

HOUSE No. 4446

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, February 28, 2024.

The committee on Ways and Means, to whom was referred the Senate Bill to provide for competitiveness and infrastructure investment in Massachusetts (Senate, No. 2554), reports recommending that the same ought to pass with amendments striking out all after the enacting clause and inserting in place thereof the text contained in House document numbered 4446; and by striking out the emergency preamble and inserting in place thereof the following emergency preamble:

“Whereas, The deferred operation of this act would tend to defeat its purposes, which are to enhance the competitiveness of the commonwealth in winning federal funds and to provide for the infrastructure needs of the commonwealth, each of which is immediately necessary to accomplish important public purposes, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.”

For the committee,

AARON MICHLEWITZ.

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Text of amendments, recommended by the committee on Ways and Means, to the Senate Bill to provide for competitiveness and infrastructure investment in Massachusetts (Senate, No. 2554). February 28, 2024.

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**In the One Hundred and Ninety-Third General Court
(2023-2024)**

By striking out all after the enacting clause and inserting in place thereof the following:—

1 “SECTION 1. Section 2H of chapter 29 of the General Laws, as most recently amended
2 by section 1 of chapter 50 of the acts of 2023, is hereby further amended by striking out the first
3 sentence and inserting in place thereof the following sentence:- There shall be established and set
4 up on the books of the commonwealth a separate fund to be known as the Commonwealth
5 Stabilization Fund, consisting of amounts transferred to the fund in accordance with sections 5C
6 and 5G, amounts credited under this section, income derived from the investment of amounts in
7 the fund and any appropriations or other amounts transferred to the fund.

8 SECTION 2. Said chapter 29 is hereby further amended by inserting after section
9 2DDDDDD the following section:-

10 Section 2EEEEEE. (a) There shall be established and set up on the books of the
11 commonwealth a separate, non-budgeted special revenue fund to be known as the
12 Commonwealth Federal Matching and Debt Reduction Fund, which shall be administered by the
13 secretary of administration and finance. The fund shall be credited with: (i) interest earned in
14 each fiscal year on the investment of money in the Commonwealth Stabilization Fund

15 established in section 2H, subject to subsection (b); (ii) any appropriations or other money
16 designated to be credited to the fund; and (iii) interest earned on any amounts in the fund.
17 Amounts credited to the fund shall be expended without further appropriation. Any unexpended
18 balance in the fund at the end of a fiscal year shall not revert to the General Fund and shall
19 remain available for expenditure in subsequent fiscal years. No expenditure made from the fund
20 shall cause the fund to be in deficit at any point.

21 (b) Quarterly, the comptroller shall transfer to the fund any interest credited to the
22 Commonwealth Stabilization Fund during the previous quarter; provided, however, that no such
23 transfer shall occur if: (i) the balance of the Commonwealth Stabilization Fund for the most
24 recently ended fiscal year has decreased below the balance of the Commonwealth Stabilization
25 Fund at the close of the immediately preceding fiscal year as certified by the comptroller in the
26 statutory basis financial report required pursuant to section 12 of chapter 7A; or (ii) the balance
27 of the Commonwealth Stabilization Fund does not exceed 10 per cent of budgeted revenues for
28 the immediately preceding fiscal year, as stated in the most recent statutory basis financial
29 report; provided, that if the report for the immediately preceding fiscal year has not yet been
30 issued, the comptroller shall make an estimate of the Commonwealth Stabilization Fund balance
31 and budgeted revenues and other financing sources for the immediately preceding fiscal year.

32 (c) Annually, not later than 5 business days after the issuance of the statutory basis
33 financial report required pursuant to section 12 of chapter 7A, the comptroller shall report to the
34 executive office for administration and finance, the clerks of the house of representatives and the
35 senate and the house and senate committees on ways and means on: (i) the balance of the
36 Commonwealth Stabilization Fund as of June 30 of the preceding fiscal year; and (ii) the interest
37 earned by the Commonwealth Stabilization Fund during the preceding fiscal year.

