

HOUSE No. 4790

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, May 17, 2022.

The committee on Ways and Means, to whom was referred the Bill financing the general governmental infrastructure of the Commonwealth (House, No. 4759), reports recommending that the same ought to pass with an amendment substituting therefor the accompanying bill (House, No. 4790). [Bond Issue: General Obligation Bonds: \$4,880,875,000.00]

For the committee,

AARON MICHLEWITZ.

HOUSE No. 4790

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Second General Court
(2021-2022)**

An Act financing the general governmental infrastructure of the Commonwealth.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to provide forthwith for the general governmental infrastructure 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 investments for capital asset
2 acquisitions, dispositions, public safety, governmental infrastructure, improvements to various
3 state programs, services, agencies, institutions and properties, the sums set forth in this act, for
4 the several purposes and subject to the conditions specified in this act, are hereby made
5 available, subject to the laws regulating the disbursement of public funds, which sums shall be in
6 addition to any other amounts previously appropriated for these purposes; provided, that the
7 amounts specified for a particular project may be adjusted in order to facilitate projects
8 authorized in this act.

9 SECTION 2.

10 EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE

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Office of the Secretary

0640-0307 For the Massachusetts Cultural Facilities Fund established in section 42 of chapter 23G of the General Laws for the acquisition, design, construction, repair, renovation, rehabilitation or other capital improvement or deferred maintenance to a cultural facility.....\$50,000,000

1100-2515 For a grant program to cities, towns, regional organizations whose membership is exclusively composed of municipal governments or municipal redevelopment authorities or agencies, or similar governmental development agencies to provide funding for capital purposes, including, but not limited to, planning and studies, preparation of plans and specifications, site assembly and preparation, dispositions, acquisitions, repairs, renovations, improvements, construction, demolition, remediation, modernization and reconstruction of facilities, infrastructure, equipment and other capital assets, technical assistance, information technology equipment and infrastructure and for costs associated with improving accessibility of municipal facilities, including, but not limited to, assessments, transition plans, technical assistance to cities, towns, municipal councils on aging and disability and regional organizations whose membership is exclusively composed of municipal governments, under guidelines adopted by the secretary of administration and finance.....\$100,000,000

Department of Revenue

1201-0002 For the division of local services within the department of revenue, for grants to carry out the Community Compact Information Technology Grant Program established in conjunction with Executive Order 554.....\$30,000,000

Division of Capital Asset Management and Maintenance

33 1102-2021 For costs associated with planning and studies, dispositions, acquisition of
34 land and buildings and interests therein by purchase, prepayment of lease for a term that exceeds
35 the useful life of the facility, gift or other transfer or by eminent domain pursuant to chapter 79
36 of the General Laws, for the preparation of plans and specifications, disparity studies, repairs,
37 construction, renovations, improvements, asset management, accessibility improvements,
38 demolition, disposition and remediation of state-owned and former county facilities and grounds
39 and for costs associated with repair and maintenance of buildings and building systems and
40 equipment at various facilities of the commonwealth; provided, that any federal reimbursement
41 received by a state agency in connection with projects funded from this item may be retained by
42 the executive office for administration and finance and expended for the purposes of the project,
43 without further appropriation, in addition to the amounts appropriated in this item; provided
44 further, that all maintenance and repair work funded in this item shall be listed in the capital asset
45 management information system administered by the division of capital asset management and
46 maintenance; and provided further, that where appropriate, the commissioner of capital asset
47 management and maintenance may transfer funds authorized herein in accordance with a
48 delegation of project control and supervision process pursuant to section 5 of chapter 7C of the
49 General Laws; and provided further, that funds so transferred shall be distributed based on the
50 severity of the need that the repair shall address and other criteria developed by the division, in
51 consultation with the secretary of administration and finance.....\$975,000,000

52 4000-2028 For costs associated with planning and studies, dispositions, acquisition of
53 land and buildings and interests therein by purchase, prepayment of lease for a term that exceeds
54 the useful life of the facility, gift or other transfer or by eminent domain pursuant to chapter 79
55 of the General Laws, for the preparation of plans and specifications, repairs, construction,

