

By Mr. Tarr, a petition (accompanied by bill, Senate, No. 994) of Bruce E. Tarr for legislation to authorize the Massachusetts Municipal Capital Partnership Program. Local Affairs.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Ninety-Seven.

AN ACT AUTHORIZING THE MASSACHUSETTS MUNICIPAL 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:

1 SECTION 1. The Secretary of Administration and Finance and
2 the Commissioner of the Department of Communities and
3 Development are hereby authorized and directed to establish the
4 Municipal Capital Partnership Program (MCP) subject to the
5 following provisions. The purpose of said program shall be to pro-
6 vide assistance to municipalities undertaking capital projects
7 through the use, on a competitive basis, of the capital bonding
8 capabilities of the Commonwealth.

1 SECTION 2. The Secretary of Administration and Finance
2 (hereinafter "Secretary") and the Commissioner of the Department
3 of Communities and Development (hereinafter the
4 "Commissioner") shall develop a system whereby any munici-
5 pality of the Commonwealth may submit for consideration in the
6 MCP any capital project which:

7 a.) Exceeds two (2) million dollars in total cost for planning,
8 design and construction.

9 b.) is a public facility such as a police or fire station or combi-
10 nation thereof, an educational facility not eligible for the School
11 Building Assistance program authorized by Chapter 645 of the
12 Acts and Resolves of 1948, a water or sewer treatment facility not
13 eligible for assistance through any existing reimbursement pro-
14 gram, a public works facility, a road or bridge construction or

15 improvement project not receiving assistance through Chapter 90
16 funding, so called, or any other bonded indebtedness of the
17 Commonwealth, a library facility not receiving other funding
18 assistance from the Commonwealth, or any other public project
19 proposed by a municipality which will not otherwise be in whole
20 or in part funded by the Commonwealth.

1 SECTION 3. The Secretary and the Commissioner shall
2 develop a system for the comprehensive evaluation of projects
3 submitted for consideration pursuant to Section 2. Said system
4 shall include objective criteria to provide fair and equal competi-
5 tion among municipalities proposing projects, which shall include
6 but not be limited to:

7 a.) The amount of overall indebtedness of the proposing munic-
8 ipality.

9 b.) The total amount of other state assistance being received by
10 a municipality from the Commonwealth.

11 c.) The additional property tax capacity which a proposing
12 municipality has within its levy limit, including consideration of
13 Proposition 2½ overrides, so-called, which the municipality has
14 adopted.

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

18 e.) The total indebtedness incurred by an applicant municipality
19 in order to comply with state and federal mandates.

20 f.) Any other relevant criteria which are deemed necessary by
21 the Secretary and the Commissioner to ensure the equitable treat-
22 ment of applicant municipalities.

1 SECTION 4. The Commissioner shall undertake a process of
2 review and evaluation of proposed projects, which shall be
3 required to be submitted on an annual basis consistent with the
4 fiscal year of the Commonwealth and the capital planning require-
5 ments thereof. Said process shall be public within the meaning of
6 the laws of the Commonwealth and may include, at the discretion
7 of the Commissioner, public hearings and other means of
8 receiving information relative to proposed projects.

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

1 SECTION 6. Consistent with the criteria provided in Section 3,
2 above, the Commissioner shall recommend projects for approval
3 in each fiscal year to the Secretary, and shall recommend for
4 approval a rate of reimbursement of not less than 50, nor more
5 than 90, percent of the project cost as submitted.

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

1 SECTION 8. The Secretary and the Commissioner shall have
2 the authority to establish and promulgate the necessary rules, reg-
3 ulations and procedures to carry out the provisions of this act.

1 SECTION 9. To meet expenditures necessary in carrying out
2 the provisions of this act, the State Treasurer shall, upon the
3 request of the Governor, issue and sell bonds of the
4 Commonwealth, to an amount specified by the governor from
5 time to time, not exceeding in the aggregate, the sum of twenty-
6 five million dollars.

1 SECTION 10. Upon application by a municipality, loans of
2 moneys held in the Municipal Capital Partnership Program shall
3 be made available and shall provide for the repayment and rede-
4 posit of such allocations and loans in a manner to be prescribed by
5 the Secretary of Administration and Finance and the
6 Commissioner of the Department of Communities and
7 Development and calculated to reasonably carry out the provi-
8 sions of this Act.

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

3 Section 12. The provisions of this Act shall be severable, so as
4 to permit its implementation as reasonably practicable should any
5 of its provisions be deemed unlawful.