

# **HOUSE . . . . . No. 3835**

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## The Commonwealth of Massachusetts

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HOUSE OF REPRESENTATIVES, January 8, 2014.

The committee on Bonding, Capital Expenditures and State Assets, to whom was referred the Bill providing for capital facility repairs and improvements for the Commonwealth (House, No. 3690), reports recommending that the same ought to pass with an amendment substituting therefor the accompanying bill (House, No. 3835).

[Bond Issue: General Obligation Bonds \$1,110,595,000].

For the committee,

ANTONIO F.D. CABRAL.

# HOUSE . . . . . No. 3835

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## The Commonwealth of Massachusetts

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In the Year Two Thousand Fourteen  
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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:*

1           SECTION 1. To provide for a program of capital facility repairs and improvements to  
2 protect and improve the capital facilities of the commonwealth and for a program of capital asset  
3 acquisitions for general government operations, the sums set forth in sections 2, 2A, 2B and 2C,  
4 inclusive, for the several purposes and subject to the conditions specified in this act are hereby  
5 made available, subject to the laws regulating the disbursement of public funds, which sums shall  
6 be in addition to any other amounts previously appropriated for these purposes.

7           SECTION 2.

8           EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE

9 Division of Capital Asset Management and Maintenance

10 1102-2009 For costs associated with planning and studies, dispositions, acquisition of  
11 land and buildings and interests therein by purchase, prepayment of lease for a term that exceeds  
12 the useful life of the facility, gifts, or other transfers, or by eminent domain under chapter 79 of  
13 the General Laws, for the preparation of plans and specifications, disparity studies, repairs,  
14 construction, renovations, improvements, asset management and demolition, disposition and  
15 remediation of state-owned and former county facilities and grounds and for costs associated  
16 with repair and maintenance of buildings and building systems and equipment at various  
17 facilities of the commonwealth; provided, that all maintenance and repair work funded in this  
18 item shall be listed in the capital asset management information system administered by the  
19 division of capital asset management and maintenance; provided further, that, where appropriate,  
20 the commissioner of capital asset management and maintenance may transfer funds in  
21 accordance with the delegation of project control and supervision process under section 5 of  
22 chapter 7C of the General Laws; provided further, that funds so transferred shall be distributed  
23 based on the severity of the need that the repair will address and other criteria developed by the  
24 division, in consultation with the secretary of administration and finance; provided further, that  
25 costs payable from this item shall include, but not be limited to, the costs of leases of temporary  
26 relocation space or equipment as required for completion of a project, the costs of engineering  
27 and other services essential to these projects rendered by division of capital asset management  
28 and maintenance employees or by consultants; and provided further, that amounts expended for  
29 division employees may include the salary and salary-related expenses of these employees to the  
30 extent that they work on or in support of these projects; and provided that \$4,000,000 shall be

31 expended for the engineering , design and reconstruction of the historic Hampshire Courthouse  
32 ..... \$354,000,000

33 4000-2022 For costs associated with planning and studies, dispositions, acquisition of  
34 land and buildings and interests therein by purchase, prepayment of lease for a term that exceeds  
35 the useful life of the facility, gifts, or other transfers, or by eminent domain under chapter 79 of  
36 the General Laws, for the preparation of plans and specifications, repairs, construction,  
37 renovations, improvements, asset management and demolition for health and human services  
38 facilities, all as the commissioner of capital asset management and maintenance, in consultation  
39 with the secretary of health and human services and the appropriate commissioners of the  
40 departments within the executive office, shall consider appropriate; provided further, that not less  
41 than \$5,000,000 shall be expended to fund capital improvements at the Dimock Center in  
42 Boston; provided further, that not less than \$1,000,000 shall be expended to renovate appropriate  
43 portions of state facilities in order to expand the capacity of the Commonwealth Children’s  
44 Center to provide daycare services; provided further that not less than \$300,000 shall be  
45 expended to make repairs at the Dennison Memorial Community Center in New Bedford;  
46 provided further, that costs payable from this item shall include, but not limited be to, the costs  
47 of leases of temporary relocation space or equipment as required for completion of a project, the  
48 costs of engineering and other services essential to these projects rendered by division of capital  
49 asset management and maintenance employees or by consultants; and provided further, that  
50 amounts expended for division employees may include the salary and salary-related expenses of  
51 these employees to the extent that they work on or in support of these projects provided, that  
52 \$28,175,000 be expended for the costs associated with the repair, renovation or construction of  
53 the skilled nursing facility operated by the Sisters of Providence Health System, located in the