56 renovations, improvements, modernization, construction, reconstruction, furnishing, equipping,
57 acquiring, remodeling, refurbishing, asset management, accessibility improvements, demolition,
58 disposition and remediation of facilities and grounds operated by the various departments within
59 the executive office of health and human services, all as the commissioner of capital asset
60 management and maintenance, in consultation with the secretary of health and human services
61 and the appropriate commissioners of the departments within the executive office, shall consider
62 appropriate; provided, that costs payable from this item shall include, but shall not be limited to,
63 the costs of leases of temporary relocation space or equipment as required for completion of a
64 project; and provided further, that any federal reimbursement received by a state agency
65 including, but not limited to, projects related to the provision of health care, human services, and
66 veterans' services in connection with projects funded from this item may be retained by the
67 executive office for administration and finance and expended for the purposes of the project,
68 without further appropriation, in addition to the amounts appropriated in this
69 item.....\$820,000,000

70 7066-2011 For costs associated with plans and specifications, planning and studies,
71 repairs, reconstruction, demolition, remediation, rehabilitation, modernization, disposition,
72 renovations, improvements and maintenance at Massachusetts public higher education campus
73 facilities and grounds; provided, that all projects approved for design and construction by the
74 division of capital asset management and maintenance shall be consistent in priority and need
75 with regional capital master plans developed by the division of capital asset management and
76 maintenance, in consultation, as applicable, with the presidents of the community colleges, state
77 universities and the University of Massachusetts and approved by the board of higher education,
78 with respect to the community colleges and state universities or approved by the board of

79 trustees of the University of Massachusetts, as applicable; and provided further, that all
80 maintenance and repair work funded by this item shall be included in the capital asset
81 management information system administered by the division of capital asset management and
82 maintenance\$750,000,000

83 8000-2028 For costs associated with planning and studies, dispositions, acquisition of
84 land and buildings and interests therein by purchase, prepayment of lease for a term that exceeds
85 the useful life of the facility, gift or other transfer or by eminent domain pursuant to chapter 79
86 of the General Laws, for the preparation of plans and specifications, repairs, construction,
87 renovations, improvements, remediation, rehabilitation, modernization and demolition for public
88 safety and security facilities, all as the commissioner of capital asset management and
89 maintenance, in consultation with the secretary of public safety and security and the appropriate
90 commissioners of the departments within the executive office, shall consider appropriate;
91 provided, that costs payable from this item shall include, but not be limited to, the costs of leases
92 of temporary space or equipment as required for completion of a project\$530,000,000

93 SECTION 2A.

94 EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE

95 *Division of Capital Asset Management and Maintenance*

96 JUDICIARY

97 *Trial Court*

98 1102-2022 For capital needs at court facilities, including, but not limited to,
99 expenditures for the planning, design and acquisition of land and buildings and interests therein

100 by purchase, lease for a term, including any extensions, not to exceed 50 years, gift or other
101 transfer or by eminent domain under chapter 79 of the General Laws, the preparation of plans
102 and specifications, the construction, renovation, reconstruction, alteration, improvement,
103 demolition, expansion, repair and improvements, including furnishings and equipment and
104 temporary relocation costs, as needed for priority projects identified by the division of capital
105 asset management and maintenance and the executive office of the trial court, for building
106 repairs necessary to correct unsafe and overcrowded conditions, for the remediation of life safety
107 code violations, for the remediation of access code and civil rights violations, for the remediation
108 of environmental hazards and for security improvements and other necessary repairs at court
109 facilities owned by the commonwealth or by political subdivisions of the commonwealth;
110 provided, that expenditures made from this item shall include, but not be limited to, expenditures
111 for the projects identified through the court capital repair needs assessment database as
112 developed and maintained by the division of capital asset management and maintenance and
113 reviewed and approved by the executive office of the trial court\$675,000,000

