



Oklahoma Public Transit Policy Plan

Appendix F

Examples of State Bond Statutes and Grant Anticipation Notes

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(30 ILCS 415/2)(from Ch. 127, par. 702)

Sec. 2. The State of Illinois is authorized to issue, sell and provide for the retirement of bonds of the State of Illinois in the amount of \$1,729,000,000, hereinafter called the "Bonds", for the specific purpose of promoting and assuring rapid, efficient, and safe highway, air and mass transportation for the inhabitants of the State by providing monies, including the making of grants and loans, to be used for the acquisition, construction, reconstruction, extension and improvement of the following transportation facilities and equipment and for the acquisition of real property and interests in real property required or expected to be required in connection therewith, and within the limitations set forth in Section 5.1 of this Act for the specific purpose set forth in Section 2(b)(2) and(3) of this Act:

(a)(1) the acquisition, construction, reconstruction, extension and improvement of State highways, arterial highways, freeways, roads, structures separating highways and railroads and bridges; and

(2) the repair and reconstruction of bridges on roads maintained by counties, municipalities, townships or road districts;

(b)(1) the acquisition, construction, extension, reconstruction and improvement of mass transportation facilities including rapid transit, rail, bus and other equipment used in connection therewith by the State or any unit of local government, special transportation district, municipal corporation or other corporation or public authority authorized to provide and promote public transportation within the State or two or more of the foregoing acting jointly; and

(2) for the purpose of providing immediate relief from existing or impending inability to meet principal and interest payments and thereby aiding in achieving the maximum benefit for the public from the transportation capital improvement program, to provide funds for any payments required to be made for principal of and interest on bonds, certificates, equipment trust certificates or other evidences of indebtedness issued or guaranteed prior to the passage of this Act by the State or any unit of local government, special transportation district, municipal corporation or other corporation or public authority authorized to provide public transportation within the State, or two or more of the foregoing acting jointly, pursuant to any indenture, ordinance, resolution, agreement or contract to obtain and finance transportation facilities; and,

(3) for the purpose of reimbursing the General Revenue Fund for monies paid from the General Revenue Fund after passage of this Act for the purpose described in Section 2(b)(2).

(c) the acquisition, construction, extension, reconstruction, and improvement of airport or aviation facilities and any equipment used in connection therewith, including reimbursement for certain engineering and land acquisition costs as provided in Section 34a of the "Illinois Aeronautics Act", approved July 24, 1945, as amended, by the State or any unit of local government, special transportation district, municipal corporation or other corporation or public authority authorized to provide public transportation within the State or two or more of the foregoing acting jointly.

\$1,326,000,000 of the Bonds will be used for State highway acquisition, construction, reconstruction, extension and improvement as specifically described herein, hereinafter called the "Transportation Bonds, Series A". \$363,000,000 of the Bonds will be used for the mass transportation purposes specifically described herein and \$40,000,000 of the Bonds will be used for the aviation purposes specifically described herein, such \$403,000,000 of Bonds collectively hereinafter called the "Transportation Bonds, Series B".

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The \$75,000,000 authorized for mass transportation purposes by this amendatory Act of 1973 shall be used for the acquisition of mass transportation equipment including rail and bus, and other equipment used in connection therewith for the area comprising the counties of DuPage, Kane, Lake, McHenry and Will, and that portion of the County of Cook outside the City of Chicago, as determined by the Regional Transportation Authority established pursuant to "The Regional Transportation Authority Act", enacted by the 78th General Assembly. The proceeds of the sale of such bonds shall be expended only to, or with the approval of, such Authority. Nothing in this paragraph prohibits that Authority from using or approving the use of such proceeds for purposes of acquisition of mass transportation equipment for use between such area and other areas.

Of the Bonds authorized to be used for highway purposes, the proceeds of \$14,965,100 of such bonds shall be used by the Department of Transportation for the purpose of the repair and reconstruction of unsafe and substandard bridges on roads maintained by counties, municipalities, townships and road districts under the Illinois Highway Code and the proceeds of \$12,000,000 of such bonds shall be used by the Department of Transportation for the same purposes as provided in Sections 6-902 through 6-905 of the Illinois Highway Code.

Of the Bonds authorized to be sold for highway purposes, the proceeds of \$36,939,400 of the Bonds shall be used for such purposes within the City of Chicago, the proceeds of \$42,457,000 of the Bonds shall be used for such purposes in the Chicago urbanized area, the proceeds of \$46,359,000 of the bonds shall be used for such purposes outside the Chicago urbanized area, the proceeds of \$142,105,500 of the Bonds shall be used for such purposes within the Counties of Cook, DuPage, Kane, Lake, McHenry and Will, the proceeds of \$181,139,100 of the Bonds shall be used for such purposes within the Counties of the State outside the Counties of Cook, DuPage, Kane, Lake, McHenry and Will.

Of the \$106,000,000 of Bonds authorized to be sold for mass transportation purposes by this amendatory Act of 1979, \$98,000,000 of the Bonds shall be used for such purposes within the Counties of Cook, DuPage, Kane, Lake, McHenry and Will and the proceeds of \$8,000,000 of the Bonds shall be used for such purposes within the Counties of the State outside the Counties of Cook, DuPage, Kane, Lake, McHenry and Will. (Source: P.A. 86-453.)

(30 ILCS 415/3)(from Ch. 127, par. 703)

Sec. 3. The Bonds shall bear interest payable annually or semi-annually, from their date, at the rate of not more than 7% per annum. The Bonds shall be serial bonds and be dated, issued and sold by the Governor, from time to time, in such amounts as may be necessary to provide funds for the specific purposes contemplated by Section 2 of this Act. Each Bond shall be in the denomination of \$5,000 or some multiple thereof, and shall be made payable within not more than 30 years from its date as the Governor shall determine. These Bonds shall be signed by the Governor and attested by the Secretary of State under the printed facsimile seal of the State and countersigned by the State Treasurer by his manual signature or by his duly authorized deputy. The signatures of the Governor and the Secretary of State may be printed facsimile signatures. Interest coupons with printed facsimile signatures of the Governor, Secretary of State and State Treasurer may be attached to the Bonds. The fact that an officer whose signature or facsimile thereof appears on a Bond or interest coupon no longer holds such office at the time the Bond or coupon is delivered shall not invalidate such Bond or interest coupon. (Source: P.A. 77-150.)

(30 ILCS 415/4)(from Ch. 127, par. 704)

Sec. 4. The Bonds shall be sold to the highest and best bidders, for not less than their par value, upon sealed bids, from time to time, as the Governor shall direct. The Governor may reserve the right to reject any and all bids. The Secretary of State shall, from time to time, as the Bonds are to be sold, advertise in at least two daily newspapers, one of which is published in the City of Springfield and one in the City of Chicago, for proposals to purchase the Bonds. Each of such advertisements for proposals shall be published once at least 10 days prior to the date of the opening of the bids. All or any part of the Bonds may be made registerable as to principal with the State Treasurer. The Bonds may be callable as determined by the Governor; provided however, that the State shall not pay a premium of more than 3% of the principal of any Bonds so called. The Bonds shall be deposited with the State Treasurer, and upon delivery of the Bonds to the purchaser, the proceeds of the Bonds shall be paid into the State Treasury. The proceeds of the Transportation Bonds, Series A shall be kept in a separate fund known as the "Transportation Bond, Series A Fund", which separate fund is hereby created. The proceeds of the Transportation Bonds, Series B shall be kept in a separate fund known as the "Transportation Bond, Series B Fund", which separate fund is hereby created. (Source: P.A. 77-150.)

(30 ILCS 415/5)(from Ch. 127, par. 705)

Sec. 5. Prior to January 1, 1972, the proceeds from the sale of the Bonds shall be used by and under the direction of the Department of Aeronautics, the Department of Commerce and Community Affairs(now Department of Commerce and Economic Opportunity) and the Department of Public Works and Buildings, and thereafter such department or agency as shall be designated by law, subject to appropriation by the General Assembly, in such amounts and at such times as the respective department deems necessary or desirable for the purposes provided by Section 2 of this Act. (Source: P.A. 94-793, eff. 5-19-06.)

(30 ILCS 415/5.1)(from Ch. 127, par. 705.1)

Sec. 5.1. Not more than \$32,000,000 of the proceeds from the sale of the Bonds shall be used for payments pursuant to any indenture, ordinance, resolution, agreement or contract adopted or entered into prior to the passage of this Act to finance transportation facilities, and to reimburse the General Revenue Fund, as provided in Section 2(b)(2) and(3). No Bond proceeds shall be subject to appropriation for such purposes by the General Assembly after June 30, 1972. (Source: P.A. 77-150.)

(30 ILCS 415/6)(from Ch. 127, par. 706)

Sec. 6. The State Treasurer may, with the approval of the Governor, invest and reinvest, at the existing market price and in any event not to exceed 102% of par plus accrued interest, in obligations, the principal of and interest on which is guaranteed by the United States Government, or any certificates of deposit of any savings and loan association or any State or national bank which are fully secured by obligations, the principal of and interest on which is guaranteed by the United States Government, any money in the Transportation Bond, Series A Fund or the Transportation Bond, Series B Fund in the State Treasury which, in the opinion of the Governor communicated in writing to the State Treasurer, is not needed for current expenditures due or about to become due from such funds. The cost price of all such obligations shall be considered as cash in the custody of the State Treasurer, and such obligations shall be conveyed at cost price as cash by the State

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Treasurer to his successor. The money in the Transportation Bond, Series A Fund and in the Transportation Bond, Series B Fund in the form of such obligations shall be set up by the State Treasurer as separate accounts and shown distinctly in every report issued by him regarding fund balances. Earnings received on investments of the Transportation Bond, Series A Fund shall be paid into the Road Fund. All other earnings received upon any such investment shall be paid into the General Revenue Fund. All of the monies other than accrued interest received from the sale or redemption of such investments shall be replaced by the State Treasurer in the fund from which the money was removed for such investment.

No bank or savings and loan association shall receive public funds as permitted by this Section, unless it has complied with the requirements established pursuant to Section 6 of "An Act relating to certain investments of public funds by public agencies", approved July 23, 1943, as now or hereafter amended. (Source: P.A. 83-541.)

(30 ILCS 415/7)(from Ch. 127, par. 707)

Sec. 7. The Governor shall include an appropriation in each annual State budget of monies in such amount as shall be necessary and sufficient, for the period covered by such budget, to pay the interest, as it shall accrue, on all Bonds issued under this Act and also to pay and discharge the principal of such of the Bonds as shall fall due during such period. To provide for the manner of repayment of the Transportation Bonds, Series A, a separate fund in the State Treasury called the "Transportation Bond, Series A Retirement and Interest Fund" is hereby created. The General Assembly shall annually make appropriations for monies to pay the principal of and interest on the Transportation Bonds, Series A from the Transportation Bond, Series A Retirement and Interest Fund and shall direct the transfer from time to time of monies from the Road Fund to the Transportation Bond, Series A Retirement and Interest Fund, an amount which shall be sufficient to pay the principal of and interest on the Transportation Bonds, Series A as the same become due. If there are insufficient funds in the Road Fund to pay the principal of and interest on the Transportation Bonds, Series A, as the same become due, the General Assembly shall direct the transfer from time to time of monies from the General Revenue Fund to the Transportation Bond, Series A Retirement and Interest Fund to the extent such transfer of monies is necessary to pay the principal of and interest on such Transportation Bonds, Series A which could not be paid by monies transferred from the Road Fund. To provide for the manner of repayment of the Transportation Bonds, Series B a separate fund in the State Treasury called the "Transportation Bond, Series B Retirement and Interest Fund" is hereby created. The General Assembly shall make appropriations for monies to pay the principal of and interest on the Transportation Bonds, Series B from the Transportation Bond, Series B Retirement and Interest Fund and shall direct the transfer from time to time of monies from the General Revenue Fund to the Transportation Bond, Series B Retirement and Interest Fund, an amount which shall be sufficient to pay the principal of and interest on the Transportation Bonds, Series B as the same become due.

