SENATE DOCKET, NO. 1638 FILED ON: 1/18/2013

SENATE . . . . . No. 79

The Commonwealth of Massachusetts

PRESENTED BY:

Bruce E. Tarr

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 passage of the accompanying:

An Act establishing the Massachusetts capital partnership program..

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Bruce E. Tarr	*First Essex and Middlesex*
Richard J. Ross	*Norfolk, Bristol and Middlesex*
Michael R. Knapik	*Second Hampden and Hampshire*

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SENATE . . . . . No. 79

By Mr. Tarr, a petition (accompanied by bill, Senate, No. 79) of Bruce E. Tarr, Richard J. Ross and Michael R. Knapik for legislation to establish the Massachusetts Capital Partnership Program. Community Development and Small Businesses.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE
SENATE
, NO. *80* OF 2011-2012.]

The Commonwealth of Massachusetts

An Act establishing the Massachusetts capital partnership program..

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. The Secretary of Administration and Finance and the Commissioner of the Department of Communities and Development are hereby authorized and directed to establish the Municipal Capital Partnership Program (MCPP) subject to the following provisions. The purpose of said program shall be to provide assistance to municipalities undertaking capital projects through the use, on a competitive basis, of the capital bonding capabilities of the Commonwealth.

SECTION 2. The Secretary of Administration and Finance, hereinafter referred to as "The Secretary," and the Commissioner of the Department of Communities and Development, hereinafter referred to as "The Commissioner," shall develop a system whereby any municipality of the Commonwealth may submit for consideration in the MCPP any capital project which:

(a) Exceeds two million dollars in total cost for planning, design and construction.

(b) Is a public facility such as a police or fire station or combination thereof, an educational facility not eligible for the School Building Assistance program authorized by Chapter 645 of the Acts and Resolves of 1948, a water or sewer treatment facility, a road or bridge construction or improvement project not receiving assistance through Chapter 90 funding,

18 so-called, or any other bonded indebtedness of the Commonwealth, a library facility not
19 receiving other funding assistance from the Commonwealth, or any other public project proposed
20 by a municipality which will not otherwise be in whole or in part funded by the Commonwealth.

21 SECTION 3. The Secretary and the Commissioner shall develop a system for the
22 comprehensive evaluation of projects submitted for consideration pursuant to Section 2. Said
23 system shall include objective criteria to provide fair and equal competition among
24 municipalities proposing projects, which shall include but not be limited to:

25 (a) The amount of overall indebtedness of the proposing municipality.

26 (b) The total amount of other state assistance being received by a municipality
27 from the Commonwealth.

28 (c) The additional property tax capacity which a proposing municipality has
29 within its levy limit, including consideration of Proposition 2 ½ overrides, so-called, which the
30 municipality has adopted.

31 (d) The most recent fiscal year in which other, similar capital project cost
32 assistance was provided by the Commonwealth to the proposing municipality.

33 (e) The total indebtedness incurred by an applicant municipality in order to
34 comply with sate and federal mandates.

35 (f) Any other relevant criteria which are deemed necessary by the Secretary
36 and the Commissioner to ensure the equitable treatment of applicant municipalities.

37 SECTION 4. The Commissioner shall undertake a process of review and
38 evaluation of proposed projects, which shall be required to be submitted on an annual basis
39 consistent with the fiscal year of the Commonwealth and the capital planning requirements
40 thereof. Said process shall be public within the meaning of the laws of the Commonwealth and
41 may include, at the discretion of the Commissioner, public hearings and other means of receiving
42 information relative to proposed projects.

43 SECTION 5. No application for MCPP assistance shall be accepted by the
44 Commissioner unless and until it has been approved by a vote of the Council in the case of a city,
45 or town meeting in the case of a town.

46 SECTION 6. Consistent with the criteria provided in Section 3 above, the
47 Commissioner shall recommend projects for approval in each fiscal year to the Secretary, and
48 shall recommend for approval a rate of reimbursement of not less than fifty, nor more than ninety
49 percent of the project cost as submitted.

50 SECTION 7. The Secretary shall approve for reimbursement those projects
51 which are appropriate for MCPP assistance subject to any conditions, rules or regulations
52 deemed necessary by the Secretary in administering said program.

53 SECTION 8. The Secretary and the Commissioner shall have the authority to
54 establish and promulgate the necessary rules, regulations and procedures to carry out the
55 provisions of this Act.

56 SECTION 9. To meet expenditures necessary in carrying out the provisions of
57 this Act, the State Treasurer shall, upon the request of the Governor, issue and sell bonds of the
58 Commonwealth, to an amount specified by the Governor from time to time, not exceeding in the
59 aggregate, the sum of twenty-five million dollars.

60 SECTION 10. Upon application by a municipality, loans of moneys held in the
61 Municipal Capital Partnership Program shall be made available and shall provide for the
62 repayment and redeposit of such allocations and loans in a matter to be prescribed by the
63 Secretary of Administration and Finance and the Commissioner of the Department of
64 Communities and Development and calculated to reasonably carry out the provisions of this Act.

65 SECTION 11. The provisions of this Act shall take effect one year following the
66 date of its passage.

67 SECTION 12. The provisions of this Act shall be severable, so as to permit its
68 implementation as reasonably practicable should any of its provisions be deemed unlawful.