

HOUSE No. 3619

A message from His Excellency the Governor recommending legislation relative to establishing the Massworks infrastructure program. State Administration and Regulatory Oversight.

The Commonwealth of Massachusetts

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In the Year Two Thousand Eleven
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An Act establishing the Massworks infrastructure 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. Chapter 6C of the General Laws, as appearing in the 2010 Official Edition,
2 is hereby amended by striking out sections 47 through 48.

3 SECTION 2. Chapter 23A of the General Laws, as appearing in the 2010 Official
4 Edition, is hereby amended by inserting after section 62 the following section:-

5 **MASSWORKS INFRASTRUCTURE PROGRAM**

6 Section 63. (a) There shall be within the executive office of housing and economic
7 development a MassWorks Infrastructure Program to issue public infrastructure grants to
8 municipalities and other public instrumentalities for design, construction, building, land
9 acquisition, rehabilitation, repair, and other improvements to publicly-owned infrastructure
10 including, but not limited to, sewers, utility extensions, streets, roads, curb-cuts, parking, water
11 treatment systems, telecommunications systems, transit improvements, and pedestrian and
12 bicycle ways. The grant program shall also provide for commercial and residential
13 transportation and infrastructure development, improvements and various capital investment

14 projects under the Growth Districts Initiative established by the executive office of housing and
15 economic development. The grants shall be used to assist municipalities to advance projects that
16 support job creation and expansion, housing development and rehabilitation, community
17 development, and small town transportation projects. Projects that support sustainable
18 development in the commonwealth will be preferred.

19 (b) Eligible public infrastructure must be located on public land or on public leasehold,
20 right-of-way or easement. Any project that uses grants provided by this chapter shall be
21 procured by a municipality in accordance with chapter 30B, section 39M of chapter 30, chapter
22 149 and chapter 7.

23 (c) There shall be at least one open solicitation period each year to accept and consider
24 new applications. Not less than 12 weeks before the annual open solicitation period, the
25 executive office of housing and economic development shall release the criteria upon which the
26 applications will be judged including, but not limited to, a minimum project readiness standard,
27 overall spending targets by project type, and other preferences applying to that funding round.
28 Projects of significant regional benefit that arise out of round may be made at the discretion of
29 the secretary of housing and economic development.

30 (d) Any eligible city or town, acting by and through its municipal officers or by and
31 through any agency designated by such municipal officers to act on their behalf may apply to the
32 program for a grant in a specific amount to fund a specified project. Said grants may be made in
33 addition to other forms of local, state, and federal assistance.

34 (e) Within the program, a portion of the grant funds shall be dedicated annually to assist
35 towns with populations of 7,000 or less in undertaking projects to design, construct, reconstruct,

36 widen, resurface, rehabilitate, and otherwise improve roads and bridges or for the construction of
37 chemical storage facilities, that support economic or community development. Such towns shall
38 be eligible for a grant not to exceed \$1,000,000, and towns shall be eligible to receive one grant
39 every 3 fiscal years. Two or more towns eligible under this subsection may file a joint
40 application for a single project serving those towns, but the total amount distributed to any one
41 town shall not exceed the maximum amount allowed under this section. Receipt of a grant which
42 is part of a joint application shall not preclude a town from receiving additional funds under a
43 separate application. Receipt of a grant of funds dedicated annually to assist towns with
44 population of 7,000 or less shall not preclude a town from receiving additional funds that support
45 job creation and expansion, housing development and rehabilitation, and community
46 development from the MassWorks Infrastructure Program.

47 (f) The secretary of housing and economic development may establish rules and
48 regulations to govern the application and distribution of grants under this section. The rules and
49 regulations may include provisions for joint applications by 2 or more eligible towns for a single
50 project serving those towns. Any rules or regulations, or any amendment or repeal of any rules or
51 regulations adopted under this section shall be filed with the clerks of the senate and house of
52 representatives.

