

HOUSE No. 3920

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, March 3, 2014.

The committee on Ways and Means to whom were referred the Bill providing for capital facility repairs and improvements for the Commonwealth (House, No. 3690) reports recommending that the accompanying bill ought to pass with an amendment substituting a bill with the same title (House, No.3920).

For the committee,

BRIAN S. DEMPSEY.

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The Commonwealth of Massachusetts

In the Year Two Thousand Fourteen

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; 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 further, that \$4,000,000
33 shall be expended for the engineering, design and reconstruction of the historic Hampshire
34 courthouse \$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; 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 further, that \$5,000,000 shall
49 be expended to fund capital improvements at the Dimock Center in the city of Boston; provided
50 further, that \$1,000,000 shall be expended to renovate appropriate portions of state facilities in
51 order to expand the capacity of the Commonwealth Children’s Center to provide daycare
52 services; provided further, that \$300,000 shall be expended to make repairs at the Dennison
53 Memorial Community Center in the city of New Bedford; provided further, that \$28,175,000
54 shall be expended for the costs associated with the repair, renovation or construction of the
55 skilled nursing facility operated by the Sisters of Providence Health System, located in the town
56 of Montague, which shall maintain a minimum of 70 per cent of said facility’s beds for
57 medically-involved mentally ill individuals; provided further, that MassHealth shall determine a

58 rate structure for said facility that promotes quality patient care and provides for the
59 reimbursement to the commonwealth of all bonding costs over a 25 year period
60 \$328,175,000

61 1102-2014 For costs associated with improving accessibility of state facilities, including,
62 but not limited to, strategic accessibility assessments, accessibility transition plans, technical
63 assistance to state agencies, consultants relative to the preparation of strategic accessibility
64 assessments, transition plans or provision of technical assistance to state agencies, planning and
65 studies, and costs associated with repairs, improvements, construction, asset management,
66 demolition and maintenance of buildings and building systems; provided, that all transition
67 planning elements, planning and studies, maintenance and repair work undertaken pursuant to
68 this item shall be listed in the capital asset management information system administered by the
69 division of capital asset management and maintenance; provided further, that the use of funds
70 from this item shall be approved by the commissioner of capital asset management and
71 maintenance and the secretary of administration and finance or his designee; provided further,
72 that costs payable from this item shall include, but not limited be to, the costs of leases of
73 temporary relocation space or equipment as required for completion of a project, the costs of
74 engineering and other services essential to these projects rendered by division of capital asset
75 management and maintenance employees or by consultants; and provided further, that amounts
76 expended for division employees may include the salary and salary-related expenses of these
77 employees to the extent that they work on or in support of these projects
78 \$25,000,000

79 SECTION 2A.

80 EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE

81 *Office of the Secretary*

82 0640-0302 For the Massachusetts Cultural Facilities Fund, established in section 42 of
83 chapter 23G of the General Laws, for the acquisition, design, construction, repair, renovation,
84 rehabilitation or other capital improvement or deferred maintenance to a cultural facility
85\$50,000,000

86 1100-3002 For a grant program to vocational schools for the purpose of providing
87 funding for the purchase and installation of equipment, under rules adopted by secretary of the
88 executive office for administration and finance and secretary of the executive office for
89 education
90\$8,000,000

91 *Division of Capital Asset Management and Maintenance*

129 criteria: an assessment of fiscal and budgetary constraints facing the municipality; an analysis of
130 the municipality’s proposed budget and financing of the repair, renovation, or construction
131 project; the municipality’s need for the project; the benefits to the municipality that will result
132 from the project; and an overall evaluation of the merits of the grant proposal; provided, that the
133 executive office may expend not more than 1 per cent of the total amount available for the cost
134 of administering this program; provided further, that \$1,000,000 shall be expended for the
135 purchase and installation of portable and mobile radios and in-vehicle repeaters capable of
136 transmitting and receiving on the commonwealth’s P-25 public safety radio network; provided
137 further, that all said radios shall be issued to public safety officers delivering services in the
138 towns of Chester, Chesterfield, Cummington, Goshen, Hatfield, Huntington, Montgomery,
139 Pelham, Plainfield, Russell, Westhampton, Williamsburg and Worthington
140\$11,000,000

141 SECTION 2B.

142 EXECUTIVE OFFICE OF PUBLIC SAFETY AND SECURITY

143 *Office of the Secretary*

144 8000-0701 For equipment for the department of correction and other agencies within the
145 executive office of public safety and security including, but not limited to, medical equipment,
146 security equipment, communications equipment and vehicles.....\$10,000,000

147 8000-2021 For the design, construction and implementation of the department of state
148 police mobile data network and an automated motor vehicle citation system, including the use of
149 “MDT” devices; provided further, that \$290,000 may be expended to acquire computer and
150 technology equipment to manage state police digital evidence..... \$15,000,000

