

HOUSE No. 04090

By Mr. Dempsey of Haverhill, for the committee on Ways and Means, on House, No. 3619, a Bill establishing the Massworks infrastructure program (House, No. 4090). June 5, 2012.

The Commonwealth of Massachusetts

In the Year Two Thousand Twelve

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. Sections 47 and 48 of chapter 6C of the General Laws are hereby repealed.
- 2 SECTION 2. Chapter 23A of the General Laws, as appearing in the 2010 Official Edition, is
- 3 hereby amended by inserting the following section:-
- 4 Section 63. (a) There shall be established within the executive office of housing and economic
- 5 development a MassWorks infrastructure program, hereinafter referred to as the “program”, to
- 6 issue public infrastructure grants to municipalities and other public instrumentalities for design,
- 7 construction, building, land acquisition, rehabilitation, repair and other improvements to
- 8 publicly-owned infrastructure, including, but not limited to, sewers, utility extensions, streets,
- 9 roads, curb-cuts, parking, water treatment systems, telecommunications systems, transit
- 10 improvements and pedestrian and bicycle ways. The program shall provide for commercial and
- 11 residential transportation and infrastructure development, improvements and various capital

12 investment projects under the growth districts initiative established by the executive office of
13 housing and economic development. The grants shall be used to assist municipalities to advance
14 projects that support job creation and expansion, housing development and rehabilitation,
15 community development and small town transportation projects; provided, however, that
16 projects supporting sustainable development in the commonwealth shall be preferred.

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

21 (c) There shall be at least 1 open solicitation period each year to accept and consider new
22 applications. Not less than 12 weeks before the annual open solicitation period, the executive
23 office of housing and economic development shall release the criteria upon which the
24 applications shall be judged including, but not limited to, a minimum project readiness standard,
25 overall spending targets by project type, and other preferences applying to the funding round.
26 Grants to projects of significant regional benefit that arise outside of the open solicitation period
27 may be made at the discretion of the secretary of housing and economic development.

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

32 (e) Within the program, at least 10 per cent of the grant funds shall be dedicated annually to
33 assist towns with populations of 7,000 or less in undertaking projects to design, construct,

34 reconstruct, widen, resurface, rehabilitate, and otherwise improve roads and bridges or for the
35 construction of chemical storage facilities, that support economic or community development.
36 Such towns shall be eligible for a grant not to exceed \$1,000,000, and towns shall be eligible to
37 receive 1 grant every 3 fiscal years. Two or more towns eligible under this subsection may file a
38 joint application for a single project serving those towns; provided, however, that the total
39 amount distributed to any 1 town shall not exceed the maximum amount allowed under this
40 section. Receipt of a grant which is part of a joint application shall not preclude a town from
41 receiving additional funds under a separate application.

42 (f) The secretary of housing and economic development may establish rules and regulations to
43 govern the application and distribution of grants under the program. The rules and regulations
44 may include provisions for joint applications by 2 or more eligible towns for a single project
45 serving those towns.

46 (g) The secretary of housing and economic development shall report annually to the clerks of the
47 house of representatives and the senate, the chairs of the joint committee on transportation, the
48 chairs of the joint committee on economic development and emerging technologies, the chairs of
49 the senate and house committees on ways and means and the chairs of the joint committees on
50 state administration and regulatory oversight on the activities and status of the program. The
51 report shall include a list and description of all projects that received grant funds under the
52 program, the amount of the grant awarded to the project, other sources of public funds that
53 supported the project, a detailed analysis of the economic impact of each project including,
54 where applicable, the number of construction and full time equivalent jobs to be created, the
55 number of housing units to be created, the private investment in the project, and the expected tax
56 revenue generated from the project.

57 SECTION 3. Section 57A of chapter 121B of the General Laws, as so appearing, is hereby
58 repealed.

59 SECTION 4. Item 6033-9013 of section 2 of chapter 246 of the acts of 2002 is hereby amended
60 by adding the following words:- ; provided, that after September 1, 2012 this item shall be used
61 for the MassWorks infrastructure program, as established by section 63 of chapter 23A of the
62 General Laws; provided further, that any uncommitted balance as of September 1, 2012 from the
63 aforementioned item shall be transferred to the executive office of housing and economic
64 development; provided further, that any unexpended balance as of November 1, 2012 from the
65 aforementioned item or its successor item established as a result of chapter 25 of the acts of 2009
66 shall be transferred to item 7002-8005 within the executive office of housing and economic
67 development; and provided further, that before December 31, 2012 the executive office of
68 housing and economic development shall submit a report on the amount of authorization
69 expended from this item before September 1, 2012; provided further, that said report shall detail
70 awards expected to utilize this authorization after September 1, 2012 and the schedule plan for
71 completing awards; and provided further that said report shall be delivered to the house and
72 senate committees on ways and means and the house and senate committees on bonding, capital
73 expenditures and state assets.

