

SENATE No. 2244

The committee on Bonding, Capital Expenditures and State Assets, to whom was referred the House Bill providing for capital facility repairs and improvements for the Commonwealth (House, No. 4045); reports, recommending that the same ought to pass with an amendment striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 2244. [Authorized Bond capacity: \$3.371 Billion]

The Commonwealth of Massachusetts

In the One Hundred and Ninetieth General Court
(2017-2018)

1 SECTION 1. To provide for a program to protect, repair and improve the capital
2 facilities of the commonwealth and for a program of capital asset acquisitions, dispositions and
3 other improvements for general government operations, the sums set forth in sections 2, 2A, 2B
4 and 2C, inclusive, for the several purposes and subject to the conditions specified in this act are
5 hereby made available, subject to the laws regulating the disbursement of public funds, which
6 sums shall be in addition to any other amounts previously appropriated for these purposes.

7 SECTION 2.

8 EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE

9 Division of Capital Asset Management and Maintenance

10 1102-2017 For costs associated with planning and studies, dispositions, acquisition of
11 land and buildings and interests therein by purchase, prepayment of lease for a term that exceeds
12 the useful life of the facility, gift or other transfer or by eminent domain pursuant to chapter 79
13 of the General Laws, for the preparation of plans and specifications, disparity studies, repairs,

14 construction, renovations, improvements, asset management, accessibility improvements,
15 demolition, disposition, and remediation of state-owned and former county facilities and grounds
16 and for costs associated with repair and maintenance of buildings and building systems and
17 equipment at various facilities of the commonwealth; provided, that any federal reimbursement
18 received by a state agency in connection with projects funded from this item may be retained by
19 the executive office for administration and finance and expended for the purposes of the project,
20 without further appropriation, in addition to the amounts appropriated in this item; provided
21 further, that all maintenance and repair work funded in this item shall be listed in the capital asset
22 management information system administered by the division of capital asset management and
23 maintenance; provided further, that where appropriate, the commissioner of capital asset
24 management and maintenance may transfer funds authorized herein in accordance with a
25 delegation of project control and supervision process pursuant to section 5 of chapter 7C of the
26 General Laws; provided further, that funds so transferred shall be distributed based on the
27 severity of the need that the repair shall address and other criteria developed by the division, in
28 consultation with the secretary of administration and
29 finance.....\$680,000,000

30 4000-2025 For costs associated with planning and studies, dispositions, acquisition of
31 land and buildings and interests therein by purchase, prepayment of lease for a term that exceeds
32 the useful life of the facility, gift or other transfer or by eminent domain pursuant to chapter 79
33 of the General Laws, for the preparation of plans and specifications, repairs, construction,
34 renovations, improvements, modernization, construction, reconstruction, furnishing, equipping,
35 acquiring, remodeling, refurbishing, asset management, accessibility improvements, demolition,
36 disposition and remediation of facilities and grounds operated by the various departments within

37 the executive office for health and human services, all as the commissioner of capital asset
38 management and maintenance, in consultation with the secretary of health and human services
39 and the appropriate commissioners of the departments within the executive office, shall consider
40 appropriate; provided, that costs payable from this item shall include, but not be limited to, the
41 costs of leases of temporary relocation space or equipment as required for completion of a
42 project; provided further, that any federal reimbursement received by a state agency including,
43 but not limited to, projects related to the provision of health care, human services, and veterans'
44 services in connection with projects funded from this item may be retained by the executive
45 office for administration and finance and expended for the purposes of the project, without
46 further appropriation, in addition to the amounts appropriated in this
47 item.....\$401,000,000

48 Division of Capital Asset Management and Maintenance

49 7066-8110 For costs associated with plans and specifications, planning and studies,
50 repairs, construction, reconstruction, demolition, remediation, rehabilitation, modernization,
51 disposition, renovations, improvements and maintenance at Massachusetts public higher
52 education campus facilities and grounds; provided, that all projects approved for design and
53 construction by the division of capital asset management and maintenance shall be consistent in
54 priority and need with regional capital master plans developed by the division of capital asset
55 management and maintenance, in consultation, as applicable, with the presidents of the
56 community colleges, state universities, and University of Massachusetts and approved by the
57 board of higher education, with respect to the community colleges and state universities, or
58 approved by the board of trustees of the University of Massachusetts, as applicable; provided
59 further, that all maintenance and repair work funded by this item shall be included in the capital

60 asset management information system administered by the division of capital asset management
61 and maintenance.....\$950,000,000