114 SECTION 2B.

115 EXECUTIVE OFFICE OF HOUSING AND ECONOMIC DEVELOPMENT

116 *Office of the Secretary*

117 7002-1500 For grants administered by Massachusetts Technology Development
118 Corporation established in section 2 of chapter 40G of the General Laws, and doing business as
119 MassVentures; provided, that such grants shall be made on a competitive basis to growing
120 Massachusetts-based companies commercializing technologies developed with assistance of a
121 Small Business Innovation Research or Small Business Technology Transfer grant from a federal

122 agency, including, but not limited to, the United States Department of Defense, the United States
123 Department of Energy, or the National Science Foundation.....\$16,125,000

124 *Department of Housing and Community Development*

125 7004-0062 For the purpose of state financial assistance in the form of grants or loans
126 for the Housing Stabilization and Investment Trust Fund established in section 2 of chapter 121F
127 of the General Laws and awarded only pursuant to the criteria established in said section 2 of
128 said chapter 121F; provided, that not less than 25 per cent shall be used to fund projects which
129 preserve and produce housing for families and individuals with incomes of not more than 30 per
130 cent of the area median income, as defined by the United States Department of Housing and
131 Urban Development; provided further, that if the department of housing and community
132 development has not spent the amount authorized under the bond cap for this program, at the end
133 of each year following the effective date of this act, the department may award the remaining
134 funds to projects that serve households earning more than 30 per cent of the area median income,
135 as defined by the United States Department of Housing and Urban Development; provided
136 further, that the department of housing and community development may expend an amount not
137 to exceed \$10,000,000 to stabilize and promote reinvestment, through homeownership, in areas
138 the department of housing and community development has determined to be weak markets as
139 indicated by a high concentration of assisted rental housing, a low rate of homeownership, low
140 median family income, low average sales prices, high levels of unpaid property taxes or vacant
141 or abandoned buildings, by waiving the requirements of this item and said chapter 121F and by
142 subsidizing the purchase price, borrowing costs or costs of renovation or new construction of 2 to
143 6 unit residential buildings for a person who shall own the property and occupy any portion of
144 the property as the person's primary residence for at least 5 years from the date of purchase;

167 and workforce development priorities; provided, that grant applications may facilitate
168 collaboration to provide students enrolled in eligible vocational technical schools with
169 postsecondary opportunities consistent with those reported in clause (o) of the first paragraph of
170 section 22 of chapter 15A of the General Laws and section 37A of chapter 74 of the General
171 Laws; provided further, that community colleges and innovation centers that receive funds from
172 the Massachusetts Life Sciences Center shall also be eligible for funds from this program;
173 provided further, that the executive office of education, in consultation with the executive office
174 of housing and economic development and the executive office of labor and workforce
175 development, shall adopt additional guidelines as necessary for the administration of the
176 program; and provided further, that awards may be made to community-based organizations with
177 recognized success in training adults with barriers to employment.....\$100,000,000

178 SECTION 2C.

179 TREASURER AND RECEIVER GENERAL

180 0640-1005 For the water pollution abatement trust established in section 2 of chapter
181 29C of the General Laws for deposit in the Water Pollution Abatement Revolving Fund
182 established in section 2L of chapter 29 of the General Laws for application by the trust to the
183 purposes specified in section 5 of said chapter 29C, any portion of which may be used as a
184 matching grant by the commonwealth to federal capitalization grants received under Title VI of
185 the federal Clean Water Act or for deposit in the Drinking Water Revolving Fund established in
186 section 2QQ of said chapter 29 for application by the trust to the purposes specified in section 18
187 of said chapter 29C, any portion of which may be used as a matching grant by the
188 commonwealth to federal capitalization grants received under the federal Safe Drinking Water

189 Act; provided, that funds may be used to assist homeowners in complying with the revised Title
190 5 of the state environmental code for subsurface disposal of sanitary waste.....\$64,000,000