74 SECTION 5. Item 6033-0428 of section 2B of chapter 291 of the acts of 2004 is hereby amended
75 by adding the following words:- ; provided, that after September 1, 2012 this item shall be used
76 for the MassWorks infrastructure program, as established by section 63 of chapter 23A of the
77 General Laws; provided further, that any uncommitted balance as of September 1, 2012 from the
78 aforementioned item or its successor item established as a result of chapter 25 of the acts of 2009
79 shall be transferred to item 7002-8010 within the executive office of housing and economic

80 development; provided further, that any unexpended balance as of November 1, 2012 from the
81 aforementioned item shall be transferred to the executive office of housing and economic
82 development; and provided further, that before December 31, 2012 the executive office of
83 housing and economic development shall submit a report on the amount of authorization
84 expended from this item before September 1, 2012; provided further, that said report shall detail
85 awards expected to utilize this authorization after September 1, 2012 and the schedule plan for
86 completing awards; and provided further that said report shall be delivered to the house and
87 senate committees on ways and means and the house and senate committees on bonding, capital
88 expenditures and state assets.

89 SECTION 6. Item 6033-0499 of said section 2B of said chapter 291 is hereby amended by
90 adding the following words:- ; provided, that after September 1, 2012 this item shall be used for
91 the MassWorks infrastructure program, as established by section 63 of chapter 23A of the
92 General Laws; provided further, that any uncommitted balance as of September 1, 2012 from the
93 aforementioned item or its successor item established as a result of chapter 25 of the acts of 2009
94 shall be transferred to item 7002-8015 within the executive office of housing and economic
95 development; provided further, that any unexpended balance as of November 1, 2012 from the
96 aforementioned item shall be transferred to the executive office of housing and economic
97 development; and provided further, that before December 31, 2012 the executive office of
98 housing and economic development shall submit a report on the amount of authorization
99 expended from this item before September 1, 2012; provided further, that said report shall detail
100 awards expected to utilize this authorization after September 1, 2012 and the schedule plan for
101 completing awards; and provided further that said report shall be delivered to the house and

102 senate committees on ways and means and the house and senate committees on bonding, capital
103 expenditures and state assets.

104 SECTION 7. Item 6001-0421 of section 2I of said chapter 291 is hereby amended by adding the
105 following words:- ; provided, that after September 1, 2012 this item shall be used for the
106 MassWorks infrastructure program, as established by section 63 of chapter 23A of the General
107 Laws; provided further, that any uncommitted balance as of September 1, 2012 from the
108 aforementioned item or its successor item established as a result of chapter 25 of the acts of 2009
109 shall be transferred to item 7002-8020 within the executive office of housing and economic
110 development; provided further, that any unexpended balance as of November 1, 2012 from the
111 aforementioned item shall be transferred to the executive office of housing and economic
112 development; and provided further, that before December 31, 2012 the executive office of
113 housing and economic development shall submit a report on the amount of authorization
114 expended from this item before September 1, 2012; provided further, that said report shall detail
115 awards expected to utilize this authorization after September 1, 2012 and the schedule plan for
116 completing awards; and provided further that said report shall be delivered to the house and
117 senate committees on ways and means and the house and senate committees on bonding, capital
118 expenditures and state assets.

119 SECTION 8. Item 1100-8000 of section 2B of chapter 123 of the acts of 2006 is hereby amended
120 by adding the following words:- ; provided, that after September 1, 2012 this item shall be used
121 for the MassWorks infrastructure program, as established by section 63 of chapter 23A of the
122 General Laws; provided further, that any uncommitted balance as of September 1, 2012 from the
123 aforementioned item or its successor item established as a result of chapter 25 of the acts of 2009
124 shall be transferred to the executive office of housing and economic development; provided

125 further, that any unexpended balance as of November 1, 2012 from the aforementioned item
126 shall be transferred to item 7005-8025 within the executive office of housing and economic
127 development; and provided further, that before December 31, 2012 the executive office of
128 housing and economic development shall submit a report on the amount of authorization
129 expended from this item before September 1, 2012; provided further, that said report shall detail
130 awards expected to utilize this authorization after September 1, 2012 and the schedule plan for
131 completing awards; and provided further that said report shall be delivered to the house and
132 senate committees on ways and means and the house and senate committees on bonding, capital
133 expenditures and state assets.

