SENATE . . . . . No. 2197

Text of the Senate amendment to the House Bill providing for capital facility repairs and improvements for the Commonwealth (House, No. 3933) (being the text of Senate, No. 2143, printed as amended)

The Commonwealth of Massachusetts

In the Year Two Thousand Fourteen

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 to 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.

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, gift or other transfer 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, 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 shall 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, the costs

of leases of temporary relocation space or equipment as required for completion of a project,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 the amounts specified in this item for a particular project or use may be adjusted in order to facilitate other projects specified in this item; provided further, that $6,200,000 shall be expended for the engineering, design and construction of a new vault in the state archives building; and provided further, that $20,000,000 shall be expended for the engineering, design, restoration and repair of the senate chamber and related senate facilities; provided further, that $9,458,561 shall be expended for the design and construction of a 14,000 square foot child care center on the campus of Greenfield Community College to provide early education and care to low-income children in a safe, affordable child care environment for Greenfield Community College students while they pursue their education and training and to provide a teaching laboratory site for Greenfield Community College education degree program students practicum placements and education program faculty observation and assessment activities; 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 at Lowell at 255 Princeton Street in the town of Chelmsford to improve public safety on the property and in the abutting residential neighborhood; provided further, that funds shall be expended for the study, design and construction of the consolidated trial court facility in the city of Lowell, which shall replace 2 outdated facilities and 1 private lease;provided further, that not less than $1,000,000 shall be expended for the renovation of the Methuen High School fieldhouse in the city known as the town of Methuen; provided further, that not less than $600,000 shall be expended for the historic town hall in the town of Merrimac; provided further, that not less than $300,000 shall be expended for the implementation of the Wayfinding program in the city known as the town of Amesbury; provided further, that not less than $100,000 shall be expended for the renovation and restoration of the Schofield Mill in the town of North Andover; and provided further, that $15,000,000 shall be expended to renovate or replace the power plant building and to construct an energy and environment building at Massachusetts Maritime Academy……...……. $378,058,561

1102-2014 For costs associated with improving accessibility of state facilities including, but not limited to, strategic accessibility assessments, accessibility transition plans, technical assistance to state agencies, consultants relative to the preparation of strategic accessibility assessments,transition plans or provision of technical assistance to state agencies, planning and studies and costs associated with repairs, improvements, construction, asset management, demolition and maintenance of buildings and building systems; provided, that all transition planning elements, planning and studies and maintenance and repair work undertaken pursuant to this item shall be listed in the capital asset management information system administered by the division of capital asset management and maintenance; provided, that the use of funds from this item shall be approved by the commissioner of capital asset management and maintenance and the secretary of administration and finance or the secretary’s designee;

provided further, that $500,000 shall be expended for sidewalk and other improvements on Gregory street in the town of Middleton to facilitate access to the state department of youth services facility authorized in section 16; and provided further, that costs payable from this item shall include, but not be limited to, the costs of leases of temporary relocation space or equipment as required for completion of a project and the costs of engineering and other services essential to these projects rendered by division of capital asset management and maintenance employees or by consultants..... $25,500,000

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, gift or other transfer 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, that costs payable from this item shall include, but not be limited to, the costs of leases of temporary relocation space or equipment as required for completion of a project and 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 the amounts specified in this item for a particular project or use may be adjusted in order to facilitate other projects specified in this item; provided further, that not less than $1,500,000 shall be expended to complete the newly constructed Community Health Connection Health Center in the city of Fitchburg; provided further, that $10,000,000 shall be expended for the maintenance, improvement and expansion of the Massachusetts Hospital School in the town of Canton; provided further, that not less than $500,000 shall be expended for the renovation, acquisition or construction of a facility for the Hyannis Day Center for homeless individuals; provided further, that funds shall be expended to fund capital improvements at the Dimock Center in the city of Boston; and provided further, that $500,000 shall be expended for capital improvements for the historic restoration of the African Meeting House in the city of Boston.....$312,500,000

SECTION 2A.

EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE

Office of the Secretary.

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

1100-3002 For a grant program to vocational schools to provide funding for the purchase and installation of equipment under rules adopted by the secretary of administration and finance and the secretary of education.....….$8,000,000

Division of Capital Asset Management and Maintenance.

