The Commonwealth of Massachusetts

IN THE YEAR TWO THOUSAND AND THIRTEEN

AN ACT

PROVIDING FOR CAPITAL FACILITY REPAIRS AND IMPROVEMENTS FOR THE COMMONWEALTH.

Whereas, the deferred operation of this act would tend to defeat its purpose, which is to provide forthwith for the immediate capital improvement needs of the commonwealth, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

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

SECTION 1. To provide for a program of capital facility repairs and improvements to protect and improve the capital facilities of the commonwealth and for a program of capital asset acquisitions for general government operations, the sums set forth in sections 2, 2A, 2B and 2C, inclusive, for the several purposes and subject to the conditions specified in this act are hereby made available, subject to the laws regulating the disbursement of public funds, which sums shall be in addition to any other amounts previously appropriated for these purposes; provided, that the amounts specified in an item or for a particular project may be adjusted in order to facilitate projects authorized in this act.

SECTION 2.

EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE

Division of Capital Asset Management and Maintenance

NOTE. — Use ONE side of paper ONLY. DOUBLE SPACE. Insert additional leaves, if necessary.

1102-2009 For costs associated with planning and studies, dispositions, acquisition of land and buildings and interests therein by purchase, prepayment of lease for a term that exceeds the useful life of the facility, gifts, or other transfers, or by eminent domain under chapter 79 of the General Laws, for the preparation of plans and specifications, disparity studies, repairs, construction, renovations, improvements, asset management and demolition, disposition and remediation of state-owned and former county facilities and grounds and for costs associated with repair and maintenance of buildings and building systems and equipment at various facilities of the commonwealth; provided, that all maintenance and repair work funded in this item shall be listed in the capital asset management information system administered by the division of capital asset management and maintenance; provided further, that, where appropriate, the commissioner of capital asset management and maintenance may transfer funds in accordance with the delegation of project control and supervision process under section 5 of chapter 7C of the General Laws; provided further, that funds so transferred shall be distributed based on the severity of the need that the repair will address and other criteria developed by the division, in consultation with the secretary of administration and finance; provided further, that costs payable from this item shall include, but not be limited to, the costs of leases of temporary relocation space or equipment as required for completion of a project, the costs of engineering and other services essential to these projects rendered by division of capital asset management and maintenance employees or by consultants; and provided further, that amounts expended for division employees may include the salary and salary-related expenses of these employees to the extent that they work on or in support of these projects;..... $350,000,000

4000-2022 For costs associated with planning and studies, dispositions, acquisition of land and buildings and interests therein by purchase, prepayment of lease for a term that exceeds the useful life of the facility, gifts, or other transfers, or by eminent domain under chapter 79 of the General Laws, for the preparation of plans and

specifications, repairs, construction, renovations, improvements, asset management and demolition for health and human services facilities, all as the commissioner of capital asset management and maintenance, in consultation with the secretary of health and human services and the appropriate commissioners of the departments within the executive office, shall consider appropriate; provided further, that costs payable from this item shall include, but not limited be to, the costs of leases of temporary relocation space or equipment as required for completion of a project, the costs of engineering and other services essential to these projects rendered by division of capital asset management and maintenance employees or by consultants; and provided further, that amounts expended for division employees may include the salary and salary-related expenses of these employees to the extent that they work on or in support of these projects..... $300,000,000

1102-2014 For costs associated with improving accessibility of state facilities, including but not limited to, strategic accessibility assessments, accessibility transition plans, technical assistance to state agencies, consultants relative to the preparation of strategic accessibility assessments, transition plans or provision of technical assistance to state agencies, planning and studies, and costs associated with repairs, improvements, construction, asset management, demolition and maintenance of buildings and building systems; provided, that all transition planning elements, planning and studies, maintenance and repair work undertaken pursuant to this item shall be listed in the capital asset management information system administered by the division of capital asset management and maintenance; provided further, that the use of funds from this item shall be approved by the commissioner of capital asset management and maintenance and the secretary of administration and finance or his designee; provided further, that costs payable from this item shall include, but not limited be to, the costs of leases of temporary relocation space or equipment as required for completion of a project, the costs of engineering and other services essential to these projects rendered by division of capital asset management and maintenance

employees or by consultants; and provided further, that amounts expended for division employees may include the salary and salary-related expenses of these employees to the extent that they work on or in support of these projects $25,000,000

SECTION 2A.

EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE

Office of the Secretary

1100-3002 For a grant program to vocational schools for the purpose of providing funding for the purchase and installation of equipment, under rules adopted by secretary of the executive office for administration and finance and secretary of the executive office for education $8,000,000

Division of Capital Asset Management and Maintenance

1100-3003 For a grant program to cities and towns for the purpose of providing funding for the repair, renovation or construction of municipal facilities or infrastructure or of any cultural, social, recreational or other facilities serving a municipal purpose, including those owned or operated by nonprofit organizations, technology upgrades and purchase of equipment, under rules adopted by the executive office for administration and finance based upon the following criteria: an assessment of fiscal and budgetary constraints facing the municipality; an analysis of the municipality's proposed budget and financing of the repair, renovation, or construction project; the municipality's need for the project; the benefits to the municipality that will result from the project; and an overall evaluation of the merits of the grant proposal; provided, that the executive office of administration and finance may expend not more than

1 per cent of the total amount available for the cost of administering this program $10,000,000

Board of Library Commissioners

7000-9091 For a program of grants to cities and towns for approved public library projects under sections 19G to 19I, inclusive, of chapter 78 of the General Laws; provided, that not more than $500,000 shall be expended by the board of library commissioners for the administrative costs directly attributable to the projects funded in this item, including the costs of temporary personnel; provided further, that no permanent personnel shall be compensated from this item; and provided further, that the board shall file an annual spending plan with the executive office for administration and finance and the house and senate committees on ways and means which details, by subsidiary, all temporary personnel and administrative costs charged to this item..... $150,000,000

EXECUTIVE OFFICE OF PUBLIC SAFETY AND SECURITY

Office of the Secretary

8000-3501 For a grant program to cities and towns to provide funding for the repair, renovation, purchase or construction of municipal public safety facilities and equipment, under rules adopted by the executive office of public safety and security based upon the following criteria: an assessment of fiscal and budgetary constraints facing the municipality; an analysis of the municipality's proposed budget and financing of the repair, renovation, or construction project; the municipality's need for the project; the benefits to the municipality that will result from the project; and an overall evaluation of the merits of the grant proposal;

provided, that the executive office may expend not more than 1 per cent of the total amount available for the cost of administering this program $10,000,000

SECTION 2B.

EXECUTIVE OFFICE OF PUBLIC SAFETY AND SECURITY

Office of the Secretary

8000-0701 For equipment for the department of correction and other agencies within the executive office of public safety and security including, but not limited to, medical equipment, security equipment, communications equipment and vehicles.....$10,000,000

8000-2021 For the design, construction and implementation of the department of state police mobile data network and an automated motor vehicle citation system, including the use of "MDT" devices..... $10,000,000

8100-2026 For the replacement of state police cruisers; provided, that the state police shall develop a 5-year plan which specifies the number of vehicles to be replaced each fiscal year over a 5-year period;..... $35,000,000

SECTION 2C.

EXECUTIVE OFFICE OF PUBLIC SAFETY AND SECURITY

Office of the Secretary

8000-2022 For a program of grants to municipalities for the design, construction and implementation of an automated motor vehicle citation system, including the use of "MDT" devices under rules adopted by the executive office for public safety and security; provided, that for projects

which the secretary of administration and finance certifies to the comptroller directly or indirectly generate new state revenue or budgetary savings, the comptroller shall transfer those budgetary savings or revenue to the state treasurer for payment of debt service related to those projects.....$20,000,000

SECTION 3. 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, $675,000,000. All such bonds issued by the commonwealth shall be designated on their face, Capital Improvement Act of 2013, 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. The 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 Fund. Bonds and interest thereon issued under this section shall, notwithstanding any other provisions of this act, be general obligations of the commonwealth.

SECTION 4. To meet the expenditures necessary in carrying out section 2A, 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, $178,000,000. All such bonds issued by the commonwealth shall be designated on their face, Capital Improvement Act of 2013, 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. The 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 Fund. Bonds and interest thereon issued under this section shall, notwithstanding any other provisions of this act, be general obligations of the commonwealth.

