwealth.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to provide forthwith for the immediate capital improvement needs of the commonwealth, 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. To provide for a program of capital facility repairs and improvements to
2 protect and improve the capital facilities of the commonwealth and for a program of capital asset
3 acquisitions for general government operations, the sums set forth in sections 2, 2A, 2B and 2C,
4 inclusive, for the several purposes and subject to the conditions specified in this act are hereby
5 made available, subject to the laws regulating the disbursement of public funds, which sums shall
6 be in addition to any other amounts previously appropriated for these purposes; provided, that
7 the amounts specified in an item or for a particular project may be adjusted in order to facilitate
8 projects authorized in this act.

9 SECTION 2.

10 EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE

11 Division of Capital Asset Management and Maintenance

12 1102-2009 For costs associated with planning and studies, dispositions, acquisition of
13 land and buildings and interests therein by purchase, prepayment of lease for a term that exceeds
14 the useful life of the facility, gifts, or other transfers, or by eminent domain under chapter 79 of
15 the General Laws, for the preparation of plans and specifications, disparity studies, repairs,
16 construction, renovations, improvements, asset management and demolition, disposition and
17 remediation of state-owned and former county facilities and grounds and for costs associated
18 with repair and maintenance of buildings and building systems and equipment at various

19 facilities of the commonwealth; provided, that all maintenance and repair work funded in this
20 item shall be listed in the capital asset management information system administered by the
21 division of capital asset management and maintenance; provided further, that, where appropriate,
22 the commissioner of capital asset management and maintenance may transfer funds in
23 accordance with the delegation of project control and supervision process under section 5 of
24 chapter 7C of the General Laws; provided further, that funds so transferred shall be distributed
25 based on the severity of the need that the repair will address and other criteria developed by the
26 division, in consultation with the secretary of administration and finance; provided further, that
27 costs payable from this item shall include, but not be limited to, the costs of leases of temporary
28 relocation space or equipment as required for completion of a project, the costs of engineering
29 and other services essential to these projects rendered by division of capital asset management
30 and maintenance employees or by consultants; and provided further, that amounts expended for
31 division employees may include the salary and salary-related expenses of these employees to the
32 extent that they work on or in support of these projects; and provided that \$4,000,000 shall be
33 expended for the engineering , design and reconstruction of the historic Hampshire Courthouse
34 \$354,000,000

35 4000-2022 For costs associated with planning and studies, dispositions, acquisition of
36 land and buildings and interests therein by purchase, prepayment of lease for a term that exceeds
37 the useful life of the facility, gifts, or other transfers, or by eminent domain under chapter 79 of
38 the General Laws, for the preparation of plans and specifications, repairs, construction,
39 renovations, improvements, asset management and demolition for health and human services
40 facilities, all as the commissioner of capital asset management and maintenance, in consultation
41 with the secretary of health and human services and the appropriate commissioners of the
42 departments within the executive office, shall consider appropriate; provided further, that costs
43 payable from this item shall include, but not limited be to, the costs of leases of temporary
44 relocation space or equipment as required for completion of a project, the costs of engineering
45 and other services essential to these projects rendered by division of capital asset management
46 and maintenance employees or by consultants; and provided further, that amounts expended for
47 division employees may include the salary and salary-related expenses of these employees to the
48 extent that they work on or in support of these projects provided, that \$28,175,000 be expended
49 for the costs associated with the repair, renovation or construction of the skilled nursing facility
50 operated by the Sisters of Providence Health System, located in the town of Montague, which
51 shall maintain a minimum of seventy percent of said facility’s beds for medically-involved
52 mentally ill individuals. MassHealth shall determine a rate structure for said facility that
53 promotes quality

54 patient care and provides for the reimbursement to the Commonwealth of all bonding
55 costs over a twenty-five year period \$328,175,000

56 1102-2014 For costs associated with improving accessibility of state facilities, including
57 but not limited to, strategic accessibility assessments, accessibility transition plans, technical

58 assistance to state agencies, consultants relative to the preparation of strategic accessibility
59 assessments, transition plans or provision of technical assistance to state agencies, planning and
60 studies, and costs associated with repairs, improvements, construction, asset management,
61 demolition and maintenance of buildings and building systems; provided, that all transition
62 planning elements, planning and studies, maintenance and repair work undertaken pursuant to
63 this item shall be listed in the capital asset management information system administered by the
64 division of capital asset management and maintenance; provided further, that the use of funds
65 from this item shall be approved by the commissioner of capital asset management and
66 maintenance and the secretary of administration and finance or his designee; provided further,
67 that costs payable from this item shall include, but not limited be to, the costs of leases of
68 temporary relocation space or equipment as required for completion of a project, the costs of
69 engineering and other services essential to these projects rendered by division of capital asset
70 management and maintenance employees or by consultants; and provided further, that amounts
71 expended for division employees may include the salary and salary-related expenses of these
72 employees to the extent that they work on or in support of these projects
73 \$25,000,000