1100-3003 For a grant program to cities and towns to provide funding for the repair, renovation or construction of municipal facilities or infrastructure or of any cultural, social, recreational or other facility serving a municipal purpose, including those owned or operated by nonprofit organizations, for technology upgrades and for the purchase of equipment under rules adopted by the executive office for administration and finance based upon the following criteria: (i) an assessment of fiscal and budgetary constraints facing the municipality; (ii) an analysis of the municipality's proposed budget and financing of the repair, renovation or construction project; (iii) the municipality's need for the project; (iv) the benefits to the municipality that will result from the project; and (v) an overall evaluation of the merits of the grant proposal; provided, that the executive office may expend not more than 1 per cent of the total amount available for the cost of administering this program; provided further, that not less than $2,000,000 shall be provided for a cultural and recreational facility in the city known as the town of West Springfield; provided further, that funds shall be expended for the design and construction of the Malden community conference center; provided further that not less than $2,000,000 shall be expended to fund capital improvements to the municipal campus in town of Dedham; provided further, that funds shall be expended for the construction of a regional indoor skating rink and recreation center in the town of Norwood pursuant to chapter 151 of the acts of 2013; provided further, that funds shall be expended for the preservation of historical naval vessels berthed in Battleship Cove in city of Fall River ; provided further, that $2,000,000 shall be expended for the demolition and environmental remediation on the site of the former Belchertown State School; provided further, that funds shall be expended for the renovation of the Pynchon Building located in the city of Springfield ; provided further, that $40,000 shall be expended to upgrade the technology at the West Boylston Public Library ; provided further, that $1,000,000 shall be expended on the expansion of the Braintree department of elder affairs senior center ; provided further, that $1,500,000 shall be expended for the renovation of the South Grafton Library into a bikeway visitor center in the town of Grafton; provided further, that $500,000 shall be expended for the redevelopment of Jacques Park in the town of Millbury; provided further, that not less than $750,000 shall be expended to the Glenwood Memorial Cemetery for updates to maximize available burial plot space for residents of the city of Everett; provided further that not less than $500,000 shall be expended for the city of Cambridge citywide 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 not less than $5,000,000 shall be expended for improvements, repairs, maintenance, expansion and energy efficiency upgrades at the DCU Arena and Convention Center in the city of Worcester and for infrastructure and streetscape improvements in the area of the city bounded and described as

follows: Beginning at, and including, 17 Lincoln Square, thence southerly along the westerly street line of Main street to the intersection with Foster street; thence easterly along the southerly line of Foster street to its intersection with Major Taylor boulevard; thence northerly along the easterly line of Major Taylor boulevard to 17 Lincoln Square, the point of beginning; and provided further, that not less than $5,000,000 shall be expended for the planning, development, construction and related costs of the parking expansion and additional meeting space at the MassMutual Convention Center in the city of Springfield; provided further, that $2,500,000 shall be expended for the historic preservation, restoration and renovation of the Broderick Stables; provided further that $2,500,000 shall be expended for improvements at the John L. Kelly Field in the town of Milton; provided further, that $1,000,000 shall be expended on improvements to the state theatre in the town of Stoughton; provided further, that $1,500,000 shall be expended on construction and improvements to the Canton senior center; provided further, that $2,000,000 shall be expended for further improvements to parking, lighting and ballfields and the construction of a well at Houghton's Pond in the town of Milton; 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; provided further, that not less than $250,000 shall be expended for capital repairs to the Grand Army of the Republic Museum in the city of Lynn; provided further, that not less than $125,000 shall be expended for safety upgrades and repairs along state highway route 129 on the city of Lynn border in the town of Swampscott; and provided further, that $75,000 shall be expended for repairs and renovations of community playgrounds at elementary schools in the city of Newton; provided further funds shall be expended to rebuild the community pool at the John F. Kennedy middle school in the city of Springfield; provided further, that $800,000 shall be expended for the repair and renovation of the Millville town hall including, but not limited to, asbestos removal, foundation repair and interior renovations; provided further, that $2,000,000 shall be expended for capital improvements including, but not limited to, demolition, acquisition, renovation, restoration, design and construction at the Zeiterion Theatre in the city of New Bedford; provided further, that $1,500,000 shall be expended for historic restoration projects in the city of Gloucester, including Gloucester city hall, the historic fishing vessel Phyllis A. and the Gloucester Stage Company Theater; provided further, that not less than $2,000,000 shall be expended for costs associated with the construction, expansion and modernization of the emergency department and outpatient facilities at Athol Hospital in the town of Athol; provided further, that not less than $1,500,000 shall be expended for the construction, reconstruction or renovation of a senior center in the town of Hardwick; provided further, that not less than $1,500,000 shall be expended for the construction, reconstruction or renovation of a senior center in the town of Hubbardston; provided further, that $300,000 shall be expended to complete phase 2 repairs of the Athol depot owned by the Montachusett Area Regional Transit Authority and for construction and maintenance of the station: provided further, that $700,000 shall be expended for handicapped accessible improvements at Oakham town hall, known as Memorial Hall; provided further, that $150,000 shall be expended for the installation of an elevator in the Spire Center for Performing