54 town of Montague, which shall maintain a minimum of seventy percent of said facility’s beds for  
55 medically-involved mentally ill individuals. MassHealth shall determine a rate structure for said  
56 facility that promotes quality patient care and provides for the reimbursement to the  
57 Commonwealth of all bonding costs over a twenty-five year period

58 ..... \$328,175,000

59           1102-2014 For costs associated with improving accessibility of state facilities, including  
60 but not limited to, strategic accessibility assessments, accessibility transition plans, technical  
61 assistance to state agencies, consultants relative to the preparation of strategic accessibility  
62 assessments, transition plans or provision of technical assistance to state agencies, planning and  
63 studies, and costs associated with repairs, improvements, construction, asset management,  
64 demolition and maintenance of buildings and building systems; provided, that all transition  
65 planning elements, planning and studies, maintenance and repair work undertaken pursuant to  
66 this item shall be listed in the capital asset management information system administered by the  
67 division of capital asset management and maintenance; provided further, that the use of funds  
68 from this item shall be approved by the commissioner of capital asset management and  
69 maintenance and the secretary of administration and finance or his designee; provided further,  
70 that costs payable from this item shall include, but not limited be to, the costs of leases of  
71 temporary relocation space or equipment as required for completion of a project, the costs of  
72 engineering and other services essential to these projects rendered by division of capital asset  
73 management and maintenance employees or by consultants; and provided further, that amounts  
74 expended for division employees may include the salary and salary-related expenses of these  
75 employees to the extent that they work on or in support of these

76 projects..... \$25,000,000

77 SECTION 2A.

78 EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE

79 Office of the Secretary

80 0640-0302. For the Massachusetts Cultural Facilities Fund established in section 42 of

81 chapter23G of the General Laws for the acquisition, design, construction, repair, renovation,

82 rehabilitation or other capital improvement or deferred maintenance to a cultural facility

83 .....\$75,000,000

84 1100-3002 For a grant program to vocational schools for the purpose of providing

85 funding for the purchase and installation of equipment, under rules adopted by secretary of the

86 executive office for administration and finance and secretary of the executive office for

87 education

88 .....\$8,000,000

89 Division of Capital Asset Management and Maintenance

90 1100-3003 For a grant program to cities and towns for the purpose of providing funding

91 for the repair, renovation or construction of municipal facilities or infrastructure or of any

92 cultural, social, recreational or other facilities serving a municipal purpose, including those

93 owned or operated by nonprofit organizations, technology upgrades and purchase of equipment,

94 under rules adopted by the executive office for administration and finance based upon the

95 following criteria: an assessment of fiscal and budgetary constraints facing the municipality; an

96 analysis of the municipality’s proposed budget and financing of the repair, renovation, or

97 construction project; the municipality’s need for the project; the benefits to the municipality that

98 will result from the project; and an overall evaluation of the merits of the grant proposal;

99 provided, that the executive office of administration and finance may expend not more than 1 per

100 cent of the total amount available for the cost of administering this program provided, that not  
101 less than \$2,000,000 shall be expended for the repair, renovation or improvement of municipally-  
102 owned theatres that have been in operation for at least 75 years; provided further, that not less  
103 than \$500,000 shall be expended to renovate the former Thompson Street School in New  
104 Bedford; that not less than \$3,000,000 shall be expended on capital improvements to the  
105 Orpheum Theater in New Bedford including, but not limited to, demolition, acquisition,  
106 renovation, restoration, design, and construction; provided further, that not less than \$1,500,000  
107 shall be expended on construction and improvements to the Canton Senior Center; provided  
108 further, that not less than \$1,000,000 shall be expended on improvements to the state Theatre in  
109 Stoughton; and provided further, that \$25,420,000 shall be expended for the Phase III expansion  
110 of MASS MoCA (the Massachusetts Museum of Contemporary Art), located in North  
111 Adams.....\$40,420,000.”

112 Board of Library Commissioners

113 7000-9091 For a program of grants to cities and towns for approved public library  
114 projects under sections 19G to 19I, inclusive, of chapter 78 of the General Laws; provided, that  
115 not more than \$500,000 shall be expended by the board of library commissioners for the  
116 administrative costs directly attributable to the projects funded in this item, including the costs of  
117 temporary personnel; provided further, that no permanent personnel shall be compensated from  
118 this item; and provided further, that the board shall file an annual spending plan with the  
119 executive office for administration and finance and the house and senate committees on ways  
120 and means which details, by subsidiary, all temporary personnel and administrative costs charged  
121 to this item..... \$150,000,000

