

SENATE No. 2244

The Commonwealth of Massachusetts

—————
In the One Hundred and Ninetieth General Court
(2017-2018)
—————

SENATE, Thursday, January 11, 2018

The committee on Bonding, Capital Expenditures and State Assets, to whom was referred the House Bill providing for capital facility repairs and improvements for the Commonwealth (House, No. 4045); reports, recommending that the same ought to pass with an amendment striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 2244.

[Authorized Bond capacity: \$3.371 Billion]

For the committee,
John F. Keenan

The Commonwealth of Massachusetts

**In the One Hundred and Ninetieth General Court
(2017-2018)**

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

7 1102-2017 For costs associated with planning and studies, dispositions, acquisition of
8 land and buildings and interests therein by purchase, prepayment of lease for a term that exceeds
9 the useful life of the facility, gift or other transfer or by eminent domain pursuant to chapter 79
10 of the General Laws, for the preparation of plans and specifications, disparity studies, repairs,
11 construction, renovations, improvements, asset management, accessibility improvements,
12 demolition, disposition, and remediation of state-owned and former county facilities and grounds

13 and for costs associated with repair and maintenance of buildings and building systems and
14 equipment at various facilities of the commonwealth; provided, that any federal reimbursement
15 received by a state agency in connection with projects funded from this item may be retained by
16 the executive office for administration and finance and expended for the purposes of the project,
17 without further appropriation, in addition to the amounts appropriated in this item; provided
18 further, that all maintenance and repair work funded in this item shall be listed in the capital asset
19 management information system administered by the division of capital asset management and
20 maintenance; provided further, that where appropriate, the commissioner of capital asset
21 management and maintenance may transfer funds authorized herein in accordance with a
22 delegation of project control and supervision process pursuant to section 5 of chapter 7C of the
23 General Laws; provided further, that funds so transferred shall be distributed based on the
24 severity of the need that the repair shall address and other criteria developed by the division, in
25 consultation with the secretary of administration and
26 finance.....\$680,000,000

27 4000-2025 For costs associated with planning and studies, dispositions, acquisition of
28 land and buildings and interests therein by purchase, prepayment of lease for a term that exceeds
29 the useful life of the facility, gift or other transfer or by eminent domain pursuant to chapter 79
30 of the General Laws, for the preparation of plans and specifications, repairs, construction,
31 renovations, improvements, modernization, construction, reconstruction, furnishing, equipping,
32 acquiring, remodeling, refurbishing, asset management, accessibility improvements, demolition,
33 disposition and remediation of facilities and grounds operated by the various departments within
34 the executive office for health and human services, all as the commissioner of capital asset
35 management and maintenance, in consultation with the secretary of health and human services

36 and the appropriate commissioners of the departments within the executive office, shall consider
37 appropriate; provided, that costs payable from this item shall include, but not be limited to, the
38 costs of leases of temporary relocation space or equipment as required for completion of a
39 project; provided further, that any federal reimbursement received by a state agency including,
40 but not limited to, projects related to the provision of health care, human services, and veterans'
41 services in connection with projects funded from this item may be retained by the executive
42 office for administration and finance and expended for the purposes of the project, without
43 further appropriation, in addition to the amounts appropriated in this
44 item.....\$401,000,000

Division of Capital Asset Management and Maintenance

45 7066-8110 For costs associated with plans and specifications, planning and studies,
46 repairs, construction, reconstruction, demolition, remediation, rehabilitation, modernization,
47 disposition, renovations, improvements and maintenance at Massachusetts public higher
48 education campus facilities and grounds; provided, that all projects approved for design and
49 construction by the division of capital asset management and maintenance shall be consistent in
50 priority and need with regional capital master plans developed by the division of capital asset
51 management and maintenance, in consultation, as applicable, with the presidents of the
52 community colleges, state universities, and University of Massachusetts and approved by the
53 board of higher education, with respect to the community colleges and state universities, or
54 approved by the board of trustees of the University of Massachusetts, as applicable; provided
55 further, that all maintenance and repair work funded by this item shall be included in the capital
56 asset management information system administered by the division of capital asset management
57 and maintenance.....\$950,000,000

58 8000-3502 For costs associated with planning and studies, dispositions, acquisition of
59 land and buildings and interests therein by purchase, prepayment of lease for a term that exceeds
60 the useful life of the facility, gift or other transfer or by eminent domain pursuant to chapter 79
61 of the General Laws, for the preparation of plans and specifications, repairs, construction,
62 renovations, improvements, remediation, rehabilitation, modernization, and demolition for public
63 safety and security facilities, all as the commissioner of capital asset management and
64 maintenance, in consultation with the secretary of public safety and security and the appropriate
65 commissioners of the departments within the executive office, shall consider appropriate;
66 provided, that costs payable from this item shall include, but not be limited to, the costs of leases
67 of temporary relocation space or equipment as required for completion of a
68 project.....\$500,000,000

SECTION 2A.

EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE

Division of Capital Asset Management and Maintenance

JUDICIARY

Trial Court

69 1102-5700 For capital needs at court facilities, including, but not limited to, expenditures
70 for the planning, design and acquisition of land and buildings and interests therein by purchase,
71 lease for a term, including any extensions, not to exceed 50 years, gift or other transfer or by
72 eminent domain under chapter 79 of the General Laws, the preparation of plans and
73 specifications, the construction, renovation, reconstruction, alteration, improvement, demolition,

74 expansion, repair and improvements, including equipment and temporary relocation costs, as
75 needed for priority projects identified by the division of capital asset management and
76 maintenance and the executive office of the trial court, including but not limited to projects
77 identified in the Courts Capital Master Plan released in April 2017; for building repairs necessary
78 to correct unsafe and overcrowded conditions, for the remediation of life safety code violations,
79 for the remediation of access code and civil rights violations, for the remediation of
80 environmental hazards and for security improvements and other necessary repairs at court
81 facilities owned by the commonwealth or by political subdivisions of the commonwealth;
82 provided further, that costs payable from this item shall include, but not be limited to, the costs
83 of engineering and other services essential to these projects rendered by division of capital asset
84 management and maintenance employees or by consultants; provided further, that amounts
85 expended for division employees may include the salary and salary-related expenses of these
86 employees to the extent that they work on or in support of these
87 projects.....\$500,000,000

SECTION 2B.

EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE

Office of the Secretary

88 1100-3005 For a grant program to cities, towns, counties, regional organizations whose
89 membership is exclusively composed of municipal governments or municipal redevelopment
90 authorities or agencies, or similar governmental development agencies to provide funding for
91 capital facility purposes, including those owned or operated by nonprofit organizations,
92 including, but not limited to planning and studies, preparation of plans and specifications, site

93 assembly and preparation, dispositions, acquisitions, repairs, renovations, improvements,
94 construction, demolition, remediation, modernization, and reconstruction of facilities,
95 infrastructure, equipment and other capital assets, technical assistance, information technology
96 equipment and infrastructure, and for costs associated with improving accessibility of municipal
97 facilities under guidelines adopted by the executive office for administration and finance
98 provided, that the executive office shall expend not more than 1 per cent of the total amount
99 available for the cost of administering this program
100\$85,000,000

EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE

Division of Capital Asset Management and Maintenance

101 1102-2018 For the accelerated energy and resiliency program to improve the energy
102 efficiency, climate change readiness, environmental risk reduction, resiliency and carbon
103 emissions reduction of state-owned facilities, equipment and related capital assets, including
104 costs associated with planning and studies, prepayment of lease for a term that exceeds the useful
105 life of the facility, gifts or other transfers or by eminent domain under chapter 79 of the General
106 Laws, for the preparation of plans and specifications, repairs, construction, renovations,
107 improvements, asset management and demolition, disposition and remediation of state-owned
108 and former county facilities and grounds, and repair and maintenance of buildings and building
109 systems and equipment at various state-owned facilities; provided, that all maintenance and
110 repair work funded in this item shall be listed in the capital asset management information
111 system administered by the division of capital asset management and maintenance; provided
112 further, that the commissioner of capital asset management and maintenance may, if appropriate,

113 transfer funds in accordance with the delegation of project control and supervision process under
114 section 5 of chapter 7C of the General Laws; provided further, that costs payable from this item
115 shall include, but not be limited to, the costs of engineering and other services essential to these
116 projects rendered by division of capital asset management and maintenance employees or by
117 consultants; provided further, that amounts expended for division employees may include the
118 salary and salary-related expenses of such employees to the extent that they work on or in
119 support of these projects; provided, however, that the division shall not expend more than 5 per
120 cent of the funds authorized in this item for such costs; and provided further, that the
121 commissioner of capital asset management and maintenance shall maximize efforts to utilize all
122 available means to minimize use of capital funds to pay for salaries of division
123 employees.....\$150,000,000

124 1102-2019 For the accelerated energy program to improve the energy efficiency of state-
125 owned facilities, including costs associated with planning and studies, prepayment of a lease for
126 a term that exceeds the useful life of the facility, gifts or other transfers or by eminent domain
127 under chapter 79 of the General Laws, for the preparation of plans and specifications, repairs,
128 construction, renovations, improvements, asset management and demolition, disposition and
129 remediation of state-owned and former county facilities and grounds, and repair and maintenance
130 of buildings and building systems and equipment at various state-owned facilities; provided, that
131 all maintenance and repair work funded in this item shall be listed in the capital asset
132 management information system administered by the division of capital asset management and
133 maintenance; provided further, that the commissioner of capital asset management and
134 maintenance may, where appropriate, transfer funds in accordance with the delegation of project
135 control and supervision process under section 5 of chapter 7C of the General Laws; provided