If for any reason the General Assembly fails to make appropriations for or transfers to the said Transportation Bond, Series A Retirement and Interest Fund and the Transportation Bond, Series B Retirement and Interest Fund, as the case may be, of amounts sufficient for the State to pay the principal of and interest on the Bonds as the same become due, this Act shall constitute an irrevocable and continuing appropriation of all amounts necessary for that purpose, and the irrevocable and continuing authority for and direction to the Auditor of Public Accounts, or Comptroller as his successor, and to the Treasurer of the State to

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make the necessary transfers out of and disbursements from the revenues and funds of the State for that purpose.

All Bonds issued in accordance with the provisions of this Act shall be direct, general obligations of the State of Illinois and shall so state on the face thereof, and the full faith and credit of the State of Illinois are hereby pledged for the punctual payment of the interest thereon as the same shall become due and for the punctual payment of the principal thereof at maturity, and the provisions of this Section shall be irrevocable until all such Bonds are paid in full as to both principal and interest. (Source: P.A. 77-150.)

(30 ILCS 415/8)(from Ch. 127, par. 708)

Sec. 8. If the State fails to pay the principal of or interest on the Bonds as the same become due, a civil action to compel payment may be instituted in the Supreme Court of Illinois as a court of original jurisdiction by the holder or holders of the Bonds in respect of which such failure exists. Delivery of the summons and a copy of the complaint to the Attorney General or leaving them at his office in the capital with his assistant or clerk shall constitute good and sufficient service to give the Supreme Court of Illinois jurisdiction of the subject matter of such a suit of the State and its officer or officers named as defendants for the purpose of compelling such payment. Any case or cause of action concerning the validity of this Act relates to the revenue of the State of Illinois. (Source: P.A. 77-150.)

(30 ILCS 415/9)(from Ch. 127, par. 709)

Sec. 9. Upon each delivery of the Bonds authorized to be issued under this Act, the Comptroller shall compute and certify to the State Treasurer the total amount of principal of and interest on the Bonds issued that will be payable in order to retire such Bonds and the amount of principal of and interest on such Bonds that will be payable on each payment date according to the tenor of such Bonds during the then current and each succeeding fiscal year.

On the last day of each month, commencing with the month in which the Transportation Bonds, Series A are issued and delivered, the State Treasurer and the Auditor of Public Accounts, or Comptroller as his successor, shall transfer from the Road Fund in the State Treasury, or the General Revenue Fund as provided in Section 7 of this Act, to the Transportation Bond, Series A Retirement and Interest Fund a sum of money, appropriated for such purpose, equal to the result of the amount of principal of and interest on the Transportation Bonds, Series A payable on the next payment date divided by the number of full calendar months between the date of such Transportation Bonds, Series A and the first such payment date, and thereafter divided by the number of months between each succeeding payment date after the first. On the last day of each month, commencing with the month in which the Transportation Bonds, Series B are issued and delivered, the State Treasurer and the Auditor of Public Accounts, or Comptroller as his successor, shall transfer from the General Revenue Fund in the State Treasury to the Transportation Bond, Series B Retirement and Interest Fund in the State Treasury a sum of money, appropriated for such purpose, equal to the result of the amount of principal of and interest on the Transportation Bonds, Series B payable on the next payment date divided by the number of full calendar months between the date of such Transportation Bonds, Series B and the first such payment date, and thereafter divided by the number of months between each succeeding payment date after the first.

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Such computations and transfers shall be made when a series of such Bonds is issued and delivered.

The transfer of monies hereinabove directed is not required if monies in the Transportation Bond, Series A Retirement and Interest Fund, or the Transportation Bond, Series B Retirement and Interest Fund, as the case may be, are more than the amount otherwise to be transferred as hereinabove provided, and if the Governor notifies the Auditor of Public Accounts, or Comptroller as his successor, and the State Treasurer of such fact. (Source: P.A. 83-1280.)

(30 ILCS 415/10)(from Ch. 127, par. 710)

Sec. 10. The State of Illinois is authorized from time to time to issue, sell and provide for the retirement of bonds of the State of Illinois for the sole purpose of refunding all or any portion of the principal of the Bonds; provided that such refunding bonds shall mature within the terms of the Bonds. Such refunding bonds shall in all other respects be subject to the terms and conditions of Sections 3, 4, 6, 7, 8 and 9 of this Act. The principal amount of any such refunding bonds shall not exceed 103% of the principal amount of the Bonds refunded with the proceeds of such refunding bonds. (Source: P.A. 77-150.)

(30 ILCS 415/11)(from Ch. 127, par. 711)

Sec. 11. If any Section, sentence, or clause of this Act is for any reason held invalid or to be unconstitutional, such decision shall not affect the validity of the remaining portions of this Act. (Source: P.A. 77-150.)

(30 ILCS 415/11.1)(from Ch. 127, par. 712)

Sec. 11.1. After December 1, 1984, no additional bonds shall be issued or sold pursuant to this Act; instead all State of Illinois general obligation bonds shall be issued and sold pursuant to the "General Obligation Bond Act". (Source: P.A. 83-1490.)

MAINE

This statute is included because it explicitly provides for the Department of Transportation to use \$15,000,000 of the proceeds for rail, transit, bicycle and pedestrian projects.

An Act To Authorize a General Fund Bond Issue To Improve Highways, Bridges and Multimodal Facilities Preamble. Two thirds of both Houses of the Legislature deeming it necessary in accordance with the Constitution of Maine, Article IX, Section 14 to authorize the issuance of bonds on behalf of the State of Maine to provide funds as described in this Act,

Be it enacted by the People of the State of Maine as follows:

Sec. 1. Authorization of bonds. The Treasurer of State is authorized, under the direction of the Governor, to issue bonds in the name and on behalf of the State in an amount not exceeding \$105,000,000 for the purposes described in section 5 of this Act. The bonds are a pledge of the full faith and credit of the State. The bonds may not run for a period longer than 10 years from the date of the original issue of the bonds.

Sec. 2. Records of bonds issued; Treasurer of State. The Treasurer of State shall ensure that an account of each bond is kept showing the number of the bond, the name of the successful bidder to whom sold, the amount received for the bond, the date of sale and the date when payable.

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Sec. 3. Sale; how negotiated; proceeds appropriated. The Treasurer of State may negotiate the sale of the bonds by direction of the Governor, but no bond may be loaned, pledged or hypothecated on behalf of the State. The proceeds of the sale of the bonds, which must be held by the Treasurer of State and paid by the Treasurer of State upon warrants drawn by the State Controller, are appropriated solely for the purposes set forth in this Act. Any unencumbered balances remaining at the completion of the project in this Act lapse to the Office of the Treasurer of State to be used for the retirement of general obligation bonds.

Sec. 4. Interest and debt retirement. The Treasurer of State shall pay interest due or accruing on any bonds issued under this Act and all sums coming due for payment of bonds at maturity.

Sec. 5. Disbursement of bond proceeds from General Fund bond issue. The proceeds of the sale of the bonds authorized under this Act must be expended as designated in the following schedule under the direction and supervision of the agencies and entities set forth in this section.

TRANSPORTATION, DEPARTMENT OF

Provides funds to construct, reconstruct, rehabilitate and preserve Priority 1, Priority 2 and Priority 3 state highways under the Maine Revised Statutes, Title 23, section 73, subsection 7 and associated improvements, to replace and rehabilitate bridges and to fund the municipal partnership initiative.

Total \$85,000,000

Provides funds for facilities or equipment related to freight and passenger railroads, transit, ports, marine transportation, aviation and bicycle and pedestrian improvements that preserve public safety or otherwise have demonstrated high transportation value including property acquisition.

Total \$15,000,000

ENVIRONMENTAL PROTECTION, DEPARTMENT OF

Provides funds for a competitive grant program that matches local funding for the upgrade of municipal culverts at stream crossings in order to improve fish and wildlife habitats and increase community safety. Eligible project sponsors include local governments, municipal conservation commissions, soil and water conservation districts and private nonprofit organizations. A proposal for funding from an eligible project sponsor must include a map and summary of the proposed project, describing how it meets the following criteria:

1. Contribution to competitive grant program goals. The extent to which the proposed project allows communities to more effectively prepare for storm and flood events and advances the goals of restoring habitat for fish, including sea-run fish and native brook trout; and
2. Cost-effectiveness. The extent to which the proposed project represents an efficient and cost-effective investment, including the proportion of total project funding that will be provided from other sources and the potential avoided costs associated with the proposed project. Funds may not be used to cover all of the costs associated with a proposed project.

Total \$4,000,000

ECONOMIC AND COMMUNITY DEVELOPMENT, DEPARTMENT OF

Provides funds for the renovation of a wharf and bulkhead at the Gulf of Maine Research Institute in Portland to bring the wharf back into operation as secured access and berthing for commercial fishing vessels and to support vessels for marine research at sea that supports continued long-term marine job development.

Total \$1,000,000

Sec. 6. Contingent upon ratification of bond issue. Sections 1 to 5 do not become effective unless the people of the State ratify the issuance of the bonds as set forth in this Act.

Sec. 7. Appropriation balances at year-end. At the end of each fiscal year, all unencumbered appropriation balances representing state money carry forward. Bond proceeds that have not been expended within 10 years after the date of the sale of the bonds lapse to the Office of the Treasurer of State to be used for the retirement of general obligation bonds.

Sec. 8. Bonds authorized but not issued. Any bonds authorized but not issued within 5 years of ratification of this Act are deauthorized and may not be issued, except that the Legislature may, within 2 years after the expiration of that 5-year period, extend the period for issuing any remaining unissued bonds for an additional amount of time not to exceed 5 years.

Sec. 9. Referendum for ratification; submission at election; form of question; effective date. This Act must be submitted to the legal voters of the State at a statewide election held in the month of November following passage of this Act. The municipal officers of this State shall notify the inhabitants of their respective cities, towns and plantations to meet, in the manner prescribed by law for holding a statewide election, to vote on the acceptance or rejection of this Act by voting on the following question:

"Do you favor a \$105,000,000 bond issue to build or improve roads, bridges, railroads, airports, transit and ports and make other transportation investments, to be used to match an estimated \$137,000,000 in federal and other funds?"

The legal voters of each city, town and plantation shall vote by ballot on this question and designate their choice by a cross or check mark placed within a corresponding square below the word "Yes" or "No." The ballots must be received, sorted, counted and declared in open ward, town and plantation meetings and returns made to the Secretary of State in the same manner as votes for members of the Legislature. The Governor shall review the returns. If a majority of the legal votes are cast in favor of this Act, the Governor shall proclaim the result without delay and this Act becomes effective 30 days after the date of the proclamation.

The Secretary of State shall prepare and furnish to each city, town and plantation all ballots, returns and copies of this Act necessary to carry out the purposes of this referendum.

Massachusetts

At the other extreme in terms of state direction of the requirements and uses of the bonds is Massachusetts' H.B. 4002, the recently-passed \$18 billion bond bill. It is included here because of the language providing the use of proceeds for public transit purposes in Sections 2E and 2D. This includes language authorizing use for regional transit provider equipment and facilities.

SECTION 1.

To provide for a program of investments to make the commonwealth’s transportation system more reliable, address deferred maintenance, and modernize and expand the system, the sums set forth in sections 2 to 2H, 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; provided, however, that the amounts specified in an item or for a particular project may be adjusted in order to facilitate projects authorized in this act. The sums made available in this act shall be in addition to any amounts previously made available for these purposes.