122 EXECUTIVE OFFICE OF PUBLIC SAFETY AND SECURITY

123 Office of the Secretary  
124 8000-3501 For a grant program to cities and towns to provide funding for the repair,  
125 renovation, purchase or construction of municipal public safety facilities and equipment, under  
126 rules adopted by the executive office of public safety and security based upon the following  
127 criteria: an assessment of fiscal and budgetary constraints facing the municipality; an analysis of  
128 the municipality's proposed budget and financing of the repair, renovation, or construction  
129 project; the municipality's need for the project; the benefits to the municipality that will result  
130 from the project; and an overall evaluation of the merits of the grant proposal; provided, that the  
131 executive office may expend not more than 1 per cent of the total amount available for the cost  
132 of administering this program provided, that \$1,000,000 shall be expended for the purchase and  
133 installation of portable and mobile radios and in-vehicle repeaters capable of transmitting and  
134 receiving on the Commonwealth's P-25 public safety radio network, provided further, that all  
135 said radios shall be issued to public safety officers delivering services in the towns of Chester,  
136 Chesterfield, Cummington, Goshen, Hatfield, Huntington, Montgomery, Pelham, Plainfield,  
137 Russell, Westhampton, Williamsburg and Worthington .....\$11,000,000

138 SECTION 2B.

139 EXECUTIVE OFFICE OF PUBLIC SAFETY AND SECURITY

140 Office of the Secretary

141 8000-0701 For equipment for the department of correction and other agencies within the  
142 executive office of public safety and security including, but not limited to, medical equipment,  
143 security equipment, communications equipment and  
144 vehicles.....\$10,000,000



145           8000-2021 For the design, construction and implementation of the department of state  
146 police mobile data network and an automated motor vehicle citation system, including the use of  
147 “MDT” devices; provided that up to \$290,000 may be expended to acquire computer and  
148 technology equipment to manage state police digital  
149 evidence..... \$15,000,000

150           8100-2026 For the replacement of state police cruisers; provided, that the state police  
151 shall develop a 5-year plan which specifies the number of vehicles to be replaced each fiscal year  
152 over a 5-year period; provided further that, notwithstanding any special or general law to the  
153 contrary, the Governor is authorized and directed to require the Secretary of Public Safety and  
154 Security to conduct a pilot program to utilize idle reduction technology that reduces fuel  
155 consumption and emissions in not fewer than 100 patrol cruisers in order to evaluate the  
156 potential to reduce fuel consumption throughout the fleet and that a report of such pilot program  
157 shall be filed with clerks of the senate and house of representatives, the chairs of the senate and  
158 house committees on ways and means, and the chairs of the senate and house committees on  
159 bonding, capital expenditures and state assets no later than January 1, 2016 provided further that  
160 the state police conduct a cost benefit analysis that compares the budget impact of leasing state  
161 police cruisers to buying state police cruisers and that a report detailing the cost benefit analysis  
162 be filed with clerks of the senate and house of representatives, the chairs of the senate and house  
163 committees on ways and means, and the chairs of the senate and house committees on bonding,  
164 capital expenditures and state assets no later than October 1, 2014; and provided further that not  
165 less than \$10,000,000 shall be expended for the purchase of a state police helicopter capable of  
166 carrying additional personnel and equipment..... \$60,000,000

167           SECTION 2C.

168 EXECUTIVE OFFICE OF PUBLIC SAFETY AND SECURITY

169 Office of the Secretary

170 8000-2022 For a program of grants to municipalities for the design, construction and  
171 implementation of an automated motor vehicle citation system, including the use of “MDT”  
172 devices under rules adopted by the executive office for public safety and security; provided, that  
173 for projects which the secretary of administration and finance certifies to the comptroller directly  
174 or indirectly generate new state revenue or budgetary savings, the comptroller shall transfer those  
175 budgetary savings or revenue to the state treasurer for payment of debt service related to those  
176 projects.....\$20,000,000

177 SECTION 3. To meet the expenditures necessary in carrying out section 2, the state  
178 treasurer shall, upon request of the governor, issue and sell bonds of the commonwealth in an  
179 amount to be specified by the governor from time to time but not exceeding, in the aggregate,  
180 \$707,175,000. All such bonds issued by the commonwealth shall be designated on their face,  
181 Capital Improvement Act of 2013, and shall be issued for a maximum term of years, not  
182 exceeding 30 years, as the governor may recommend to the general court under section 3 of  
183 Article LXII of the Amendments to the Constitution. The bonds shall be payable not later than  
184 June 30, 2048. All interest and payments on account of principal on these obligations shall be  
185 payable from the General Fund. Bonds and interest thereon issued under this section shall,  
186 notwithstanding any other provisions of this act, be general obligations of the commonwealth.