38 (d) The secretary of administration and finance may expend money from the fund,
39 without further appropriation, for: (i) repaying, prepaying, defeasing, retiring, tendering,
40 purchasing, reducing the principal or interest payable on or otherwise reducing any portion of the
41 commonwealth's indebtedness; (ii) reducing, repaying or retiring any portion of the
42 commonwealth's long-term liabilities, including, but not limited to, pension obligations, other
43 post-retirement benefits, capital leases, general or special obligation contract liabilities and
44 equivalent liabilities; and (iii) transferring any amounts in the fund to the Commonwealth
45 Stabilization Fund. The secretary of administration and finance shall provide notice to the clerks
46 of the house of representatives and the senate and the house and senate committees on ways and
47 means not less than 30 days prior to expending funds from the Commonwealth Federal Matching
48 and Debt Reduction Fund, including, but not limited to, the purpose and amount of each
49 expenditure.

50 (e) Annually, not later than December 31, the secretary of administration and finance
51 shall provide a report to the clerks of the house of representatives and the senate and the house
52 and senate committees on ways and means on the activities of the Commonwealth Federal
53 Matching and Debt Reduction Fund for the preceding fiscal year.

54 SECTION 3. Notwithstanding any general or special law to the contrary, not later than
55 December 31, 2026, the secretary of administration and finance shall report to the clerks of the
56 house of representatives and the senate and the house and senate committees on ways and means
57 on expenditures from the Commonwealth Federal Matching and Debt Reduction Fund
58 established in section 2EEEEEE of chapter 29 of the General Laws for matching funds for
59 federal programs, including, but not limited to, projects and programs included in the
60 Infrastructure Investment and Jobs Act of 2021, also known as the Bipartisan Infrastructure Law,

61 Public Law No. 117-58, the Creating Helpful Incentives to Produce Semiconductors Act of 2022,
62 Public Law No. 117-167, and the Inflation Reduction Act of 2022, Public Law No. 117-169,
63 including expenditures for grants, loans and other financial assistance to cities, towns, tribes,
64 regional organizations whose membership is exclusively composed of municipal governments,
65 regional planning agencies, community development corporations and other development
66 authorities or agencies related to such federal programs.

67 SECTION 4. Notwithstanding section 2EEEEEE of chapter 29 of the General Laws, the
68 secretary of administration and finance may expend not more than \$750,000,000 from the
69 Commonwealth Federal Matching and Debt Reduction Fund established in said section
70 2EEEEEE of said chapter 29 to provide funding for matching funds for federal programs,
71 including projects and programs included in the Infrastructure Investment and Jobs Act of 2021,
72 also known as the Bipartisan Infrastructure Law, Public Law No. 117-58, the Creating Helpful
73 Incentives to Produce Semiconductors Act of 2022, Public Law No. 117-167, and the Inflation
74 Reduction Act of 2022, Public Law No. 117-169; provided, that not more than \$50,000,000 may
75 be expended for matching funds for federal programs in the form of grants, loans and other
76 financial assistance; provided, further that not more than \$12,000,000 may be expended for
77 planning and studies, preparation of plans and specifications and technical assistance to support
78 cities, towns, tribes, regional organizations whose membership is exclusively composed of
79 municipal governments, regional planning agencies, community development corporations and
80 other development authorities or agencies, pursuant to guidelines adopted by the executive office
81 for administration and finance; and provided further, that on and after December 1, 2026, the
82 secretary shall not obligate any additional funds pursuant to this section.”; and by striking out the
83 emergency preamble and inserting in place thereof the following emergency preamble:

84 “Whereas, The deferred operation of this act would tend to defeat its purposes, which are
85 to enhance the competitiveness of the commonwealth in winning federal funds and to provide for
86 the infrastructure needs of the commonwealth, each of which is immediately necessary to
87 accomplish important public purposes, therefore it is hereby declared to be an emergency law,
88 necessary for the immediate preservation of the public convenience.”.