Arts in the town of Plymouth; provided further, that $7,300,000 shall be expended for the Water Street promenade project in the town of Plymouth; provided further, that not less than $200,000 shall be expended for the historic town hall in the town of Topsfield; and provided further, that not less than $5,000,000 shall be expended for the University of Massachusetts at Boston for the development of programs and curriculum at the Edward M. Kennedy Institute in the city of Boston..... $88,610,000

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, that not more than $500,000 shall be expended by the board of library commissioners for the administrative costs directly attributable to the projects funded in this item, including the costs of temporary personnel; provided further, that no permanent personnel shall be compensated from this item; provided further, that the board shall file an annual spending plan with the executive office for administration and finance and the house and senate committees on ways and means which details, by subsidiary, all temporary personnel and administrative costs charged to this item; provided further, that the grant for the reconstruction, renovation and rehabilitation of the Chester C. Corbin Library in the town of Webster shall not be less than 75 per cent of the total project cost authorized pursuant to said section 19G of chapter 78 of the General Laws; and provided further, that $1,200,000 shall be expended for the construction and renovation associated with the relocation of the Taft Public Library in the town of Mendon $151,200,000

EXECUTIVE OFFICE OF PUBLIC SAFETY AND SECURITY

Office of the Secretary.

8000-3501 For a grant program to cities and towns to provide funding for the repair, renovation, purchase or construction of municipal public safety facilities and equipment under rules adopted by the executive office of public safety and security based upon the following criteria: (i) an assessment of fiscal and budgetary constraints facing the municipality; (ii) an analysis of the municipality's proposed budget and financing of the repair, renovation or construction project; (iii) the municipality's need for the project; (iv) the benefits to the municipality that will result from the project; and (v) an overall evaluation of the merits of the grant proposal; provided, that the executive office may expend not more than 1 per cent of the total amount available for the cost of administering this program; provided, that $1,000,000 shall be expended for the feasibility, engineering and design of a public safety building in the city of Quincy; provided further, that $1,650,000 shall be expended for the design and construction of a regional public safety center in the city of Lawrence; and provided further, that not less than $2,000,000 shall be expended for the construction, reconstruction and renovation of the North Brookfield fire house.....…$14,650,000

SECTION 2B.

EXECUTIVE OFFICE OF PUBLIC SAFETY AND SECURITY

Office of the Secretary.

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

8000-2021 For the design, construction and implementation of the department of state police mobile data network and an automated motor vehicle citation system, including the use of mobile data terminal, or MDT, devices.....$10,000,000

8100-2026 For the replacement of state police cruisers; provided, that the department of state police shall develop a 5-year plan which shall specify the number of vehicles to be replaced each fiscal year over a 5-year period.....$35,000,000

SECTION 2C.

EXECUTIVE OFFICE OF PUBLIC SAFETY AND SECURITY

Office of the Secretary.