134 SECTION 9. Item 6033-0887 of section 2B of chapter 86 of the acts of 2008 is hereby amended
135 by adding the following words:- ; provided, that after September 1, 2012 this item shall be used
136 for the MassWorks infrastructure program, as established by section 63 of chapter 23A of the
137 General Laws; provided further, that any uncommitted balance as of September 1, 2012 from the
138 aforementioned item or its successor item established as a result of chapter 25 of the acts of 2009
139 shall be transferred to item 7002-8030 within the executive office of housing and economic
140 development; provided further, that any unexpended balance as of November 1, 2012 from the
141 aforementioned item shall be transferred to the executive office of housing and economic
142 development; and provided further, that before December 31, 2012 the executive office of
143 housing and economic development shall submit a report on the amount of authorization
144 expended from this item before September 1, 2012; provided further, that said report shall detail
145 awards expected to utilize this authorization after September 1, 2012 and the schedule plan for
146 completing awards; and provided further that said report shall be delivered to the house and

147 senate committees on ways and means and the house and senate committees on bonding, capital
148 expenditures and state assets.

149 SECTION 10. Item 7004-0035 of section 2 of chapter 119 of the acts of 2008 is hereby amended
150 by adding the following words:- ; provided, that after September 1, 2012 this item shall be used
151 for the MassWorks infrastructure program, as established by section 63 of chapter 23A of the
152 General Laws; provided further, that any uncommitted balance as of September 1, 2012 from the
153 aforementioned item or its successor item established as a result of chapter 25 of the acts of 2009
154 shall be transferred to item 7005-8035 within the executive office of housing and economic
155 development; provided further, that any unexpended balance as of November 1, 2012 from the
156 aforementioned item shall be transferred to the executive office of housing and economic
157 development; and provided further, that before December 31, 2012 the executive office of
158 housing and economic development shall submit a report on the amount of authorization
159 expended from this item before September 1, 2012; provided further, that said report shall detail
160 awards expected to utilize this authorization after September 1, 2012 and the schedule plan for
161 completing awards; and provided further that said report shall be delivered to the house and
162 senate committees on ways and means and the house and senate committees on bonding, capital
163 expenditures and state assets.

164 SECTION 11. Item 6035-0887 of section 2B of chapter 303 of the acts of 2008, as amended by
165 section 34 of chapter 26 of the acts of 2009, is hereby amended by adding the following words:- ;
166 provided, that after September 1, 2012 this item shall be used for the MassWorks infrastructure
167 program, as established by section 63 of chapter 23A of the General Laws; provided further, that
168 any uncommitted balance as of September 1, 2012 from the aforementioned item or its successor
169 item established as a result of chapter 25 of the acts of 2009 shall be transferred to the item 7002-

170 8040 within the executive office of housing and economic development; provided further, that
171 any unexpended balance as of November 1, 2012 from the aforementioned item shall be
172 transferred to the executive office of housing and economic development; and provided further,
173 that before December 31, 2012 the executive office of housing and economic development shall
174 submit a report on the amount of authorization expended from this item before September 1,
175 2012; provided further, that said report shall detail awards expected to utilize this authorization
176 after September 1, 2012 and the schedule plan for completing awards; and provided further that
177 said report shall be delivered to the house and senate committees on ways and means and the
178 house and senate committees on bonding, capital expenditures and state assets.

179 SECTION 12. Item 6035-0877 of section 2B of chapter 303 of the acts of 2008, as amended by
180 section 33 of chapter 26 of the acts of 2009, is hereby amended by adding the following words:- ;
181 provided, that after September 1, 2012 this item shall be used for the MassWorks infrastructure
182 program, as established by section 63 of chapter 23A of the General Laws; provided further, that
183 any uncommitted balance as of September 1, 2012 from the aforementioned item shall be
184 transferred to the executive office of housing and economic development; provided further, that
185 any unexpended balance as of November 1, 2012 from the aforementioned item or its successor
186 item established as a result of chapter 25 of the acts of 2009 shall be transferred to item 7002-
187 8045 within the executive office of housing and economic development; and provided further,
188 that before December 31, 2012 the executive office of housing and economic development shall
189 submit a report on the amount of authorization expended from this item before September 1,
190 2012; provided further, that said report shall detail awards expected to utilize this authorization
191 after September 1, 2012 and the schedule plan for completing awards; and provided further that

192 said report shall be delivered to the house and senate committees on ways and means and the
193 house and senate committees on bonding, capital expenditures and state assets.

