HOUSE No. 769

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:
Carolyn C. Dykema	8th Middlesex	1/17/2019
Louis L. Kafka	8th Norfolk	1/22/2019
Bradford Hill	4th Essex	1/23/2019
Antonio F. D. Cabral	13th Bristol	1/24/2019
James B. Eldridge	Middlesex and Worcester	1/24/2019
Michael O. Moore	Second Worcester	1/24/2019
James K. Hawkins	2nd Bristol	2/2/2019
Tram T. Nguyen	18th Essex	1/27/2019
David Paul Linsky	5th Middlesex	1/28/2019
Susan Williams Gifford	2nd Plymouth	1/28/2019
Brian W. Murray	10th Worcester	1/29/2019
Kate Hogan	3rd Middlesex	1/29/2019
James Arciero	2nd Middlesex	1/29/2019
Ryan C. Fattman	Worcester and Norfolk	1/30/2019
Rebecca L. Rausch	Norfolk, Bristol and Middlesex	1/30/2019
Patrick M. O'Connor	Plymouth and Norfolk	1/30/2019
David F. DeCoste	5th Plymouth	1/30/2019

Thomas A. Golden, Jr.	16th Middlesex	1/30/2019
Bruce E. Tarr	First Essex and Middlesex	1/31/2019
Viriato M. deMacedo	Plymouth and Barnstable	1/31/2019
Rady Mom	18th Middlesex	1/31/2019
Jonathan D. Zlotnik	2nd Worcester	1/31/2019
David M. Rogers	24th Middlesex	1/31/2019
Michael J. Soter	8th Worcester	1/31/2019
Denise Provost	27th Middlesex	1/31/2019
Patrick Joseph Kearney	4th Plymouth	2/1/2019
Jonathan Hecht	29th Middlesex	2/1/2019
Hannah Kane	11th Worcester	2/1/2019
David Allen Robertson	19th Middlesex	2/1/2019
David T. Vieira	3rd Barnstable	2/1/2019
Paul Brodeur	32nd Middlesex	2/1/2019

HOUSE No. 769

By Ms. Dykema of Holliston, a petition (accompanied by bill, House, No. 769) of Carolyn C. Dykema and others for legislation to provide bonding for municipal water infrastructure maintenance, repair, and expansion. Environment, Natural Resources and Agriculture.

The Commonwealth of Alassachusetts

In the One Hundred and Ninety-First General Court (2019-2020)

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
- in section 19 of said chapter 29C; provided, that a local government unit shall comply with the

SECTION 3. Chapter 29 of the General Laws, as appearing in the 2016 Official Edition, is hereby amended by inserting, after section 2VVVV, the following section:

Section 2WWWW. There shall be established and set up on the books of the commonwealth a separate fund, to be known as the Water Infrastructure Improvement Fund, consisting of amounts credited to the fund by appropriation of the General Court or in accordance with any other general or special law. The fund shall be administered in accordance with the provisions of said chapter 29C by the board of trustees of the Massachusetts Clean Water Trust and shall be held in trust exclusively for the purposes and the beneficiaries described therein. The state treasurer shall be treasurer and custodian of the fund and shall have the custody of its monies and securities. Said amounts shall be used solely for the administration of the provisions of section 19 of said chapter 29C.

- 35 SECTION 4. Chapter 29C of the General Laws, as so appearing, is hereby amended by adding the following section:
 - Section 19. (a) For purposes of this section the following terms shall, unless the context clearly requires otherwise, have the following meanings:-
- "Base allocation", the sum of: (i) the total number of road miles in the commonwealth
 multiplied by 58.33; (ii) the population of the commonwealth multiplied by 20.83 per cent; and
 (iii) the total number of persons employed in the commonwealth multiplied by 20.83%, such sum
 being divided by the total number of municipalities in the commonwealth.
 - "Employment factor", the number of persons employed within the borders of the municipality.
- 45 "Population factor", the population of a municipality.

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- 46 "Road miles factor", the number of road miles contained within a municipality.
 - (b) In addition to the powers and duties of the board otherwise provided, the trust is hereby designated to establish and administer the Water Infrastructure Improvement Fund, established under section 2RRRR of chapter 29. The monies in the fund, which shall be under the control of the board and not subject to appropriation, shall be used as provided in subsection (c).
 - (c) The board shall apply monies in the Water Infrastructure Improvement Fund for the purpose of providing grants to local governmental units to provide for a capital outlay program of maintenance and improvements to municipal drinking, waste and storm water infrastructure assets. The amount of percentage of funds available to a municipality fund assets to be allocated

as a grant funding for municipalities shall be determined using the following formula: by finding the sum of: (i) the road miles factor multiplied by 58.33 percent; (ii) the population factor multiplied by 20.83 per cent; and (iii) the employment factor multiplied by 20.83 per cent and dividing such sum by the base allocation.

- (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 department;
 - (2) implement a full cost pricing program, as prescribed and approved by the department;
 - (3) comply with department regulations, comply with the Water Management Act, and obtain National Pollutant Discharge Elimination permits, as applicable;
 - (4) submit an application for the grant, on such form and at some time as the board shall prescribe.
 - SECTION 5. 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, \$1,000,000,000. All such bonds issued by the commonwealth shall be designated on their face, Maintenance and Improvement of Municipal Water Infrastructure Act of 2018, and shall be issued for a maximum term of years, not exceeding 30 years, as the governor may recommend to the general court under section 3 of Article LXII of the Amendments to the Constitution; provided, however, that all such bonds shall be payable not later than June 30, 2048. All interest 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.