8000-2022 For a program of grants to municipalities for the design, construction and implementation of an automated motor vehicle citation system, including the use of mobile data terminal, or MDT, devices under rules adopted by the executive office of public safety and security; provided, that for projects which the secretary of administration and finance certifies to the comptroller generate new state revenue or budgetary savings, directly or indirectly, the comptroller shall transfer those budgetary savings or revenue to the state treasurer for payment of debt service related to those projects……$22,000,000

SECTION 3. Section 16G of chapter 6A of the General Laws, as appearing in the 2012 Official Edition, is hereby amended by adding the following subsection:-

(m) During the first year of each new gubernatorial administration, the governor shall convene an infrastructure cost council consisting of at least the following 11 members: the secretary of administration and finance who shall serve as chair; the secretary of energy and environmental affairs; the secretary of transportation; the house chair of the joint committee on state administration and regulatory oversight; the senate chair of the joint committee on state administration and regulatory oversight; 1 person to be appointed by the attorney general; and 5 people to be appointed by the governor, 1 of whom shall be selected from a list of 3 people provided by the Massachusetts Association of Regional Planning Agencies, 1 of whom shall be a representative from the Associated Industries of Massachusetts, 1 of whom shall be a representative of a telecommunications company doing business in the commonwealth, 1 of

whom shall be a representative from the Massachusetts Municipal Association and 1 of whom shall be a representative of a regulated utility operating in a service area within the commonwealth. The governor may also appoint additional members of regional and local economic development groups and members of the business community to serve on the council. Members of the council shall serve for a term of 1 year or until a set of infrastructure cost projections has been approved by the governor under this section.

The secretary of administration and finance, with the assistance of the infrastructure cost council appointed under this section, shall develop consensus demographic projections for the commonwealth, including distinct projections for the various regions of the commonwealth. These projections shall be used as the basis for developing infrastructure cost projections for the commonwealth, for both publicly-owned and privately-owned infrastructure, for a period identified by the council of not less than 10 years. As used in this section, the term "infrastructure" shall mean surface transportation infrastructure and the infrastructure necessary to deliver water and wastewater services, telecommunications services, gas, oil and electricity.

The office of performance, accountability and transparency established in section 4A of chapter 7 shall provide staff support for the study required by this section. Every regional planning agency formed under chapter 40B shall provide its current set of demographic projections used for regional planning. Any metropolitan planning organization that uses a set of demographic projections that is different from those of its regional planning agency shall also provide its current set of demographic projections. All regulated utilities shall provide necessary information required by the council. The council may take precautions to ensure the confidentiality of any competitively-sensitive information submitted.

In developing its consensus demographic projections, the council shall compare, contrast and reconcile all of the demographic projections and other information it receives. It shall strive to reconcile differences among those projections so that the consensus demographic projections for the commonwealth are based on a common and consistent set of assumptions.

Each council shall conduct at least 1 public hearing. The secretary shall file a report with the clerks of the senate and house of representatives and with the chairs of the house and senate committees on bonding, capital expenditures and state assets not later than December 31 of the first year of each new gubernatorial administration. The report shall also be published on the website of the commonwealth.

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

SECTION 3B. Said item 7066-8000 of said section 2 of said chapter 258 is hereby further amended by inserting after the word "projects", in line 160, the following words:- ;

provided further, that not less than $100,000,000 shall be expended to address deferred maintenance at state colleges and universities and community colleges.

SECTION 4. Said item 7066-8000 of said section 2 of said chapter 258 is hereby further amended by striking out the figure “$1,189,055,630” and inserting in place thereof the following figure:- $1,303,055,630.

SECTION 4A. Item 7100-1000 of said section 2 of said chapter 258 is hereby amended by inserting after the words “city of Worcester”, the second time they appear, the following words:- ; provided further, that not less than $100,000,000 shall be expended to address deferred maintenance at the University of Massachusetts.

SECTION 5. Said item 7100-1000 of said section 2 of said chapter 258, as most recently amended by section 17 of chapter 48 of the acts of 2014, is hereby further amended by striking out the figure “$1,001,500,000” and inserting in place thereof the following figure:- $1,101,500,000.

SECTION 6. Section 3 of said chapter 258 is hereby amended by striking out, in line 4, the figure “$2,190,555,630” and inserting in place thereof the following figure:- $2,404,555,630.

SECTION 7. To meet the expenditures necessary in carrying out section 2, 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, $716,058,561. 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 25 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, 2043. 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 provision of this act, be general obligations of the commonwealth.

SECTION 8. 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, $312,460,000. 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 25 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, 2043. 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 provision of this act, be general obligations of the commonwealth.

SECTION 9. 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, $55,000,000. 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 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 provision of this act, be general obligations of the commonwealth.