SECTION 2. MASSACHUSETTS DEPARTMENT OF TRANSPORTATION

Highway Division

6121-2114 For projects on the interstate and non-interstate federal highway system; provided, that funds may be expended for the costs of these projects including, but not limited to the nonparticipating portions of these projects and the costs of engineering and other services essential to these projects; provided further, that funds may be expended for bicycle and pedestrian and other multi-modal facilities; provided further, that notwithstanding this act or any other general or special law to the contrary, the department shall not enter into any obligations for projects which are eligible to receive federal funds under this act unless state matching funds exist which have been specifically authorized and are sufficient to fully fund the corresponding state portion of the federal commitment to fund these obligations; and provided, further, that the department shall only enter into obligations for projects under this act based upon a prior or anticipated future commitment of federal funds and the availability of corresponding state funding authorized and appropriated for this use by the general court for the class and category of project for which this obligation applies \$5,600,000,000

SECTION 2A. MASSACHUSETTS DEPARTMENT OF TRANSPORTATION

Highway Division

6121-2117 For the design, construction and repair of, or improvements to, nonfederally-aided roadway and bridge projects and for the nonparticipating portion of federally-aided projects; provided, that the department may use these funds for the purchase and rehabilitation of facilities, heavy equipment and other maintenance equipment; provided further, that the department may use these funds for multi-modal facilities; provided further, that the amounts specified in this item for a particular project or use, if any, may be adjusted in order to facilitate other projects relating to the design, construction, repair or improvement to nonfederally-aided roadway and bridge projects \$2,750,000,000

6121-2147 For the planning, study, design, construction, reconstruction, resurfacing, repair, climate change adaptation, multi-modal access, and improvement of transportation infrastructure associated with the approaches to the Bourne Bridge and the Sagamore Bridge, and other transportation infrastructure improvements to enhance the traffic safety, traffic flow, and ease congestion at each of the Bourne Bridge and the Sagamore Bridge, respectively, and to prepare for and to leverage federal investments and improvements to each such bridge; including but not limited to highway, interchange, and non-highway improvements; elements that improve access for all modes, pavement, surface conditions, approaches, ramps, rotaries, exits, alignments, lane enhancements, signage, and safety features; provided that this item may also be expended for costs associated with the planning, study, design, construction, reconstruction, resurfacing, repair, multi-modal

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access, and improvement of transportation infrastructure in and around the Cape Cod Canal area including in Bourne and Sandwich; provided, further, that expenditures from this item may include the costs of engineering, design, permitting, climate change adaptation and resilience, and other services essential to projects under this item \$350,000,000

6121-2157 For the construction, reconstruction, resurfacing, repair, and improvement of pavement and surface conditions on nonfederally-aided roadways, including but not limited to state numbered routes and municipal roadways; provided that expenditures from this item may include the costs of engineering, design, permitting, climate change adaptation and resilience, and other services essential to projects under this item \$150,000,000

SECTION 2B. MASSACHUSETTS DEPARTMENT OF TRANSPORTATION

Highway Division

6121-2118 For the municipal small bridge program for the purposes of design, engineering, construction, preservation, reconstruction and repair of or improvements to nonfederally-aided bridges and approaches meeting the criteria of the municipal small bridge program as determined by the department; provided, that expenditures from this item may include the costs of engineering, design, permitting, climate change adaptation and resilience, and other services essential to projects under this item; provided further, that a city or town shall comply with the procedures established by the department with respect to the municipal small bridge program; and provided further, that no amounts appropriated under this item shall be expended for bridges or approaches owned by or under the control of the department or the Massachusetts Bay Transportation Authority..... \$70,000,000

6121-2127 For the purpose of implementing a program to address localized operationally-influenced bottlenecks that negatively impact traffic flow, including but not limited to redesign, re-striping, lane and shoulder width adjustments, addition of auxiliary, collector and distributor lanes, signal improvements, ramp adjustments, signage, and other infrastructure improvements to reduce congestion, improve traffic flow, address safety issues, and reduce idling and greenhouse gas emissions; provided, further that funds may be used for the purpose of grants to municipalities \$50,000,000

6121-2128 For the construction, reconstruction, resurfacing, repair, and improvement of pavement and surface conditions on municipal roadways; provided, that expenditures from this item may include the costs of engineering, design, permitting, climate change adaptation and resilience, and other services essential to projects under this item; provided further, that funds may be expended from this item for matching grants to municipalities; provided further, that the department may use these funds for improving the condition of bicycle and pedestrian accommodations related to such roadway projects consistent with principles of the complete streets program established pursuant to chapter 90I of the General Laws when feasible; provided further, that in connection with a grant under this item, a city or town shall comply with the procedures established by the department with respect to municipal roadways in the pavement improvement program 100,000,000

6121-2138 For the complete streets program established pursuant to chapter 90I of the General Laws, as amended, for complete streets grants to municipalities \$20,000,000

6122-2124 For the construction and reconstruction of municipal ways as described in clause(b) of the second paragraph of section 4 of chapter 6C of the General Laws; provided, that a city or town shall comply with the procedures established by the Massachusetts Department of Transportation; provided further, that a city or town may expend, without further appropriation, for these projects amounts not in excess of the amount provided to

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the city or town under this item upon preliminary notice of such amount, which shall be provided by the department to the city or town not later than March 1 of each year; and provided further, that the commonwealth shall reimburse a city or town under this item, subject to the availability of funds as provided in section 9G of chapter 29 of the General Laws, within 30 days after receipt by the department of a request for reimbursement from the city or town, which request shall include certification by the city or town that actual expenses have been incurred on projects eligible for reimbursement under this item and that the work has been completed to the satisfaction of the city or town according to the specifications of the project and in compliance with applicable laws and procedures established by the department \$200,000,000

6622-2187 For the purpose of implementing a program for transit-supportive infrastructure, including, but not limited to, dedicated bus lanes, signal prioritization, shelters, lighting, signage, repairs and other improvements, technology and accessibility features, and other infrastructure elements; provided, that projects may be used to improve and facilitate more efficient delivery of transit operations, encourage municipal investment and support of transit facilities, benefit passenger experience, and to enhance transit rider and pedestrian service and safety; provided, further that funds may be used for the purpose of grants to municipalities \$50,000,000

**SECTION 2C. MASSACHUSETTS DEPARTMENT OF TRANSPORTATION
Highway Division**

6121-2137 For the construction, reconstruction, resurfacing, repair, and improvement of bridges, approaches and related infrastructure, including elements that improve access for all modes; provided, that expenditures from this item may include the costs of engineering, design, permitting, climate change adaptation and resilience, and other services essential to projects under this item.....\$1,250,000,000

**SECTION 2D. MASSACHUSETTS DEPARTMENT OF TRANSPORTATION
Rail and Transit Division**

6621-2117 For the purpose of implementing rail improvements pursuant to chapter 161C of the General Laws; provided, that funds may also be used for transportation planning, design, permitting, acquisition of interests in land and engineering for rail projects, including the industrial rail access program; provided further, that the department may use funds from this item for the costs of engineering and other services essential to these projects; provided, further, that the department may use these funds for a particular project or use may be adjusted in order to facilitate other projects, if any .. \$400,000,000

6622-2117 For the purposes of chapter 161B of the General Laws, including, but not limited to, projects that may maintain and improve the overall condition, reliability and resiliency of regional transit networks and facilities, including the purchase and rehabilitation of rolling stock, low or no emission vehicles, and other infrastructure and equipment required to support such rolling stock, related assets and support equipment, rehabilitation of regional transit authority facilities, including maintenance, and passenger facilities, and purchase of related appurtenances, equipment, technology, and tools..... \$330,000,000

6622-2127 For the purposes of implementing the mobility assistance program pursuant to section 13 of chapter 637 of the acts of 1983 and regional intercity bus and intermodal service; provided, that funds may also be used for transportation planning, design,

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permitting, acquisition of interests in land and engineering for bus and other transit projects..... \$60,000,000

**SECTION 2E. MASSACHUSETTS DEPARTMENT OF TRANSPORTATION
Office of the Secretary**

6621-2108 For the purpose of implementing sustainable transit system modernization investments and rail improvements pursuant to chapter 161A of the General Laws; provided, that funds may be used for transportation planning, design, permitting and engineering, right-of-way acquisition, acquisition of interests in land, vehicle procurement, construction, and climate change adaptation and resilience improvements, including, without limitation, construction, reconstruction, retrofitting, resilience, efficiency improvements, and modernization of stations, signals, tracks, power and electrical systems; planning, design, permitting and engineering, acquisition of interests in and rights to land, construction and reconstruction, improvement, expansion, renovation, repair, relocation, and equipping of maintenance and storage facilities, including, but not limited to, technology to support and service battery electric, hybrid and other low emission transit vehicles; and for heavy rail, light rail and bus projects which projects shall include, but shall not be limited to, the red line, orange line, green line, silver line and blue line, including feasibility and planning studies and capital support for pilot services; provided, further, that funds may be used for modernizing the bus fleet and associated infrastructure of the Massachusetts Bay Transportation Authority system, including, but not limited to, implementation of the so-called Better Bus Project; provided, further, that funds may be used for the purpose of implementing the green line transformation program including, but not limited to, planning, design, and procurement of rolling stock to improve service, reliability, enhance rider accessibility, and increase capacity; provided, further, that funds may be used for the purchase and rehabilitation of heavy equipment and other maintenance equipment; provided, further, that funds may be used for safety, accessibility and security equipment and improvements, energy efficiency, climate change adaptation and emergency preparedness, bicycle and pedestrian access improvements, and so-called “last mile” capital improvements; provided, further, that final assembly of the orange line and red line non-pilot production vehicles, as defined within the Massachusetts Bay Transportation Authority’s procurement of said vehicles, shall take place in the commonwealth; and provided further, that the Massachusetts Bay Transportation Authority in evaluating proposals for the furnishing and delivery of non-pilot production vehicles shall consider, among other criteria, the effect said proposals will have on job creation and retention in the commonwealth and how said proposals will foster economic development in the commonwealth; and provided, further, that the relative weight of all the criteria used for the selection of the red line and orange line vehicle proposals shall be determined by the Massachusetts Bay Transportation Authority..... \$3,400,000,000

6622-2137 For the purpose of implementing rail improvements pursuant to chapter 161A of the General Laws, including, but not limited to, projects that maintain the overall state of good repair and reliability of rail, subway, and bus services; provided, that funds may be expended for necessary and routine system preservation activities designed primarily to bring existing transportation assets up to an acceptable level of condition; provided, further, that funds may be used for transportation planning, design, permitting and engineering, right-of-way acquisition, acquisition of interests in land, vehicle procurement and overhaul, vehicle storage and maintenance facilities, construction, repair, and improvement of stations, parking structures, signals, track, and electrical systems associated with all commuter rail, heavy rail, light rail and bus operations; and provided,

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further, that funds may be used for the purchase and rehabilitation of heavy equipment and other maintenance equipment; and provided, further, that projects to replace or rehabilitate existing assets shall seek to substantially modernize these assets, where deemed feasible, appropriate, and cost effective \$ 300,000,000

6622-2181 For the purpose of implementing South Coast Rail improvements; provided, that not more than \$100,000,000 shall be used to mitigate the impact of the South Coast Rail project on communities in accordance with section 38 of chapter 79 of the acts of 2014; provided, that any new or existing rail station receiving South Coast Rail service shall comply with the Americans with Disabilities Act of 1990, as amended \$825,000,000

6622-2182 For the purpose of implementing the green line extension improvements; provided, that funds may be used for transportation planning, design, permitting and engineering, acquisition of interests in land, vehicle procurement, construction, construction of stations and right-of-way acquisition \$595,000,000