74 SECTION 2A.

75 EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE

76 Office of the Secretary

77 0640-0302. For the Massachusetts Cultural Facilities Fund established in section 42 of
78 chapter23G of the General Laws for the acquisition, design, construction, repair, renovation,
79 rehabilitation or other capital improvement or deferred maintenance to a cultural facility
8050,000,000

81 1100-3002 For a grant program to vocational schools for the purpose of providing
82 funding for the purchase and installation of equipment, under rules adopted by secretary of the
83 executive office for administration and finance and secretary of the executive office for
84 education
85\$8,000,000

86 Division of Capital Asset Management and Maintenance

87 1100-3003 For a grant program to cities and towns for the purpose of providing funding
88 for the repair, renovation or construction of municipal facilities or infrastructure or of any
89 cultural, social, recreational or other facilities serving a municipal purpose, including those
90 owned or operated by nonprofit organizations, technology upgrades and purchase of equipment,
91 under rules adopted by the executive office for administration and finance based upon the
92 following criteria: an assessment of fiscal and budgetary constraints facing the municipality; an
93 analysis of the municipality’s proposed budget and financing of the repair, renovation, or

94 construction project; the municipality’s need for the project; the benefits to the municipality that
95 will result from the project; and an overall evaluation of the merits of the grant proposal;
96 provided, that the executive office of administration and finance may expend not more than 1 per
97 cent of the total amount available for the cost of administering this program provided, that not
98 less than \$2,000,000 shall be expended for the repair, renovation or improvement of municipally-
99 owned theatres that have been in operation for at least 75 years, and provided further, that
100 \$25,420,000 shall be expended for the Phase III expansion of MASS MoCA (the Massachusetts
101 Museum of Contemporary Art), located in North
102 Adams.....\$37,420,000.”

103 Board of Library Commissioners

104 7000-9091 For a program of grants to cities and towns for approved public library
105 projects under sections 19G to 19I, inclusive, of chapter 78 of the General Laws; provided, that
106 not more than \$500,000 shall be expended by the board of library commissioners for the
107 administrative costs directly attributable to the projects funded in this item, including the costs of
108 temporary personnel; provided further, that no permanent personnel shall be compensated from
109 this item; and provided further, that the board shall file an annual spending plan with the
110 executive office for administration and finance and the house and senate committees on ways
111 and means which details, by subsidiary, all temporary personnel and administrative costs charged
112 to this item..... \$150,000,000

113 EXECUTIVE OFFICE OF PUBLIC SAFETY AND SECURITY

114 Office of the Secretary

115 8000-3501 For a grant program to cities and towns to provide funding for the repair,
116 renovation, purchase or construction of municipal public safety facilities and equipment, under
117 rules adopted by the executive office of public safety and security based upon the following
118 criteria: an assessment of fiscal and budgetary constraints facing the municipality; an analysis of
119 the municipality’s proposed budget and financing of the repair, renovation, or construction
120 project; the municipality’s need for the project; the benefits to the municipality that will result
121 from the project; and an overall evaluation of the merits of the grant proposal; provided, that the
122 executive office may expend not more than 1 per cent of the total amount available for the cost
123 of administering this program provided, that \$1,000,000 shall be expended for the purchase and
124 installation of portable and mobile radios and in-vehicle repeaters capable of transmitting and
125 receiving on the Commonwealth’s P-25 public safety radio network, provided further, that all
126 said radios shall be issued to public safety officers delivering services in the towns of Chester,
127 Chesterfield, Cummington, Goshen, Hatfield, Huntington, Montgomery, Pelham, Plainfield,
128 Russell, Westhampton, Williamsburg and Worthington\$11,000,000

129 SECTION 2B.

130 EXECUTIVE OFFICE OF PUBLIC SAFETY AND SECURITY

131 Office of the Secretary

132 8000-0701 For equipment for the department of correction and other agencies within the
133 executive office of public safety and security including, but not limited to, medical equipment,
134 security equipment, communications equipment and
135 vehicles.....\$10,000,000

136 8000-2021 For the design, construction and implementation of the department of state
137 police mobile data network and an automated motor vehicle citation system, including the use of
138 “MDT” devices.....
139 \$15,000,000

140 8100-2026 For the replacement of state police cruisers; provided, that the state police
141 shall develop a 5-year plan which specifies the number of vehicles to be replaced each fiscal year
142 over a 5-year period;.....
143 \$50,000,000