194 SECTION 13. Item 6001-0803 of section 2C of chapter 303 of the acts of 2008 is hereby
195 amended by adding the following words:- ; provided, that after September 1, 2012 this item shall
196 be used for the MassWorks infrastructure program, as established by section 63 of chapter 23A
197 of the General Laws; provided further, that any uncommitted balance as of September 1, 2012
198 from the aforementioned item or its successor item established as a result of chapter 25 of the
199 acts of 2009 shall be transferred to item 7002-8050 within the executive office of housing and
200 economic development; provided further, that any unexpended balance as of November 1, 2012
201 from the aforementioned item shall be transferred to the executive office of housing and
202 economic development; and provided further, that before December 31, 2012 the executive
203 office of housing and economic development shall submit a report on the amount of
204 authorization expended from this item before September 1, 2012; provided further, that said
205 report shall detail awards expected to utilize this authorization after September 1, 2012 and the
206 schedule plan for completing awards; and provided further that said report shall be delivered to
207 the house and senate committees on ways and means and the house and senate committees on
208 bonding, capital expenditures and state assets.

209 SECTION 14. Item 6001-0817 of said section 2C of said chapter 303 is hereby amended by
210 adding the following words:- ; provided, that after September 1, 2012 this item shall be used for
211 the MassWorks infrastructure program, as established by section 63 of chapter 23A of the
212 General Laws; provided further, that any uncommitted balance as of September 1, 2012 from the
213 aforementioned item or its successor item established as a result of chapter 25 of the acts of 2009
214 shall be transferred to item 7002-8055 within the executive office of housing and economic

215 development; provided further, that any unexpended balance as of November 1, 2012 from the
216 aforementioned item shall be transferred to the executive office of housing and economic
217 development; and provided further, that before December 31, 2012 the executive office of
218 housing and economic development shall submit a report on the amount of authorization
219 expended from this item before September 1, 2012; provided further, that said report shall detail
220 awards expected to utilize this authorization after September 1, 2012 and the schedule plan for
221 completing awards; and provided further that said report shall be delivered to the house and
222 senate committees on ways and means and the house and senate committees on bonding, capital
223 expenditures and state assets.

224 SECTION 15. Item 1100-8020 of section 2C of chapter 304 of the acts of 2008 is hereby
225 amended by adding the following words:- ; provided, that after September 1, 2012 this item shall
226 be used for the MassWorks infrastructure program, as established by section 63 of chapter 23A
227 of the General Laws; provided further, that any uncommitted balance as of September 1, 2012
228 from the aforementioned item or its successor item established as a result of chapter 25 of the
229 acts of 2009 shall be transferred to item 7002-8060 within the executive office of housing and
230 economic development; provided further, that any unexpended balance as of November 1, 2012
231 from the aforementioned item shall be transferred to the executive office of housing and
232 economic development; and provided further, that before December 31, 2012 the executive
233 office of housing and economic development shall submit a report on the amount of
234 authorization expended from this item before September 1, 2012; provided further, that said
235 report shall detail awards expected to utilize this authorization after September 1, 2012 and the
236 schedule plan for completing awards; and provided further that said report shall be delivered to

237 the house and senate committees on ways and means and the house and senate committees on
238 bonding, capital expenditures and state assets.

239 SECTION 16. Item 6001-0816 of section 2B of chapter 240 of the acts of 2010, as amended by
240 section 1 of chapter 412 of the acts of 2010, is hereby amended by adding the following words:- ;
241 provided, that after September 1, 2012 this item shall be used for the MassWorks infrastructure
242 program, as established by section 63 of chapter 23A of the General Laws; provided further, that
243 any uncommitted balance as of September 1, 2012 from the aforementioned item or its successor
244 item established as a result of chapter 25 of the acts of 2009 shall be transferred to item 7002-
245 8060 within the executive office of housing and economic development; provided further, that
246 any unexpended balance as of November 1, 2012 from the aforementioned item shall be
247 transferred to the executive office of housing and economic development; and provided further,
248 that before December 31, 2012 the executive office of housing and economic development shall
249 submit a report on the amount of authorization expended from this item before September 1,
250 2012; provided further, that said report shall detail awards expected to utilize this authorization
251 after September 1, 2012 and the schedule plan for completing awards; and provided further that
252 said report shall be delivered to the house and senate committees on ways and means and the
253 house and senate committees on bonding, capital expenditures and state assets.