6622-2183 For the purpose of implementing South Station improvements and expansion, including modernization of the signal system and for modernizing the commuter rail system and commuter rail system components; provided, that funds may be expended for projects including but not limited to, planning, design, and acquisition of commuter rail passenger coaches and locomotives, infrastructure improvements, technology and equipment necessary to support new or modified commuter rail service models, safety features, and passenger enhancements; provided further that funds may be expended for capital costs associated with infrastructure and equipment to leverage innovative financing and partnership approaches; provided, further, that funds may be used for planning and feasibility studies and the capital costs of pilot projects to test new service models such as regional rail and urban rail; provided, further, that funds may be used for transportation planning, design, permitting and engineering, acquisition of rights of way and interests in land, construction and reconstruction of stations and other facilities; and provided further, that not less than \$25,000,000 shall be expended on the design and engineering of transportation improvements along the South Boston waterfront taking into consideration the recommendations of the South Boston Waterfront Transportation Plan, as amended from time to time \$400,000,000

6622-2184 For the purpose of implementing rail improvements pursuant to chapter 161C of the General Laws; provided, that funds may be used for transportation planning, design, permitting and engineering, acquisition of interests in land, vehicle procurement, construction, construction of stations and right-of-way acquisition for rail projects, including Springfield to Worcester service, Boston to Cape Cod service and Pittsfield to New York City service \$175,000,000

**SECTION 2F. MASSACHUSETTS DEPARTMENT OF TRANSPORTATION
Aeronautics Division**

6820-2117 For the airport improvement program pursuant to section 39A of chapter 90 of the General Laws, including but not limited to aeronautics safety and modernization improvements \$150,000,000

**SECTION 2G. MASSACHUSETTS DEPARTMENT OF TRANSPORTATION
Office of the Secretary**

6720-2117 For transportation planning and programming related to all modes, including but not limited to active transportation, bicycle and pedestrian travel, rail and transit, and

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automobiles and associated assets including but not limited to roads, bridges, transit facilities, shared-use paths, and bicycle and pedestrian and other multi-modal facilities essential to the provision of transportation services for system users; provided, that funds may be expended for the maintenance, improvement and expansion of shared use paths and support for multi-modal networks that may enhance mobility or promote sustainable modes of transportation across the commonwealth; provided further, that funds may be expended for the acquisition of information technologies that will support department data and asset management initiatives; provided further, that funds may be expended for compliance with federal mandates and other statutory requirements including modal studies to help establish the framework for the department to adopt policies and programs to enhance delivery of services within all modes; provided further, that funds may be expended to reduce energy usage, enhance climate change resilience, adaptation, mitigation, and support reduction of greenhouse gas emissions from transportation; provided further, that this item may be used to support and leverage municipal, quasi-public, nonprofit, and private investments; provided further, that \$100,000,000 may be used to implement the so-called bike and pedestrian plan; and provided further, that \$25,000,000 may be used for a program of matching grants to municipalities for landside water ferry terminal construction and improvement projects that leverage municipal, nonprofit, and private investments in the delivery of public water transportation services in the greater Boston region and provide feasible and cost effective reductions to roadway congestion \$475,000,000

6720-2127 For the purpose of capital costs associated with preconstruction, planning, and early action capital work for the so-called Allston Multimodal Project, including multi-modal project planning and studies, the preparation of plans and specifications, design, permitting and engineering, climate change adaptation and resilience, regional mobility planning, acquisition of interests in land, planning and siting of rail and bus stations and right-of-way acquisition purchases, maintenance facilities, procurement of equipment, development, mitigation, and implementation of information technology-related equipment, lighting, landscaping, traffic improvements, bicycle and pedestrian accessibility, and related capital projects in the Allston neighborhood of Boston \$250,000,000

SECTION 2H. EXECUTIVE OFFICE OF TECHNOLOGY SERVICES AND SECURITY

Office of the Secretary

1790-2019 For costs associated with pilot programs, planning and studies, the preparation of plans and specifications, design, development, acquisition, and implementation of information technology-related equipment, hardware, software, devices, cybersecurity, communications systems, safety and accessibility technologies, and data solutions, including, but not limited to, so-called intelligent transportation infrastructure projects for the Massachusetts department of transportation \$50,000,000

SECTION 3. Section 20 of chapter 6C of the General Laws, as appearing in the 2018 Official Edition, is hereby amended by inserting after the second paragraph the following paragraph:-

Any agreement related to any sale or lease of property may require that a developer construct, design, build, finance, operate, or maintain, or any combination thereof, transportation facilities in the state highway system, including land and air rights or any related facility or component thereof controlled by the department, so long as the department shall state in its bid documentation that such transportation facilities or related facility will be accepted or required as a part of any such development agreement. No

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further procurement or advertising requirements shall be required, except as required in this section.

SECTION 4. Section 43 of said chapter 6C of the General Laws is hereby repealed.

SECTION 5. Section 46 of said chapter 6C, as appearing in the 2018 Official Edition, is hereby amended by inserting after the first paragraph the following paragraph:-

Any agreement related to any lease of property may require that a developer construct, design, build, finance, operate, or maintain, or any combination thereof, transportation facilities in the state highway system including land and air rights or any related facility or component thereof controlled by the department, so long as the department shall state in its bid documentation that such transportation facilities or related facility will be accepted or required as a part of any such development agreement. No further procurement or advertising requirements shall be required, except as required in section 20.

SECTION 6. Section 62 of said chapter 6C, as so appearing, is hereby amended by striking out the definition for “Affected jurisdiction” and inserting in place thereof, the following definition:-

“Affected jurisdiction”, any city or town, agency, authority, public instrumentality, or other unit of government within the commonwealth which owns or in which all or part of a transportation facility is located, or any other public entity directly affected by the transportation facility.

SECTION 7. Said section 62 of said chapter 6C, as so appearing, is hereby amended by inserting after the definition of “Architectural and engineering services” the following definition:-

“Awarding Authority”, either the department, or the Massachusetts Bay Transportation Authority established by section 2 of chapter 161A.

SECTION 8. The definition of “Contract” in said section 62 of said chapter 6C, as so appearing, is hereby amended by striking out, in lines 35 and 36, the words “61 to 73, inclusive, of a transportation facility by the department” and inserting in place thereof the following words:- 62 to 72, inclusive, of a transportation facility by an awarding authority.

SECTION 9. The definition of “Contractor” in said section 62 of said chapter 6C, as so appearing, is hereby amended by striking out, in lines 41 and 42, the words “the department under sections 61 to 73” and in inserting in place thereof the following words:- an awarding authority under sections 62 to 72.

SECTION 10. Said section 62 of said chapter 6C, as so appearing, is hereby further amended by inserting after the definition of “Cooperative purchasing”, the following definition:-

“Design-build-finance”, a project delivery method in which an awarding authority enters into a single contract for design, construction, and financing.

SECTION 11. The definition of “Design-build-operate-maintain” in said section 62 of said chapter 6C, as so appearing, is hereby amended by striking out, in lines 56, 60 and 61, and 62, each time it appears, the words “the department” and inserting in place thereof the following words:- an awarding authority.

SECTION 12. The definition of “Design requirements” in said section 62 of said chapter 6C, as so appearing, is hereby amended by striking out, in line 64, the words “ 61 to 73” and inserting in place thereof, the following words:- 62 to 72.

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SECTION 13. Said definition of “Design requirements” in said section 62 of said chapter 6C, as so appearing, is hereby further amended by striking out, in line 67, the words “the department” and inserting in place thereof the following words:- an awarding authority.

SECTION 14. Said section 62 of said chapter 6C, as so appearing, is hereby further amended by striking out the definition of “Independent peer reviewer services” and inserting in place thereof, the following definition:-

“Independent peer reviewer services”, additional architectural and engineering services provided to an awarding authority in design-build-operate-maintain, design-build-finance, or design-build-finance-operate-maintain procurements to confirm that the key elements of the professional engineering and architectural design provided by the contractor are in conformance with the applicable standard of care, and which additional services may include the role of an owner’s representative to the extent applicable to the public-private agreement or otherwise deemed necessary or desirable by the awarding authority.

SECTION 15. The definition of “Maintenance” in said section 62 of said chapter 6C, as so appearing, is hereby amended by striking out, in line 84, the words “the department” and inserting in place thereof the following words:- an awarding authority.

SECTION 16. The definition of “Material default” in said section 62 of said chapter 6C, as so appearing, is hereby amended by striking out, in line 89, the words “department of the failure” and inserting in place thereof the following words:- awarding authority of the failure, in the manner provided in the public-private agreement.

SECTION 17. The definition of “Operator” in said section 62 of said chapter 6C, as so appearing, is hereby amended by striking out, in line 96, the words “61 to 73” and inserting in place thereof the following words:- 62 to 72.

SECTION 18. Said definition of “Proposal development documents” in said section 62 of said chapter 6C, as so appearing, is hereby further amended by inserting, in line 103, after the word “documents”, the following words:- and other documents received in response to a request for proposal or received in connection with an unsolicited proposal.

SECTION 19. Said section 62 of said chapter 6C, as so appearing, is hereby further amended by striking out the definition of “Public-private agreement” and inserting in place thereof the following definition:-

“Public-private agreement”, the contract between a private entity and an awarding authority that relates to the development, design, financing, construction, maintenance or operation of a transportation facility subject to, and as more particularly defined in, sections 62 to 72, inclusive.

SECTION 20. The definition of “Request for proposals” in said section 62 of said chapter 6C, as so appearing, is hereby further amended by striking out, in line 114, the following words “61 to 73” and inserting in place thereof the following words:- 62 to 72.

SECTION 21. Said section 62 of said chapter 6C, as so appearing, is hereby further amended by striking out the definitions of “Transportation facility” and “User fees” and inserting in place thereof the following 4 definitions:-

“Sole source award”, a process by which an awarding authority may enter into a public-private agreement by negotiating directly with a private entity as may be more detailed in a written procedure or regulation adopted by the awarding authority.

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“Transportation facility”, new or existing highway, road, bridge, tunnel, overpass, ferry, airport, public transportation facility, terminal facility, vehicle parking facility, seaport facility, rail facility, intermodal facility, administrative office facility or similar facility open to the public and used for or in support of the transportation of persons or goods, and any building, structure or networks of buildings, structures, pipes, controls and equipment that provide or support transportation services, including rolling stock and equipment, and any building, structure, parking area, systems, utilities, appurtenances or other property needed to operate such facility or ancillary to the use of such facility that is subject to a public-private agreement, whether publicly-owned or privately-owned.

“Unsolicited proposal”, a proposal by a private entity for a transportation facility under sections 62 to 72, inclusive, and pursuant to written procedure or regulation adopted by the awarding authority that is not submitted in response to a request for proposals.

“User fees”, the rate, toll, fee or other charges imposed by an operator or by an awarding authority for use of all or part of a transportation facility which shall be authorized to be imposed as a means of funding the costs of the transportation facility.

SECTION 22. Section 63 of said chapter 6C, as so appearing, is hereby amended by striking out subsection(a) and inserting in place thereof the following subsection:-

(a) Notwithstanding any general or special law to the contrary, except as specifically noted in sections 62 to 72, inclusive, an awarding authority may solicit proposals, receive and consider unsolicited proposals, and enter into public-private agreements approved by a vote of its governing body with that responsible and responsive proposer submitting the proposal or unsolicited proposal that is most advantageous to the awarding authority, as applicable, through the sale, lease, operation and maintenance of a transportation facility within the commonwealth; provided, however, that such proposal shall be in full compliance with all applicable requirements of federal, state and local law, including section 26 to 27H, inclusive, of chapter 149; provided further, that any such contract shall not be subject to the competitive bid requirements set forth in sections 44 to 58, inclusive, of chapter 7C, section 39M of chapter 30, or sections 44A to 44M, inclusive, of chapter 149 or the requirements of chapter 30B.