144 SECTION 2C.

145 EXECUTIVE OFFICE OF PUBLIC SAFETY AND SECURITY

146 Office of the Secretary

147 8000-2022 For a program of grants to municipalities for the design, construction and
148 implementation of an automated motor vehicle citation system, including the use of “MDT”
149 devices under rules adopted by the executive office for public safety and security; provided, that
150 for projects which the secretary of administration and finance certifies to the comptroller directly
151 or indirectly generate new state revenue or budgetary savings, the comptroller shall transfer those
152 budgetary savings or revenue to the state treasurer for payment of debt service related to those
153 projects.....\$20,000,000

154 SECTION 3. To meet the expenditures necessary in carrying out section 2, the state
155 treasurer shall, upon request of the governor, issue and sell bonds of the commonwealth in an
156 amount to be specified by the governor from time to time but not exceeding, in the aggregate,
157 \$707,175,000. All such bonds issued by the commonwealth shall be designated on their face,
158 Capital Improvement Act of 2013, and shall be issued for a maximum term of years, not
159 exceeding 30 years, as the governor may recommend to the general court under section 3 of
160 Article LXII of the Amendments to the Constitution. The bonds shall be payable not later than
161 June 30, 2048. All interest and payments on account of principal on these obligations shall be
162 payable from the General Fund. Bonds and interest thereon issued under this section shall,
163 notwithstanding any other provisions of this act, be general obligations of the commonwealth.

164 SECTION 4. To meet the expenditures necessary in carrying out section 2A, the state
165 treasurer shall, upon request of the governor, issue and sell bonds of the commonwealth in an
166 amount to be specified by the governor from time to time but not exceeding, in the aggregate,
167 \$256,420,000. All such bonds issued by the commonwealth shall be designated on their face,
168 Capital Improvement Act of 2013, and shall be issued for a maximum term of years, not
169 exceeding 30 years, as the governor may recommend to the general court under section 3 of
170 Article LXII of the Amendments to the Constitution. The bonds shall be payable not later than
171 June 30, 2048. All interest and payments on account of principal on these obligations shall be
172 payable from the General Fund. Bonds and interest thereon issued under this section shall,
173 notwithstanding any other provisions of this act, be general obligations of the commonwealth.

174 SECTION 5. To meet the expenditures necessary in carrying out section 2B, the state
175 treasurer shall, upon request of the governor, issue and sell bonds of the commonwealth in an
176 amount to be specified by the governor from time to time but not exceeding, in the aggregate,
177 \$75,000,000. All such bonds issued by the commonwealth shall be designated on their face,
178 Capital Improvements Loan Act of 2013, and shall be issued for a maximum term of years, not
179 exceeding 10 years, as the governor may recommend to the general court under section 3 of
180 Article LXII of the Amendments to the Constitution. The bonds shall be payable not later than
181 June 30, 2028. All interest and payments on account of principal on these obligations shall be
182 payable from the General Fund. Bonds and interest thereon issued under this section shall,
183 notwithstanding any other provisions of this act, be general obligations of the commonwealth.

184 SECTION 6. To meet the expenditures necessary in carrying out section 2C, the state
185 treasurer shall, upon request of the governor, issue and sell bonds of the commonwealth in an
186 amount to be specified by the governor from time to time but not exceeding, in the aggregate,
187 \$20,000,000. All such bonds issued by the commonwealth shall be designated on their face,
188 Capital Improvements Loan Act of 2013, and shall be issued for a maximum term of years, not
189 exceeding 10 years, as the governor may recommend to the general court under section 3 of
190 Article LXII of the Amendments to the Constitution. The bonds shall be payable not later than
191 June 30, 2028. All interest and payments on account of principal on these obligations shall be
192 payable from the General Fund. Bonds and interest thereon issued under this section shall,
193 notwithstanding any other provisions of this act, be general obligations of the commonwealth.

194 SECTION 7. The secretary of administration and finance shall submit a report on the
195 progress of any projects funded through the authorizations in this act and included in the
196 governor's 5-year capital investment to the clerks of the senate and house of representatives, the
197 chairs of the senate and house committees on ways and means, and the senate and house chairs
198 of the joint committee on bonding, capital expenditures and state assets. The report shall include,
199 but not be limited to: the previous year planned spending, previous year spending, current year
200 planned spending, current year spending to date, original estimated total project cost, project
201 description, location of the project, type of spending, type of asset and useful life of the project

202 once completed. The report shall be submitted not later than June 30 and December 31 of each
203 year for a period of 8 years after the effective date of this act.

