

SENATE No. 1343

The Commonwealth of Massachusetts

PRESENTED BY:

Edward J. Kennedy

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 Municipal Building Assistance Program and Building Authority.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
<i>Edward J. Kennedy</i>	<i>First Middlesex</i>	
<i>Michelle L. Ciccolo</i>	<i>15th Middlesex</i>	<i>2/26/2021</i>
<i>Michael O. Moore</i>	<i>Second Worcester</i>	<i>3/11/2021</i>
<i>Elizabeth A. Malia</i>	<i>11th Suffolk</i>	<i>3/19/2021</i>
<i>Colleen M. Garry</i>	<i>36th Middlesex</i>	<i>4/12/2021</i>

SENATE No. 1343

By Mr. Kennedy, a petition (accompanied by bill, Senate, No. 1343) of Edward J. Kennedy, Michelle L. Ciccolo, Michael O. Moore, Elizabeth A. Malia and others for legislation relative to a Municipal Building Assistance Program and Building Authority. Municipalities and Regional Government.

The Commonwealth of Massachusetts

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

An Act Municipal Building Assistance Program and Building Authority.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 The General Laws are hereby amended by inserting after chapter 40W the following
2 chapter:-

3 CHAPTER 40X

4 SECTION 1. Whereas the costs of the municipal building construction is increasing at an
5 unsustainable rate and local governments need flexibility in municipal building assistance to
6 ensure that local needs for municipal facility space, downtown development, open space and
7 community space are met; and to promote the thoughtful planning and construction of municipal
8 facility space in order to insure safe and adequate plant facilities for the public, and to assist
9 towns in meeting the cost thereof, there is hereby established a municipal building assistance
10 program. It is in the best interests of the commonwealth and its citizens to create an authority to
11 achieve the objectives of effective management and planning of the commonwealth's

12 investments in municipal building assets, ensuring the health, safety, security and well-being of
13 residents and staff, easing and preventing overcrowding, maintaining good repair, efficient and
14 economical construction and maintenance, financial sustainability of the municipal building
15 assistance program, thoughtful community development, smart growth and accessibility.

16 SECTION 1A. (a) There is hereby created a body politic and corporate and a public
17 instrumentality to be known as the Massachusetts Municipal Building Authority, which shall be
18 an independent public authority not subject to the supervision and control of any other executive
19 office, department, commission, board, bureau, agency or political subdivision of the
20 commonwealth except as specifically provided in any general or special law. The exercise by the
21 authority of the powers conferred by this chapter shall be considered to be the performance of an
22 essential public function.

23 (b) The authority shall consist of the state treasurer, who shall serve as chairperson, the
24 secretary of administration and finance, a representative of the Massachusetts Municipal
25 Association, and 4 additional members appointed by the state treasurer, 2 of whom shall have
26 practical experience in public building construction, or architecture and design, and 2 of whom
27 shall be persons in the field of municipal management with demonstrated knowledge of
28 Massachusetts facility needs and other relevant federal and state building standards, each of
29 whom shall serve a term of 2 years; but, a person appointed to fill a vacancy shall serve only for
30 the unexpired term. An appointed member of the authority shall be eligible for reappointment.
31 The authority shall annually elect 1 of its members to serve as vice-chairperson. Each member of
32 the authority serving ex officio may appoint a designee pursuant to section 6A of chapter 30.

33 (c) Four members of the authority shall constitute a quorum, and the affirmative vote of 4
34 members of the authority shall be necessary and sufficient for any action taken by the authority.
35 No vacancy in the membership of the authority shall impair the right of a quorum to exercise all
36 the rights and duties of the authority. Members shall serve without pay but shall be reimbursed
37 for actual expenses necessarily incurred in the performance of their duties. The chairperson of
38 the authority shall report to the governor and to the general court no less than annually, to assist
39 the executive and legislative branches in coordinating community development and fiscal
40 policies of the commonwealth.

41 (d) Any action of the authority may take effect immediately and need not be published or
42 posted unless otherwise provided by law. Meetings of the authority shall be subject to section
43 11A1/2 of chapter 30A; but, said section 11A1/2 shall not apply to any meeting of members of
44 the authority serving ex officio in the exercise of their duties as officers of the commonwealth so
45 long as no matters relating to the official business of the authority are discussed and decided at
46 the meeting. The authority shall be subject to all other provisions of said chapter 30A, and
47 records pertaining to the administration of the authority shall be subject to section 42 of chapter
48 30 and section 10 of chapter 66. All moneys of the authority shall be considered to be public
49 funds for purposes of chapter 12A. The operations of the authority shall be subject to chapter
50 268A and chapter 268B and all other operational or administrative standards or requirements to
51 the same extent as the office of the state treasurer.