53 (g) The secretary of housing and economic development shall report annually to
54 the clerks of the house of representatives and the senate, the chairs of the joint committee on
55 transportation, the chairs of the joint committee on economic development and emerging
56 technologies, the chairs of the senate and house committees on ways and means, and the chairs
57 of the joint committees on state administration and regulatory oversight on the activities and
58 status of the MassWorks Infrastructure Program. The report shall include a list and description

59 of all projects that received grant funds under the program, the amount of the grant awarded to
60 the project, other sources of public funds that supported the project, a detailed analysis of the
61 economic impact of each project including but not limited to the number of construction and full
62 time equivalent jobs to be created, the number of housing units to be created, the private
63 investment in the project, and the expected tax revenue generated from the project.

64 SECTION 3. Section 57A of chapter 121B, as appearing in the 2010 Official Edition, is
65 hereby repealed.

66 SECTION 4. Item 6033-9013 of section 2 of chapter 246 of the acts of 2002 is hereby
67 amended by adding the following words:- ; provided, that after July 1, 2011 this item shall be
68 used for the MassWorks Infrastructure Program, as established by section 63 of chapter 23A of
69 the General Laws; provided further, that any uncommitted balance as of July 1, 2011 from the
70 aforementioned item shall be transferred to the executive office of housing and economic
71 development; provided further, that any unexpended balance as of September 1, 2011 from the
72 aforementioned item or its successor item established as a result of Chapter 25 of the Acts of
73 2009 shall be transferred to item 7002-8005 within the executive office of housing and economic
74 development; and provided further, that before October 1, 2011 the executive office of housing
75 and economic development shall submit a report on the amount of authorization expended from
76 this item before July 1, 2011; provided further, that said report shall detail awards expected to
77 utilize this authorization after July, 1, 2011 and the schedule plan for completing awards; and
78 provided further that said report shall be delivered to the joint committee on ways and means, the
79 house committee on bonding, capital expenditures and state assets and the senate committee on
80 bonding, capital expenditures and state assets.

81 SECTION 5. Item 6033-0428 of section 2B of chapter 291 of the acts of 2004 is hereby
82 amended by adding the following words:- ; provided, that after July 1, 2011 this item shall be
83 used for the MassWorks Infrastructure Program, as established by section 63 of chapter 23A of
84 the General Laws; provided further, that any uncommitted balance as of July 1, 2011 from the
85 aforementioned item or its successor item established as a result of Chapter 25 of the Acts of
86 2009 shall be transferred to item 7002-8010 within the executive office of housing and economic
87 development; provided further, that any unexpended balance as of September 1, 2011 from the
88 aforementioned item shall be transferred to the executive office of housing and economic
89 development; and provided further, that before October 1, 2011 the executive office of housing
90 and economic development shall submit a report on the amount of authorization expended from
91 this item before July 1, 2011; provided further, that said report shall detail awards expected to
92 utilize this authorization after July, 1, 2011 and the schedule plan for completing awards; and
93 provided further that said report shall be delivered to the joint committee on ways and means, the
94 house committee on bonding, capital expenditures and state assets and the senate committee on
95 bonding, capital expenditures and state assets.

96 SECTION 6. Item 6033-0499 of said section 2B of said chapter 291 is hereby amended
97 by adding the following words:- ; provided, that after July 1, 2011 this item shall be used for the
98 MassWorks Infrastructure Program, as established by section 63 of chapter 23A of the General
99 Laws; provided further, that any uncommitted balance as of July 1, 2011 from the
100 aforementioned item or its successor item established as a result of Chapter 25 of the Acts of
101 2009 shall be transferred to item 7002-8015 within the executive office of housing and economic
102 development; provided further, that any unexpended balance as of September 1, 2011 from the
103 aforementioned item shall be transferred to the executive office of housing and economic

104 development; and provided further, that before October 1, 2011 the executive office of housing
105 and economic development shall submit a report on the amount of authorization expended from
106 this item before July 1, 2011; provided further, that said report shall detail awards expected to
107 utilize this authorization after July, 1, 2011 and the schedule plan for completing awards; and
108 provided further that said report shall be delivered to the joint committee on ways and means, the
109 house committee on bonding, capital expenditures and state assets and the senate committee on
110 bonding, capital expenditures and state assets.

