

HOUSE No. 03619

(House – [Enter text], 07/20/2011)



The Commonwealth of Massachusetts

IN THE YEAR TWO THOUSAND ELEVEN

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HOUSE No. 03619

The Commonwealth of Massachusetts

PRESENTED BY:

Deval Patrick

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 passage of the accompanying bill:

An Act establishing the Massworks infrastructure program.

PETITION OF:

NAME: _____

| DISTRICT/ADDRESS: _____

HOUSE No. 03619

Message from His Excellency the Governor recommending legislation relative to establishing the MassWorks Infrastructure Program. July 20, 2011.

The Commonwealth of Massachusetts

In the Year Two Thousand Eleven

An Act establishing the Massworks infrastructure program.

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. Chapter 6C of the General Laws, as appearing in the 2010 Official Edition, is
2 hereby amended by striking out sections 47 through 48.

3 SECTION 2. Chapter 23A of the General Laws, as appearing in the 2010 Official Edition, is
4 hereby amended by inserting after section 62 the following section:-

5 MASSWORKS INFRASTRUCTURE PROGRAM

6 Section 63. (a) There shall be within the executive office of housing and economic development
7 a MassWorks Infrastructure Program to issue public infrastructure grants to municipalities and
8 other public instrumentalities for design, construction, building, land acquisition, rehabilitation,
9 repair, and other improvements to publicly-owned infrastructure including, but not limited to,
10 sewers, utility extensions, streets, roads, curb-cuts, parking, water treatment systems,
11 telecommunications systems, transit improvements, and pedestrian and bicycle ways. The grant

12 program shall also provide for commercial and residential transportation and infrastructure
13 development, improvements and various capital investment projects under the Growth Districts
14 Initiative established by the executive office of housing and economic development. The grants
15 shall be used to assist municipalities to advance projects that support job creation and expansion,
16 housing development and rehabilitation, community development, and small town transportation
17 projects. Projects that support sustainable development in the commonwealth will be preferred.

18 (b) Eligible public infrastructure must be located on public land or on public leasehold, right-of-
19 way or easement. Any project that uses grants provided by this chapter shall be procured by a
20 municipality in accordance with chapter 30B, section 39M of chapter 30, chapter 149 and
21 chapter 7.

22 (c) There shall be at least one open solicitation period each year to accept and consider new
23 applications. Not less than 12 weeks before the annual open solicitation period, the executive
24 office of housing and economic development shall release the criteria upon which the
25 applications will be judged including, but not limited to, a minimum project readiness standard,
26 overall spending targets by project type, and other preferences applying to that funding round.
27 Projects of significant regional benefit that arise out of round may be made at the discretion of
28 the secretary of housing and economic development.

29 (d) Any eligible city or town, acting by and through its municipal officers or by and through any
30 agency designated by such municipal officers to act on their behalf may apply to the program for
31 a grant in a specific amount to fund a specified project. Said grants may be made in addition to
32 other forms of local, state, and federal assistance.

33 (e) Within the program, a portion of the grant funds shall be dedicated annually to assist towns
34 with populations of 7,000 or less in undertaking projects to design, construct, reconstruct, widen,
35 resurface, rehabilitate, and otherwise improve roads and bridges or for the construction of
36 chemical storage facilities, that support economic or community development. Such towns shall
37 be eligible for a grant not to exceed \$1,000,000, and towns shall be eligible to receive one grant
38 every 3 fiscal years. Two or more towns eligible under this subsection may file a joint
39 application for a single project serving those towns, but the total amount distributed to any one
40 town shall not exceed the maximum amount allowed under this section. Receipt of a grant which
41 is part of a joint application shall not preclude a town from receiving additional funds under a
42 separate application. Receipt of a grant of funds dedicated annually to assist towns with
43 population of 7,000 or less shall not preclude a town from receiving additional funds that support
44 job creation and expansion, housing development and rehabilitation, and community
45 development from the MassWorks Infrastructure Program.

