

HOUSE No. 852

The Commonwealth of Massachusetts

PRESENTED BY:

Jay D. Livingstone

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:	DATE ADDED:
<i>Jay D. Livingstone</i>	<i>8th Suffolk</i>	<i>1/19/2023</i>
<i>Lindsay N. Sabadosa</i>	<i>1st Hampshire</i>	<i>1/26/2023</i>
<i>Hannah Kane</i>	<i>11th Worcester</i>	<i>1/26/2023</i>
<i>Kay Khan</i>	<i>11th Middlesex</i>	<i>2/21/2023</i>
<i>Mindy Domb</i>	<i>3rd Hampshire</i>	<i>2/21/2023</i>
<i>Vanna Howard</i>	<i>17th Middlesex</i>	<i>2/21/2023</i>
<i>Angelo J. Puppolo, Jr.</i>	<i>12th Hampden</i>	<i>2/21/2023</i>
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>	<i>2/21/2023</i>
<i>Simon Cataldo</i>	<i>14th Middlesex</i>	<i>3/3/2023</i>

HOUSE No. 852

By Representative Livingstone of Boston, a petition (accompanied by bill, House, No. 852) of Jay D. Livingstone 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 and Natural Resources.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Third General Court
(2023-2024)**

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, the replacement of lead service line pipes, and waste and storm water
3 infrastructure assets of the commonwealth. The sum set forth in section 2 for the several
4 purposes and subject to the conditions specified in this act, is hereby made available, subject to
5 the laws regulating the disbursement of public funds, which sum is in addition to any other
6 amounts previously appropriated for these purposes.

7 SECTION 2.

8 Massachusetts Clean Water Trust

9 For the Massachusetts Clean Water Trust established in section 2 of chapter 29C of the
10 General Laws for deposit in a Water Infrastructure Improvement Fund established by this

11 Section for the purposes of maintenance and improvements to municipal drinking, the
12 replacement of lead service line pipes, and improvements to waste and storm water infrastructure
13 assets; provided, that a local government unit shall comply with the procedures established by
14 the Massachusetts Clean Water Trust; provided further, that any such local government unit may
15 appropriate for such projects amounts not in excess of the amount provided to the local
16 government unit under this item, preliminary notice of which shall be provided by the
17 Massachusetts Clean Water Trust to the local government unit not later than April 1 of each year;
18 provided further, that the Massachusetts Clean Water Trust shall reimburse any such local
19 government unit under this item within 30 days after receipt by the Massachusetts

20 Clean Water Trust of a request for reimbursement from the local government unit, which
21 request shall include certification by the local government unit that actual expenses have been
22 incurred on projects eligible for reimbursement under this item, and that the work has been
23 completed to the satisfaction of the local government unit according to the specifications of the
24 project and in compliance with applicable laws and procedures established by the Massachusetts
25 Clean Water Trust..... \$1,000,000,000

26 SECTION 3. Chapter 29 of the General Laws, as appearing in the 2020 Official Edition,
27 is hereby amended by inserting, after section 2VVVV, the following section:

28 Section 2WWWW. There shall be established and set up on the books of the
29 commonwealth a separate fund, to be known as the Water Infrastructure Improvement Fund,
30 consisting of amounts credited to the fund by appropriation of the General Court or in
31 accordance with any other general or special law. The fund shall be administered in accordance

32 with the provisions of said chapter 29C by the board of trustees of the Massachusetts
33 Clean Water Trust and shall be held in trust exclusively for the purposes and the beneficiaries
34 described therein. The state treasurer shall be treasurer and custodian of the fund and shall have
35 the custody of its monies and securities. Said amounts shall be used solely for the administration
36 of the provisions of section 19 of said chapter 29C.

37 SECTION 4. Chapter 29C of the General Laws, as so appearing, is hereby amended by
38 adding the following section:

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

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

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

47 “Lead service line”, shall have the same meaning as 40 CFR. Part 141.2, as amended.

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

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

50 (b) In addition to the powers and duties of the board otherwise provided, the trust is
51 hereby designated to establish and administer the Water Infrastructure Improvement Fund,

52 established by this Section. The monies in the fund, which shall be under the control of the board
53 and not subject to appropriation, shall be used as provided in subsection(c).

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

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

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

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

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

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

73 issued for a maximum term of years, not exceeding 30 years, as the governor may recommend to
74 the general court under section 3 of Article LXII of the Amendments to the Constitution;
75 provided, however, that all such bonds shall be payable not later than June 30, 2053. All interest
76 and payments on account of principal on these obligations shall be payable from the
77 General Fund. Notwithstanding any other provision of this act, bonds and interest thereon issued
78 under this section shall be general obligations of the commonwealth.