HOUSE DOCKET, NO. FILED ON: 3/5/2014

HOUSE . . . . . No. 3933

House bill No. 3920, as changed by the House committee on Bills in the Third Reading, and as amended and passed to be engrossed by the House. March 5, 2014.

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:

SECTION 1. To provide for a program of capital facility repairs and improvements to protect and improve the capital facilities of the commonwealth and for a program of capital asset acquisitions for general government operations, the sums set forth in sections 2, 2A, 2B and 2C, inclusive, for the several purposes and subject to the conditions specified in this act are hereby made available, subject to the laws regulating the disbursement of public funds, which sums shall be in addition to any other amounts previously appropriated for these purposes; provided, that the amounts specified in an item or for a particular project may be adjusted in order to facilitate projects authorized in this act.

SECTION 2.

EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE

Division of Capital Asset Management and Maintenance

1102-2009 For costs associated with planning and studies, dispositions, acquisition of land and buildings and interests therein by purchase, prepayment of lease for a term that exceeds the useful life of the facility, gifts, or other transfers, or by eminent domain pursuant to chapter 79 of the General Laws, for the preparation of plans and specifications, disparity studies, repairs, construction, renovations, improvements, asset management and demolition, disposition and

remediation of state-owned and former county facilities and grounds and for costs associated with repair and maintenance of buildings and building systems and equipment at various facilities of the commonwealth; provided, however, that all maintenance and repair work funded in this item shall be listed in the capital asset management information system administered by the division of capital asset management and maintenance; provided, further, that where appropriate, the commissioner of capital asset management and maintenance may transfer funds authorized herein in accordance with a delegation of project control and supervision process pursuant to section 5 of chapter 7C of the General Laws; provided, further, that funds so transferred shall be distributed based on the severity of the need that the repair will address and other criteria developed by the division, in consultation with the secretary of administration and finance; provided, further, that costs payable from this item shall include, but not be limited to: (1) the costs of leases of temporary relocation space or equipment as required for completion of a project; and (2) the costs of engineering and other services essential to these projects rendered by division of capital asset management and maintenance employees or by consultants; provided, further, that amounts expended for division employees may include the salary and salary-related expenses of these employees to the extent that they work on, or in support of these projects; provided further, that $6,200,000 shall be expended for the engineering, design and construction of a new vault in the State Archives Building; provided further, that $2,500,000 shall be expended for the engineering, design and construction of a residential step down facility at the Berkshire County House of Corrections; provided further, that $1,600,000 shall be expended for the demolition and removal of the Richardson Building, the Upham Building, and the Gould Building located on the West Campus of the University of Massachusetts Lowell at 255 Princeton Street in Chelmsford for the purpose of improving public safety on the property and the abutting residential neighborhood; and provided, further, that $4,000,000 shall be expended for the engineering, design and reconstruction of the historic Hampshire courthouse ……..……. $354,000,000

4000-2022 For costs associated with planning and studies, dispositions, acquisition of land and buildings and interests therein by purchase, prepayment of lease for a term that exceeds the useful life of the facility, gifts, or other transfers or by eminent domain pursuant to chapter 79 of the General Laws, for the preparation of plans and specifications, repairs, construction, renovations, improvements, asset management and demolition for health and human services facilities, all as the commissioner of capital asset management and maintenance, in consultation with the secretary of health and human services and the appropriate commissioners of the departments within the executive office, shall consider appropriate; provided, however, that costs payable from this item shall include, but not limited to: (1) the costs of leases of temporary relocation space or equipment as required for completion of a project; and (2) the costs of engineering and other services essential to these projects rendered by the division of capital asset management and maintenance employees or by consultants; provided, further, that amounts expended for division employees may include the salary and salary-related expenses of these employees to the extent that they work on or in support of these projects; provided, further, that

57 $5,000,000 shall be expended to fund capital improvements at the Dimock Center in the city of
58 Boston; provided, further, that $1,000,000 shall be expended to renovate appropriate portions of
59 state facilities in order to expand the capacity of the Commonwealth Children's Center to
60 provide daycare services; and provided, further, that $300,000 shall be expended to make repairs
61 at the Dennison Memorial Community Center in the city of New
62 Bedford..... $328,175,000