46 (f) The secretary of housing and economic development may establish rules and regulations to
47 govern the application and distribution of grants under this section. The rules and regulations
48 may include provisions for joint applications by 2 or more eligible towns for a single project
49 serving those towns. Any rules or regulations, or any amendment or repeal of any rules or
50 regulations adopted under this section shall be filed with the clerks of the senate and house of
51 representatives.

52 (g) The secretary of housing and economic development shall report annually to
53 the clerks of the house of representatives and the senate, the chairs of the joint committee on
54 transportation, the chairs of the joint committee on economic development and emerging
55 technologies, the chairs of the senate and house committees on ways and means, and the chairs

56 of the joint committees on state administration and regulatory oversight on the activities and
57 status of the MassWorks Infrastructure Program. The report shall include a list and description
58 of all projects that received grant funds under the program, the amount of the grant awarded to
59 the project, other sources of public funds that supported the project, a detailed analysis of the
60 economic impact of each project including but not limited to the number of construction and full
61 time equivalent jobs to be created, the number of housing units to be created, the private
62 investment in the project, and the expected tax revenue generated from the project.

63 SECTION 3. Section 57A of chapter 121B, as appearing in the 2010 Official Edition, is hereby
64 repealed.

65 SECTION 4. Item 6033-9013 of section 2 of chapter 246 of the acts of 2002 is hereby amended
66 by adding the following words:- ; provided, that after July 1, 2011 this item shall be used for the
67 MassWorks Infrastructure Program, as established by section 63 of chapter 23A of the General
68 Laws; provided further, that any uncommitted balance as of July 1, 2011 from the
69 aforementioned item shall be transferred to the executive office of housing and economic
70 development; provided further, that any unexpended balance as of September 1, 2011 from the
71 aforementioned item or its successor item established as a result of Chapter 25 of the Acts of
72 2009 shall be transferred to item 7002-8005 within the executive office of housing and economic
73 development; and provided further, that before October 1, 2011 the executive office of housing
74 and economic development shall submit a report on the amount of authorization expended from
75 this item before July 1, 2011; provided further, that said report shall detail awards expected to
76 utilize this authorization after July, 1, 2011 and the schedule plan for completing awards; and
77 provided further that said report shall be delivered to the joint committee on ways and means, the

78 house committee on bonding, capital expenditures and state assets and the senate committee on
79 bonding, capital expenditures and state assets.

80 SECTION 5. Item 6033-0428 of section 2B of chapter 291 of the acts of 2004 is hereby
81 amended by adding the following words:- ; provided, that after July 1, 2011 this item shall be
82 used for the MassWorks Infrastructure Program, as established by section 63 of chapter 23A of
83 the General Laws; provided further, that any uncommitted balance as of July 1, 2011 from the
84 aforementioned item or its successor item established as a result of Chapter 25 of the Acts of
85 2009 shall be transferred to item 7002-8010 within the executive office of housing and economic
86 development; provided further, that any unexpended balance as of September 1, 2011 from the
87 aforementioned item shall be transferred to the executive office of housing and economic
88 development; and provided further, that before October 1, 2011 the executive office of housing
89 and economic development shall submit a report on the amount of authorization expended from
90 this item before July 1, 2011; provided further, that said report shall detail awards expected to
91 utilize this authorization after July, 1, 2011 and the schedule plan for completing awards; and
92 provided further that said report shall be delivered to the joint committee on ways and means, the
93 house committee on bonding, capital expenditures and state assets and the senate committee on
94 bonding, capital expenditures and state assets.

95 SECTION 6. Item 6033-0499 of said section 2B of said chapter 291 is hereby amended by
96 adding the following words:- ; provided, that after July 1, 2011 this item shall be used for the
97 MassWorks Infrastructure Program, as established by section 63 of chapter 23A of the General
98 Laws; provided further, that any uncommitted balance as of July 1, 2011 from the
99 aforementioned item or its successor item established as a result of Chapter 25 of the Acts of
100 2009 shall be transferred to item 7002-8015 within the executive office of housing and economic

101 development; provided further, that any unexpended balance as of September 1, 2011 from the
102 aforementioned item shall be transferred to the executive office of housing and economic
103 development; and provided further, that before October 1, 2011 the executive office of housing
104 and economic development shall submit a report on the amount of authorization expended from
105 this item before July 1, 2011; provided further, that said report shall detail awards expected to
106 utilize this authorization after July, 1, 2011 and the schedule plan for completing awards; and
107 provided further that said report shall be delivered to the joint committee on ways and means, the
108 house committee on bonding, capital expenditures and state assets and the senate committee on
109 bonding, capital expenditures and state assets.

