

HOUSE No. 4090

The Commonwealth of Massachusetts

In the Year Two Thousand Twelve

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. Sections 47 and 48 of chapter 6C of the General Laws are hereby repealed.

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

4 Section 63. (a) There shall be established within the executive office of housing and
5 economic development a MassWorks infrastructure program, hereinafter referred to as the
6 “program”, to issue public infrastructure grants to municipalities and other public
7 instrumentalities for design, construction, building, land acquisition, rehabilitation, repair and
8 other improvements to publicly-owned infrastructure, including, but not limited to, sewers,
9 utility extensions, streets, roads, curb-cuts, parking, water treatment systems,
10 telecommunications systems, transit improvements and pedestrian and bicycle ways. The
11 program shall provide for commercial and residential transportation and infrastructure
12 development, improvements and various capital investment projects under the growth districts
13 initiative established by the executive office of housing and economic development. The grants
14 shall be used to assist municipalities to advance projects that support job creation and expansion,

15 housing development and rehabilitation, community development and small town transportation
16 projects; provided, however, that projects supporting sustainable development in the
17 commonwealth shall be preferred.

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

22 (c) There shall be at least 1 open solicitation period each year to accept and consider new
23 applications. Not less than 12 weeks before the annual open solicitation period, the executive
24 office of housing and economic development shall release the criteria upon which the
25 applications shall be judged including, but not limited to, a minimum project readiness standard,
26 overall spending targets by project type, and other preferences applying to the funding round.
27 Grants to projects of significant regional benefit that arise outside of the open solicitation period
28 may be made at the discretion of the secretary of housing and economic development.

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

33 (e) Within the program, at least 10 per cent of the grant funds shall be dedicated annually
34 to assist towns with populations of 7,000 or less in undertaking projects to design, construct,
35 reconstruct, widen, resurface, rehabilitate, and otherwise improve roads and bridges or for the
36 construction of chemical storage facilities, that support economic or community development.

37 Such towns shall be eligible for a grant not to exceed \$1,000,000, and towns shall be eligible to
38 receive 1 grant every 3 fiscal years. Two or more towns eligible under this subsection may file a
39 joint application for a single project serving those towns; provided, however, that the total
40 amount distributed to any 1 town shall not exceed the maximum amount allowed under this
41 section. Receipt of a grant which is part of a joint application shall not preclude a town from
42 receiving additional funds under a separate application.

43 (f) The secretary of housing and economic development may establish rules and
44 regulations to govern the application and distribution of grants under the program. The rules and
45 regulations may include provisions for joint applications by 2 or more eligible towns for a single
46 project serving those towns.

47 (g) The secretary of housing and economic development shall report annually to the
48 clerks of the house of representatives and the senate, the chairs of the joint committee on
49 transportation, the chairs of the joint committee on economic development and emerging
50 technologies, the chairs of the senate and house committees on ways and means and the chairs of
51 the joint committees on state administration and regulatory oversight on the activities and status
52 of the program. The report shall include a list and description of all projects that received grant
53 funds under the program, the amount of the grant awarded to the project, other sources of public
54 funds that supported the project, a detailed analysis of the economic impact of each project
55 including, where applicable, the number of construction and full time equivalent jobs to be
56 created, the number of housing units to be created, the private investment in the project, and the
57 expected tax revenue generated from the project.

58 SECTION 3. Section 57A of chapter 121B of the General Laws, as so appearing, is
59 hereby repealed.

60 SECTION 4. Item 6033-9013 of section 2 of chapter 246 of the acts of 2002 is hereby
61 amended by adding the following words:- ; provided, that after September 1, 2012 this item shall
62 be used for the MassWorks infrastructure program, as established by section 63 of chapter 23A
63 of the General Laws; provided further, that any uncommitted balance as of September 1, 2012
64 from the aforementioned item shall be transferred to the executive office of housing and
65 economic development; provided further, that any unexpended balance as of November 1, 2012
66 from the aforementioned item or its successor item established as a result of chapter 25 of the
67 acts of 2009 shall be transferred to item 7002-8005 within the executive office of housing and
68 economic development; and provided further, that before December 31, 2012 the executive
69 office of housing and economic development shall submit a report on the amount of
70 authorization expended from this item before September 1, 2012; provided further, that said
71 report shall detail awards expected to utilize this authorization after September 1, 2012 and the
72 schedule plan for completing awards; and provided further that said report shall be delivered to
73 the house and senate committees on ways and means and the house and senate committees on
74 bonding, capital expenditures and state assets.