SECTION 23. Subsection(b) of said section 63 of said chapter 6C, as so appearing, is hereby amended by striking out paragraph(1) and inserting in place thereof, the following paragraph:-

(1) Except as provided in subsection(d), in selecting a private entity with which to enter into a public-private agreement either through a request for proposals or through consideration of an unsolicited proposal, an awarding authority shall utilize the following competitive sealed proposals procurement approach:

SECTION 24. Paragraph(2) of said subsection(b) of said section 63 of said chapter 6C, as so appearing, is hereby amended by striking out, in lines 25 and 26, the words “for design-build-operate-maintain and design-build-finance-operate-maintain services.”

SECTION 25. Subparagraph(C) of paragraph(2) of subsection(b) of said section 63 of said chapter 6C, as appearing, is hereby amended by striking out, in line 29, the word “department”, and inserting in place thereof the following words:- awarding authority.

SECTION 26. Paragraph(4) of said subsection(b) of said section 63 of said chapter 6C, is hereby amended by striking out, in line 45, the word “department”, and inserting in place thereof the following words:- awarding authority.

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SECTION 27. Paragraph(5) of said subsection(b) of said section 63 of said chapter 6C, is hereby amended by striking out subparagraph(B) and inserting in place thereof the following subparagraph:-

(B) Each request for proposals for design-build-finance, design-build-operate-maintain and design-build-finance-operate-maintain projects:

(i) shall state the relative importance of:(1) demonstrated compliance with the design requirements;(2) offeror qualifications;(3) financial capacity;(4) project schedule;(5) elimination of existing public debt with respect to the transportation facility;(6) lowest user charges or price over the term of the contract; and(7) other factors, if any;

(ii) shall, if the contract price is estimated to exceed \$10,000,000, if the contract period of operations and maintenance is 5 years or longer, or if circumstances established by the awarding authority, require each offeror to identify an independent peer reviewer whose competence and qualifications to provide such services shall be an additional evaluation factor in the award of the contract; and

(iii) shall not include, as an evaluation factor in the award of the contract, the amount, if any, paid by a contractor to the awarding authority for procurement using design-build-finance, design-build-operate-maintain and design-build-finance-operate-maintain.

SECTION 28. Paragraph(6) of said subsection(b) of said section 63 of said chapter 6C, as so appearing, is hereby amended by striking out, in lines 68 through 70, inclusive, the words “and under regulations issued by the department, discussions may be conducted with responsible offerors who” and inserting in place thereof the following words:- or in any guideline published by the awarding authority, discussions may be conducted with responsible offerors which.

SECTION 29. Paragraph(7) of said subsection(b) of said section 63 of said chapter 6C, as so appearing, is hereby amended by striking out, in line 81, the words “acquiring agency” and inserting in place thereof the following words:-awarding authority.

SECTION 30. Said subsection(b) of said section 63 of said chapter 6C, as so appearing, is hereby further amended by striking out paragraph(8) and inserting in place thereof the following 2 paragraphs:-

(8) Each awarding authority may provide debriefings that furnish the basis for the source selection decision and contract award.

(9) Notwithstanding any general or special law to the contrary, each awarding authority shall be authorized to enter into contracts and other agreements that provide for the design, construction, financing and turnover to such awarding authority of any transportation facility, either as a part of proposals received in accordance with sections 62 to 72, or pursuant to and as a part of any real estate disposition process conducted by such awarding authority; provided that the value of such transportation facility shall be fully documented to the satisfaction of the awarding authority in each instance.

SECTION 31. Said section 63 of said chapter 6C, as so appearing, is hereby further amended by striking out subsection(c) and inserting in place thereof the following 2 subsections:-

(c)(1) A private entity may request a review, prior to submission of a solicited proposal, by the awarding authority of information that the private entity has identified as confidential or proprietary to determine whether such information is subject to disclosure under section 10 of chapter 66 or clause Twenty-sixth of section 7 of chapter 4.

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(2) Each awarding authority shall take appropriate action to protect confidential or proprietary information that a private entity provides as part of a response to a request for proposals and that is exempt from disclosure under said section 10 of chapter 66 and said clause Twenty-sixth of said section 7 of said chapter 4.

(d) Notwithstanding subsections(a) to(c), inclusive, the awarding authority may enter into a public-private agreement through a sole source award for an unsolicited proposal when a request for proposals would reveal proprietary information contained in the unsolicited proposal. Each awarding authority shall comply with its published and publicly available procedures with respect to the evaluation and acceptance of any unsolicited proposal.

SECTION 32. Section 64 of said chapter 6C, as so appearing, is hereby amended by striking out subsection(a) and inserting in place thereof the following subsection:-

(a) The request for proposals shall contain the proposed form of contract or public-private agreement to be executed between the successful offeror and the awarding authority upon award. The awarding authority and the successful offeror shall only make non-material changes in the content and form of the public-private agreement contained in the request for proposals.

SECTION 33. Section 64 of said chapter 6C, as so appearing, is hereby amended by striking out, in lines 21 and 25, the word “department” each time it appears and inserting in place thereof the following words :- awarding authority.

SECTION 34. Section 64 of said chapter 6C, as so appearing, is hereby amended by striking out subsection(c) and inserting in place thereof, the following subsection:-

(c) Notwithstanding any general or special law to the contrary, an awarding authority shall have the authority to include any provision the awarding authority determines necessary or appropriate in a public-private agreement for transportation facilities, including but not limited to provisions relating to the following:

(1) the planning, acquisition, engineering, financing, development, design, construction, reconstruction, replacement, improvement, maintenance, management, repair, leasing or operation of a transportation facility including provisions for the replacement and relocation of utility facilities and provisions for the design, construction, financing and turnover to an awarding authority or affected jurisdiction of all or any part of a transportation facility that is related to or otherwise impacted by, but is not a part of, a public-private agreement;

(2) the term of the public-private agreement, which shall not exceed 50 years after the transportation facility is placed in full operation, subject to permitted extensions in the public-private agreement, without written approval of the governor;

(3) the type of property interest, if any, the private entity shall have in the transportation facility; provided, however, that a transportation facility developed, operated or held by a contractor under a public-private agreement shall be exempt from any and all state and local ad valorem, property and other taxes that otherwise might be applicable;

(4) a description of the actions the awarding authority may take to ensure proper maintenance of the transportation facility;

(5) the imposition, collection, and enforcement of user fees on the transportation facility by the contractor or an awarding authority if and to the extent applicable as authorized for a public-private agreement, and the basis by which such user fees shall be determined and

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modified, which user fees, notwithstanding any general or special law to the contrary, shall be authorized to be imposed by the awarding authority subject, however, to a public notification process to be determined by the awarding authority;

- (6) compliance with applicable Federal, state and local laws;
- (7) grounds for termination of the public-private agreement by the awarding authority or operator;
- (8) procedures for amendment of the agreement by mutual agreement and for changes in the agreement by written order from the awarding authority;
- (9) review and approval by the awarding authority of the operator's plans for the development and operation of the transportation facility;
- (10) inspection by the awarding authority and the independent peer reviewer of the design and construction of, or improvements to, the transportation facility;
- (11) maintenance by the operator of a policy of liability insurance or self-insurance reasonably acceptable to the awarding authority;
- (12) filing by the operator, on a periodic basis, of appropriate financial statements in a form acceptable to the awarding authority;
- (13) filing by the operator, on a periodic basis, of traffic reports, service quality standards as defined in chapter 161A, ridership reports, on time performance reports, or other reports identified by the awarding authority, in a form acceptable to the awarding authority;
- (14) financing obligations of the operator and the awarding authority;
- (15) apportionment of expenses between the operator and the awarding authority;
- (16) the rights and duties of the operator, the awarding authority, other state and local governmental entities, or affected jurisdictions with respect to use of the transportation facility;
- (17) the rights and remedies available in the event of default or delay;
- (18) the terms and conditions of indemnification of the operator by the awarding authority, as required by applicable law;
- (19) assignment, subcontracting or other delegation of responsibilities of the operator or the awarding authority under the agreement to third parties, including other private entities and other state agencies;
- (20) sale or lease to the operator of private property related to the transportation facility;
- (21) if, and how, the parties shall share costs of development of the project;
- (22) if, and how, the parties shall allocate financial responsibility for cost overruns;
- (23) liability for nonperformance;
- (24) any incentives for performance;
- (25) any accounting and auditing standards to be used to evaluate progress on the project;
- (26) the operator's plans to obtain performance and payment security, made in the awarding authority's sole discretion, and on an agreement-by-agreement basis, of what is required to adequately protect the awarding authority and adequately assure payment of persons and amounts provided for in the public-private agreement, and the operator's plans

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to require the payment of prevailing wages for labor performed on the project in accordance with sections 26 to 27H, inclusive, of said chapter 149;

(27) the operator's plans for labor harmony for the entire term of the agreement, including construction, reconstruction and capital and routine maintenance and adequate remedies to address the operator's failure to maintain labor harmony which shall include, but not be limited to, assessment of liquidated damages and contract termination;

(28) traffic enforcement and other policing issues, subject to section 71, including any reimbursement by the private entity for such services;

(29) other terms and conditions; and

(30) provisions authorizing the awarding authority to provide annual payments for performance based on the availability or quality of service of the transportation facility, provided further that the awarding authority shall ensure that annual payments on multiyear public-private agreements are prioritized ahead of newly constructed transportation facilities in the development of the capital plans of the acquiring agency and that the annual payments are subject to appropriation.

SECTION 35. Said chapter 6C, as so appearing, is hereby amended by striking out section 65 and inserting in place thereof, the following section:-

Section 65. Upon the end of the term of the public-private agreement or in the event of termination of the public-private agreement, the awarding authority and duties of the operator shall cease, except for any duties and obligations that extend beyond the termination as provided in the public-private agreement, and all the rights, title and interest in such transportation facility shall revert to the awarding authority or affected jurisdiction, as appropriate, and shall be dedicated to the awarding authority or affected jurisdiction, as appropriate, for public use.

SECTION 36. Subsection(a) of section 67 of said chapter 6C, as so appearing, is hereby amended by striking out paragraph(1) and inserting in place thereof, the following paragraph:-

(1) The awarding authority may issue and sell bonds or notes, certificates of participation and may execute other documents evidencing indebtedness for the purpose of providing funds to carry out sections 62 to 72, inclusive, with respect to the development, financing or operation of a transportation facility or the refunding of any bonds or notes, together with any costs associated with the transaction and the establishment of reserves. The bonds, certificates of participation or notes or other evidences of indebtedness may be sold on a negotiated or competitive basis. Interest on the bonds, certificates of participation or notes or other evidence of indebtedness may be established on a fixed or floating basis.

SECTION 37. Subparagraph(A) of paragraph(2) of said subsection(a) of said section 67 of said chapter 6C, as so appearing, is hereby amended by striking out the word "department" and inserting in place thereof the following words:- awarding authority.

SECTION 38. Subparagraph(B) of said paragraph(2) of said subsection(a) of said section 67 of said chapter 6C, as so appearing, is hereby amended by inserting after the word "constitution" the following words:- or any statute or regulation.

SECTION 39. Subparagraph(C) of said paragraph(2) of said subsection(a) of said section 67 of said chapter 6C, as so appearing, is hereby amended by striking out clause(i) and inserting in place thereof the following clause:-

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(i) the revenues from a lease of the facilities to be financed or other facilities to the awarding authority, if any, or payments to be made by the awarding authority to a private operator;

SECTION 40. Subparagraph(C) of said paragraph(2) of said subsection(a) of said section 67 of said chapter 6C, as so appearing, is hereby further amended by striking out clause(iv) and inserting in place thereof the following clause:-

(iv) other funds or assets available to the awarding authority for such purpose.