110 SECTION 7. Item 6001-0421 of section 2I of said chapter 291 is hereby amended by adding the
111 following words:- ; provided, that after July 1, 2011 this item shall be used for the MassWorks
112 Infrastructure Program, as established by section 63 of chapter 23A of the General Laws;
113 provided further, that any uncommitted balance as of July 1, 2011 from the aforementioned item
114 or its successor item established as a result of Chapter 25 of the Acts of 2009 shall be transferred
115 to item 7002-8020 within executive office of housing and economic development; provided
116 further, that any unexpended balance as of September 1, 2011 from the aforementioned item
117 shall be transferred to the executive office of housing and economic development; and provided
118 further, that before October 1, 2011 the executive office of housing and economic development
119 shall submit a report on the amount of authorization expended from this item before July 1,
120 2011; provided further, that said report shall detail awards expected to utilize this authorization
121 after July, 1, 2011 and the schedule plan for completing awards; and provided further that said
122 report shall be delivered to the joint committee on ways and means, the house committee on

123 bonding, capital expenditures and state assets and the senate committee on bonding, capital
124 expenditures and state assets.

125 SECTION 8. Item 1100-8000 of section 2B of chapter 123 of the Acts of 2006 is hereby
126 amended by adding the following words:- ; provided, that after July 1, 2011 this item shall be
127 used for the MassWorks Infrastructure Program, as established by section 63 of chapter 23A of
128 the General Laws; provided further, that any uncommitted balance as of July 1, 2011 from the
129 aforementioned item or its successor item established as a result of Chapter 25 of the Acts of
130 2009 shall be transferred to the executive office of housing and economic development; provided
131 further, that any unexpended balance as of September 1, 2011 from the aforementioned item
132 shall be transferred to item 7005-8025 within the executive office of housing and economic
133 development; and provided further, that before October 1, 2011 the executive office of housing
134 and economic development shall submit a report on the amount of authorization expended from
135 this item before July 1, 2011; provided further, that said report shall detail awards expected to
136 utilize this authorization after July, 1, 2011 and the schedule plan for completing awards; and
137 provided further that said report shall be delivered to the joint committee on ways and means, the
138 house committee on bonding, capital expenditures and state assets and the senate committee on
139 bonding, capital expenditures and state assets.

140 SECTION 9. Item 6033-0887 of section 2B of chapter 86 of the acts of 2008, is hereby amended
141 by adding the following words:- ; provided, that after July 1, 2011 this item shall be used for the
142 MassWorks Infrastructure Program, as established by section 63 of chapter 23A of the General
143 Laws; provided further, that any uncommitted balance as of July 1, 2011 from the
144 aforementioned item or its successor item established as a result of Chapter 25 of the Acts of
145 2009 shall be transferred to item 7002-8030 within executive office of housing and economic

146 development; provided further, that any unexpended balance as of September 1, 2011 from the
147 aforementioned item shall be transferred to the executive office of housing and economic
148 development; and provided further, that before October 1, 2011 the executive office of housing
149 and economic development shall submit a report on the amount of authorization expended from
150 this item before July 1, 2011; provided further, that said report shall detail awards expected to
151 utilize this authorization after July, 1, 2011 and the schedule plan for completing awards; and
152 provided further that said report shall be delivered to the joint committee on ways and means, the
153 house committee on bonding, capital expenditures and state assets and the senate committee on
154 bonding, capital expenditures and state assets.