SECTION 10. 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, $22,000,000. 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 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 provision of this act, be general obligations of the commonwealth.

SECTION 11. 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: (i) the previous year planned spending; (ii) the previous year spending; (iii) the current year planned spending; (iv) the current year spending to date; (v) the original estimated total project cost; (vi) the project description; (vii) the location of the project; (viii) the type of spending; (ix) the type of asset; and (x) the useful life of the project once completed. The report shall be submitted not later than June 30 and December 31 of each year for a period of 8 years after the effective date of this act.

SECTION 12. To provide for the continued availability of certain bond-funded spending authorizations which otherwise would expire, the balances of the following items and any allocations thereof shall be extended through June 30, 2017 for the purposes of, and subject to, the conditions stated for these items in the original authorizations and any amendments to such authorizations: 0330-2223, 0526-2012, 0640-0301,1100-3001, 1100-7500, 1100-7981, 1100-7985, 1100-8000, 1100-8001, 1100-8020, 1100-9200, 1100-9520, 1102-0004, 1102-1994, 1102-5600, 1102-7967, 1599-4994, 1599-7156, 4000-2020, 5500-9400, 5500-9405, 6001-0816, 6001-0817, 6001-0818, 7000-9090, 7002-0015, 7007-6300, 7007-9040, 7066-2010, 7411-7960, 8000-

0700, 8000-2020, 8000-3500, 8000-4900, 8100-2025, 8100-9000, 8500-1000, 8900-7500, 8900-8500 and 8910-0023.

SECTION 13. To provide for the continued availability of certain bond-funded spending authorizations which otherwise would expire, the balances of the following items and any allocations thereof shall be extended through June 30, 2019 for the purposes of, and subject to, the conditions stated for these items in the original authorizations and any amendments to such authorizations: 7066-8000 and 7100-1000.

SECTION 14. (a) To carry out the purposes of items 1102-2009, 1102-2014 and 4000-2022 of section 2 and item 1100-3003 of section 2A, the commissioner of capital asset management and maintenance may, notwithstanding sections 32 to 37, inclusive, of chapter 7C of the General Laws or any other general or special law to the contrary, but subject to this section, acquire, 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, any interests in land and buildings considered necessary by the commissioner to carry out this act including, but not limited to, easements for drainage, access, utilities and environmental mitigation and may grant and retain such easements and interests as considered necessary by the commissioner to carry out this act.

(b) The commissioner shall solicit proposals for any facility acquisition through requests for proposals. Each request for proposals shall include, at a minimum: (i) a description of the facility for which proposals are sought; (ii) a statement as to whether the commissioner seeks to purchase or lease the facilities; (iii) a statement as to whether the commissioner seeks to acquire improved or unimproved land, buildings and interests therein; (iv) a statement as to whether the selected proposer shall be required to undertake the design, construction, renovation, reconstruction, alteration, improvement, demolition, expansion or management of a new or existing facility; (v) the proposed contractual terms and conditions, some of which may be considered mandatory or nonnegotiable; (vi) the evaluation criteria to be utilized by the commissioner; (vii) the time and date for receipt of proposals; (viii) the address of the office to which proposals shall be delivered; and (ix) such other matters as may be determined by the commissioner. Public notice of each request for proposals shall be published at least 3 weeks before the time specified in the notice for the receipt of proposals in the central register published by the state secretary. At the opening of the proposals, the commissioner shall prepare a register of proposals which shall include the name of each proposer. The register of proposals shall be open for public inspection. Notwithstanding any general or special law to the contrary and until the completion of the selection process, the contents of the proposals and the selection process shall not be disclosed to competing proposers and shall not be public documents.

(c) Any design, construction, renovation, reconstruction, alteration, improvement, demolition, expansion or management of a facility undertaken pursuant to this section shall be subject to chapters 7C, 30 and 149 of the General Laws and any other general or special law or

regulation governing the design, construction, renovation, reconstruction, alteration, improvement, demolition, expansion or management of real property by the commonwealth.

(d) The commissioner shall solicit proposals for temporary relocation space as required for completion of a project funded pursuant to items 1102-2009, 1102-2014 and 4000-2022 of section 2 or item 1100-3003 of section 2A in accordance with section 37 of chapter 7C of the General Laws.