62 8000-3502 For costs associated with planning and studies, dispositions, acquisition of
63 land and buildings and interests therein by purchase, prepayment of lease for a term that exceeds
64 the useful life of the facility, gift or other transfer or by eminent domain pursuant to chapter 79
65 of the General Laws, for the preparation of plans and specifications, repairs, construction,
66 renovations, improvements, remediation, rehabilitation, modernization, and demolition for public
67 safety and security facilities, all as the commissioner of capital asset management and
68 maintenance, in consultation with the secretary of public safety and security and the appropriate
69 commissioners of the departments within the executive office, shall consider appropriate;
70 provided, that costs payable from this item shall include, but not be limited to, the costs of leases
71 of temporary relocation space or equipment as required for completion of a
72 project.....\$500,000,000

73 SECTION 2A.

74 EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE

75 Division of Capital Asset Management and Maintenance

76 JUDICIARY

77 Trial Court

78 1102-5700 For capital needs at court facilities, including, but not limited to, expenditures
79 for the planning, design and acquisition of land and buildings and interests therein by purchase,
80 lease for a term, including any extensions, not to exceed 50 years, gift or other transfer or by

81 eminent domain under chapter 79 of the General Laws, the preparation of plans and
82 specifications, the construction, renovation, reconstruction, alteration, improvement, demolition,
83 expansion, repair and improvements, including equipment and temporary relocation costs, as
84 needed for priority projects identified by the division of capital asset management and
85 maintenance and the executive office of the trial court, including but not limited to projects
86 identified in the Courts Capital Master Plan released in April 2017; for building repairs necessary
87 to correct unsafe and overcrowded conditions, for the remediation of life safety code violations,
88 for the remediation of access code and civil rights violations, for the remediation of
89 environmental hazards and for security improvements and other necessary repairs at court
90 facilities owned by the commonwealth or by political subdivisions of the commonwealth;
91 provided further, that costs payable from this item shall include, but not be limited to, the costs
92 of engineering and other services essential to these projects rendered by division of capital asset
93 management and maintenance employees or by consultants; provided further, that amounts
94 expended for division employees may include the salary and salary-related expenses of these
95 employees to the extent that they work on or in support of these
96 projects.....\$500,000,000

97 SECTION 2B.

98 EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE

99 Office of the Secretary

100 1100-3005 For a grant program to cities, towns, counties, regional organizations whose
101 membership is exclusively composed of municipal governments or municipal redevelopment
102 authorities or agencies, or similar governmental development agencies to provide funding for

103 capital facility purposes, including those owned or operated by nonprofit organizations,
104 including, but not limited to planning and studies, preparation of plans and specifications, site
105 assembly and preparation, dispositions, acquisitions, repairs, renovations, improvements,
106 construction, demolition, remediation, modernization, and reconstruction of facilities,
107 infrastructure, equipment and other capital assets, technical assistance, information technology
108 equipment and infrastructure, and for costs associated with improving accessibility of municipal
109 facilities under guidelines adopted by the executive office for administration and finance
110 provided, that the executive office shall expend not more than 1 per cent of the total amount
111 available for the cost of administering this program
112\$85,000,000

113 EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE

114 Division of Capital Asset Management and Maintenance

115 1102-2018 For the accelerated energy and resiliency program to improve the energy
116 efficiency, climate change readiness, environmental risk reduction, resiliency and carbon
117 emissions reduction of state-owned facilities, equipment and related capital assets, including
118 costs associated with planning and studies, prepayment of lease for a term that exceeds the useful
119 life of the facility, gifts or other transfers or by eminent domain under chapter 79 of the General
120 Laws, for the preparation of plans and specifications, repairs, construction, renovations,
121 improvements, asset management and demolition, disposition and remediation of state-owned
122 and former county facilities and grounds, and repair and maintenance of buildings and building
123 systems and equipment at various state-owned facilities; provided, that all maintenance and
124 repair work funded in this item shall be listed in the capital asset management information

125 system administered by the division of capital asset management and maintenance; provided
126 further, that the commissioner of capital asset management and maintenance may, if appropriate,
127 transfer funds in accordance with the delegation of project control and supervision process under
128 section 5 of chapter 7C of the General Laws; provided further, that costs payable from this item
129 shall include, but not be limited to, the costs of engineering and other services essential to these
130 projects rendered by division of capital asset management and maintenance employees or by
131 consultants; provided further, that amounts expended for division employees may include the
132 salary and salary-related expenses of such employees to the extent that they work on or in
133 support of these projects; provided, however, that the division shall not expend more than 5 per
134 cent of the funds authorized in this item for such costs; and provided further, that the
135 commissioner of capital asset management and maintenance shall maximize efforts to utilize all
136 available means to minimize use of capital funds to pay for salaries of division
137 employees.....\$150,000,000

138 1102-2019 For the accelerated energy program to improve the energy efficiency of state-
139 owned facilities, including costs associated with planning and studies, prepayment of a lease for
140 a term that exceeds the useful life of the facility, gifts or other transfers or by eminent domain
141 under chapter 79 of the General Laws, for the preparation of plans and specifications, repairs,
142 construction, renovations, improvements, asset management and demolition, disposition and
143 remediation of state-owned and former county facilities and grounds, and repair and maintenance
144 of buildings and building systems and equipment at various state-owned facilities; provided, that
145 all maintenance and repair work funded in this item shall be listed in the capital asset
146 management information system administered by the division of capital asset management and
147 maintenance; provided further, that the commissioner of capital asset management and