155 SECTION 10. Item 7004-0035 of section 2 of chapter 119 of the acts of 2008 is hereby
156 amended by adding the following words:- ; provided, that after July 1, 2011 this item shall be
157 used for the MassWorks Infrastructure Program, as established by section 63 of chapter 23A of
158 the General Laws; provided further, that any uncommitted balance as of July 1, 2011 from the
159 aforementioned item or its successor item established as a result of Chapter 25 of the Acts of
160 2009 shall be transferred to item 7005-8035 within executive office of housing and economic
161 development; provided further, that any unexpended balance as of September 1, 2011 from the
162 aforementioned item shall be transferred to the executive office of housing and economic
163 development; and provided further, that before October 1, 2011 the executive office of housing
164 and economic development shall submit a report on the amount of authorization expended from
165 this item before July 1, 2011; provided further, that said report shall detail awards expected to
166 utilize this authorization after July, 1, 2011 and the schedule plan for completing awards; and
167 provided further that said report shall be delivered to the joint committee on ways and means, the

168 house committee on bonding, capital expenditures and state assets and the senate committee on
169 bonding, capital expenditures and state assets.

170 SECTION 11. Item 6033-0887 of section 2B of chapter 303 of the acts of 2008, as amended by
171 section 34 of chapter 26 of the acts of 2009 is hereby amended by adding the following words:- ;
172 provided, that after July 1, 2011 this item shall be used for the MassWorks Infrastructure
173 Program, as established by section 63 of chapter 23A of the General Laws; provided further, that
174 any uncommitted balance as of July 1, 2011 from the aforementioned item or its successor item
175 established as a result of Chapter 25 of the Acts of 2009 shall be transferred to the item 7002-
176 8040 within executive office of housing and economic development; provided further, that any
177 unexpended balance as of September 1, 2011 from the aforementioned item shall be transferred
178 to the executive office of housing and economic development; and provided further, that before
179 October 1, 2011 the executive office of housing and economic development shall submit a
180 report on the amount of authorization expended from this item before July 1, 2011; provided
181 further, that said report shall detail awards expected to utilize this authorization after July, 1,
182 2011 and the schedule plan for completing awards; and provided further that said report shall be
183 delivered to the joint committee on ways and means, the house committee on bonding, capital
184 expenditures and state assets and the senate committee on bonding, capital expenditures and state
185 assets.

186 SECTION 12. Item 6033-0877 of section 2B of chapter 303 of the acts of 2008, as amended by
187 section 33 of chapter 26 of the acts of 2009, is hereby amended by adding the following words:- ;
188 provided, that after July 1, 2011 this item shall be used for the MassWorks Infrastructure
189 Program, as established by section 63 of chapter 23A of the General Laws; provided further, that
190 any uncommitted balance as of July 1, 2011 from the aforementioned item shall be transferred to

191 the executive office of housing and economic development; provided further, that any
192 unexpended balance as of September 1, 2011 from the aforementioned item or its successor item
193 established as a result of Chapter 25 of the Acts of 2009 shall be transferred to item 7002-8045
194 within the executive office of housing and economic development; and provided further, that
195 before October 1, 2011 the executive office of housing and economic development shall submit
196 a report on the amount of authorization expended from this item before July 1, 2011; provided
197 further, that said report shall detail awards expected to utilize this authorization after July, 1,
198 2011 and the schedule plan for completing awards; and provided further that said report shall be
199 delivered to the joint committee on ways and means, the house committee on bonding, capital
200 expenditures and state assets and the senate committee on bonding, capital expenditures and state
201 assets.

202 SECTION 13. Item 6001-0803 of section 2C of chapter 303 of the acts of 2008 is hereby
203 amended by adding the following words:- ; provided, that after July 1, 2011 this item shall be
204 used for the MassWorks Infrastructure Program, as established by section 63 of chapter 23A of
205 the General Laws; provided further, that any uncommitted balance as of July 1, 2011 from the
206 aforementioned item or its successor item established as a result of Chapter 25 of the Acts of
207 2009 shall be transferred to item 7002-8050 within the executive office of housing and economic
208 development; provided further, that any unexpended balance as of September 1, 2011 from the
209 aforementioned item shall be transferred to the executive office of housing and economic
210 development; and provided further, that before October 1, 2011 the executive office of housing
211 and economic development shall submit a report on the amount of authorization expended from
212 this item before July 1, 2011; provided further, that said report shall detail awards expected to
213 utilize this authorization after July, 1, 2011 and the schedule plan for completing awards; and

214 provided further that said report shall be delivered to the joint committee on ways and means, the
215 house committee on bonding, capital expenditures and state assets and the senate committee on
216 bonding, capital expenditures and state assets.