191 EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE

192 *Division of Capital Asset Management and Maintenance*

193 1102-2023 For costs associated with the implementation of Executive Order 594 to
194 decarbonize and minimize the environmental impacts of state-owned facilities, equipment and
195 related capital assets by reducing or eliminating emissions from on-site use of fossil fuels,
196 increasing energy and water efficiency, deploying renewable and clean energy resources, and
197 improving resilience and climate change readiness, including costs associated with planning and
198 studies, prepayment of lease for a term that exceeds the useful life of the facility, gifts or other
199 transfers or by eminent domain under chapter 79 of the General Laws, for the preparation of
200 plans and specifications, repairs, construction, renovations, improvements, asset management
201 and demolition, disposition and remediation of state-owned and former county facilities and
202 grounds and repair and maintenance of buildings and building systems and equipment at various
203 state-owned facilities; provided, that all maintenance and repair work funded in this item shall be
204 listed in the capital asset management information system administered by the division of capital
205 asset management and maintenance; provided further, that the commissioner of capital asset
206 management and maintenance may, if appropriate, transfer funds in accordance with the
207 delegation of project control and supervision process under section 5 of chapter 7C of the
208 General Laws; provided further, that costs payable from this item shall include, but not be
209 limited to, the costs of engineering and other services essential to these projects rendered by the
210 division of capital asset management and maintenance employees or by consultants; provided

211 further, that amounts expended for employees of the division of capital asset management and
212 maintenance may include the salary and salary-related expenses of such employees to the extent
213 that such employees work on or in support of these projects; provided, however, that the division
214 shall not expend more than 5 per cent of the funds authorized in this item for such costs; and
215 provided further, that the commissioner of capital asset management and maintenance shall
216 maximize efforts to utilize all available means to minimize use of capital funds to pay for salaries
217 of division employees.....\$400,000,000

218 EXECUTIVE OFFICE OF ENERGY AND ENVIRONMENTAL AFFAIRS

219 *Department of Agricultural Resources*

220 2511-0121 For a food security program, including grants to fund costs of immediate
221 and projected infrastructure needs for farms, retailers, fisheries, food system businesses and food
222 distribution channels, including, but not limited to, food banks, farm stands, food hubs, food
223 retailers, elder services and community supported agriculture farms, while taking into account
224 the unique needs of rural and urban areas and gateway municipalities as defined in section 3A of
225 chapter 23A of the General Laws, to provide greater access to local food, and to provide grants
226 that support food banks and other parts of the food distribution channel by expanding services,
227 which may include, but shall not be limited to: (i) information technology needs, including the
228 development of online markets and delivery systems, including an online system to link food
229 system channels to identify and match agricultural and fishery products to consumers and
230 markets, particularly to benefit food insecure communities; (ii) facility adaptation to new safety
231 guidelines, including new signage and the installation of handwashing stations; (iii) expansion of
232 storage and food preparation areas for food banks, food pantries or food distribution

233 organizations; (iv) the purchase or lease of point-of-sale devices to provide to retailers at no cost
 234 to provide curbside pick-up and curbside payment service, including payment using electronic
 235 benefits transfer cards; (v) storage and processing equipment to adapt to supply chain
 236 disruptions, including for cold and ambient storage and vehicles for distribution; (vi) capital
 237 support for food retailers in communities underserved by full grocery stores to increase capacity,
 238 expand offerings of health foods and maintain continuity of business operations; (vii) production
 239 processing and transportation for meat, fish and other poultry products individually, or through a
 240 collaborative effort and information technology for tracking and quality control of products and
 241 for fishing vessels and farms; and (viii) information technology needs for food retailers with not
 242 more than 100 employees in order to meet criteria to join the online purchasing program of the
 243 supplemental nutrition assistance program as outlined by the United States Department of
 244 Agriculture.....\$51,000,000

245 SECTION 2D.

246 EXECUTIVE OFFICE OF TECHNOLOGY SERVICES AND SECURITY

247 *Office of the Secretary*

248 1790-3013 For costs associated with the virtual and physical security infrastructure of
 249 state lottery commission facilities, including, but not limited to, installing systems upgrades,
 250 decommissioning and replacing obsolete end of life equipment and addressing cybersecurity
 251 vulnerabilities.....\$74,750,000