SECTION 5. To meet the expenditures necessary in carrying out section 2B, 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, $55,000,000. All such bonds issued by the commonwealth shall be designated on their face, Capital Improvements Loan Act of 2013, and shall be issued for a maximum term of years, not exceeding 10 years, as the governor may recommend to the general court under section 3 of Article LXII of the Amendments to the Constitution. The bonds shall be payable not later than June 30, 2028. All interest and payments on account of principal on these obligations shall be payable from the General Fund. Bonds and interest thereon issued under this section shall, notwithstanding any other provisions of this act, be general obligations of the commonwealth.

SECTION 6. To meet the expenditures necessary in carrying out section 2C, 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, $20,000,000. All such bonds issued by the commonwealth shall be designated on their face, Capital Improvements Loan Act of 2013, and shall be issued for a maximum term of years, not exceeding 10 years, as the governor may recommend to the general court under section 3 of Article LXII of the Amendments to the Constitution. The bonds shall be payable not later than June 30, 2028. All interest and payments on account of principal on these obligations shall be payable from the General Fund. Bonds and interest thereon issued under this section shall, notwithstanding any other provisions of this act, be general obligations of the commonwealth.

SECTION 7. Section 33 of chapter 7C of the General Laws, as appearing in section 82 of chapter 165 of the acts of 2012, is hereby amended by adding the following 2 paragraphs:-

The commissioner may grant easements including, without limitation, for utilities, drainage, access and other purposes, as the commissioner considers reasonable or necessary for the development, operation, use or maintenance of any land, buildings or other real property of the commonwealth.

The commissioner, in consultation with the secretaries of the executive offices or the chief justice of the administrative office of the trial court as the commissioner considers appropriate and with the written approval of the secretary of administration and finance, may transfer and change the use of, may transfer responsibility for maintenance of, or both, land, buildings and other real property of the commonwealth (other than the state house) within or between state agencies including, without limitation, to the division, and the judiciary. Such a transfer shall be based on a determination, made by the commissioner with the advice of the executive heads of affected agencies and secretaries of the executive offices in which such agencies are located, that such property or any part thereof is not needed or not being put to optimum use under current conditions. The commissioner shall submit a report on any such transfer to the chairs of the house and senate ways and means committees and the joint committee on state administration and regulatory oversight and the members of the general court representing the municipality in which the property is located not less than 30 days before the effective date of the proposed transfer. An agency shall not be required to purchase or make payment, whether directly or indirectly to acquire property or part thereof, which is made available for that agency's use. As a condition of the transfer of property to a state agency, the commissioner may require that the agency be financially responsible for any outstanding lease, contractual or debt obligations previously incurred by the commonwealth to acquire or improve the property and for any future maintenance, security and improvement costs for the property.

SECTION 8. The secretary of administration and finance shall submit a report on the progress of any projects funded through the authorizations in this act and included in the governor's 5-year capital investment to the clerks of the senate and house of representatives, the chairs of the senate and house committees on ways and means, and the senate and house chairs of the joint committee on bonding, capital expenditures and state assets. The report shall include, but not be limited to: the previous year planned spending, previous year spending, current year planned spending, current year spending to date,

original estimated total project cost, project description, location of the project, type of spending, type of asset and useful life of the project once completed. The report shall be submitted not later than June 30 and December 31 of each year for a period of 8 years after the effective date of this act.

SECTION 9. To provide for the continued availability of certain bond-funded spending authorizations which otherwise would expire, the balances of the following appropriation items and any allocations thereof shall be extended through June 30, 2017, for the purposes of and subject to the conditions stated for these items in the original authorizations and any amendments to such authorizations: 0330-2223, 0526-2012, 0640-0301, 1100-1570, 1100-1580, 1100-3001, 1100-7500, 1100-7981, 1100-7985, 1100-8000, 1100-8001, 1100-8020, 1100-9200, 1100-9520, 1102-0004, 1102-1994, 1102-5600, 1102-7967, 1599-4994, 1599-7156, 4000-2020, 5500-9400, 5500-9405, 6001-0816, 6001-0817, 6001-0818, 7000-9090, 7002-0015, 7007-6300, 7007-9040, 7066-2010, 7066-8000, 7100-1000, 7411-7960, 8000-0700, 8000-2020, 8000-3500, 8000-4900, 8100-2025, 8100-9000, 8500-1000, 8900-7500, 8900-8500 and 8910-0023