151 8100-2026 For the replacement of state police cruisers; provided, that the state police
152 shall develop a 5-year plan which specifies the number of vehicles to be replaced each fiscal year
153 over a 5-year period; provided further that \$10,000,000 shall be expended for the purchase of a
154 state police helicopter capable of carrying additional personnel and
155 equipment..... \$60,000,000

156 SECTION 2C.

157 EXECUTIVE OFFICE OF PUBLIC SAFETY AND SECURITY

158 *Office of the Secretary*

159 8000-2022 For a program of grants to municipalities for the design, construction and
160 implementation of an automated motor vehicle citation system, including the use of “MDT”
161 devices under rules adopted by the executive office for public safety and security; provided, that
162 for projects which the secretary of administration and finance certifies to the comptroller directly

163 or indirectly generate new state revenue or budgetary savings, the comptroller shall transfer those
164 budgetary savings or revenue to the state treasurer for payment of debt service related to those
165 projects.....\$20,000,000

166 SECTION 3. Item 7066-8000 of section 2 of chapter 258 of the acts of 2008 is hereby
167 amended by striking out the figure “\$22,100,000” and inserting in place thereof the following
168 figure:- \$36,100,000.

169 SECTION 4. Said item 7066-8000 of said section 2 of said chapter 258 is hereby further
170 amended by striking out the figure “\$1,189,055,630” and inserting in place thereof the following
171 figure:- \$1,203,055,630.

172 SECTION 5. The first sentence of section 3 of said chapter 258 is hereby amended by
173 striking out the figure “\$2,190,555,630” and inserting in place thereof the following figure:-
174 \$2,204,555,630.

175 SECTION 6. To meet the expenditures necessary in carrying out section 2, the state
176 treasurer shall, upon request of the governor, issue and sell bonds of the commonwealth in an
177 amount to be specified by the governor from time to time but not exceeding, in the aggregate,
178 \$707,175,000. All such bonds issued by the commonwealth shall be designated on their face,
179 Capital Improvement Act of 2014, and shall be issued for a maximum term of years, not
180 exceeding 30 years, as the governor may recommend to the general court under section 3 of
181 Article LXII of the Amendments to the Constitution. The bonds shall be payable not later than
182 June 30, 2048. All interest and payments on account of principal on these obligations shall be
183 payable from the General Fund. Bonds and interest thereon issued under this section shall,
184 notwithstanding any other provisions of this act, be general obligations of the commonwealth.

185 SECTION 7. To meet the expenditures necessary in carrying out section 2A, the state
186 treasurer shall, upon request of the governor, issue and sell bonds of the commonwealth in an
187 amount to be specified by the governor from time to time but not exceeding, in the aggregate,
188 \$309,420,000. All such bonds issued by the commonwealth shall be designated on their face,
189 Capital Improvement Act of 2014, and shall be issued for a maximum term of years, not
190 exceeding 30 years, as the governor may recommend to the general court under section 3 of
191 Article LXII of the Amendments to the Constitution. The bonds shall be payable not later than
192 June 30, 2048. All interest and payments on account of principal on these obligations shall be
193 payable from the General Fund. Bonds and interest thereon issued under this section shall,
194 notwithstanding any other provisions of this act, be general obligations of the commonwealth.

195 SECTION 8. To meet the expenditures necessary in carrying out section 2B, the state
196 treasurer shall, upon request of the governor, issue and sell bonds of the commonwealth in an
197 amount to be specified by the governor from time to time but not exceeding, in the aggregate,
198 \$85,000,000. All such bonds issued by the commonwealth shall be designated on their face,
199 Capital Improvements Loan Act of 2014, and shall be issued for a maximum term of years, not

200 exceeding 10 years, as the governor may recommend to the general court under section 3 of
201 Article LXII of the Amendments to the Constitution. The bonds shall be payable not later than
202 June 30, 2028. All interest and payments on account of principal on these obligations shall be
203 payable from the General Fund. Bonds and interest thereon issued under this section shall,
204 notwithstanding any other provisions of this act, be general obligations of the commonwealth.

205 SECTION 9. To meet the expenditures necessary in carrying out section 2C, the state
206 treasurer shall, upon request of the governor, issue and sell bonds of the commonwealth in an
207 amount to be specified by the governor from time to time but not exceeding, in the aggregate,
208 \$20,000,000. All such bonds issued by the commonwealth shall be designated on their face,
209 Capital Improvements Loan Act of 2014, and shall be issued for a maximum term of years, not
210 exceeding 10 years, as the governor may recommend to the general court under section 3 of
211 Article LXII of the Amendments to the Constitution. The bonds shall be payable not later than
212 June 30, 2028. All interest and payments on account of principal on these obligations shall be
213 payable from the General Fund. Bonds and interest thereon issued under this section shall,
214 notwithstanding any other provisions of this act, be general obligations of the commonwealth.

