

HOUSE No. 728

The Commonwealth of Massachusetts

PRESENTED BY:

Bruce J. Ayers

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 establishing a revolving fund to supplement the funding of waterway projects and coastal protection initiatives.

PETITION OF:

NAME:

DISTRICT/ADDRESS:

Bruce J. Ayers

1st Norfolk

Patrick Joseph Kearney

4th Plymouth

Patrick M. O'Connor

Plymouth and Norfolk

HOUSE No. 728

By Mr. Ayers of Quincy, a petition (accompanied by bill, House, No. 728) of Bruce J. Ayers, Patrick Joseph Kearney and Patrick M. O'Connor relative to the funding of waterway projects and coastal protection initiatives. Environment, Natural Resources and Agriculture.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 396 OF 2017-2018.]

The Commonwealth of Massachusetts

In the One Hundred and Ninety-First General Court
(2019-2020)

An Act establishing a revolving fund to supplement the funding of waterway projects and coastal protection initiatives.

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 91 of the General Laws is hereby amended by inserting the
2 following new section after section 10A1/2:—Section 10A3/4. There is hereby established a
3 fund to be known as the Coastal Protection and Harbor Maintenance Revolving Fund to which
4 shall be credited such sums as may from time to time be provided by appropriation.
5 Notwithstanding the provisions of any general or special law to the contrary, the department of
6 environmental management is hereby authorized and directed to utilize the appropriations
7 credited to this fund for providing financial assistance to local government units to meet debt
8 service obligations or bonds incurred by such local government units after January 1, 2021, to
9 finance costs of coastal protection and harbor maintenance projects, or portions thereof, which
10 have been approved by the department. As used in this section, the term “coastal protection and

11 harbor maintenance project” shall mean the planning, including study, professional consultation,
12 engineering, evaluation, preliminary and final design and pre-construction activity, including
13 construction, supervision and purchase of equipment for post-construction maintenance for
14 projects approved by the department that increase or maintain harbor access and maintain or
15 augment structures that provide protection to the coastline and development along the same. The
16 department shall promulgate regulations to define typical projects that are approved for
17 assistance and shall therein provide a process for municipalities to submit additional proposals
18 for consideration should a municipality believe that a project meets the criteria for a coastal
19 protection or harbor maintenance project but is not specifically defined as such in the
20 regulations. Subject to appropriation, the department shall provide financial assistance for each
21 coastal protection and harbor maintenance project or portion thereof authorized by this section in
22 such manner and under such terms and conditions as defined under regulations to be
23 promulgated by the department, including zero or low-interest loans to the municipality, in an
24 aggregate amount equal to 50 percent percent of the approved costs of such project or portion
25 thereof approved by the department of environmental management. This assistance shall not be
26 construed as a replacement and shall not be used in lieu of any other form of grant or other
27 assistance available through the department, but shall assist municipalities in affording and
28 financing their portion of approved and necessary projects.

29 The state treasurer shall enter into an agreement with the department to provide contract
30 assistance to the department in whatever maximum amount is appropriated by the
31 commonwealth per fiscal year. Subject to appropriation, the department is hereby authorized and
32 directed to report the total annual amount of assistance authorized in each current and subsequent
33 year to meet the provisions of this section and shall file the same with the house and senate

34 committees on ways and means no later than February first of each year, such report shall also
35 detail the number and aggregate amount of requests for assistance the department has received
36 and is unable to provide from this account due to exhaustion of available appropriations.

37 SECTION 2. This act shall take effect upon passage and the department of environmental
38 management is directed to promulgate the rules and regulations required under this act within 90
39 days after the effective date of this act.