SECTION 10. (a) To carry out the purposes of items 1102-2009, 1102-2014, 1100-3003, and 4000-2022, the commissioner of capital asset management and maintenance may, notwithstanding sections 32 to 37, inclusive, of chapter 7C of the General Laws or any other general or special law to the contrary, but subject to this subsection, acquire, by purchase, prepayment of lease for a term that exceeds the useful life of the facility, gifts, or other transfers, or by eminent domain under chapter 79 of the General Laws, any interests in land and buildings considered necessary by the commissioner to carry out the purposes of this act including, but not limited to, easements for drainage, access, utilities and environmental mitigation and may grant and retain such easements and interests as considered necessary by the commissioner to carry out the purposes of this act.

(b) The commissioner shall solicit proposals for any facility acquisition through requests for proposals. Each request for proposals shall, at a minimum, include: (1) a description of the facility for which proposals are sought; (2) a statement as to whether the commissioner seeks to purchase or lease the facilities; (3) a statement as to whether the commissioner seeks to acquire improved or unimproved land, buildings and interests therein; (4) a statement as to whether the selected proposer shall be required to undertake the design, construction, renovation, reconstruction, alteration, improvement, demolition, expansion or management of a new or existing facility; (5) the proposed contractual terms and conditions, some of which may be considered mandatory or nonnegotiable, (6) the evaluation criteria that will be utilized by the commissioner; (7) the time and date for receipt of proposals; (8) the address of the office to which proposals shall be delivered; and (9) such other matters as may be determined by the commissioner. Public notice of each request for proposals shall be published at least 3 weeks before the time specified in the notice for the receipt of proposals in the central register published by the state secretary. At the opening of the proposals, the commissioner shall prepare a register of proposals which shall include the name of each proposer. The register of proposals shall be open for public inspection. Notwithstanding any general or special law to the contrary, until the completion of the selection process, the contents of the proposals and the selection process shall not be disclosed to competing proposers and shall not be public documents.

(c) Any design, construction, renovation, reconstruction, alteration, improvement, demolition, expansion or management of a facility undertaken under this section shall be subject to chapters 7C, 30 and 149 of the General Laws and any other general or special law or regulation governing the design, construction, renovation, reconstruction, alteration, improvement, demolition, expansion or management of real or personal property by the commonwealth.

(d) The commissioner shall solicit proposals for temporary relocation space as required for completion of a project funded under items 1102-2009, 1102-2014, 1100-3003, or 4000-2022 in accordance with section 37 of chapter 7C of the General Laws.

SECTION 11. The division of capital asset management and maintenance may transfer care, custody, control and jurisdiction of a parcel of commonwealth land with the buildings thereon located at Leverett circle in the city of Boston, currently used by the department of state police, from the department of conservation and recreation to the department of state police. The exact boundaries of the parcel to be transferred may be determined by the division of capital asset management and maintenance in consultation with the department of conservation and recreation and the department of state police. Transfer of the parcel shall be without consideration and shall not be subject to chapter 7C of the General Laws. The division of capital asset management and maintenance may, as necessary, clear title to the parcel to be transferred by eminent domain taking.

SECTION 12. The division of capital asset management and maintenance may transfer care, custody, control and jurisdiction of a parcel of vacant commonwealth land in the town of Middleton from the department of mental health to the department of youth services for use as a location for a new department of youth services facility. The parcel to be transferred contains approximately 9.295 acres and is shown on a plan on file with the division. The exact boundaries of the parcel to be transferred are to be determined by the division of capital asset management and maintenance. Transfer of the parcel shall be without consideration and shall not be subject to chapter 7C of the General Laws. The division of capital asset management and maintenance may, as necessary, clear title to the parcel to be transferred by eminent domain taking.