252 SECTION 2E.

253 EXECUTIVE OFFICE OF PUBLIC SAFETY AND SECURITY

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Office of the Secretary

8000-0706 For equipment for the department of correction and other agencies within the executive office of public safety and security, including, but not limited to, medical equipment, security equipment, safety equipment, communications equipment and vehicles.....\$60,000,000

Department of State Police

8000-2023 For the replacement of state police cruisers and accompanying equipment; provided, that funds may be expended for equipment purchased in conjunction with the operation of the state police cruiser fleet, including, but not limited to, mobile data terminals.....\$100,000,000

SECTION 3. Chapter 7C of the General Laws is hereby amended by inserting after section 72 the following section:-

Section 73. (a) For the purposes of this section the term “correctional facility” shall have the same meaning as provided in section 1 of chapter 125.

(b) Notwithstanding any general or special law or rule or regulation to the contrary, a state agency or public agency shall not:

(1) study, plan, design, acquire, lease, search for sites or construct new correctional facilities;

(2) expand the capacity of an existing correctional facility beyond its current design or rated capacity;

274 (3) convert any part of an existing or dormant correctional facility for the purpose of
275 detention or incarceration, including to change or expand the populations incarcerated in that
276 correctional facility;

277 (4) renovate an existing or dormant correctional facility beyond requirements for
278 maintenance or to comply with building code requirements; or

279 (5) repair an existing or dormant correctional facility for the purposes of expanding the
280 correctional facility or increasing its bed capacity.

281 SECTION 4. To meet the expenditures necessary in carrying out sections 2, 2A and 2B
282 the state treasurer shall, upon request of the governor, issue and sell bonds of the commonwealth
283 in an amount to be specified by the governor, but not exceeding in the aggregate \$4,131,125,000.
284 All such bonds issued by the commonwealth shall be designated on their face, General
285 Governmental Infrastructure Act of 2022, and shall be issued for a maximum term of years, not
286 exceeding 30 years, as the governor may recommend to the general court pursuant to section 3 of
287 Article LXII of the Amendments to the Constitution. The bonds shall be payable not later than
288 June 30, 2057. All interest and payments on account of principal on these obligations shall be
289 payable from the General Fund. Bonds and interest thereon issued pursuant to this section shall,
290 notwithstanding any other provision of this act, be general obligations of the commonwealth.

291 SECTION 5. To meet the expenditures necessary in carrying out section 2C, the state
292 treasurer shall, upon request of the governor, issue and sell bonds of the commonwealth in an
293 amount to be specified by the governor, but not exceeding in the aggregate \$515,000,000. All
294 such bonds issued by the commonwealth shall be designated on their face, General
295 Governmental Infrastructure Act of 2022, and shall be issued for a maximum term of years, not

296 exceeding 20 years, as the governor may recommend to the general court pursuant to section 3 of
297 Article LXII of the Amendments to the Constitution. The bonds shall be payable not later than
298 June 30, 2047. All interest and payments on account of principal on these obligations shall be
299 payable from the General Fund. Bonds and interest thereon issued pursuant to this section shall,
300 notwithstanding any other provision of this act, be general obligations of the commonwealth.

301 SECTION 6. To meet the expenditures necessary in carrying out section 2D, the state
302 treasurer shall, upon request of the governor, issue and sell bonds of the commonwealth in an
303 amount to be specified by the governor, but not exceeding in the aggregate \$74,750,000. All
304 such bonds issued by the commonwealth shall be designated on their face, General
305 Governmental Infrastructure Act of 2022, and shall be issued for a maximum term of years, not
306 exceeding 10 years, as the governor may recommend to the general court pursuant to section 3 of
307 Article LXII of the Amendments to the Constitution. The bonds shall be payable not later than
308 June 30, 2037. All interest and payments on account of principal on these obligations shall be
309 payable from the General Fund. Bonds and interest thereon issued pursuant to this section shall,
310 notwithstanding any other provision of this act, be general obligations of the commonwealth.