217 SECTION 14. Item 6001-0817 of said section 2C of said chapter 303 is hereby amended by
218 adding the following words:- ; provided, that after July 1, 2011 this item shall be used for the
219 MassWorks Infrastructure Program, as established by section 63 of chapter 23A of the General
220 Laws; provided further, that any uncommitted balance as of July 1, 2011 from the
221 aforementioned item or its successor item established as a result of Chapter 25 of the Acts of
222 2009 shall be transferred to item 7002-8055 within executive office of housing and economic
223 development; provided further, that any unexpended balance as of September 1, 2011 from the
224 aforementioned item shall be transferred to the executive office of housing and economic
225 development; and provided further, that before October 1, 2011 the executive office of housing
226 and economic development shall submit a report on the amount of authorization expended from
227 this item before July 1, 2011; provided further, that said report shall detail awards expected to
228 utilize this authorization after July, 1, 2011 and the schedule plan for completing awards; and
229 provided further that said report shall be delivered to the joint committee on ways and means, the
230 house committee on bonding, capital expenditures and state assets and the senate committee on
231 bonding, capital expenditures and state assets.

232 SECTION 15. Item 1100-8020 of section 2C of chapter 304 of the acts of 2008, is hereby
233 amended by adding the following words:- ; provided, that after July 1, 2011 this item shall be
234 used for the MassWorks Infrastructure Program, as established by section 63 of chapter 23A of
235 the General Laws; provided further, that any uncommitted balance as of July 1, 2011 from the
236 aforementioned item or its successor item established as a result of Chapter 25 of the Acts of

237 2009 shall be transferred to item 7002-8060 within the executive office of housing and economic
238 development; provided further, that any unexpended balance as of September 1, 2011 from the
239 aforementioned item shall be transferred to the executive office of housing and economic
240 development; and provided further, that before October 1, 2011 the executive office of housing
241 and economic development shall submit a report on the amount of authorization expended from
242 this item before July 1, 2011; provided further, that said report shall detail awards expected to
243 utilize this authorization after July, 1, 2011 and the schedule plan for completing awards; and
244 provided further that said report shall be delivered to the joint committee on ways and means, the
245 house committee on bonding, capital expenditures and state assets and the senate committee on
246 bonding, capital expenditures and state assets.

247 SECTION 16. Item 6001-0816 of section 2B of chapter 240 of the acts of 2010, as amended by
248 Section 1 of chapter 412 of the acts of 2010 is hereby amended by adding the following words:- ;
249 provided, that after July 1, 2011 this item shall be used for the MassWorks Infrastructure
250 Program, as established by section 63 of chapter 23A of the General Laws; provided further, that
251 any uncommitted balance as of July 1, 2011 from the aforementioned item or its successor item
252 established as a result of Chapter 25 of the Acts of 2009 shall be transferred to item 7002-8060
253 within the executive office of housing and economic development; provided further, that any
254 unexpended balance as of September 1, 2011 from the aforementioned item shall be transferred
255 to the executive office of housing and economic development; and provided further, that before
256 October 1, 2011 the executive office of housing and economic development shall submit a
257 report on the amount of authorization expended from this item before July 1, 2011; provided
258 further, that said report shall detail awards expected to utilize this authorization after July, 1,
259 2011 and the schedule plan for completing awards; and provided further that said report shall be

260 delivered to the joint committee on ways and means, the house committee on bonding, capital

261 expenditures and state assets and the senate committee on bonding, capital expenditures and state

262 assets.