63 1102-2014 For costs associated with improving accessibility of state facilities, including,
64 but not limited to: (1) strategic accessibility assessments; (2) accessibility transition plans; (3)
65 technical assistance to state agencies; (4) consultants relative to the preparation of strategic
66 accessibility assessments; (5) transition plans or provision of technical assistance to state
67 agencies; (6) planning and studies; and (7) costs associated with repairs, improvements,
68 construction, asset management, demolition and maintenance of buildings and building systems;
69 provided, however, that all transition planning elements, planning and studies, maintenance and
70 repair work undertaken pursuant to this item shall be listed in the capital asset management
71 information system administered by the division of capital asset management and maintenance;
72 provided, however, that the use of funds from this item shall be approved by the commissioner of
73 capital asset management and maintenance and the secretary of administration and finance or the
74 secretary's designee; provided, further, that costs payable from this item shall include, but not be
75 limited to: (a) the costs of leases of temporary relocation space or equipment as required for
76 completion of a project; and (b) the costs of engineering and other services essential to these
77 projects rendered by division of capital asset management and maintenance employees or by
78 consultants; and provided, further, that amounts expended for division employees may include
79 the salary and salary-related expenses of these employees to the extent that they work on or in
80 support of these projects .....
81 $25,000,000

82 SECTION 2A.

83 EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE

84 Office of the Secretary.

85 0640-0302 For the Massachusetts Cultural Facilities Fund, established in section 42 of
86 chapter 23G of the General Laws, for the acquisition, design, construction, repair, renovation,
87 rehabilitation or other capital improvement or deferred maintenance to a cultural facility
88 ……$50,000,000

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

Division of Capital Asset Management and Maintenance.

1100-3003 For a grant program to cities and towns for the purpose of providing funding for the repair, renovation or construction of municipal facilities or infrastructure or of any cultural, social, recreational or other facilities serving a municipal purpose, including those owned or operated by nonprofit organizations, technology upgrades and purchase of equipment, under rules adopted by the executive office for administration and finance based upon the following criteria: (1) an assessment of fiscal and budgetary constraints facing the municipality; (2) an analysis of the municipality's proposed budget and financing of the repair, renovation or construction project; (3) the municipality's need for the project; (4) the benefits to the municipality that will result from the project; and (5) an overall evaluation of the merits of the grant proposal; provided, however, that the executive office for administration and finance may expend not more than 1 per cent of the total amount available for the cost of administering this program; provided, further, that $2,000,000 shall be expended for the repair, renovation or improvement of municipally-owned theatres that have been in operation for at least 75 years; provided, further , that $500,000 shall be expended to renovate the former Thompson Street School in the city of New Bedford; provided, further, that $3,000,000 shall be expended on capital improvements to the Orpheum Theater in the city of New Bedford including, but not limited to: demolition, acquisition, renovation, restoration, design and construction; provided, further, that $1,500,000 shall be expended on construction and improvements to the Canton Senior Center; provided, further, that $1,000,000 shall be expended on improvements to the state theatre in the town of Stoughton; provided further, that $40,000 shall be expended to upgrade the technology at the West Boylston Public Library; provided further, that $100,000 shall be expended for the repairs of the Gardner Heritage State Park in the city of Gardner; provided further, that $500,000 shall be expended for the city of Cambridge city wide senior center to help cover the cost of redesigning the front entry and reception area to better accommodate access issues for seniors; provided further, that $250,000 shall be expended for the Senior/Community Center in the city of Newburyport; provided further, that $20,000,000 shall be expended for the design and construction of the Malden Community Conference Center; provided further, that $500,000 shall be expended for costs associated with the purchase and renovation of a mental health and drug and alcohol rehabiliation facility to serve the North Quabbin region and North Central Massachusetts; provided further, that $1,500,000 shall be expended to complete the newly constructed Community Health Connection Health Center in the city of Fitchburg; and provided, further, that $25,420,000 shall be expended for the phase III expansion of the Massachusetts Museum of Contemporary Art located in the city of North Adams.....$90,420,000

Board of Library Commissioners.

7000-9091 For a program of grants to cities and towns for approved public library projects pursuant to sections 19G to 19J, inclusive, of chapter 78 of the General Laws; provided, however, that not more than $500,000 shall be expended by the board of library commissioners

132 for the administrative costs directly attributable to the projects funded in this item, including the
133 costs of temporary personnel; provided, further, that no permanent personnel shall be
134 compensated from this item; and provided, further, that the board shall file an annual spending
135 plan with the executive office for administration and finance and the house and senate
136 committees on ways and means which details, by subsidiary, all temporary personnel and
137 administrative costs charged to this item..... $150,000,000