204 SECTION 8. To provide for the continued availability of certain bond-funded spending
205 authorizations which otherwise would expire, the balances of the following appropriation items
206 and any allocations thereof shall be extended through June 30, 2017, for the purposes of and
207 subject to the conditions stated for these items in the original authorizations and any amendments
208 to such authorizations: 0330-2223, 0526-2012, 0640-0301, 1100-1570, 1100-1580, 1100-3001,
209 1100-7500, 1100-7981, 1100-7985, 1100-8000, 1100-8001, 1100-8020, 1100-9200, 1100-9520,
210 1102-0004, 1102-1994, 1102-5600, 1102-7967, 1599-4994, 1599-7156, 4000-2020, 5500-9400,
211 5500-9405, 6001-0816, 6001-0817, 6001-0818, 7000-9090, 7002-0015, 7007-6300, 7007-9040,
212 7066-2010, 7066-8000, 7100-1000, 7411-7960, 8000-0700, 8000-2020, 8000-3500, 8000-4900,
213 8100-2025, 8100-9000, 8500-1000, 8900-7500, 8900-8500 and 8910-0023

214 SECTION 9. (a) To carry out the purposes of items 1102-2009, 1102-2014, 1100-3003,
215 and 4000-2022, the commissioner of capital asset management and maintenance may,
216 notwithstanding sections 32 to 37, inclusive, of chapter 7C of the General Laws or any other
217 general or special law to the contrary, but subject to this subsection, acquire, by purchase,
218 prepayment of lease for a term that exceeds the useful life of the facility, gifts, or other transfers,
219 or by eminent domain under chapter 79 of the General Laws, any interests in land and buildings
220 considered necessary by the commissioner to carry out the purposes of this act including, but not
221 limited to, easements for drainage, access, utilities and environmental mitigation and may grant
222 and retain such easements and interests as considered necessary by the commissioner to carry out
223 the purposes of this act.

224 (b) The commissioner shall solicit proposals for any facility acquisition through requests
225 for proposals. Each request for proposals shall, at a minimum, include: (1) a description of the
226 facility for which proposals are sought; (2) a statement as to whether the commissioner seeks to
227 purchase or lease the facilities; (3) a statement as to whether the commissioner seeks to acquire
228 improved or unimproved land, buildings and interests therein; (4) a statement as to whether the
229 selected proposer shall be required to undertake the design, construction, renovation,
230 reconstruction, alteration, improvement, demolition, expansion or management of a new or
231 existing facility; (5) the proposed contractual terms and conditions, some of which may be
232 considered mandatory or nonnegotiable, (6) the evaluation criteria that will be utilized by the
233 commissioner; (7) the time and date for receipt of proposals; (8) the address of the office to
234 which proposals shall be delivered; and (9) such other matters as may be determined by the
235 commissioner. Public notice of each request for proposals shall be published at least 3 weeks
236 before the time specified in the notice for the receipt of proposals in the central register published
237 by the state secretary. At the opening of the proposals, the commissioner shall prepare a register
238 of proposals which shall include the name of each proposer. The register of proposals shall be
239 open for public inspection. Notwithstanding any general or special law to the contrary, until the

240 completion of the selection process, the contents of the proposals and the selection process shall
241 not be disclosed to competing proposers and shall not be public documents.

242 (c) Any design, construction, renovation, reconstruction, alteration, improvement,
243 demolition, expansion or management of a facility undertaken under this section shall be subject
244 to chapters 7C, 30 and 149 of the General Laws and any other general or special law or
245 regulation governing the design, construction, renovation, reconstruction, alteration,
246 improvement, demolition, expansion or management of real or personal property by the
247 commonwealth.

248 (d) The commissioner shall solicit proposals for temporary relocation space as required
249 for completion of a project funded under items 1102-2009, 1102-2014, 1100-3003, or 4000-2022
250 in accordance with section 37 of chapter 7C of the General Laws.

251 SECTION 10. The division of capital asset management and maintenance may transfer
252 care, custody, control and jurisdiction of a parcel of commonwealth land with the buildings
253 thereon located at Leverett circle in the city of Boston, currently used by the department of state
254 police, from the department of conservation and recreation to the department of state police. The
255 exact boundaries of the parcel to be transferred may be determined by the division of capital
256 asset management and maintenance in consultation with the department of conservation and
257 recreation and the department of state police. Transfer of the parcel shall be without
258 consideration and shall not be subject to chapter 7C of the General Laws. The division of capital
259 asset management and maintenance may, as necessary, clear title to the parcel to be transferred
260 by eminent domain taking.

261 SECTION 11. The division of capital asset management and maintenance may transfer
262 care, custody, control and jurisdiction of a parcel of vacant commonwealth land in the town of
263 Middleton from the department of mental health to the department of youth services for use as a
264 location for a new department of youth services facility. The parcel to be transferred contains
265 approximately 9.295 acres and is shown on a plan on file with the division. The exact
266 boundaries of the parcel to be transferred are to be determined by the division of capital asset
267 management and maintenance. Transfer of the parcel shall be without consideration and shall not
268 be subject to chapter 7C of the General Laws. The division of capital asset management and
269 maintenance may, as necessary, clear title to the parcel to be transferred by eminent domain
270 taking.