148 maintenance may, where appropriate, transfer funds in accordance with the delegation of project
149 control and supervision process under section 5 of chapter 7C of the General Laws; provided
150 further, that for projects which the secretary of administration and finance certifies to the
151 comptroller directly or indirectly generate new state revenue or budgetary savings, the
152 comptroller shall transfer those budgetary savings or revenue to the state treasurer for payment of
153 debt service related to those projects; provided further, that costs payable from this item shall
154 include, but not be limited to, the costs of engineering and other services essential to these
155 projects rendered by division of capital asset management and maintenance employees or by
156 consultants; provided further, that amounts expended for division employees may include the
157 salary and salary-related expenses of such employees to the extent that they work on or in
158 support of these projects; provided, however, that the division shall not expend more than 5 per
159 cent of the funds authorized in this item for such costs; and provided further, that the
160 commissioner of capital asset management and maintenance shall maximize efforts to utilize all
161 available means to minimize use of capital funds to pay for salaries of division
162 employees.....\$85,000,000

163 SECTION 2C.

164 EXECUTIVE OFFICE FOR PUBLIC SAFETY AND SECURITY

165 Office of the Secretary

166 8000-0702 For equipment for the department of correction and other agencies within the
167 executive office of public safety and security including, but not limited to, medical equipment,
168 security equipment, safety equipment, communications equipment, and vehicles
169\$20,000,000

170 SECTION 3. To meet the expenditures necessary in carrying out sections 2 and 2A, the
171 state treasurer shall, upon request of the governor, issue and sell bonds of the commonwealth in
172 an amount to be specified by the governor, but not exceeding in the aggregate \$3,031,000,000.
173 All such bonds issued by the commonwealth shall be designated on their face Capital
174 Improvement Act of 2017 and shall be issued for a maximum term of years, not exceeding 30
175 years, as the governor recommends to the general court pursuant to section 3 of Article LXII of
176 the Amendments to the Constitution. The bonds shall be payable not later than June 30, 2052.
177 All interest and payments on account of principal on these obligations shall be payable from the
178 General Fund. Bonds and interest thereon issued pursuant to this section shall, notwithstanding
179 any other provision of this act, be general obligations of the commonwealth.

180 SECTION 4. To meet the expenditures necessary in carrying out section 2B, the state
181 treasurer shall, upon request of the governor, issue and sell bonds of the commonwealth in an
182 amount to be specified by the governor, but not exceeding in the aggregate \$320,000,000. All
183 such bonds issued by the commonwealth shall be designated on their face Capital Improvement
184 Act of 2017, and shall be issued for a maximum term of years, not exceeding 20 years, as the
185 governor recommends to the general court pursuant to section 3 of Article LXII of the
186 Amendments to the Constitution. The bonds shall be payable not later than June 30, 2042. All
187 interest and payments on account of principal on these obligations shall be payable from the
188 General Fund. Bonds and interest thereon issued pursuant to this section shall, notwithstanding
189 any other provision of this act, be general obligations of the commonwealth.

190 SECTION 5. To meet the expenditures necessary in carrying out section 2C, the state
191 treasurer shall, upon request of the governor, issue and sell bonds of the commonwealth in an
192 amount to be specified by the governor, but not exceeding in the aggregate \$20,000,000. All

193 such bonds issued by the commonwealth shall be designated on their face Capital Improvement
194 Act of 2017 and shall be issued for a maximum term of years, not exceeding 10 years, as the
195 governor recommends to the general court pursuant to section 3 of Article LXII of the
196 Amendments to the Constitution. The bonds shall be payable not later than June 30, 2032. All
197 interest and payments on account of principal on these obligations shall be payable from the
198 General Fund. Bonds and interest thereon issued pursuant to this section shall, notwithstanding
199 any other provision of this act, be general obligations of the commonwealth.

200 SECTION 6. Section 5 of chapter 7C of the General Laws as appearing in the 2016
201 Official Edition, is hereby amended by striking out, in line 9, the figure “\$2,000,000” and
202 inserting in place thereof the following figure:- \$5,000,000.

203 SECTION 7. Said section 5 of said chapter 7C, as so appearing, is hereby further
204 amended by adding the following 2 sentences:- Notwithstanding the foregoing, the commissioner
205 may delegate project control and supervision to the University of Massachusetts over projects
206 involving structural or mechanical work with an estimated cost of less than \$10,000,000 if the
207 commissioner determines that the University of Massachusetts has the ability to control and
208 supervise such project. As used in this section, “estimated cost” means the estimated
209 construction cost stated in a study or program prepared in accordance with section 59.

