

HOUSE No. 102

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, April 12, 2021.

The committee on Bonding, Capital Expenditures and State Assets, to whom was financing the reconstruction of the Soldiers' Home in Holyoke (House, No. 96), reports recommending that the same ought to pass with an amendment substituting therefor the accompanying bill (House, No. 102) [Bond Issue: General Obligation Bonds: \$400,000,000.00.00].

For the committee,

DANIELLE W. GREGOIRE.

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**In the One Hundred and Ninety-Second General Court
(2021-2022)**

An Act financing the reconstruction of the Soldiers' Home in Holyoke.

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 to protect, repair and improve the capital facilities
2 of the commonwealth and for a program of capital asset acquisitions, dispositions and other
3 improvements for general government operations, the sum set forth in section 2 for the several
4 purposes and subject to the conditions specified in this act are hereby made available, subject to
5 the laws regulating the disbursement of public funds. The sum made available in this act shall be
6 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 4000-2026 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, gift or other transfer or by eminent domain pursuant to chapter 79

13 of the General Laws, for the preparation of plans and specifications, repairs, construction,
14 renovations, improvements, modernization, construction, reconstruction, furnishing, equipping,
15 acquiring, remodeling, refurbishing, asset management, accessibility improvements, demolition,
16 disposition and remediation of facilities and grounds operated by the various departments within
17 the executive office of health and human services, all as the commissioner of capital asset
18 management and maintenance, in consultation with the secretary of health and human services
19 and the appropriate commissioners of the departments within the executive office, shall consider
20 appropriate; provided, that \$400,000,000 may be expended for the design and construction of a
21 new facility for the Soldiers' Home in Holyoke to replace the existing Soldiers' Home facility;
22 provided further, that costs payable from this item shall include, but not be limited to, the costs of
23 leases of temporary relocation space or equipment as required for completion of the project;
24 provided further, that costs payable from this item may include facilities for additional Adult
25 Day Health programming on the site; provided further that costs payable from this item may
26 include permanent supported housing with supportive services provided by a qualified non-profit
27 organization with experience in providing said services to veterans; provided further, that any
28 federal reimbursement received by a state agency including, but not limited to, the project related
29 to providing health care, human services and veterans' services in connection with projects
30 funded from this item may be retained by the executive office for administration and finance and
31 expended for the purposes of the project, without further appropriation, in addition to the
32 amounts appropriated in this item; provided further, the executive office of health and human
33 services, in consultation with the executive office for administration and finance and the
34 department of veterans' services, shall conduct a study of the current capacity to provide
35 appropriate comprehensive services including but not limited to housing, for Massachusetts

36 veterans, the necessity and feasibility of expanding capacity at current soldiers' homes or for
37 establishing additional regional or satellite soldiers' homes in the commonwealth; provided
38 further the study shall examine factors including, but not limited to, the current and projected
39 populations of veterans, the geographical distribution of the populations and the needs of the
40 populations. The study shall assess potential additional funding mechanisms for expanded
41 capacity at current soldiers' homes or for the construction and operation of additional soldiers'
42 homes, including the availability of federal, state or private funds. The executive office of health
43 and human services shall file the report not later than June 1, 2021 with the clerks of the house of
44 representatives and senate who shall forward the same to the house and senate committees on
45 ways and means and the joint committee on veterans and federal affairs; provided further, that
46 upon completion of the study, the department of veterans' services, in consultation with the
47 executive office of health and human services, shall develop a plan to address any regional
48 demographic inequities and may expend funds for the construction or development of additional
49 regional or satellite soldiers' homes in the commonwealth according to the
50 plan..... \$400,000,000

51 SECTION 3. To carry out the purpose of this act, the commissioner of capital asset
52 management and maintenance may, notwithstanding sections 32 to 37, inclusive, of chapter 7C
53 of the General Laws or any other general or special law to the contrary, acquire, by purchase,
54 lease or leaseback for a term, including any extensions, not to exceed 50 years, gift or other
55 transfer, or by eminent domain under chapter 79 of the General Laws, any interests in land and
56 buildings considered necessary by the commissioner to carry out the purposes of this act
57 including, but not limited to, easements for drainage, access, utilities and environmental

58 mitigation, and may grant and retain such easements and interests as considered necessary by the
59 commissioner to carry out the purposes of this act.