SECTION 41. Subsection(b) of section 67 of said chapter 6C, as so appearing, is hereby amended by striking out paragraph(1) and inserting in place thereof the following paragraph:-

(1) For the purpose of financing or refinancing a transportation facility, the awarding authority and operator may apply for, obtain, issue and use the proceeds of private activity bonds or enter into a loan or line of credit agreement available under any Federal law or program. Each awarding authority is authorized to enter into loan or financing agreements with the private operator with respect to such proceeds.

SECTION 42. Paragraph(2) of subsection(b) of section 67 of said chapter 6C, as so appearing, is hereby amended by striking out, in line 21, the figure "73" and inserting in place thereof the following figure:- 72.

SECTION 43. Said section 67 of said chapter 6C, as so appearing, is hereby further amended by adding the following 2 subsections:-

(d) The validity of any bonds, certificates of participation or notes or other evidence of indebtedness issued under this section shall not be affected by any proceedings or actions related to the authorization or implementation of the project financed by the bonds, certificates of participation or notes or other evidence of indebtedness.

(e) Any bonds, certificates of participation or notes or other evidence of indebtedness issued under this section shall at all times be free from taxation of every kind by the state and by all political subdivisions of the commonwealth.

SECTION 44. Said chapter 6C, as so appearing, is hereby further amended by striking out section 68 and inserting in place thereof the following section:-

Section 68.(a)(1) Each awarding authority may accept from the United States or any of its agencies funds that are available to the awarding authority or commonwealth for carrying out sections 62 to 72, inclusive, whether the funds are made available by grant, loan or other financial assistance.

(2) Each awarding authority may enter into agreements or other arrangements with the United States or any of its agencies as may be necessary for carrying out the purposes of sections 62 to 72, inclusive.

(b) Each awarding authority may accept from any source any grant, donation, gift or other form of conveyance of land, money, other real or personal property or other item of value made to the commonwealth or the awarding authority for carrying out the purpose of sections 62 to 72, inclusive.

(c) Any transportation facility may be financed in whole or in part by contribution of any funds or property made by any private entity, awarding authority, or affected jurisdiction that is party to a public-private agreement under sections 62 to 72, inclusive.

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(d) An awarding authority may combine federal, state, local and private funds to finance a transportation facility under sections 57 to 70, inclusive.

SECTION 45. Section 69 of said chapter 6C, as so appearing, is hereby amended by striking out, in lines 5 and 8, the word “department” each time it appears, and inserting in place thereof the following words:- awarding authority.

SECTION 46. Section 70 of said chapter 6C, as so appearing, is hereby amended by striking out, in line 1, the words “The department” and inserting in place thereof the following words:- Each awarding authority.

SECTION 47. Section 72 of said chapter 6C, as so appearing, is hereby amended by striking out, in line 1, the figure “73” and inserting in place thereof the following figure:- 72

SECTION 48. Section 73 of said chapter 6C of the General Laws is hereby repealed.

SECTION 49. Section 44 of chapter 7C of the General Laws, as appearing in the 2018 Official Edition, is hereby amended by striking out, in lines 1 and 11, the figure “58”, each time it appears and inserting in place thereof the following figure:- 57.

SECTION 50. Section 46 of said chapter 7C, as so appearing, is hereby amended by striking out, in line 21, the figure “58” and inserting in place thereof the following figure:- 57.

SECTION 51. Section 51 of said chapter 7C, as so appearing, is hereby amended by striking out, in line 29, the figure “58” and inserting in place thereof the following figure:- 57.

SECTION 52. Section 54 of said chapter 7C, as so appearing, is hereby amended by striking out, in lines 8 and 30, the figure “58”, each time it appears, and inserting in place thereof the following figure:- 57.

SECTION 53. Section 56 of said chapter 7C, as so appearing, is hereby amended by striking out, in line 4, the figure “58” and inserting in place thereof the following figure:- 57.

SECTION 54. Section 57 of said chapter 7C, as so appearing, is hereby amended by striking out, in line 3, the figure “58” and inserting in place thereof the following figure:- 57.

SECTION 55. Subsection(a) of section 39M of chapter 30 of the General Laws, as so appearing, is hereby amended by inserting, in line 22, after the word “price;” the following words:- , provided, however the maximum contract value in this paragraph shall be \$100,000 for contracts by the Massachusetts Department of Transportation established by section 2 of chapter 6C or the Massachusetts Bay Transportation Authority established by section 2 of chapter 161A.

SECTION 56. Said subsection(a) of said section 39M of said chapter 30, as so appearing, is hereby further amended by inserting, in line 63, after the words “than \$50,000,” the following words:- or, in the case of the Massachusetts Department of Transportation established by section 2 of chapter 6C or the Massachusetts Bay Transportation Authority established by section 2 of chapter 161A, more than \$100,000,.

SECTION 57. The definition of “Code” in section 1 of chapter 62 of the General Laws, as so appearing, is hereby amended by inserting after the figure “106,” the following figure:- 132(f),.

SECTION 58. Chapter 62B of the General Laws is hereby amended by adding the following section:-

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Section 22. (1) An employer that implements a program enabling employees that currently work from the employer's office or other physical facility located in the commonwealth to telecommute shall be allowed a credit against amounts withheld from wages by this chapter for the calendar year to the extent that the credit is authorized for that employer by the department of transportation. For the purposes of this section, "telecommute" or "telecommuting" means the performance by an employee, who is a Massachusetts resident, of normal and regular work functions during the Monday through Friday workweek at a location different from the employer's office or other physical facility located in the commonwealth and that is within or closer to the employee's residence. The department of transportation shall award the credit based on (i) the number of the employer's employees that begin telecommuting on or after January 1 2020; (ii) the effectiveness and impact of the employer's telecommuting program; and (iii) other standards developed by the department of transportation. The credit shall not exceed \$2,000 per participating employee for the calendar year. An employer may claim the credit on the returns due under this chapter over the course of a calendar year in a form and manner determined by the commissioner.

(2) An employer granted a credit under this section shall maintain records sufficient to demonstrate the number of its employees telecommuting pursuant to the program that generated the credit.

(3) The department of transportation, in consultation with the commissioner, shall promulgate regulations necessary to implement the credit, including provisions establishing an application process for employers.

(4) The secretary of transportation in writing shall authorize tax credits pursuant to this section. The total amount of credits that may be authorized in a calendar year pursuant to this section shall not exceed \$50,000,000. No credits shall be allowed under this section except to the extent authorized by the department of transportation. The commissioner shall adopt regulations for the administration of the tax credits. The department of transportation shall provide the commissioner with the documentation that the commissioner deems necessary to confirm compliance with the annual cap.

(5) This section shall be effective for tax years beginning before January 1, 2030, but credits allowed pursuant to this section may be carried forward after January 1, 2030.

SECTION 59. Subsection (b) of section 21 of chapter 62C of the General Laws, as appearing in the 2018 Official Edition, is hereby amended by inserting the following paragraph:-

(32) the disclosure of information to the department of transportation necessary for the administration of the credit provided in section 22 of chapter 62B.

SECTION 60. Chapter 89 of the General Laws, as so appearing, is hereby further amended by inserting after section 7C the following section:-

Section 7D. The operator of any vehicle involved in a crash in a travel lane on a public way resulting only in property damage shall immediately move or cause the vehicle to be moved to a safe area on the shoulder, emergency lane, or median, or to a place otherwise removed from the roadway when such moving of a vehicle can be done safely and the vehicle is capable of being operated under its own power, without further damage to property or injury to any person.

Whenever any state or local public or law enforcement agency determines that an emergency is caused by the immobilization of any vehicle in a travel lane on a public way,

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such agencies and those acting at their direction or request, shall have authority to move the immobilized vehicle.

Such agencies and their officers, employees, agents or contractors shall not be held responsible for any damages that may be incurred to the immobilized vehicle, its contents, or surrounding area caused by the emergency measures employed to move the vehicle for the purpose of clearing the travel lane or public way.

Violation of this section shall be punished by a fine of not more than \$100.

SECTION 61. Section 7E of chapter 90 of the General Laws, as so appearing, is hereby amended by inserting, in line 68, after the word “registrar”, the following words: - , (vii) a vehicle, or equipment owned or used by the Massachusetts Department of Transportation established by section 2 of chapter 6C, in connection with maintenance or construction activities in highway work zones, and only by the authority of a permit issued by the registrar, .

SECTION 62. Section 14 of chapter 149A of the General Laws, as so appearing, is hereby amended by striking out, in lines 3 and 4, the words “and estimated by the awarding authority to cost not less than \$5,000,000”.

SECTION 63. Section 15 of said chapter 149A, as so appearing, is hereby amended by striking out, in line 1, the words “1 to 8” and inserting in place thereof the following words: - 14 to 21.

SECTION 64. Said section 15 of said chapter 149A is hereby further amended by striking out the definition of “Building project”.

SECTION 65. The definition of “Design professional” in said section 15 of said chapter 149A is hereby amended by striking out the words “38A ½ of chapter 7” and inserting in place thereof the following words: - 44 of chapter 7C.

SECTION 66. Said section 15 of said chapter 149A is hereby further amended by striking out the definition of “Public works project” and inserting in place thereof the following definition: -

“Public works project”, a project subject to section 39M of chapter 30. The term “public works project” shall include buildings related to the public works project.

SECTION 67. Subsection(a) of section 16 of said chapter 149A is hereby amended by striking out paragraphs(4) and(5) and inserting in place thereof the following paragraph: -

(4) The awarding authority has determined that the use of design build is appropriate for the public works project and states in writing the reasons for the determination.

SECTION 68. Subsection(d) of said section 16 of said chapter 149A is hereby amended by striking out, in lines 40 and 41, the words “highway department” and inserting in place thereof the following words: - Department of Transportation.

SECTION 69. Said subsection(d) of said section 16 of said chapter 149A is hereby further amended by striking out, in line 47, the words “1 to 10” and inserting in place thereof the following words: - 14 to 21.

SECTION 70. Said subsection(d) of said section 16 of said chapter 149A is hereby further amended by striking out, in line 50, the word “building” and inserting in place thereof the following words: - public works.

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SECTION 71. Subsection(e) of said section 16 of said chapter 149A is hereby amended by striking out, in line 63, the word “A” and inserting in place thereof the following word:- An.

SECTION 72. Paragraph(2) of subsection(c) of section 17 of said chapter 149A, as so appearing, is hereby amended by striking out, in lines 41 and 42, the words “public project record” and inserting in place thereof the following words:- a public project.

SECTION 73. Subsection(d) of said section 17 of said chapter 149A, as so appearing, is hereby amended by inserting, in line 52, after the words “experience in”, the following words:- or knowledge of.

SECTION 74. Paragraph(1) of subsection(d) of said section 17 of said chapter 149A, as so appearing, is hereby amended by inserting, in line 61, after the words “each response as”, the following words:- highly advantageous,.

SECTION 75. Paragraph(2) of said subsection(d) of said section 17 of said chapter 149A, as so appearing, is hereby amended by striking out, in line 64, the words “proposal using said ratings as” and inserting in place thereof the following words:- response using said ratings as highly advantageous,.

SECTION 76. Section 18 of said chapter 149A, as so appearing, is amended by striking out the first paragraph and inserting in place thereof the following paragraph:-

Before issuing an RFQ pursuant to section 17, the awarding authority shall retain for the duration of the 2 phase selection process a design professional to provide technical advice and professional expertise to the awarding authority; but, in retaining the services of a design professional the awarding authority may utilize the services of a design professional already in the employ of the awarding authority, or if the awarding authority does not already have in its employ the design professional, the awarding authority shall procure the services of a design professional pursuant to the applicable procurement law for design services for public works projects.

