

SENATE No. 102

The Commonwealth of Massachusetts

In the Year Two Thousand Nine

An Act establishing the Massachusetts capital partnership 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. The Secretary of Administration and Finance and the Commissioner of the
2 Department of Communities and Development are hereby authorized and directed to establish
3 the Municipal Capital Partnership Program (MCP) subject to the following provisions. The
4 purpose of said program shall be to provide assistance to municipalities undertaking capital
5 projects through the use, on a competitive basis, of the capital bonding capabilities of the
6 Commonwealth.

7 SECTION 2. The Secretary of Administration and Finance, hereinafter referred to as
8 “The Secretary,” and the Commissioner of the Department of Communities and Development,
9 hereinafter referred to as “The Commissioner,” shall develop a system whereby any municipality
10 of the Commonwealth may submit for consideration in the MCP any capital project which:

- 11 (a) Exceeds two million dollars in total cost for planning, design and construction.
- 12 (b) Is a public facility such as a police or fire station or combination thereof, an
13 educational facility not eligible for the School Building Assistance program authorized by

14 Chapter 645 of the Acts and Resolves of 1948, a water or sewer treatment facility, a road or
15 bridge construction or improvement project not receiving assistance through Chapter 90 funding,
16 so-called, or any other bonded indebtedness of the Commonwealth, a library facility not
17 receiving other funding assistance from the Commonwealth, or any other public project proposed
18 by a municipality which will not otherwise be in whole or in part funded by the Commonwealth.

19 SECTION 3. The Secretary and the Commissioner shall develop a system for the
20 comprehensive evaluation of projects submitted for consideration pursuant to Section 2. Said
21 system shall include objective criteria to provide fair and equal competition among
22 municipalities proposing projects, which shall include but not be limited to:

23 (a) The amount of overall indebtedness of the proposing municipality.

24 (b) The total amount of other state assistance being received by a municipality from the
25 Commonwealth.

26 (c) The additional property tax capacity which a proposing municipality has within its
27 levy limit, including consideration of Proposition 2 ½ overrides, so-called, which the
28 municipality has adopted.

29 (d) The most recent fiscal year in which other, similar capital project cost assistance
30 was provided by the Commonwealth to the proposing municipality.

31 (e) The total indebtedness incurred by an applicant municipality in order to comply
32 with state and federal mandates.

33 (f) Any other relevant criteria which are deemed necessary by the Secretary and the
34 Commissioner to ensure the equitable treatment of applicant municipalities.

35 SECTION 4. The Commissioner shall undertake a process of review and evaluation of
36 proposed projects, which shall be required to be submitted on an annual basis consistent with the
37 fiscal year of the Commonwealth and the capital planning requirements thereof. Said process
38 shall be public within the meaning of the laws of the Commonwealth and may include, at the
39 discretion of the Commissioner, public hearings and other means of receiving information
40 relative to proposed projects.

41 SECTION 5. No application for MCPP assistance shall be accepted by the
42 Commissioner unless and until it has been approved by a vote of the Council in the case of a city,
43 or town meeting in the case of a town.

44 SECTION 6. Consistent with the criteria provided in Section 3 above, the Commissioner
45 shall recommend projects for approval in each fiscal year to the Secretary, and shall recommend
46 for approval a rate of reimbursement of not less than fifty, nor more than ninety percent of the
47 project cost as submitted.

48 SECTION 7. The Secretary shall approve for reimbursement those projects which are
49 appropriate for MCPP assistance subject to any conditions, rules or regulations deemed
50 necessary by the Secretary in administering said program.

51 SECTION 8. The Secretary and the Commissioner shall have the authority to establish
52 and promulgate the necessary rules, regulations and procedures to carry out the provisions of this
53 Act.

54 SECTION 9. To meet expenditures necessary in carrying out the provisions of this Act,
55 the State Treasurer shall, upon the request of the Governor, issue and sell bonds of the

56 Commonwealth, to an amount specified by the Governor from time to time, not exceeding in the
57 aggregate, the sum of twenty-five million dollars.

58 SECTION 10. Upon application by a municipality, loans of moneys held in the
59 Municipal Capital Partnership Program shall be made available and shall provide for the
60 repayment and redeposit of such allocations and loans in a matter to be prescribed by the
61 Secretary of Administration and Finance and the Commissioner of the Department of
62 Communities and Development and calculated to reasonably carry out the provisions of this Act.

63 SECTION 11. The provisions of this Act shall take effect one year following the date of
64 its passage.

65 SECTION 12. The provisions of this Act shall be severable, so as to permit its
66 implementation as reasonably practicable should any of its provisions be deemed unlawful.