75 SECTION 5. Item 6033-0428 of section 2B of chapter 291 of the acts of 2004 is hereby
76 amended by adding the following words:- ; provided, that after September 1, 2012 this item shall
77 be used for the MassWorks infrastructure program, as established by section 63 of chapter 23A
78 of the General Laws; provided further, that any uncommitted balance as of September 1, 2012
79 from the aforementioned item or its successor item established as a result of chapter 25 of the
80 acts of 2009 shall be transferred to item 7002-8010 within the executive office of housing and

81 economic development; provided further, that any unexpended balance as of November 1, 2012
82 from the aforementioned item shall be transferred to the executive office of housing and
83 economic development; and provided further, that before December 31, 2012 the executive
84 office of housing and economic development shall submit a report on the amount of
85 authorization expended from this item before September 1, 2012; provided further, that said
86 report shall detail awards expected to utilize this authorization after September 1, 2012 and the
87 schedule plan for completing awards; and provided further that said report shall be delivered to
88 the house and senate committees on ways and means and the house and senate committees on
89 bonding, capital expenditures and state assets.

90 SECTION 6. Item 6033-0499 of said section 2B of said chapter 291 is hereby amended
91 by adding the following words:- ; provided, that after September 1, 2012 this item shall be used
92 for the MassWorks infrastructure program, as established by section 63 of chapter 23A of the
93 General Laws; provided further, that any uncommitted balance as of September 1, 2012 from the
94 aforementioned item or its successor item established as a result of chapter 25 of the acts of 2009
95 shall be transferred to item 7002-8015 within the executive office of housing and economic
96 development; provided further, that any unexpended balance as of November 1, 2012 from the
97 aforementioned item shall be transferred to the executive office of housing and economic
98 development; and provided further, that before December 31, 2012 the executive office of
99 housing and economic development shall submit a report on the amount of authorization
100 expended from this item before September 1, 2012; provided further, that said report shall detail
101 awards expected to utilize this authorization after September 1, 2012 and the schedule plan for
102 completing awards; and provided further that said report shall be delivered to the house and

103 senate committees on ways and means and the house and senate committees on bonding, capital
104 expenditures and state assets.

105 SECTION 7. Item 6001-0421 of section 2I of said chapter 291 is hereby amended by
106 adding the following words:- ; provided, that after September 1, 2012 this item shall be used for
107 the MassWorks infrastructure program, as established by section 63 of chapter 23A of the
108 General Laws; provided further, that any uncommitted balance as of September 1, 2012 from the
109 aforementioned item or its successor item established as a result of chapter 25 of the acts of 2009
110 shall be transferred to item 7002-8020 within the executive office of housing and economic
111 development; provided further, that any unexpended balance as of November 1, 2012 from the
112 aforementioned item shall be transferred to the executive office of housing and economic
113 development; and provided further, that before December 31, 2012 the executive office of
114 housing and economic development shall submit a report on the amount of authorization
115 expended from this item before September 1, 2012; provided further, that said report shall detail
116 awards expected to utilize this authorization after September 1, 2012 and the schedule plan for
117 completing awards; and provided further that said report shall be delivered to the house and
118 senate committees on ways and means and the house and senate committees on bonding, capital
119 expenditures and state assets.

120 SECTION 8. Item 1100-8000 of section 2B of chapter 123 of the acts of 2006 is hereby
121 amended by adding the following words:- ; provided, that after September 1, 2012 this item shall
122 be used for the MassWorks infrastructure program, as established by section 63 of chapter 23A
123 of the General Laws; provided further, that any uncommitted balance as of September 1, 2012
124 from the aforementioned item or its successor item established as a result of chapter 25 of the
125 acts of 2009 shall be transferred to the executive office of housing and economic development;

126 provided further, that any unexpended balance as of November 1, 2012 from the aforementioned
127 item shall be transferred to item 7005-8025 within the executive office of housing and economic
128 development; and provided further, that before December 31, 2012 the executive office of
129 housing and economic development shall submit a report on the amount of authorization
130 expended from this item before September 1, 2012; provided further, that said report shall detail
131 awards expected to utilize this authorization after September 1, 2012 and the schedule plan for
132 completing awards; and provided further that said report shall be delivered to the house and
133 senate committees on ways and means and the house and senate committees on bonding, capital
134 expenditures and state assets.