136 further, that for projects which the secretary of administration and finance certifies to the
137 comptroller directly or indirectly generate new state revenue or budgetary savings, the
138 comptroller shall transfer those budgetary savings or revenue to the state treasurer for payment of
139 debt service related to those projects; provided further, that costs payable from this item shall
140 include, but not be limited to, the costs of engineering and other services essential to these
141 projects rendered by division of capital asset management and maintenance employees or by
142 consultants; provided further, that amounts expended for division employees may include the
143 salary and salary-related expenses of such employees to the extent that they work on or in
144 support of these projects; provided, however, that the division shall not expend more than 5 per
145 cent of the funds authorized in this item for such costs; and provided further, that the
146 commissioner of capital asset management and maintenance shall maximize efforts to utilize all
147 available means to minimize use of capital funds to pay for salaries of division
148 employees.....\$85,000,000

SECTION 2C.

EXECUTIVE OFFICE FOR PUBLIC SAFETY AND SECURITY

Office of the Secretary

149 8000-0702 For equipment for the department of correction and other agencies within the
150 executive office of public safety and security including, but not limited to, medical equipment,
151 security equipment, safety equipment, communications equipment, and vehicles
152\$20,000,000

153 SECTION 3. To meet the expenditures necessary in carrying out sections 2 and 2A, the
154 state treasurer shall, upon request of the governor, issue and sell bonds of the commonwealth in

155 an amount to be specified by the governor, but not exceeding in the aggregate \$3,031,000,000.
156 All such bonds issued by the commonwealth shall be designated on their face Capital
157 Improvement Act of 2017 and shall be issued for a maximum term of years, not exceeding 30
158 years, as the governor recommends to the general court pursuant to section 3 of Article LXII of
159 the Amendments to the Constitution. The bonds shall be payable not later than June 30, 2052.
160 All interest and payments on account of principal on these obligations shall be payable from the
161 General Fund. Bonds and interest thereon issued pursuant to this section shall, notwithstanding
162 any other provision of this act, be general obligations of the commonwealth.

163 SECTION 4. To meet the expenditures necessary in carrying out section 2B, the state
164 treasurer shall, upon request of the governor, issue and sell bonds of the commonwealth in an
165 amount to be specified by the governor, but not exceeding in the aggregate \$320,000,000. All
166 such bonds issued by the commonwealth shall be designated on their face Capital Improvement
167 Act of 2017, and shall be issued for a maximum term of years, not exceeding 20 years, as the
168 governor recommends to the general court pursuant to section 3 of Article LXII of the
169 Amendments to the Constitution. The bonds shall be payable not later than June 30, 2042. All
170 interest and payments on account of principal on these obligations shall be payable from the
171 General Fund. Bonds and interest thereon issued pursuant to this section shall, notwithstanding
172 any other provision of this act, be general obligations of the commonwealth.

173 SECTION 5. To meet the expenditures necessary in carrying out section 2C, the state
174 treasurer shall, upon request of the governor, issue and sell bonds of the commonwealth in an
175 amount to be specified by the governor, but not exceeding in the aggregate \$20,000,000. All
176 such bonds issued by the commonwealth shall be designated on their face Capital Improvement
177 Act of 2017 and shall be issued for a maximum term of years, not exceeding 10 years, as the

178 governor recommends to the general court pursuant to section 3 of Article LXII of the
179 Amendments to the Constitution. The bonds shall be payable not later than June 30, 2032. All
180 interest and payments on account of principal on these obligations shall be payable from the
181 General Fund. Bonds and interest thereon issued pursuant to this section shall, notwithstanding
182 any other provision of this act, be general obligations of the commonwealth.

183 SECTION 6. Section 5 of chapter 7C of the General Laws as appearing in the 2016
184 Official Edition, is hereby amended by striking out, in line 9, the figure “\$2,000,000” and
185 inserting in place thereof the following figure:- \$5,000,000.

186 SECTION 7. Said section 5 of said chapter 7C, as so appearing, is hereby further
187 amended by adding the following 2 sentences:- Notwithstanding the foregoing, the commissioner
188 may delegate project control and supervision to the University of Massachusetts over projects
189 involving structural or mechanical work with an estimated cost of less than \$10,000,000 if the
190 commissioner determines that the University of Massachusetts has the ability to control and
191 supervise such project. As used in this section, “estimated cost” means the estimated
192 construction cost stated in a study or program prepared in accordance with section 59.