60 SECTION 4. The general court finds and declares that the prompt accomplishment of the
61 important public purposes of this act by promoting the public interest and labor harmony requires
62 the construction by project labor agreement of a new facility for the Soldiers' Home in Holyoke
63 to replace the existing Soldiers' Home facility that is sufficiently extensive in
64 size, complexity and duration for which this act authorizes funds. Therefore, the Commonwealth,
65 in its capacity as a market participant for public construction projects, hereby requires a project
66 labor agreement, including a uniform grievance and arbitration procedure and an obligation not
67 to strike, for construction and renovation work only on the specified projects pursuant to item
68 4000-2026 of section 2; provided further, that the funds authorized by this item or otherwise by
69 this act shall be expended only in accordance with the following conditions: (a) the provisions of
70 sections 26 to 27F, inclusive, and section 29 of chapter 149 of the General Laws shall apply to all
71 contracts for said project; and (b) all construction employees employed in the construction of
72 said project shall be paid not less than the wage rate established for such work pursuant to a
73 project labor agreement with the appropriate labor organization or labor organizations, which
74 includes (1) a uniform grievance and arbitration procedure for the resolution of work-related
75 disputes on job sites; (2) mutually agreeable uniform work rules and schedules for the project;
76 (3) an obligation for any such labor organization and its constituent members not to strike with
77 respect to work on such project; and, (4) the participation goals of minority and women workers
78 to be employed on each such contract and the processes and procedures to ensure compliance
79 with those workforce participation goals, including reporting and enforcement provisions as
80 outlined in Sections 44A subsection G of Chapter 149; provided, that it shall not be a

81 precondition to the award of a contract that a bidder has previously entered into a collective
82 bargaining agreement with a labor organization, but only that the bidder be willing to execute
83 and comply with said project labor agreement for the designated project if it is awarded a
84 contract for such designated project.

85 For the project specified in item 4000-2026, the funds authorized by said item or
86 otherwise by this act shall be expended only in accordance with the following conditions: (a) the
87 provisions of sections 26 to 27F, inclusive, and section 29 of chapter 149 of the General Laws
88 shall apply to all contracts for said project; and (b) all construction employees employed in the
89 construction of said project shall be paid not less than the wage rate established for such work
90 pursuant to a project labor agreement with the appropriate labor organization or labor
91 organizations, which includes (1) a uniform grievance and arbitration procedure for the
92 resolution of work-related disputes on job sites; (2) mutually agreeable uniform work rules and
93 schedules for the project; (3) an obligation for any such labor organization and its constituent
94 members not to strike with respect to work on such project; and, (4) the participation goals of
95 minority and women workers to be employed on each such contract and the processes and
96 procedures to ensure compliance with those workforce participation goals, including reporting
97 and enforcement provisions as outlined in Sections 44A subsection G of Chapter 149; provided,
98 that it shall not be a precondition to the award of a contract that a bidder has previously entered
99 into a collective bargaining agreement with a labor organization, but only that the bidder be
100 willing to execute and comply with said project labor agreement for the designated project if it is
101 awarded a contract for such designated project.

102 SECTION 5. To meet the expenditures necessary in carrying out section 2, the state
103 treasurer shall, upon request of the governor, issue and sell bonds of the commonwealth in an

104 amount to be specified by the governor, from time to time, but not exceeding, in the aggregate,
105 \$400,000,000. All such bonds issued by the commonwealth shall be designated on their face,
106 Holyoke Soldiers' Home Capital Improvement Act of 2021, and shall be issued for a maximum
107 term of years, not exceeding 30 years, as recommended by the governor to the general court
108 pursuant to section 3 of Article LXII of the Amendments to the Constitution. The bonds shall be
109 payable not later than June 30, 2056. All interest and payments on account of principal on these
110 obligations shall be payable from the General Fund. Notwithstanding any other provision of this
111 act to the contrary, bonds issued under this section and interest thereon shall be general
112 obligations of the commonwealth.