111 SECTION 7. Item 6001-0421 of section 2I of said chapter 291 is hereby amended by
112 adding the following words:- ; provided, that after July 1, 2011 this item shall be used for the
113 MassWorks Infrastructure Program, as established by section 63 of chapter 23A of the General
114 Laws; provided further, that any uncommitted balance as of July 1, 2011 from the
115 aforementioned item or its successor item established as a result of Chapter 25 of the Acts of
116 2009 shall be transferred to item 7002-8020 within executive office of housing and economic
117 development; provided further, that any unexpended balance as of September 1, 2011 from the
118 aforementioned item shall be transferred to the executive office of housing and economic
119 development; and provided further, that before October 1, 2011 the executive office of housing
120 and economic development shall submit a report on the amount of authorization expended from
121 this item before July 1, 2011; provided further, that said report shall detail awards expected to
122 utilize this authorization after July, 1, 2011 and the schedule plan for completing awards; and
123 provided further that said report shall be delivered to the joint committee on ways and means, the
124 house committee on bonding, capital expenditures and state assets and the senate committee on
125 bonding, capital expenditures and state assets.

126 SECTION 8. Item 1100-8000 of section 2B of chapter 123 of the Acts of 2006 is hereby
127 amended by adding the following words:- ; provided, that after July 1, 2011 this item shall be
128 used for the MassWorks Infrastructure Program, as established by section 63 of chapter 23A of
129 the General Laws; provided further, that any uncommitted balance as of July 1, 2011 from the
130 aforementioned item or its successor item established as a result of Chapter 25 of the Acts of
131 2009 shall be transferred to the executive office of housing and economic development; provided
132 further, that any unexpended balance as of September 1, 2011 from the aforementioned item
133 shall be transferred to item 7005-8025 within the executive office of housing and economic
134 development; and provided further, that before October 1, 2011 the executive office of housing
135 and economic development shall submit a report on the amount of authorization expended from
136 this item before July 1, 2011; provided further, that said report shall detail awards expected to
137 utilize this authorization after July, 1, 2011 and the schedule plan for completing awards; and
138 provided further that said report shall be delivered to the joint committee on ways and means, the
139 house committee on bonding, capital expenditures and state assets and the senate committee on
140 bonding, capital expenditures and state assets.

141 SECTION 9. Item 6033-0887 of section 2B of chapter 86 of the acts of 2008, is hereby
142 amended by adding the following words:- ; provided, that after July 1, 2011 this item shall be
143 used for the MassWorks Infrastructure Program, as established by section 63 of chapter 23A of
144 the General Laws; provided further, that any uncommitted balance as of July 1, 2011 from the
145 aforementioned item or its successor item established as a result of Chapter 25 of the Acts of
146 2009 shall be transferred to item 7002-8030 within executive office of housing and economic
147 development; provided further, that any unexpended balance as of September 1, 2011 from the
148 aforementioned item shall be transferred to the executive office of housing and economic

149 development; and provided further, that before October 1, 2011 the executive office of housing
150 and economic development shall submit a report on the amount of authorization expended from
151 this item before July 1, 2011; provided further, that said report shall detail awards expected to
152 utilize this authorization after July, 1, 2011 and the schedule plan for completing awards; and
153 provided further that said report shall be delivered to the joint committee on ways and means, the
154 house committee on bonding, capital expenditures and state assets and the senate committee on
155 bonding, capital expenditures and state assets.