215 SECTION 10. The secretary of administration and finance shall submit a report on the
216 progress of any projects funded through the authorizations in this act and included in the
217 governor's 5-year capital investment to the clerks of the senate and house of representatives, the
218 chairs of the senate and house committees on ways and means, and the chairs of the senate and
219 house committees on bonding, capital expenditures and state assets. The report shall include, but
220 not be limited to: the previous year planned spending, previous year spending, current year
221 planned spending, current year spending to date, original estimated total project cost, project
222 description, location of the project, type of spending, type of asset and useful life of the project
223 once completed. The report shall be submitted not later than June 30 and December 31 of each
224 year for a period of 8 years after the effective date of this act.

225 SECTION 11. To provide for the continued availability of certain bond-funded spending
226 authorizations which otherwise would expire, the balances of the following appropriation items
227 and any allocations thereof shall be extended through June 30, 2017, for the purposes of and
228 subject to the conditions stated for these items in the original authorizations and any amendments
229 to such authorizations: 0330-2223, 0526-2012, 0640-0301, 1100-1570, 1100-1580, 1100-3001,
230 1100-7500, 1100-7981, 1100-7985, 1100-8000, 1100-8001, 1100-8020, 1100-9200, 1100-9520,
231 1102-0004, 1102-1994, 1102-5600, 1102-7967, 1599-4994, 1599-7156, 4000-2020, 5500-9400,
232 5500-9405, 6001-0816, 6001-0817, 6001-0818, 7000-9090, 7002-0015, 7007-6300, 7007-9040,
233 7066-2010, 7066-8000, 7100-1000, 7411-7960, 8000-0700, 8000-2020, 8000-3500, 8000-4900,
234 8100-2025, 8100-9000, 8500-1000, 8900-7500, 8900-8500 and 8910-0023

235 SECTION 12. (a) To carry out the purposes of items 1102-2009, 1102-2014, 1100-3003,
236 and 4000-2022, the commissioner of capital asset management and maintenance may,
237 notwithstanding sections 32 to 37, inclusive, of chapter 7C of the General Laws or any other

238 general or special law to the contrary, but subject to this subsection, acquire, by purchase,
239 prepayment of lease for a term that exceeds the useful life of the facility, gifts, or other transfers,
240 or by eminent domain under chapter 79 of the General Laws, any interests in land and buildings
241 considered necessary by the commissioner to carry out the purposes of this act including, but not
242 limited to, easements for drainage, access, utilities and environmental mitigation and may grant
243 and retain such easements and interests as considered necessary by the commissioner to carry out
244 the purposes of this act.

245 (b) The commissioner shall solicit proposals for any facility acquisition through requests
246 for proposals. Each request for proposals shall, at a minimum, include: (1) a description of the
247 facility for which proposals are sought; (2) a statement as to whether the commissioner seeks to
248 purchase or lease the facilities; (3) a statement as to whether the commissioner seeks to acquire
249 improved or unimproved land, buildings and interests therein; (4) a statement as to whether the
250 selected proposer shall be required to undertake the design, construction, renovation,
251 reconstruction, alteration, improvement, demolition, expansion or management of a new or
252 existing facility; (5) the proposed contractual terms and conditions, some of which may be
253 considered mandatory or nonnegotiable, (6) the evaluation criteria that will be utilized by the
254 commissioner; (7) the time and date for receipt of proposals; (8) the address of the office to
255 which proposals shall be delivered; and (9) such other matters as may be determined by the
256 commissioner. Public notice of each request for proposals shall be published at least 3 weeks
257 before the time specified in the notice for the receipt of proposals in the central register published
258 by the state secretary. At the opening of the proposals, the commissioner shall prepare a register
259 of proposals which shall include the name of each proposer. The register of proposals shall be
260 open for public inspection. Notwithstanding any general or special law to the contrary, until the
261 completion of the selection process, the contents of the proposals and the selection process shall
262 not be disclosed to competing proposers and shall not be public documents.

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

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

272 SECTION 13. The division of capital asset management and maintenance may transfer
273 care, custody, control and jurisdiction of a parcel of commonwealth land with the buildings
274 thereon located at Leverett circle in the city of Boston, currently used by the department of state
275 police, from the department of conservation and recreation to the department of state police. The

276 exact boundaries of the parcel to be transferred may be determined by the division of capital
277 asset management and maintenance in consultation with the department of conservation and
278 recreation and the department of state police. Transfer of the parcel shall be without
279 consideration and shall not be subject to chapter 7C of the General Laws. The division of capital
280 asset management and maintenance may, as necessary, clear title to the parcel to be transferred
281 by eminent domain taking.

282 SECTION 14. The division of capital asset management and maintenance may transfer
283 care, custody, control and jurisdiction of a parcel of vacant commonwealth land in the town of
284 Middleton from the department of mental health to the department of youth services for use as a
285 location for a new department of youth services facility. The parcel to be transferred contains
286 approximately 9.295 acres and is shown on a plan on file with the division. The exact
287 boundaries of the parcel to be transferred are to be determined by the division of capital asset
288 management and maintenance. Transfer of the parcel shall be without consideration and shall not
289 be subject to chapter 7C of the General Laws. The division of capital asset management and
290 maintenance may, as necessary, clear title to the parcel to be transferred by eminent domain
291 taking.