SECTION 77. Said section 18 of said chapter 149A, is hereby further amended by striking out, in line 28, the words “section 4” and inserting in place thereof the following words:-said section 17.

SECTION 78. The third paragraph of said section 18 of said chapter 149A, as so appearing, is hereby amended by striking out third sentence and inserting in place thereof the following sentence:- The awarding authority may, at its sole discretion, incorporate written comments received from design build entities within the final RFP and may provide to design build entities eligible to submit a proposal the final RFP pursuant to section 19.

SECTION 79. Section 19 of said chapter 149A, as so appearing, is hereby amended by striking out, in line 2, the words “has been prequalified” and inserting in place thereof the following words:- is eligible.

SECTION 80. Paragraph(3) of said section 19 of said chapter 149A, as so appearing, is hereby amended by striking out, in line 15, the word “cost”.

SECTION 81. Said section 19 of said chapter 149A, as so appearing, is hereby further amended by striking out paragraph(4) and inserting in place thereof the following paragraph:-

(4) At the awarding authority’s discretion, the RFP may provide for a process for the submittal and review of alternative technical concepts to the technical requirements of the RFP, prior to the full technical proposal submittal. Alternative technical concepts must

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provide solutions that are equal to or better than the technical requirements in the RFP, and must be consistent with the standards set forth in the RFP. Only approved alternative technical concepts may be included in the full technical proposal submittal.

SECTION 82. Subsection(a) of section 20 of said chapter 149A, as so appearing, is hereby amended by striking out the last sentence and inserting in place thereof the following sentence:- The awarding authority may enter into good faith, non-fee negotiations of the design-build contract with the responsible proposer that submits an acceptable proposal with the lowest price.

SECTION 83. Paragraph(2) of subsection(b) of said section 20 of said chapter 149A, as so appearing, is hereby amended by striking out the third and fourth sentences and inserting in place thereof the following 2 sentences:- The awarding authority may enter into good faith negotiations with the responsible proposer with the lowest price per quality score point or the best value score using the alternative objective formula. In the event that two or more proposers have the same score, the awarding authority may award the contract to the responsible proposer who submitted the lowest price.

SECTION 84. Subsection(c) of said section 20 of said chapter 149A, as so appearing, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- The awarding authority shall enter into a design build contract with the selected design build entity.

SECTION 85. Section 21 of said chapter 149A, as so appearing, is hereby amended by striking out, in line 9, the figure "4" and inserting in place thereof the following figure:-16.

SECTION 86. Section 2 of chapter 161A of the General Laws, as appearing in the 2018 Official Edition, is hereby amended by adding the following sentence:- Notwithstanding any general or special law to the contrary, no person shall acquire any rights by prescription or adverse possession in any lands or rights in lands held in the name of the authority, and no person shall accrue any rights by prescription or adverse possession in any such lands or rights in land for the time period during which such lands or rights in land are or were held in the name of the authority.

SECTION 87. Subsection(f) of section 3 of said chapter 161A, as so appearing, is hereby amended by striking out, in line 45, the word "or".

SECTION 88. Said subsection(f) of said section 3 of said chapter 161A is hereby further amended by inserting, after the word "authority", in line 48, the following words:- ; or(v) for the utilization of alternative procurement methods to procure and enter into contracts for the engineering, designing, building, financing, operation, and maintenance of infrastructure, technology and services, or any combination of the foregoing; provided that such procurement process includes a procedure to solicit and award a contract for any of the foregoing purposes on the basis of a best-value selection process.

SECTION 89. Clause(ii) of subsection(c) of section 5 of said chapter 161A, as so appearing, is hereby amended by adding the following sentence:- Any agreement related to any concession or lease of property may require that the developer construct, design, build, finance, operate, and maintain, or any combination thereof, mass transportation facilities or any related facility or component thereof for the authority, so long as the authority shall state in its bid documentation that such mass transportation facilities or related facility or component thereof will be accepted or required as a part of any such agreement. No further procurement or advertising requirements shall be required, except as required by subsection(b) and this subsection.

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SECTION 90. The second paragraph of section 2 of chapter 134 of the acts of 1971, as most recently amended by section 38B of chapter 120 of the acts of 2009, is hereby further amended by adding the following 4 sentences:-

Any failure to provide necessary flag protection shall be subject to a fine of not more than \$3,500 per day payable to the department, which shall become due 30 days after receipt of notice, unless an adjudicatory hearing is requested prior to the expiration of the 30 days. Following an adjudicatory hearing, the secretary of transportation shall make a final decision and shall provide notice to all parties. The final decision shall take effect within 30 days, unless an appeal is taken under section 14 of chapter 30A prior to the expiration of the 30 days. The superior court shall have jurisdiction, upon petition of the department, to enforce the provisions of this section.

SECTION 91. The first paragraph of section 7 of chapter 233 of the acts of 2008 is hereby amended by striking out the figure “2027” and inserting in place thereof the following figure:- 2039

SECTION 92. Section 8 of said chapter 233 is hereby amended by striking out the figure “2046” and inserting in place thereof the following figure:- 2054.

SECTION 93. Section 20 of chapter 79 of the acts of 2014 is hereby amended by striking out the figure “2049” in both places where it appears and inserting in place thereof the following figure:- 2054.

SECTION 94. Section 24 of said chapter 79 is hereby amended by striking out the words “bridge projects of the Massachusetts Department of Transportation and the Massachusetts Bay Transportation Authority” and inserting in place thereof the following words:- bridge projects of the Massachusetts Department of Transportation, the Massachusetts Bay Transportation Authority or municipalities.

SECTION 95. Notwithstanding any provision of section 2E of this act, chapter 79 of the acts of 2014, or any other general or special law to the contrary, the Massachusetts Bay Transportation Authority may, upon the joint direction of the secretaries of administration and finance and the Massachusetts Department of Transportation, expend any previously unexpended portion of any of the amount under any item of section 2C or section 2F of said chapter 79 or of section 2E of this act for the purposes authorized by any other item of said section 2C or section 2F of said chapter 79 or of said section 2E of this act; provided, however, that the aggregate amount expended under said section 2E and said section 2C or section 2F of said chapter 79, shall not exceed \$6,700,000,000.

SECTION 96. Notwithstanding any general or special law to the contrary, as used in this section, the following words shall have the following meanings:-

“Best value”, the highest overall value to the awarding authority, considering quality and cost.

“Department”, the Massachusetts Department of Transportation established by section 2 of chapter 6C of the General Laws.

“Job order”, an agreed upon fixed-price order issued by the department or by the MBTA to a contractor pursuant to a job order contract, for the contractor’s performance of a specific construction, reconstruction, alteration, remodeling or repair project of a public work consisting solely of tasks, materials and equipment selected from those specified and priced in that job order contract.

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“Job order contract”, a contract for the performance of construction, reconstruction, alteration, remodeling or repair of a public work, or a subset thereof:(1) that is limited to a specified term;(2) in which the contract specifications consist of technical descriptions of various tasks, materials and equipment at stated unit prices but do not specify the specific projects to be performed by the contractor;(3) which contains a fixed contractor’s adjustment factor applied to the unit prices stated in the specifications; and(4) in accordance with which, the department and the MBTA may enter into fixed price job orders with the contractor for the performance of specific projects, consisting solely of combinations of the tasks, materials and equipment specified in the contract, at the unit prices specified therein multiplied by the contractor’s adjustment factor.

“Maintenance”, includes routine operation, routine maintenance, routine repair, rehabilitation, capital maintenance, maintenance replacement and any other categories of maintenance that may be designated by the department.

“MBTA”, the Massachusetts Bay Transportation Authority established by section 2 of chapter 161A of the General Laws.

(a) Notwithstanding section 44A of chapter 149 of the General Laws, to the extent applicable, and section 39M of chapter 30 of the General Laws or any other general or special law to the contrary, the department and the MBTA may establish programs for the use of job order contracts.

As part of the programs, the department and the MBTA may procure job order contracts for services related to the creation and use of job order contracts including, without limitation the creation of task descriptions, specifications and unit prices for use in job order contracts, and training and other services related to such contracts.

Job orders shall be estimated to cost not more than \$500,000 each. The job order contract shall be procured through a best value selection process except that:(i) the amount of the bid deposit shall be \$5,000;(ii) contractors who are awarded job orders under any job order contract shall be eligible for the category of work specified in the contract;(iii) the amounts of surety bonds required by the contract may be satisfied with respect to each particular job order before the commencement of any work under that job order; and(iv) multiple job order contracts may be awarded under a single procurement.

(b)(1) The department and the MBTA may procure job order contracts for projects that:(i) improve access to places of public accommodation listed in section 92A of chapter 272 of the General Laws; or(ii) remove barriers and create or improve accessible features for both physical and programmatic access necessary for compliance with the law, including for compliance with title II of the Americans with Disabilities Act of 1990 and the laws of the commonwealth.

(2) These contracts shall be limited to job orders estimated to cost not more than \$1,000,000 each and shall be procured through the procedures specified in section 39M of chapter 30 of the General Laws except that:(i) the amount of the bid deposit shall be \$5,000;(ii) contractors who are awarded job orders under any job order contract shall be certified by the division for the category of work specified in the contract; and(iii) the amounts of surety bonds required by the contract may be satisfied with respect to each particular job order before the commencement of any work under that job order. The department and the MBTA shall award a job order contract to the eligible and responsible bidder who offers the lowest mark-up over the base unit prices specified in the contract specifications.

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SECTION 97. Notwithstanding the first sentence of subsection(a) of section 39M of chapter 30 of the General Laws, a transportation or public works project subject to award under said section 39M of said chapter 30 by a department, agency or authority of the commonwealth that is expected to interfere with the movement of traffic or the traveling public may, in the discretion of the awarding authority, be procured through a bidding method that awards the project to the responsible and eligible bidder with the lowest bid value after taking into account the amount of time that the bidder has identified in the bid for completion of the project, hereinafter referred to as cost-plus-time bidding; provided, however, that such awarding authority may reject any bid if it is in the public interest to do so.

In utilizing a cost-plus-time bidding procurement method, the awarding authority shall use a cost parameter A and a time parameter B to determine a bid value. The cost parameter A shall be the traditional bid for the contract items and shall be the dollar amount for the work to be performed under the contract. The time parameter B shall be the total number of calendar days required to complete the project, as estimated by the bidder, multiplied by an agency-determined daily road user cost hereinafter referred to as RUC to translate time into dollars. The total bid value, which shall be clearly detailed in the bid documents, shall equal $A + B(\text{RUC})$. The total bid value shall be used only to evaluate bids. The winning bid, which shall be calculated at a public bid opening at a time and location designated in the bid documents, shall be the lowest total bid value submitted by a responsible and eligible bidder. The contract amount for payment purposes shall be based on the bid price A, not the total bid value. The number of days bid B shall become the contract time. For purposes of this section, “responsible and eligible bidder” shall be defined pursuant to the criteria in subsection(c) of section 39M of chapter 30; provided, however, that the reference to “lowest” in said subsection(c) of said section 39M of said chapter 30 shall mean “lowest total bid value” as provided in this section.

The provisions of the General Laws generally applicable to public works projects including, but not limited to, sections 26, 27, 27A, 27B, 27C, 27D, 27F and 34A of chapter 149 of the General Laws and sections 39F, 39G, 39H, 39J, 39K, 39M except the first sentence of subsection(a), 39N, 39O, 39P and 39R of chapter 30 shall apply to all public works projects using the cost-plus-time bidding procurement method provided in this section.