135 SECTION 9. Item 6033-0887 of section 2B of chapter 86 of the acts of 2008 is hereby
136 amended by adding the following words:- ; provided, that after September 1, 2012 this item shall
137 be used for the MassWorks infrastructure program, as established by section 63 of chapter 23A
138 of the General Laws; provided further, that any uncommitted balance as of September 1, 2012
139 from the aforementioned item or its successor item established as a result of chapter 25 of the
140 acts of 2009 shall be transferred to item 7002-8030 within the executive office of housing and
141 economic development; provided further, that any unexpended balance as of November 1, 2012
142 from the aforementioned item shall be transferred to the executive office of housing and
143 economic development; and provided further, that before December 31, 2012 the executive
144 office of housing and economic development shall submit a report on the amount of
145 authorization expended from this item before September 1, 2012; provided further, that said
146 report shall detail awards expected to utilize this authorization after September 1, 2012 and the
147 schedule plan for completing awards; and provided further that said report shall be delivered to

148 the house and senate committees on ways and means and the house and senate committees on
149 bonding, capital expenditures and state assets.

150 SECTION 10. Item 7004-0035 of section 2 of chapter 119 of the acts of 2008 is hereby
151 amended by adding the following words:- ; provided, that after September 1, 2012 this item shall
152 be used for the MassWorks infrastructure program, as established by section 63 of chapter 23A
153 of the General Laws; provided further, that any uncommitted balance as of September 1, 2012
154 from the aforementioned item or its successor item established as a result of chapter 25 of the
155 acts of 2009 shall be transferred to item 7005-8035 within the executive office of housing and
156 economic development; provided further, that any unexpended balance as of November 1, 2012
157 from the aforementioned item shall be transferred to the executive office of housing and
158 economic development; and provided further, that before December 31, 2012 the executive
159 office of housing and economic development shall submit a report on the amount of
160 authorization expended from this item before September 1, 2012; provided further, that said
161 report shall detail awards expected to utilize this authorization after September 1, 2012 and the
162 schedule plan for completing awards; and provided further that said report shall be delivered to
163 the house and senate committees on ways and means and the house and senate committees on
164 bonding, capital expenditures and state assets.

165 SECTION 11. Item 6035-0887 of section 2B of chapter 303 of the acts of 2008, as
166 amended by section 34 of chapter 26 of the acts of 2009, is hereby amended by adding the
167 following words:- ; provided, that after September 1, 2012 this item shall be used for the
168 MassWorks infrastructure program, as established by section 63 of chapter 23A of the General
169 Laws; provided further, that any uncommitted balance as of September 1, 2012 from the
170 aforementioned item or its successor item established as a result of chapter 25 of the acts of 2009

171 shall be transferred to the item 7002-8040 within the executive office of housing and economic
172 development; provided further, that any unexpended balance as of November 1, 2012 from the
173 aforementioned item shall be transferred to the executive office of housing and economic
174 development; and provided further, that before December 31, 2012 the executive office of
175 housing and economic development shall submit a report on the amount of authorization
176 expended from this item before September 1, 2012; provided further, that said report shall detail
177 awards expected to utilize this authorization after September 1, 2012 and the schedule plan for
178 completing awards; and provided further that said report shall be delivered to the house and
179 senate committees on ways and means and the house and senate committees on bonding, capital
180 expenditures and state assets.

181 SECTION 12. Item 6035-0877 of section 2B of chapter 303 of the acts of 2008, as
182 amended by section 33 of chapter 26 of the acts of 2009, is hereby amended by adding the
183 following words:- ; provided, that after September 1, 2012 this item shall be used for the
184 MassWorks infrastructure program, as established by section 63 of chapter 23A of the General
185 Laws; provided further, that any uncommitted balance as of September 1, 2012 from the
186 aforementioned item shall be transferred to the executive office of housing and economic
187 development; provided further, that any unexpended balance as of November 1, 2012 from the
188 aforementioned item or its successor item established as a result of chapter 25 of the acts of 2009
189 shall be transferred to item 7002-8045 within the executive office of housing and economic
190 development; and provided further, that before December 31, 2012 the executive office of
191 housing and economic development shall submit a report on the amount of authorization
192 expended from this item before September 1, 2012; provided further, that said report shall detail
193 awards expected to utilize this authorization after September 1, 2012 and the schedule plan for

194 completing awards; and provided further that said report shall be delivered to the house and
195 senate committees on ways and means and the house and senate committees on bonding, capital
196 expenditures and state assets.