138 EXECUTIVE OFFICE OF PUBLIC SAFETY AND SECURITY

139 Office of the Secretary.

140 8000-3501 For a grant program to cities and towns to provide funding for the repair,
141 renovation, purchase or construction of municipal public safety facilities and equipment, under
142 rules adopted by the executive office of public safety and security based upon the following
143 criteria: (1) an assessment of fiscal and budgetary constraints facing the municipality; (2) an
144 analysis of the municipality's proposed budget and financing of the repair, renovation or
145 construction project; (3) the municipality's need for the project; (4) the benefits to the
146 municipality that will result from the project; and (5) an overall evaluation of the merits of the
147 grant proposal; provided, however, that the executive office may expend not more than 1 per
148 cent of the total amount available for the cost of administering this program; provided, further,
149 that $1,000,000 shall be expended for the purchase and installation of portable and mobile radios
150 and in-vehicle repeaters capable of transmitting and receiving on the commonwealth's P-25
151 public safety radio network; provided, however, that all said radios shall be issued to public
152 safety officers delivering services in the towns of Chester, Chesterfield, Cummington, Goshen,
153 Hatfield, Huntington, Montgomery, Pelham, Plainfield, Russell, Westhampton, Williamsburg
154 and Worthington .....…$11,000,000

155 SECTION 2B.

156 EXECUTIVE OFFICE OF PUBLIC SAFETY AND SECURITY

157 Office of the Secretary.

158 8000-0701 For equipment for the department of correction and other agencies within the
159 executive office of public safety and security including, but not limited to, medical equipment,
160 security equipment, communications equipment and vehicles……...$10,000,000

161 8000-2021 For the design, construction and implementation of the department of state
162 police mobile data network and an automated motor vehicle citation system, including the use of
163 so called "MDT" devices; provided, however, that $290,000 may be expended to acquire
164 computer and technology equipment to manage state police digital evidence.....
165 $15,000,000

166 8100-2026 For the replacement of state police cruisers; provided, that the state police
167 shall develop a 5-year plan which specifies the number of vehicles to be replaced each fiscal year
168 over a 5-year period; provided, however, that $10,000,000 shall be expended for the purchase
169 of a state police helicopter capable of carrying additional personnel and
170 equipment..... $60,000,000

171 SECTION 2C.

172 EXECUTIVE OFFICE OF PUBLIC SAFETY AND SECURITY

173 Office of the Secretary.

174 8000-2022 For a program of grants to municipalities for the design, construction and
175 implementation of an automated motor vehicle citation system, including the use of so called
176 "MDT" devices under rules adopted by the executive office for public safety and security;
177 provided, that for projects which the secretary of administration and finance certifies to the
178 comptroller, directly or indirectly generate new state revenue or budgetary savings, the
179 comptroller shall transfer those budgetary savings or revenue to the state treasurer for payment of
180 debt service related to those
181 projects……$20,000,000

182 SECTION 3. Item 7066-8000 of section 2 of chapter 258 of the acts of 2008 is hereby
183 amended by striking out, in line 67, the figure "$22,100,000" and inserting in place thereof the
184 following figure:- $36,100,000.

185 SECTION 4. Said item 7066-8000 of said section 2 of said chapter 258 is hereby further
186 amended by striking out the figure "$1,189,055,630" and inserting in place thereof the following
187 figure:- $1,203,055,630.

188 SECTION 5. Section 3 of said chapter 258 is hereby amended by striking out, in line 4,
189 the figure "$2,190,555,630" and inserting in place thereof the following figure:- $2,204,555,630.

190 SECTION 6. To meet the expenditures necessary in carrying out section 2, 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, from time to time, but not exceeding, in the aggregate,
193 $707,175,000. All such bonds issued by the commonwealth shall be designated on their face,
194 Capital Improvement Act of 2014, and shall be issued for a maximum term of years, not
195 exceeding 30 years, as the governor may recommend to the general court pursuant to section 3 of
196 Article LXII of the Amendments to the Constitution. The bonds shall be payable not later than
197 June 30, 2048. All interest and payments on account of principal on these obligations shall be
198 payable from the General Fund. Bonds and interest thereon issued pursuant to this section shall,
199 notwithstanding any other provisions of this act, be general obligations of the commonwealth.