210 SECTION 8. Subsection (e) of section 46 of said chapter 7C, as so appearing, is hereby
211 amended by striking out clauses (i) and (ii) and inserting in place thereof the following 2
212 clauses:- (i) the design fee under the contract is less than \$30,000; or (ii) the estimated
213 construction cost of the project for which the design services are required is less than \$300,000.

214 SECTION 9. Item 7066-8000 of section 2 of chapter 258 of the acts of 2008 is hereby
215 amended by striking out the figure “\$1,303,055,630”, inserted by section 7 of chapter 237 of the
216 acts of 2014, and inserting in place thereof the following figure:- \$1,403,055,630.

217 SECTION 10. Item 7100-1000 of said section 2 of said chapter 258 is hereby further
218 amended by striking out the figure “\$1,101,500,000” , inserted by section 9 of said chapter 237,
219 and inserting in place thereof the following figure:- \$1,201,500,000.

220 SECTION 11. Section 3 of said chapter 258 , is hereby amended by striking out the
221 figure “\$2,404,555,630”, inserted by section 10 of said chapter 237, and inserting in place
222 thereof the following figure:- \$2,604,555,630.

223 SECTION 12. Said section 3 of said chapter 258, as amended by section 10 of said
224 chapter 237, is hereby further amended by striking out the words “June 30, 2048” and inserting
225 in place thereof the following words:- June 30, 2052.

226 SECTION 13. Item 1102-2008 of section 2C of chapter 304 of the acts of 2008 is hereby
227 amended by striking out, in line 37, the figure “\$60,000,000” and inserting in place thereof the
228 following figure:- \$21,100,000.

229 SECTION 14. Item 1102-5600 of said section 2C of said chapter 304 is hereby amended
230 by striking out, in lines 48 to 51, inclusive, the following words:- “; provided further, that not
231 less than \$72,000,000 shall be expended for the costs of the renovation of the probate and family
232 court building located in the city of Salem”.

233 SECTION 15. Subsection (d) of section 49 of chapter 9 of the acts of 2011 is hereby
234 amended by striking out, in line 4, the figure “\$100,000” and inserting in place thereof the
235 following figure:- \$150,000.

236 SECTION 16. Subsection (e) of said section 49 of said chapter 9 is hereby amended by
237 striking out the words “January 1, 2017”, inserted by section 23 of chapter 119 of the acts of
238 2015, and inserting in place thereof the following words:- January 1, 2019.

239 SECTION 17. Subsection (f) of said section 49 of said chapter 9 is hereby amended by
240 striking out the words “June 1, 2017”, inserted by section 24 of said chapter 119, and inserting in
241 place thereof the following words:- June 30, 2019.

242 SECTION 18. The secretary of administration and finance shall submit a report on the
243 progress of any projects funded through the authorizations in this act and included in the
244 governor’s 5-year capital investment plan to the clerks of the senate and house of representatives,
245 the chairs of the senate and house committees on ways and means and the chairs of the senate
246 and house committees on bonding, capital expenditures and state assets. The report shall include,
247 but not be limited to: (i) the previous year planned spending; (ii) the previous year actual
248 spending; (iii) the current year planned spending; (iv) the current year spending to date; (v) the
249 original estimated total project cost; (vi) the project description; (vii) the location of the project;
250 (viii) the type of spending; (ix) the type of asset; and (x) the useful life of the project once
251 completed. The report shall be submitted not later than June 30 and December 31 of each year
252 for a period of 8 years after the effective date of this act.

253 SECTION 19. To provide for the continued availability of certain bond-funded spending
254 authorizations which otherwise would expire, the balances of the following items and any

255 allocations thereof shall be extended through June 30, 2020 for the purposes of, and subject to,
256 the conditions stated for these items in the original authorizations and any amendments to such
257 authorizations: 0640-0035, 1100-9201, 1599-7061, 1599-7062, 1599-7063, 1790-3001, 1790-
258 3002, 1790-3003, 1790-3004, 1100-3001, and 8000-2030.

259 SECTION 20. To provide for the continued availability of certain bond-funded spending
260 authorizations which otherwise would expire, the balances of the following items and any
261 allocations thereof shall be extended through June 30, 2022 for the purposes of, and subject to,
262 the conditions stated for these items in the original authorizations and any amendments to such
263 authorizations: 0640-0302, 0330-2223, 1100-3002, 1100-3003, 1102-2009, 1102-2014, 1102-
264 2015, 1102-2016, 1102-5600, 1790-2500, 4000-2020, 4000-2022, 7000-9091, 7066-8000, 7100-
265 1000, 8000-3501, 8000-0701, 8000-2021, 8000-2022, 8100-2026, 8900-7500, and 8900-8500.