197 SECTION 13. Item 6001-0803 of section 2C of chapter 303 of the acts of 2008 is hereby
198 amended by adding the following words:- ; provided, that after September 1, 2012 this item shall
199 be used for the MassWorks infrastructure program, as established by section 63 of chapter 23A
200 of the General Laws; provided further, that any uncommitted balance as of September 1, 2012
201 from the aforementioned item or its successor item established as a result of chapter 25 of the
202 acts of 2009 shall be transferred to item 7002-8050 within the executive office of housing and
203 economic development; provided further, that any unexpended balance as of November 1, 2012
204 from the aforementioned item shall be transferred to the executive office of housing and
205 economic development; and provided further, that before December 31, 2012 the executive
206 office of housing and economic development shall submit a report on the amount of
207 authorization expended from this item before September 1, 2012; provided further, that said
208 report shall detail awards expected to utilize this authorization after September 1, 2012 and the
209 schedule plan for completing awards; and provided further that said report shall be delivered to
210 the house and senate committees on ways and means and the house and senate committees on
211 bonding, capital expenditures and state assets.

212 SECTION 14. Item 6001-0817 of said section 2C of said chapter 303 is hereby amended
213 by adding the following words:- ; provided, that after September 1, 2012 this item shall be used
214 for the MassWorks infrastructure program, as established by section 63 of chapter 23A of the
215 General Laws; provided further, that any uncommitted balance as of September 1, 2012 from the
216 aforementioned item or its successor item established as a result of chapter 25 of the acts of 2009

217 shall be transferred to item 7002-8055 within the executive office of housing and economic
218 development; provided further, that any unexpended balance as of November 1, 2012 from the
219 aforementioned item shall be transferred to the executive office of housing and economic
220 development; and provided further, that before December 31, 2012 the executive office of
221 housing and economic development shall submit a report on the amount of authorization
222 expended from this item before September 1, 2012; provided further, that said report shall detail
223 awards expected to utilize this authorization after September 1, 2012 and the schedule plan for
224 completing awards; and provided further that said report shall be delivered to the house and
225 senate committees on ways and means and the house and senate committees on bonding, capital
226 expenditures and state assets.

227 SECTION 15. Item 1100-8020 of section 2C of chapter 304 of the acts of 2008 is hereby
228 amended by adding the following words:- ; provided, that after September 1, 2012 this item shall
229 be used for the MassWorks infrastructure program, as established by section 63 of chapter 23A
230 of the General Laws; provided further, that any uncommitted balance as of September 1, 2012
231 from the aforementioned item or its successor item established as a result of chapter 25 of the
232 acts of 2009 shall be transferred to item 7002-8060 within the executive office of housing and
233 economic development; provided further, that any unexpended balance as of November 1, 2012
234 from the aforementioned item shall be transferred to the executive office of housing and
235 economic development; and provided further, that before December 31, 2012 the executive
236 office of housing and economic development shall submit a report on the amount of
237 authorization expended from this item before September 1, 2012; provided further, that said
238 report shall detail awards expected to utilize this authorization after September 1, 2012 and the
239 schedule plan for completing awards; and provided further that said report shall be delivered to

240 the house and senate committees on ways and means and the house and senate committees on
241 bonding, capital expenditures and state assets.

242 SECTION 16. Item 6001-0816 of section 2B of chapter 240 of the acts of 2010, as
243 amended by section 1 of chapter 412 of the acts of 2010, is hereby amended by adding the
244 following words:- ; provided, that after September 1, 2012 this item shall be used for the
245 MassWorks infrastructure program, as established by section 63 of chapter 23A of the General
246 Laws; provided further, that any uncommitted balance as of September 1, 2012 from the
247 aforementioned item or its successor item established as a result of chapter 25 of the acts of 2009
248 shall be transferred to item 7002-8060 within the executive office of housing and economic
249 development; provided further, that any unexpended balance as of November 1, 2012 from the
250 aforementioned item shall be transferred to the executive office of housing and economic
251 development; and provided further, that before December 31, 2012 the executive office of
252 housing and economic development shall submit a report on the amount of authorization
253 expended from this item before September 1, 2012; provided further, that said report shall detail
254 awards expected to utilize this authorization after September 1, 2012 and the schedule plan for
255 completing awards; and provided further that said report shall be delivered to the house and
256 senate committees on ways and means and the house and senate committees on bonding, capital
257 expenditures and state assets.