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

SECTION 8. To meet the expenditures necessary in carrying out section 2B, the state treasurer shall, upon request of the governor, issue and sell bonds of the commonwealth in an amount to be specified by the governor from, time to time, but not exceeding, in the aggregate, $85,000,000. All such bonds issued by the commonwealth shall be designated on their face, Capital Improvements Loan Act of 2014, and shall be issued for a maximum term of years, not exceeding 10 years, as the governor may recommend to the general court pursuant to section 3 of Article LXII of the Amendments to the Constitution. The bonds shall be payable not later than June 30, 2028. All interest and payments on account of principal on these obligations shall be payable from the General Fund. Bonds and interest thereon issued pursuant to this section shall, notwithstanding any other provisions of this act, be general obligations of the commonwealth.

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

SECTION 10. The secretary of administration and finance shall submit a report on the progress of any projects funded through the authorizations in this act and included in the governor's 5-year capital investment to the clerks of the senate and house of representatives, the chairs of the senate and house committees on ways and means and the chairs of the senate and house committees on bonding, capital expenditures and state assets. The report shall include, but not be limited to: (1) the previous year planned spending; (2) the previous year spending; (3) the current year planned spending; (4) the current year spending to date; (5) the original estimated total project cost; (6) the project description; (7) the location of the project; (8) the type of spending; (9) the type of asset; and (10) the useful life of the project once completed. The report

239 shall be submitted not later than June 30 and December 31 of each year for a period of 8 years
240 after the effective date of this act.

241 SECTION 11. To provide for the continued availability of certain bond-funded spending
242 authorizations which otherwise would expire, the balances of the following appropriation items
243 and any allocations thereof shall be extended through June 30, 2017, for the purposes of, and
244 subject to, the conditions stated for these items in the original authorizations and any
245 amendments to such authorizations: 0330-2223, 0526-2012, 0640-0301, 1100-1570, 1100-1580,
246 1100-3001, 1100-7500, 1100-7981, 1100-7985, 1100-8000, 1100-8001, 1100-8020, 1100-9200,
247 1100-9520, 1102-0004, 1102-1994, 1102-5600, 1102-7967, 1599-4994, 1599-7156, 4000-2020,
248 5500-9400, 5500-9405, 6001-0816, 6001-0817, 6001-0818, 7000-9090, 7002-0015, 7007-6300,
249 7007-9040, 7066-2010, 7066-8000, 7100-1000, 7411-7960, 8000-0700, 8000-2020, 8000-3500,
250 8000-4900, 8100-2025, 8100-9000, 8500-1000, 8900-7500, 8900-8500 and 8910-0023

251 SECTION 12. (a) To carry out the purposes of items 1102-2009, 1102-2014, 1100-3003
252 and 4000-2022, the commissioner of capital asset management and maintenance may,
253 notwithstanding sections 32 to 37, inclusive, of chapter 7C of the General Laws or any other
254 general or special law to the contrary, but subject to this subsection, acquire, by purchase,
255 prepayment of lease for a term that exceeds the useful life of the facility, gifts or other transfers,
256 or by eminent domain pursuant to chapter 79 of the General Laws, any interests in land and
257 buildings considered necessary by the commissioner to carry out the purposes of this act
258 including, but not limited to, easements for drainage, access, utilities and environmental
259 mitigation and may grant and retain such easements and interests as considered necessary by the
260 commissioner to carry out the purposes of this act.

261 (b) The commissioner shall solicit proposals for any facility acquisition through requests
262 for proposals. Each request for proposals shall, at a minimum, include: (1) a description of the
263 facility for which proposals are sought; (2) a statement as to whether the commissioner seeks to
264 purchase or lease the facilities; (3) a statement as to whether the commissioner seeks to acquire
265 improved or unimproved land, buildings and interests therein; (4) a statement as to whether the
266 selected proposer shall be required to undertake the design, construction, renovation,
267 reconstruction, alteration, improvement, demolition, expansion or management of a new or
268 existing facility; (5) the proposed contractual terms and conditions, some of which may be
269 considered mandatory or nonnegotiable; (6) the evaluation criteria that will be utilized by the
270 commissioner; (7) the time and date for receipt of proposals; (8) the address of the office to
271 which proposals shall be delivered; and (9) such other matters as may be determined by the
272 commissioner. Public notice of each request for proposals shall be published at least 3 weeks
273 before the time specified in the notice for the receipt of proposals in the central register published
274 by the state secretary. At the opening of the proposals, the commissioner shall prepare a register
275 of proposals which shall include the name of each proposer. The register of proposals shall be
276 open for public inspection. Notwithstanding any general or special law to the contrary, until the

277 completion of the selection process, the contents of the proposals and the selection process shall
278 not be disclosed to competing proposers and shall not be public documents.