187 SECTION 4. To meet the expenditures necessary in carrying out section 2A, the state  
188 treasurer shall, upon request of the governor, issue and sell bonds of the commonwealth in an  
189 amount to be specified by the governor from time to time but not exceeding, in the aggregate,  
190 \$284,420,000. All such bonds issued by the commonwealth shall be designated on their face,

191 Capital Improvement Act of 2013, and shall be issued for a maximum term of years, not  
192 exceeding 30 years, as the governor may recommend to the general court under section 3 of  
193 Article LXII of the Amendments to the Constitution. The bonds shall be payable not later than  
194 June 30, 2048. All interest and payments on account of principal on these obligations shall be  
195 payable from the General Fund. Bonds and interest thereon issued under this section shall,  
196 notwithstanding any other provisions of this act, be general obligations of the commonwealth.

197 SECTION 5. To meet the expenditures necessary in carrying out section 2B, the state  
198 treasurer shall, upon request of the governor, issue and sell bonds of the commonwealth in an  
199 amount to be specified by the governor from time to time but not exceeding, in the aggregate,  
200 \$85,000,000. All such bonds issued by the commonwealth shall be designated on their face,  
201 Capital Improvements Loan Act of 2013, and shall be issued for a maximum term of years, not  
202 exceeding 10 years, as the governor may recommend to the general court under section 3 of  
203 Article LXII of the Amendments to the Constitution. The bonds shall be payable not later than  
204 June 30, 2028. All interest and payments on account of principal on these obligations shall be  
205 payable from the General Fund. Bonds and interest thereon issued under this section shall,  
206 notwithstanding any other provisions of this act, be general obligations of the commonwealth.

207 SECTION 6. To meet the expenditures necessary in carrying out section 2C, the state  
208 treasurer shall, upon request of the governor, issue and sell bonds of the commonwealth in an  
209 amount to be specified by the governor from time to time but not exceeding, in the aggregate,  
210 \$20,000,000. All such bonds issued by the commonwealth shall be designated on their face,  
211 Capital Improvements Loan Act of 2013, and shall be issued for a maximum term of years, not  
212 exceeding 10 years, as the governor may recommend to the general court under section 3 of  
213 Article LXII of the Amendments to the Constitution. The bonds shall be payable not later than

214 June 30, 2028. All interest and payments on account of principal on these obligations shall be  
215 payable from the General Fund. Bonds and interest thereon issued under this section shall,  
216 notwithstanding any other provisions of this act, be general obligations of the commonwealth.

217 SECTION 7. The secretary of administration and finance shall submit a report on the  
218 progress of any projects funded through the authorizations in this act and included in the  
219 governor's 5-year capital investment to the clerks of the senate and house of representatives, the  
220 chairs of the senate and house committees on ways and means, and the senate and house chairs  
221 of the senate and house committees on bonding, capital expenditures and state assets. The report  
222 shall include, but not be limited to: the previous year planned spending, previous year spending,  
223 current year planned spending, current year spending to date, original estimated total project  
224 cost, project description, location of the project, type of spending, type of asset and useful life of  
225 the project once completed. The report shall be submitted not later than June 30 and December  
226 31 of each year for a period of 8 years after the effective date of this act.

227 SECTION 8. To provide for the continued availability of certain bond-funded spending  
228 authorizations which otherwise would expire, the balances of the following appropriation items  
229 and any allocations thereof shall be extended through June 30, 2017, for the purposes of and  
230 subject to the conditions stated for these items in the original authorizations and any amendments  
231 to such authorizations: 0330-2223, 0526-2012, 0640-0301, 1100-1570, 1100-1580, 1100-3001,  
232 1100-7500, 1100-7981, 1100-7985, 1100-8000, 1100-8001, 1100-8020, 1100-9200, 1100-9520,  
233 1102-0004, 1102-1994, 1102-5600, 1102-7967, 1599-4994, 1599-7156, 4000-2020, 5500-9400,  
234 5500-9405, 6001-0816, 6001-0817, 6001-0818, 7000-9090, 7002-0015, 7007-6300, 7007-9040,  
235 7066-2010, 7066-8000, 7100-1000, 7411-7960, 8000-0700, 8000-2020, 8000-3500, 8000-4900,  
236 8100-2025, 8100-9000, 8500-1000, 8900-7500, 8900-8500 and 8910-0023

237 SECTION 9. (a) To carry out the purposes of items 1102-2009, 1102-2014, 1100-3003,  
238 and 4000-2022, the commissioner of capital asset management and maintenance may,  
239 notwithstanding sections 32 to 37, inclusive, of chapter 7C of the General Laws or any other  
240 general or special law to the contrary, but subject to this subsection, acquire, by purchase,  
241 prepayment of lease for a term that exceeds the useful life of the facility, gifts, or other transfers,  
242 or by eminent domain under chapter 79 of the General Laws, any interests in land and buildings  
243 considered necessary by the commissioner to carry out the purposes of this act including, but not  
244 limited to, easements for drainage, access, utilities and environmental mitigation and may grant  
245 and retain such easements and interests as considered necessary by the commissioner to carry out  
246 the purposes of this act.