311 SECTION 7. To meet the expenditures necessary in carrying out section 2E, the state
312 treasurer shall, upon request of the governor, issue and sell bonds of the commonwealth in an
313 amount to be specified by the governor from time to time but not exceeding, in the aggregate,
314 \$160,000,000. All such bonds issued by the commonwealth shall be designated on their face,
315 General Governmental Infrastructure Act of 2022, and shall be issued for a maximum term of
316 years, not exceeding 7 years, as the governor may recommend to the general court under section
317 3 of Article LXII of the Amendments to the Constitution. The bonds shall be payable not later
318 than June 30, 2034. All interest and payments on account of principal on these obligations shall

319 be payable from the General Fund. Bonds and interest thereon issued under this section shall,
320 notwithstanding any other provision of this act, be general obligations of the commonwealth.

321 SECTION 8. To provide for the continued availability of certain bond-funded spending
322 authorizations which otherwise would expire, the balances of the following items and any
323 allocations thereof shall be extended through June 30, 2027 for the purposes of and subject to the
324 conditions stated for these items in the original authorizations and any amendments to such
325 authorizations: 0640-0035, 1100-2513, 1100-9200, 1102-2009, 1102-2015, 1102-2016, 1102-
326 2017, 1102-2018, 1102-2019, 1102-5700, 1790-3007, 1790-3008, 1790-3009, 2000-7026, 2000-
327 7029, 2000-7031, 2000-7051, 2000-7052, 2000-7054, 2000-7055, 2000-7056, 2000-7057, 2000-
328 7058, 2000-7059, 2000-7060, 2000-7061, 2000-7062, 2000-7063, 2000-7064, 2000-7065, 2000-
329 7066, 2000-7070, 2000-7071, 2000-7072, 2000-7073, 2000-7074, 2000-7075, 2000-7077, 2000-
330 7078, 2000-7079, 2000-7080, 2000-7081, 2000-7084, 2000-7085, 2000-7135, 2200-7016, 2200-
331 7019, 2200-7021, 2200-7022, 2200-7023, 2200-7024, 2200-7025, 2300-0421, 2300-7019, 2300-
332 7020, 2300-7021, 2300-7022, 2300-7023, 2300-7024, 2300-7025, 2300-7026, 2300-7027, 2300-
333 7028, 2500-7011, 2500-7021, 2500-7023, 2500-7024, 2511-0122, 2800-1121, 2800-7014, 2800-
334 7020, 2800-7023, 2800-7025, 2800-7027, 2800-7031, 2800-7032, 2800-7033, 2800-7035, 2800-
335 7107, 2800-7108, 2840-7024, 2840-7025, 2840-7026, 2840-7027, 2890-7034, 2890-7035, 3000-
336 0410, 4000-2022, 4000-2025, 6720-1336, 7000-9091, 7009-2005, 7066-8000, 7066-8110, 7100-
337 1000, 8000-0702, 8000-3502, 9300-7030, 9300-7031, 9300-7918 and 9300-7919.

338 SECTION 9. To carry out the purposes of this act, the commissioner of capital asset
339 management and maintenance may, notwithstanding sections 32 to 37, inclusive, of chapter 7C
340 of the General Laws or any other general or special law to the contrary, acquire, by purchase,
341 lease or leaseback for a term, including any extensions, not to exceed 50 years, gift or other

342 transfer, or by eminent domain under chapter 79 of the General Laws, any interests in land and
343 buildings considered necessary by the commissioner to carry out the purposes of this act,
344 including, but not limited to, easements for drainage, access, utilities and environmental
345 mitigation, and may grant and retain such easements and interests as considered necessary by the
346 commissioner to carry out the purposes of this act.

347 SECTION 10. Notwithstanding any general or special law to the contrary, funds
348 authorized pursuant to sections 2 to 2E, inclusive, shall only be expended for the purposes
349 specified in: (i) sections 2 to 2E, inclusive; or (ii) the Fiscal Year 2022-2026 Five-Year Capital
350 Investment Plan published by the governor and the executive office of administration and
351 finance on June 14, 2021.

352 SECTION 11. Section 73 of chapter 7C of the General Laws is hereby repealed.

353 SECTION 12. Section 11 shall take effect 5 years after the effective date of this act.