156 SECTION 10. Item 7004-0035 of section 2 of chapter 119 of the acts of 2008 is hereby
157 amended by adding the following words:- ; provided, that after July 1, 2011 this item shall be
158 used for the MassWorks Infrastructure Program, as established by section 63 of chapter 23A of
159 the General Laws; provided further, that any uncommitted balance as of July 1, 2011 from the
160 aforementioned item or its successor item established as a result of Chapter 25 of the Acts of
161 2009 shall be transferred to item 7005-8035 within executive office of housing and economic
162 development; provided further, that any unexpended balance as of September 1, 2011 from the
163 aforementioned item shall be transferred to the executive office of housing and economic
164 development; and provided further, that before October 1, 2011 the executive office of housing
165 and economic development shall submit a report on the amount of authorization expended from
166 this item before July 1, 2011; provided further, that said report shall detail awards expected to
167 utilize this authorization after July, 1, 2011 and the schedule plan for completing awards; and
168 provided further that said report shall be delivered to the joint committee on ways and means, the
169 house committee on bonding, capital expenditures and state assets and the senate committee on
170 bonding, capital expenditures and state assets.

171 SECTION 11. Item 6033-0887 of section 2B of chapter 303 of the acts of 2008, as
172 amended by section 34 of chapter 26 of the acts of 2009 is hereby amended by adding the
173 following words:- ; provided, that after July 1, 2011 this item shall be used for the MassWorks
174 Infrastructure Program, as established by section 63 of chapter 23A of the General Laws;
175 provided further, that any uncommitted balance as of July 1, 2011 from the aforementioned item
176 or its successor item established as a result of Chapter 25 of the Acts of 2009 shall be transferred
177 to the item 7002-8040 within executive office of housing and economic development; provided
178 further, that any unexpended balance as of September 1, 2011 from the aforementioned item
179 shall be transferred to the executive office of housing and economic development; and provided
180 further, that before October 1, 2011 the executive office of housing and economic development
181 shall submit a report on the amount of authorization expended from this item before July 1,
182 2011; provided further, that said report shall detail awards expected to utilize this authorization
183 after July, 1, 2011 and the schedule plan for completing awards; and provided further that said
184 report shall be delivered to the joint committee on ways and means, the house committee on
185 bonding, capital expenditures and state assets and the senate committee on bonding, capital
186 expenditures and state assets.

187 SECTION 12. Item 6033-0877 of section 2B of chapter 303 of the acts of 2008, as
188 amended by section 33 of chapter 26 of the acts of 2009, is hereby amended by adding the
189 following words:- ; provided, that after July 1, 2011 this item shall be used for the MassWorks
190 Infrastructure Program, as established by section 63 of chapter 23A of the General Laws;
191 provided further, that any uncommitted balance as of July 1, 2011 from the aforementioned item
192 shall be transferred to the executive office of housing and economic development; provided
193 further, that any unexpended balance as of September 1, 2011 from the aforementioned item or

194 its successor item established as a result of Chapter 25 of the Acts of 2009 shall be transferred to
195 item 7002-8045 within the executive office of housing and economic development; and
196 provided further, that before October 1, 2011 the executive office of housing and economic
197 development shall submit a report on the amount of authorization expended from this item before
198 July 1, 2011; provided further, that said report shall detail awards expected to utilize this
199 authorization after July, 1, 2011 and the schedule plan for completing awards; and provided
200 further that said report shall be delivered to the joint committee on ways and means, the house
201 committee on bonding, capital expenditures and state assets and the senate committee on
202 bonding, capital expenditures and state assets.

203 SECTION 13. Item 6001-0803 of section 2C of chapter 303 of the acts of 2008 is hereby
204 amended by adding the following words:- ; provided, that after July 1, 2011 this item shall be
205 used for the MassWorks Infrastructure Program, as established by section 63 of chapter 23A of
206 the General Laws; provided further, that any uncommitted balance as of July 1, 2011 from the
207 aforementioned item or its successor item established as a result of Chapter 25 of the Acts of
208 2009 shall be transferred to item 7002-8050 within the executive office of housing and economic
209 development; provided further, that any unexpended balance as of September 1, 2011 from the
210 aforementioned item shall be transferred to the executive office of housing and economic
211 development; and provided further, that before October 1, 2011 the executive office of housing
212 and economic development shall submit a report on the amount of authorization expended from
213 this item before July 1, 2011; provided further, that said report shall detail awards expected to
214 utilize this authorization after July, 1, 2011 and the schedule plan for completing awards; and
215 provided further that said report shall be delivered to the joint committee on ways and means, the

216 house committee on bonding, capital expenditures and state assets and the senate committee on
217 bonding, capital expenditures and state assets.