247 (b) The commissioner shall solicit proposals for any facility acquisition through requests  
248 for proposals. Each request for proposals shall, at a minimum, include: (1) a description of the  
249 facility for which proposals are sought; (2) a statement as to whether the commissioner seeks to  
250 purchase or lease the facilities; (3) a statement as to whether the commissioner seeks to acquire  
251 improved or unimproved land, buildings and interests therein; (4) a statement as to whether the  
252 selected proposer shall be required to undertake the design, construction, renovation,  
253 reconstruction, alteration, improvement, demolition, expansion or management of a new or  
254 existing facility; (5) the proposed contractual terms and conditions, some of which may be  
255 considered mandatory or nonnegotiable, (6) the evaluation criteria that will be utilized by the  
256 commissioner; (7) the time and date for receipt of proposals; (8) the address of the office to  
257 which proposals shall be delivered; and (9) such other matters as may be determined by the  
258 commissioner. Public notice of each request for proposals shall be published at least 3 weeks  
259 before the time specified in the notice for the receipt of proposals in the central register published

260 by the state secretary. At the opening of the proposals, the commissioner shall prepare a register  
261 of proposals which shall include the name of each proposer. The register of proposals shall be  
262 open for public inspection. Notwithstanding any general or special law to the contrary, until the  
263 completion of the selection process, the contents of the proposals and the selection process shall  
264 not be disclosed to competing proposers and shall not be public documents.

265 (c) Any design, construction, renovation, reconstruction, alteration, improvement,  
266 demolition, expansion or management of a facility undertaken under this section shall be subject  
267 to chapters 7C, 30 and 149 of the General Laws and any other general or special law or  
268 regulation governing the design, construction, renovation, reconstruction, alteration,  
269 improvement, demolition, expansion or management of real or personal property by the  
270 commonwealth.

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

274 SECTION 10. The division of capital asset management and maintenance may transfer  
275 care, custody, control and jurisdiction of a parcel of commonwealth land with the buildings  
276 thereon located at Leverett circle in the city of Boston, currently used by the department of state  
277 police, from the department of conservation and recreation to the department of state police. The  
278 exact boundaries of the parcel to be transferred may be determined by the division of capital  
279 asset management and maintenance in consultation with the department of conservation and  
280 recreation and the department of state police. Transfer of the parcel shall be without  
281 consideration and shall not be subject to chapter 7C of the General Laws. The division of capital

282 asset management and maintenance may, as necessary, clear title to the parcel to be transferred  
283 by eminent domain taking.

284 SECTION 11. The division of capital asset management and maintenance may transfer  
285 care, custody, control and jurisdiction of a parcel of vacant commonwealth land in the town of  
286 Middleton from the department of mental health to the department of youth services for use as a  
287 location for a new department of youth services facility. The parcel to be transferred contains  
288 approximately 9.295 acres and is shown on a plan on file with the division. The exact  
289 boundaries of the parcel to be transferred are to be determined by the division of capital asset  
290 management and maintenance. Transfer of the parcel shall be without consideration and shall not  
291 be subject to chapter 7C of the General Laws. The division of capital asset management and  
292 maintenance may, as necessary, clear title to the parcel to be transferred by eminent domain  
293 taking.

294 SECTION 12. Item 7066-8000 of section 2 of chapter 258 of the acts of 2008 is hereby  
295 amended by striking out the figure “\$22,100,000” and inserting in place thereof the following  
296 figure:- \$36,100,000.

297 SECTION 13. Item 7066-8000 of section 2 of chapter 258 of the acts of 2008 is hereby  
298 amended by striking out the figure “\$1,189,055,630” and inserting in place thereof the following  
299 figure:- \$1,203,055,630.

300 SECTION 14. The first sentence of section 3 of chapter 258 of the acts of 2008 is hereby  
301 amended by striking out the figure “\$2,190,555,630” and inserting in place thereof the following  
302 figure:- \$ 2,204,555,630.