SECTION 16. The division of capital asset management and maintenance may transfer care, custody, control and jurisdiction of a parcel of vacant commonwealth land in the town of Middleton from the department of mental health to the department of youth services for use as a location for a new department of youth services facility. The parcel to be transferred contains approximately 9.295 acres and is shown on a plan on file with the division. The exact boundaries of the parcel to be transferred are to be determined by the division of capital asset management and maintenance. Transfer of the parcel shall be without consideration and shall not be subject to chapter 7C of the General Laws. The division of capital asset management and maintenance may, as necessary, clear title to the parcel to be transferred by eminent domain taking.

SECTION 17. (a) As used in this section, the following words shall have the following meanings unless the context clearly requires otherwise:

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

"District", the Essex North Shore agricultural and technical school district established pursuant to chapter 463 of the acts of 2004.

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

"School", the Essex North Shore agricultural and technical school established pursuant to chapter 463 of the acts of 2004.

(b) Notwithstanding section 32 to 37, inclusive, of chapter 7C of the General Laws, chapter 463 of the acts of 2004 or any other general or special law to the contrary, the commissioner may, in consultation with the district, lease or enter into other agreements for a term, including any extensions, not to exceed 25 years for certain lands and any buildings and other appurtenances thereon located at the school in the town of Middleton to Essex Sports Center, LLC. The location and boundaries of any of the parcels to be leased shall be determined by the commissioner based upon a survey by a certified engineer.

(c) The lessee shall use the property solely for constructing and operating athletic and recreational facilities for use by the school or any other authorized parties. The lease or other agreement shall include a provision restricting the use of the property to such purposes and providing for termination of the lease if the property ceases to be used for such purposes. Upon the expiration of the lease, or if Essex Sports Center, LLC ceases to be the lessee at any time

before the expiration of the lease, the land, facilities, fields and appurtenances shall revert to the commonwealth upon such terms and conditions as the commissioner may determine. The lease may permit leasehold mortgages covering any lease executed as authorized in this section to assist the lessee in financing improvements to the leased property, provided, however, that any such leasehold mortgage shall be subordinate to any such lease, subject to the ability of any such leasehold mortgagee to exercise its rights under any such mortgage.

(d) The lease or other agreement authorized by this section shall be on terms and conditions acceptable to the commissioner after consultation with the district, and subject to review by the inspector general prior to the execution of the lease; provided, however, that any such lease or other agreement shall provide, without limitation that: (i) the lessee shall manage, operate, improve, repair and maintain the land, buildings and appurtenances associated therewith during the term of the lease which shall be subject to the approval of the commissioner and the district and the upkeep shall be reviewed on an annual basis by the commissioner, the lessee and the district; provided, however, that the lessee shall be responsible for the repairs and maintenance as recommended by the commissioner or the district; (ii) the lessee shall carry comprehensive general liability and construction insurance in amounts acceptable to the commissioner and the district naming the commonwealth and the district as the co-insured and protecting the commonwealth and the district against all claims for personal injury or property damage arising from the land, buildings and appurtenances associated therewith during the construction and the term of the lease; (iii) the lessee shall pay rent in an amount equal to or greater than the full and fair market value of its leasehold interest under this section as determined by an independent appraisal prepared in accordance with the usual and customary professional appraisal practices by a certified appraiser commissioned by the commissioner, in consultation with the inspector general; (iv) the lessee shall be responsible for the capital improvements to the premises; (v) the lessee shall be responsible for all costs of all utilities during the term of the lease; and (vi) the lessee shall not design or construct any facilities on the parcel without the written approval of the division, in consultation with the district.

(e) The lessee shall be responsible for and shall maintain an escrow fund for all costs and expenses including, but not limited to, costs associated with any engineering, surveys, appraisals, and lease preparation as such costs may be determined by the commissioner.