193 SECTION 8. Subsection (e) of section 46 of said chapter 7C, as so appearing, is hereby
194 amended by striking out clauses (i) and (ii) and inserting in place thereof the following 2
195 clauses:- (i) the design fee under the contract is less than \$30,000; or (ii) the estimated
196 construction cost of the project for which the design services are required is less than \$300,000.

197 SECTION 9. Item 7066-8000 of section 2 of chapter 258 of the acts of 2008 is hereby
198 amended by striking out the figure “\$1,303,055,630”, inserted by section 7 of chapter 237 of the
199 acts of 2014, and inserting in place thereof the following figure:- \$1,403,055,630.

200 SECTION 10. Item 7100-1000 of said section 2 of said chapter 258 is hereby further
201 amended by striking out the figure “\$1,101,500,000” , inserted by section 9 of said chapter 237,
202 and inserting in place thereof the following figure:- \$1,201,500,000.

203 SECTION 11. Section 3 of said chapter 258 , is hereby amended by striking out the
204 figure “\$2,404,555,630”, inserted by section 10 of said chapter 237, and inserting in place
205 thereof the following figure:- \$2,604,555,630.

206 SECTION 12. Said section 3 of said chapter 258, as amended by section 10 of said
207 chapter 237, is hereby further amended by striking out the words “June 30, 2048” and inserting
208 in place thereof the following words:- June 30, 2052.

209 SECTION 13. Item 1102-2008 of section 2C of chapter 304 of the acts of 2008 is hereby
210 amended by striking out, in line 37, the figure “\$60,000,000” and inserting in place thereof the
211 following figure:- \$21,100,000.

212 SECTION 14. Item 1102-5600 of said section 2C of said chapter 304 is hereby amended
213 by striking out, in lines 48 to 51, inclusive, the following words:- “; provided further, that not
214 less than \$72,000,000 shall be expended for the costs of the renovation of the probate and family
215 court building located in the city of Salem”.

216 SECTION 15. Subsection (d) of section 49 of chapter 9 of the acts of 2011 is hereby
217 amended by striking out, in line 4, the figure “\$100,000” and inserting in place thereof the
218 following figure:- \$150,000.

219 SECTION 16. Subsection (e) of said section 49 of said chapter 9 is hereby amended by
220 striking out the words “January 1, 2017”, inserted by section 23 of chapter 119 of the acts of
221 2015, and inserting in place thereof the following words:- January 1, 2019.

222 SECTION 17. Subsection (f) of said section 49 of said chapter 9 is hereby amended by
223 striking out the words “June 1, 2017”, inserted by section 24 of said chapter 119, and inserting in
224 place thereof the following words:- June 30, 2019.

225 SECTION 18. The secretary of administration and finance shall submit a report on the
226 progress of any projects funded through the authorizations in this act and included in the
227 governor’s 5-year capital investment plan to the clerks of the senate and house of representatives,
228 the chairs of the senate and house committees on ways and means and the chairs of the senate
229 and house committees on bonding, capital expenditures and state assets. The report shall include,
230 but not be limited to: (i) the previous year planned spending; (ii) the previous year actual
231 spending; (iii) the current year planned spending; (iv) the current year spending to date; (v) the
232 original estimated total project cost; (vi) the project description; (vii) the location of the project;
233 (viii) the type of spending; (ix) the type of asset; and (x) the useful life of the project once
234 completed. The report shall be submitted not later than June 30 and December 31 of each year
235 for a period of 8 years after the effective date of this act.

236 SECTION 19. To provide for the continued availability of certain bond-funded spending
237 authorizations which otherwise would expire, the balances of the following items and any
238 allocations thereof shall be extended through June 30, 2020 for the purposes of, and subject to,
239 the conditions stated for these items in the original authorizations and any amendments to such

240 authorizations: 0640-0035, 1100-9201, 1599-7061, 1599-7062, 1599-7063, 1790-3001, 1790-
241 3002, 1790-3003, 1790-3004, 1100-3001, and 8000-2030.

242 SECTION 20. To provide for the continued availability of certain bond-funded spending
243 authorizations which otherwise would expire, the balances of the following items and any
244 allocations thereof shall be extended through June 30, 2022 for the purposes of, and subject to,
245 the conditions stated for these items in the original authorizations and any amendments to such
246 authorizations: 0640-0302, 0330-2223, 1100-3002, 1100-3003, 1102-2009, 1102-2014, 1102-
247 2015, 1102-2016, 1102-5600, 1790-2500, 4000-2020, 4000-2022, 7000-9091, 7066-8000, 7100-
248 1000, 8000-3501, 8000-0701, 8000-2021, 8000-2022, 8100-2026, 8900-7500, and 8900-8500.