279 (c) Any design, construction, renovation, reconstruction, alteration, improvement,
280 demolition, expansion or management of a facility undertaken pursuant to this section shall be
281 subject to chapters 7C, 30 and 149 of the General Laws and any other general or special law or
282 regulation governing the design, construction, renovation, reconstruction, alteration,
283 improvement, demolition, expansion or management of real or personal property by the
284 commonwealth.

285 (d) The commissioner shall solicit proposals for temporary relocation space as required
286 for completion of a project funded pursuant to items 1102-2009, 1102-2014, 1100-3003 or 4000-
287 2022 in accordance with section 37 of chapter 7C of the General Laws.

288 [NO SECTION 13]

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

299 SECTION 15. (a) The terms used in this section shall have the following meanings unless
300 the context clearly requires otherwise:

301 "Commissioner", the commissioner of the division of capital asset management and
302 maintenance.

303 "District", the Essex North Shore Agricultural and Technical School District established
304 pursuant to chapter 463 of the Acts of 2004 as amended by chapter 9 of the acts of 2006 and by
305 chapter 130 of the acts of 2010.

306 "Division", the division of capital asset management and maintenance.

307 "School", the Essex North Shore Agricultural and Technical School established pursuant
308 to chapter 463 of the acts of 2004 as so amended.

309 (b) Notwithstanding section 32 to 37, inclusive, of chapter 7C of the General Laws,
310 chapter 463 of the acts of 2004 as amended by chapter 9 of the acts of 2006 and by chapter 130

311 of the acts of 2010 or any other general or special law to the contrary, the commissioner may, in
312 consultation with the district, lease or enter into other agreements for a term, including any
313 extensions, not to exceed 25 years for certain lands and any buildings and other appurtenances
314 thereon located at the school in the town of Middleton to Essex Sports Center, LLC. The
315 location and boundaries of the parcel or parcels to be leased shall be determined by the
316 commissioner based upon a survey.

317 (c) The lessee shall use the property solely for the purpose of constructing and operating
318 athletic and recreational facilities for use by the school or any other authorized parties. The lease
319 or other agreement pertaining to the lease of the property shall include a provision restricting the
320 use of the property to such purposes and providing for termination of the lease if the property
321 ceases to be used for such a purpose.

322 (d) The lease or other agreement authorized by this act shall be on terms and conditions
323 acceptable to the commissioner and the district after consultation with the district; provided,
324 however, that such lease or other agreement shall provide, without limitation that: (a) the lessee
325 shall manage, operate, improve, repair, and maintain the land, buildings, and appurtenances
326 associated therewith during the term of the lease which is subject to the approval of the
327 commissioner and the district. The upkeep shall be reviewed on an annual basis by the
328 commissioner, the lessee and the district; the lessee shall be responsible for the repairs and
329 maintenance as recommended by the commissioner or the district; (b) the lessee shall carry
330 comprehensive general liability insurance in an amount acceptable to the commissioner and the
331 district naming the commonwealth and the district as the co-insured, protecting the
332 commonwealth and the district against all claims for personal injury or property damage arising
333 from the land, buildings, and appurtenances associated therewith during the term of the lease; (c)
334 the lessee shall pay rent in an amount equal to or greater than the full and fair market value of its
335 leasehold interest under this act as determined by independent appraisal prepared in accordance
336 with the usual and customary professional appraisal practices by a certified appraiser
337 commissioned by the commissioner; (d) the lessee shall be responsible for the capital
338 improvements to the premises; and (e) the lessee shall not design or construct any facilities on
339 the parcel without the written approval of the division, in consultation with the district.

340 (e) The lessee shall be responsible for and shall maintain an escrow fund for all costs and
341 expenses including, but not limited to, costs associated with any engineering, surveys, appraisals,
342 and lease preparation as such costs may be determined by the commissioner. The lessee shall
343 also maintain a bond in a minimum amount that shall cover the cost of any amount due to any
344 lender, public or private, in the case of default, foreclosure, or bankruptcy by the lessee.

345 (f) The District may establish a receipts reserved for appropriation account for any
346 revenue generated from the lease of property to the lessee. This account shall be used for the
347 general appropriations of the District.

348 (g) No general or special law, rule, or regulation relating to the advertising, bidding, or
349 award of contracts to the procurement of services, including, but not limited to chapter 30B of
350 the General Laws, or to the construction and design improvements shall apply to the district or
351 the lessee under this act.

352 (h) This act shall take effect upon its passage.