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

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

(h) The 25-year lease and other agreements executed pursuant to this section shall be on terms, conditions and consideration acceptable to the commissioner and the district; provided, however, that the lessee shall permit the following reserved ice rink needs free of charge and on a priority basis to the district: (i) daytime physical education classes which are scheduled as part of the regular school curriculum; (ii) practice and games for the following hockey teams if such teams are established: male varsity, male junior varsity, female varsity and female junior varsity; provided further, that the lessee shall permit the following reserved turf field needs free of charge and on a priority basis to the district: (1) daytime physical education classes which are scheduled as part of the regular school curriculum; (2) practice and games for the following soccer, football, field hockey, winter track and field, spring track and field, lacrosse, baseball and softball teams if such teams are established: male varsity, male junior varsity, female varsity and female junior varsity; provided further, that schedules for the ice rink and turf field use shall be presented by the district to the lessee by July 1 preceding each academic year and only for those classes and teams which are in existence for that academic year; provided, further, that the lessee shall permit reserved ice for school-sponsored or Massachusetts Interscholastic Athletic Association tournaments, if available; and provided further, that the lessee shall ensure fair and reasonable use of the ice rink, fields, facilities, land and appurtenances for communities within the district.

(i) All records of the lessee relating to the operation of the facility including, but not limited to, finances and scheduling shall be made available for inspection by the offices of the state auditor, the attorney general, the inspector general and the division upon request

SECTION 17A. The special commission established in chapter 2 of the resolves of 2008 and revived and continued by chapter 3 of the resolves of 2010 is hereby revived and continued to December 31, 2015.

SECTION 17B. The secretary of transportation and the secretary of energy and environmental affairs shall jointly submit a report regarding the capital and operating needs of the New Bedford state pier to the senate and house chairs of the committees on bonding, capital expenditures and state assets and the clerks of the senate and the house of representatives not later than December 31, 2014. The report shall include, but not be limited to:

(i) an analysis of the current state of repair of the pier, including a description of all projects and expenditures needed to bring the pier into a state of good repair and low-end and high-end estimates of the useful life of all physical components of the pier and the estimated cost, as of the effective date of this section, to replace the physical components of the pier;

(ii) all operating expenses associated with the pier for the prior and current fiscal years including, without limitation, payments to all vendors performing any work with respect to the pier and the salaries of all state employees who have performed any work with respect to the pier;

(iii) all persons and entities currently making use of the pier under any written or unwritten lease, license, permit, invitation or other agreement;

(iv) recommendations as to the most efficient structure for ownership, management, operation and oversight of the pier including, without limitation, a recommendation as to which state agencies should own or operate the pier and what actions, if any, should be undertaken with regard to whether future operation of the pier should include input or participation by municipalities or other governmental instrumentalities abutting the port of New Bedford; and

(v) recommendations for improvements and repairs to infrastructure and enhancements to increase public access, facilitation of activities surrounding the offloading and transport of commercial fishing landings, expanding the use of the facility for water dependent cargo, short sea shipping, marine transportation, cruise facilities and non-water dependent uses related to tourism and economic development, potential redevelopment and creation of mixed use facilities to include commercial uses, retail, restaurants, research and development and public event space. The amount authorized in item 1100-1420 of section 2A of chapter 312 acts of 2008 with regard to the pier shall be used to fund implementation of all recommendations of the study.

SECTION 18. Notwithstanding any general or special law to the contrary, the unexpended and unencumbered balances of the bond-funded authorizations in the following accounts shall cease to be available for expenditure 90 days after the effective date of this act: 9300-3905, 1102-8880, 0330-8891, 1102-7893, 1102-7894, 1102-9897, 5500-8300, 5500-8400, 5500-8500, 1102-0961, 7112-0960, 7113-0960, 7114-0960, 7115-0960, 7116-0960, 7117-0960, 7220-0960, 7310-0960, 7410-7960, 7452-7960, 7504-7961, 7505-7960, 7512-7960, 8195-8968, 1102-9980, 8900-7967, 0330-2206, 0330-2209, 1102-2992, 1102-4994, 1102-7947, 1102-8245, 1102-8940, 1102-8945, 1102-8947, 1102-4940, 1102-8949, 0333-0010, 1102-2011, 1102-3010, 1102-3013, 7100-0001, 8000-2011, 0332-8811, 0431-8833, 1102-8872.

SECTION 19. Notwithstanding any general or special law to the contrary, the bonds that the state treasurer may issue pursuant to this act shall be issued for terms not to exceed 30 years. All such bonds shall be payable not later than June 30, 2049, as recommended by the governor in a message to the general court dated June 6, 2014 under section 3 of Article LXII of the Amendments to the Constitution.