

HOUSE No. 656

The Commonwealth of Massachusetts

PRESENTED BY:

Carolyn C. Dykema

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act relative to municipal assistance for clean water and economic development infrastructure.

PETITION OF:

| NAME: | DISTRICT/ADDRESS: | DATE ADDED: |
|------------------------------|--|------------------|
| <i>Carolyn C. Dykema</i> | <i>8th Middlesex</i> | <i>1/15/2015</i> |
| <i>Kimberly N. Ferguson</i> | <i>1st Worcester</i> | <i>8/30/2019</i> |
| <i>Jennifer E. Benson</i> | <i>37th Middlesex</i> | <i>8/30/2019</i> |
| <i>Sarah K. Peake</i> | <i>4th Barnstable</i> | <i>1/29/2015</i> |
| <i>Louis L. Kafka</i> | <i>8th Norfolk</i> | <i>8/30/2019</i> |
| <i>Tricia Farley-Bouvier</i> | <i>3rd Berkshire</i> | <i>8/30/2019</i> |
| <i>James B. Eldridge</i> | <i>Middlesex and Worcester</i> | <i>8/30/2019</i> |
| <i>Ruth B. Balsler</i> | <i>12th Middlesex</i> | <i>8/30/2019</i> |
| <i>Jason M. Lewis</i> | <i>Fifth Middlesex</i> | <i>8/30/2019</i> |
| <i>Ellen Story</i> | <i>3rd Hampshire</i> | <i>8/30/2019</i> |
| <i>Walter F. Timilty</i> | <i>7th Norfolk</i> | <i>8/30/2019</i> |
| <i>Barbara A. L'Italien</i> | <i>Second Essex and Middlesex</i> | <i>8/30/2019</i> |
| <i>Denise Provost</i> | <i>27th Middlesex</i> | <i>1/29/2015</i> |
| <i>Chris Walsh</i> | <i>6th Middlesex</i> | <i>1/30/2015</i> |
| <i>Anne M. Gobi</i> | <i>Worcester, Hampden, Hampshire and Middlesex</i> | <i>8/30/2019</i> |
| <i>Michael O. Moore</i> | <i>Second Worcester</i> | <i>8/30/2019</i> |

| | | |
|------------------------------|----------------------------------|------------------|
| <i>David M. Nangle</i> | <i>17th Middlesex</i> | <i>8/30/2019</i> |
| <i>Thomas A. Golden, Jr.</i> | <i>16th Middlesex</i> | <i>8/30/2019</i> |
| <i>Bruce E. Tarr</i> | <i>First Essex and Middlesex</i> | <i>8/30/2019</i> |
| <i>James M. Murphy</i> | <i>4th Norfolk</i> | <i>8/30/2019</i> |
| <i>James Arciero</i> | <i>2nd Middlesex</i> | <i>8/30/2019</i> |
| <i>Jonathan Hecht</i> | <i>29th Middlesex</i> | <i>8/30/2019</i> |
| <i>Kevin J. Kuros</i> | <i>8th Worcester</i> | <i>8/30/2019</i> |
| <i>Paul A. Schmid, III</i> | <i>8th Bristol</i> | <i>8/30/2019</i> |
| <i>Antonio F. D. Cabral</i> | <i>13th Bristol</i> | <i>8/30/2019</i> |
| <i>Carlos Gonzalez</i> | <i>10th Hampden</i> | <i>8/30/2019</i> |

HOUSE No. 656

By Ms. Dykema of Holliston, a petition (accompanied by bill, House, No. 656) of Carolyn C. Dykema and others for legislation to establish a capital outlay program for maintenance and improvements to municipal drinking water, wastewater and stormwater infrastructure assets. Environment, Natural Resources and Agriculture.

The Commonwealth of Massachusetts

**In the One Hundred and Eighty-Ninth General Court
(2015-2016)**

An Act relative to municipal assistance for clean water and economic development infrastructure.

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 capital outlay program of maintenance and improvements
2 to municipal drinking, waste and storm water infrastructure assets of the commonwealth, the sum
3 set forth in section 2 for the several purposes and subject to the conditions specified in this act, is
4 hereby made available, subject to the laws regulating the disbursement of public funds, which
5 sum is in addition to any other amounts previously appropriated for these purposes.