218 SECTION 14. Item 6001-0817 of said section 2C of said chapter 303 is hereby amended
219 by adding the following words:- ; provided, that after July 1, 2011 this item shall be used for the
220 MassWorks Infrastructure Program, as established by section 63 of chapter 23A of the General
221 Laws; provided further, that any uncommitted balance as of July 1, 2011 from the
222 aforementioned item or its successor item established as a result of Chapter 25 of the Acts of
223 2009 shall be transferred to item 7002-8055 within executive office of housing and economic
224 development; provided further, that any unexpended balance as of September 1, 2011 from the
225 aforementioned item shall be transferred to the executive office of housing and economic
226 development; and provided further, that before October 1, 2011 the executive office of housing
227 and economic development shall submit a report on the amount of authorization expended from
228 this item before July 1, 2011; provided further, that said report shall detail awards expected to
229 utilize this authorization after July, 1, 2011 and the schedule plan for completing awards; and
230 provided further that said report shall be delivered to the joint committee on ways and means, the
231 house committee on bonding, capital expenditures and state assets and the senate committee on
232 bonding, capital expenditures and state assets.

233 SECTION 15. Item 1100-8020 of section 2C of chapter 304 of the acts of 2008, is
234 hereby amended by adding the following words:- ; provided, that after July 1, 2011 this item
235 shall be used for the MassWorks Infrastructure Program, as established by section 63 of chapter
236 23A of the General Laws; provided further, that any uncommitted balance as of July 1, 2011
237 from the aforementioned item or its successor item established as a result of Chapter 25 of the
238 Acts of 2009 shall be transferred to item 7002-8060 within the executive office of housing and

239 economic development; provided further, that any unexpended balance as of September 1, 2011
240 from the aforementioned item shall be transferred to the executive office of housing and
241 economic development; and provided further, that before October 1, 2011 the executive office
242 of housing and economic development shall submit a report on the amount of authorization
243 expended from this item before July 1, 2011; provided further, that said report shall detail awards
244 expected to utilize this authorization after July, 1, 2011 and the schedule plan for completing
245 awards; and provided further that said report shall be delivered to the joint committee on ways
246 and means, the house committee on bonding, capital expenditures and state assets and the senate
247 committee on bonding, capital expenditures and state assets.

248 SECTION 16. Item 6001-0816 of section 2B of chapter 240 of the acts of 2010, as
249 amended by Section 1 of chapter 412 of the acts of 2010 is hereby amended by adding the
250 following words:- ; provided, that after July 1, 2011 this item shall be used for the MassWorks
251 Infrastructure Program, as established by section 63 of chapter 23A of the General Laws;
252 provided further, that any uncommitted balance as of July 1, 2011 from the aforementioned item
253 or its successor item established as a result of Chapter 25 of the Acts of 2009 shall be transferred
254 to item 7002-8060 within the executive office of housing and economic development; provided
255 further, that any unexpended balance as of September 1, 2011 from the aforementioned item
256 shall be transferred to the executive office of housing and economic development; and provided
257 further, that before October 1, 2011 the executive office of housing and economic development
258 shall submit a report on the amount of authorization expended from this item before July 1,
259 2011; provided further, that said report shall detail awards expected to utilize this authorization
260 after July, 1, 2011 and the schedule plan for completing awards; and provided further that said
261 report shall be delivered to the joint committee on ways and means, the house committee on

262 bonding, capital expenditures and state assets and the senate committee on bonding, capital
263 expenditures and state assets.