6 SECTION 2.

7 Massachusetts Clean Water Trust

8 For the Massachusetts Clean Water Trust established in section 2 of chapter 29C of the
9 General Laws for deposit in the Water Infrastructure Improvement Fund established in section
10 2RRRR of chapter 29 of the General Laws for application by the trust to the purposes specified

11 in section 19 of said chapter 29C; provided, that a local government unit shall comply with the
12 procedures established by the Massachusetts Clean Water Trust; provided further, that any such
13 local government unit may appropriate for such projects amounts not in excess of the amount
14 provided to the local government unit under this item, preliminary notice of which shall be
15 provided by the Massachusetts Clean Water Trust to the local government unit not later than
16 April 1 of each year; provided further, that the Massachusetts Clean Water Trust shall reimburse
17 any such local government unit under this item within 30 days after receipt by the Massachusetts
18 Clean Water Trust of a request for reimbursement from the local government unit, which request
19 shall include certification by the local government unit that actual expenses have been incurred
20 on projects eligible for reimbursement under this item, and that the work has been completed to
21 the satisfaction of the local government unit according to the specifications of the project and in
22 compliance with applicable laws and procedures established by the Massachusetts Clean Water
23 Trust.....[\$1,000,000,000]

24 SECTION 3. Chapter 29 of the General Laws, as appearing in the 2012 Official Edition,
25 is hereby amended by inserting, after section 2QQQQ, the following section:

26 Section 2RRRR. There shall be established and set up on the books of the commonwealth
27 a separate fund, to be known as the Water Infrastructure Improvement Fund, consisting of
28 amounts credited to the fund by appropriation of the General Court or in accordance with any
29 other general or special law. The fund shall be administered in accordance with the provisions of
30 said chapter 29C by the board of trustees of the Massachusetts Clean Water Trust and shall be
31 held in trust exclusively for the purposes and the beneficiaries described therein. The state
32 treasurer shall be treasurer and custodian of the fund and shall have the custody of its monies and

33 securities. Said amounts shall be used solely for the administration of the provisions of section
34 19 of said chapter 29C.

35 SECTION 4. Chapter 29C of the General Laws is hereby amended by adding the
36 following section:

37 Section 19. (a) For purposes of this section the following terms shall, unless the context
38 clearly requires otherwise, have the following meanings:-

39 “Base allocation”, the sum of: (i) the total number of road miles in the commonwealth
40 multiplied by 58.33; (ii) the population of the commonwealth multiplied by 20.83 per cent; and
41 (iii) the total number of persons employed in the commonwealth multiplied by 20.83%, such sum
42 being divided by the total number of municipalities in the commonwealth.

43 “Employment factor”, the number of persons employed within the borders of the
44 municipality.

45 “Population factor”, the population of a municipality.

46 “Road miles factor”, the number of road miles contained within a municipality.

47 (b) In addition to the powers and duties of the board otherwise provided, the trust is
48 hereby designated to establish and administer the Water Infrastructure Improvement Fund,
49 established under section 2RRRR of chapter 29. The monies in the fund, which shall be under
50 the control of the board and not subject to appropriation, shall be used as provided in subsection
51 (c).

52 (c) The board shall apply monies in the Water Infrastructure Improvement Fund for the
53 purpose of providing grants to local governmental units to provide for a capital outlay program

54 of maintenance and improvements to municipal drinking, waste and storm water infrastructure
55 assets. The amount of percentage of funds available to a municipality fund assets to be allocated
56 as a grant funding for municipalities shall be determined using the following formula: by finding
57 the sum of: (i) the road miles factor multiplied by 58.33 percent; (ii) the population factor
58 multiplied by 20.83 per cent; and (iii) the employment factor multiplied by 20.83 per cent and
59 dividing such sum by the base allocation.

60 (d) In order to receive a grant pursuant to this section, a local governmental unit shall:

61 (1) develop and maintain an asset management plan, which has been approved by the
62 department;

63 (2) implement a full cost pricing program, as prescribed and approved by the department;

64 (3) comply with department regulations, comply with the Water Management Act, and
65 obtain National Pollutant Discharge Elimination permits, as applicable;

66 (4) submit an application for the grant, on such form and at some time as the board shall
67 prescribe.

68 SECTION 5. To meet the expenditures necessary in carrying out section 2, the state
69 treasurer shall, upon request of the governor, issue and sell bonds of the commonwealth in an
70 amount to be specified by the governor from time to time but not exceeding, in the aggregate,
71 \$1,000,000,000. All such bonds issued by the commonwealth shall be designated on their face,
72 Maintenance and Improvement of Municipal Water Infrastructure Act of 2016, and shall be
73 issued for a maximum term of years, not exceeding 30 years, as the governor may recommend to
74 the general court under section 3 of Article LXII of the Amendments to the Constitution;

75 provided, however, that all such bonds shall be payable not later than June 30, 2046. All interest
76 and payments on account of principal on these obligations shall be payable from the General
77 Fund. Notwithstanding any other provision of this act, bonds and interest thereon issued under
78 this section shall be general obligations of the commonwealth.