SECTION 98. Notwithstanding the provisions of any general or special law to the contrary, the personnel administrator shall create the following new positions within the state classification to be used only at the Massachusetts Department of Transportation and which shall be exempt from the provisions of chapter 31 of the General Laws:

- Highway Maintenance Worker I
- Highway Maintenance Worker II
- Highway Maintenance Worker III
- Facilities & Operations Supervisor
- Facilities Maintenance Technician I
- Facilities Maintenance Technician II
- Highway Maintenance Supervisor
- Special Project Worker
- Foreman of Special Projects

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Foreman of Facilities Maintenance

Foreman of Sign Maintenance

Motor Equipment Mechanic Supervisor

Veterans, as defined in clause 43 of section 7 of chapter 4 of the General Laws shall be given preference by Massachusetts Department of Transportation for these positions.

Furthermore, any person who holds permanent civil service status in a Labor Service position at the Massachusetts Department of Transportation on the effective date of this act who is transferred, reassigned or promoted into an exempt position shall not be discharged except as provided by in sections 41 through 45, inclusive, of chapter 31 of the General Laws.

SECTION 99. To meet any or all 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, \$1,120,000,000. All bonds issued by the commonwealth pursuant to this section shall be designated on their face, Commonwealth Transportation Improvement Act of 2019, and shall be issued for a maximum term of years, not exceeding 30 years, as the governor may recommend to the general court pursuant to section 3 of Article LXII of the Amendments to the Constitution. All such bonds shall be payable not later than June 30, 2059. All interest and payments on account of principal on these obligations shall be payable from the General Fund or the Commonwealth Transportation Fund.

SECTION 100. To meet any or all expenditures necessary in carrying out sections 2A to 2B inclusive, 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, \$3,740,000,000. All bonds issued by the commonwealth pursuant to this section shall be designated on their face, Commonwealth Transportation Improvement Act of 2019, and shall be issued for a maximum term of years, not exceeding 30 years, as the governor may recommend to the general court pursuant to section 3 of Article LXII of the Amendments to the Constitution. All such bonds shall be payable not later than June 30, 2059. All interest and payments on account of principal on these obligations shall be payable from the General Fund or the Commonwealth Transportation Fund.

SECTION 101. Notwithstanding any general or special law to the contrary and to meet a portion of the expenditures necessary in carrying out section 2C, the state treasurer shall, upon request of the governor, issue and sell federal grant anticipation notes of the commonwealth in an amount to be specified by the governor from time to time but not exceeding, in the aggregate, \$1,250,000,000. Notes issued under this section shall be in addition to those notes previously issued under section 9 of chapter 11 of the acts of 1997, section 7 of chapter 233 of the acts of 2008, and under section 53A of chapter 29 of the General Laws to refund, in part, such previously issued notes. Notes issued under this section and the interest thereon shall be special obligations of the commonwealth secured by the Federal Highway Grant Anticipation Note Trust Fund established in section 10 of said chapter 11 of the acts of 1997. Sections 10, 10A and 10B of said chapter 11 shall apply to the notes issued under this section in the same manner and with the same effect as set forth in said sections 10, 10A and 10B with respect to the notes previously issued under section 9 of said chapter 11 and section 53A of chapter 29 of the General Laws, except as otherwise provided in a trust agreement pertaining to the notes authorized under this section; provided, however, that any pledge of federal highway construction funds and

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other funds to secure the notes issued under this section may be subordinate to such prior pledged funds. The notes shall not be included in the computation of outstanding bonds for purposes of the limit imposed by the second paragraph of section 60A of chapter 29 of the General Laws, nor shall debt service with respect to such bonds be included in the computation of the limit imposed by section 60B of said chapter 29.

The notes authorized under this section shall be designated on their face, Next Generation Bridge Improvement Act of 2019, and shall be issued and may be renewed for such maximum terms of years, not exceeding 20 years, as the governor may recommend to the general court in accordance with Section 3 of Article LXII of the Amendments to the Constitution of the commonwealth; provided, however, that the final maturity of such notes, whether original or renewal, shall be not later than June 30, 2049.

A trust agreement entered into with respect to notes authorized under this section shall be considered to be a trust agreement under section 10B of chapter 11 of the acts of 1997. The principal or purchase price of, redemption premium, if any, and interest on notes issued hereunder, fees and expenses related to those notes, deposits to reserves, if any, under such trust agreement or such credit enhancement agreement and any reimbursement amounts shall be considered to be trust agreement obligations for purposes of sections 10A and 10B of said chapter 11.

Notwithstanding any general or special law to the contrary, the commonwealth shall covenant with the purchasers and all subsequent owners and transferees of any notes issued under this section that while any note shall remain outstanding and any trust agreement obligation remains unpaid, federal highway construction trust funds shall not be diverted from the purposes identified in said section 10B of said chapter 11, except as provided in the trust agreement or credit enhancement agreement relating thereto, nor shall the trusts with which they are impressed be broken, and the pledge and dedication in trust of these funds shall continue unimpaired and unabrogated.

Notwithstanding any general or special law to the contrary, the trust and the Federal Highway Grant Anticipation Note Trust Fund, each established in accordance with section 10 of said chapter 11, shall terminate on the date of the final payment or defeasance in full by the commonwealth of all trust agreement obligations under said section 10 and this section.

SECTION 102. To meet the expenditures necessary in carrying out section 2D, 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, \$790,000,000. All bonds issued by the commonwealth pursuant to this section shall be designated on their face, Commonwealth Transportation Improvement Act of 2019, and shall be issued for a maximum term of years, not exceeding 20 years, as the governor may recommend to the general court pursuant to section 3 of Article LXII of the Amendments to the Constitution. All such bonds shall be payable not later than June 30, 2049. All interest and payments on account of principal on these obligations shall be payable from the General Fund or the Commonwealth Transportation Fund.

SECTION 103. To meet the expenditures necessary in carrying out section 2E, 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, \$5,695,000,000. All bonds issued by the commonwealth under this section shall be designated on their face, Commonwealth Transportation Improvement Act of 2019, 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

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Constitution. All such bonds shall be payable not later than June 30, 2059. Bonds and interest thereon issued under this section shall be general obligations of the commonwealth; provided, however, that any bonds issued by the state treasurer under this section shall, upon the request of the governor, be issued as special obligation bonds pursuant to section 20 of chapter 29 of the General Laws; provided further, that in deciding whether to request the issuance of particular bonds as special obligations, the governor shall take into account: (1) generally prevailing financial market conditions; (2) the impact of each approach on the overall capital financing plans and needs of the commonwealth; (3) any ratings assigned to outstanding bonds of the commonwealth and any ratings expected to be assigned by any nationally-recognized credit rating agency to the bonds proposed to be issued; and (4) any applicable provisions of a trust agreement or credit enhancement agreement entered into pursuant to said section 20 of said chapter 29. All special obligation revenue bonds issued pursuant to this section shall be designated on their face, Commonwealth Rail Enhancement Act of 2019, and shall be issued for a maximum term of years, not exceeding 30 years, as the governor may recommend to the general court pursuant to section 3 of Article LXII of the Amendments to the Constitution; provided, however, that all such bonds shall be payable not later than June 30, 2059. All interest and payments on account of these obligations shall be payable from the Commonwealth Transportation Fund and shall be payable solely in accordance with said section 20 of said chapter 29, and such bonds shall not be included in the computation of outstanding bonds for purposes of the limit imposed by the second paragraph of section 60A of chapter 29 of the General Laws, nor shall debt service with respect to such bonds be included in the computation of the limit imposed by section 60B of said chapter 29.

SECTION 104. To meet the expenditures necessary in carrying out section 2F, 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, \$150,000,000. All bonds issued by the commonwealth pursuant to this section shall be designated on their face, Commonwealth Transportation Improvement Act of 2019, and shall be issued for a maximum term of years, not exceeding 20 years, as the governor may recommend to the general court pursuant to section 3 of Article LXII of the Amendments to the Constitution. All such bonds shall be payable not later than June 30, 2049. All interest and payments on account of principal on these obligations shall be payable from the General Fund or the Commonwealth Transportation Fund.

SECTION 105. To meet the expenditures necessary in carrying out section 2G, 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, \$725,000,000. All bonds issued by the commonwealth pursuant to this section shall be designated on their face, Commonwealth Transportation Improvement Act of 2019, and shall be issued for a maximum term of years, not exceeding 10 years, as the governor may recommend to the general court pursuant to section 3 of Article LXII of the Amendments to the Constitution. All such bonds shall be payable not later than June 30, 2039. All interest and payments on account of principal on these obligations shall be payable from the General Fund or the Commonwealth Transportation Fund.

SECTION 106. To meet the expenditures necessary in carrying out section 2H, 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, \$50,000,000. All bonds issued by the commonwealth pursuant to this section shall be designated on their face, Commonwealth Transportation Improvement Act of 2019,

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and shall be issued for a maximum term of years, not exceeding 5 years, as the governor may recommend to the general court pursuant to section 3 of Article LXII of the Amendments to the Constitution. All such bonds shall be payable not later than June 30, 2034. All interest and payments on account of principal on these obligations shall be payable from the General Fund or the Commonwealth Transportation Fund. Bonds and interest thereon issued pursuant to this section shall be general obligations of the commonwealth.

SECTION 107. Notwithstanding any general or special law to the contrary, bonds and interest thereon issued under sections 99, 100, 102, 104, and 105 of this act shall be general obligations of the commonwealth; provided, however, that any bonds issued by the state treasurer under said sections 99, 100, 102, 104, and 105 shall, upon the request of the governor, be issued as special obligation bonds pursuant to section 20 of chapter 29 of the General Laws; provided further, that in deciding whether to request the issuance of particular bonds as special obligations, the governor shall take into account:(1) generally prevailing financial market conditions;(2) the impact of each approach on the overall capital financing plans and needs of the commonwealth;(3) any ratings assigned to outstanding bonds of the commonwealth and any ratings expected to be assigned by any nationally-recognized credit rating agency to the bonds proposed to be issued; and(4) any applicable provisions of a trust agreement or credit enhancement agreement entered into pursuant to said section 20 of said chapter 29. All interest and payments on account of obligations issued under this section as special obligation bonds pursuant to said section 20 of said chapter 29 shall be payable from the Commonwealth Transportation Fund solely in accordance with said section 20 of said chapter 29, and such bonds shall not be included in the computation of outstanding bonds for purposes of the limit imposed by the second paragraph of section 60A of chapter 29 of the General Laws, nor shall debt service with respect to such bonds be included in the computation of the limit imposed by section 60B of said chapter 29.

SECTION 108. Notwithstanding any provision of sections 101 or 103 of this act to the contrary, the state treasurer shall, upon the request of the governor:(a) issue any portion of the amount authorized to be issued as federal grant anticipation notes under said section 101 as special obligation bonds in addition to the amount authorized in said section 103 and otherwise pursuant to said section 103; or(b) issue any portion of the amount authorized to be issued as special obligation bonds under said section 103 as federal grant anticipation notes in addition to the amount authorized in said section 101 and otherwise pursuant to said section 101; provided, however, that the aggregate amount issued under said sections 101, 103 and this section shall not exceed \$6,945,000,000; and provided further, that no bonds shall be issued under this section unless the governor determines that issuing bonds or notes under this section instead of as authorized under said sections 101 or 103, as applicable, is necessary or is in the best financial interests of the commonwealth based on their consideration of:(i) the commonwealth's authority under federal law to issue federal grant anticipation notes pursuant to said section 101;(ii) generally prevailing financial market conditions;(iii) the impact of each financing approach on the overall capital financing plans and needs of the commonwealth;(iv) any ratings assigned to outstanding bonds of the commonwealth and any ratings expected to be assigned by any nationally-recognized credit rating agency to the bonds or notes proposed to be issued; and(v) any applicable provisions of chapter 29 of the General Laws.

SECTION 109. Notwithstanding any general or special law to the contrary, capital appropriations made pursuant to section 2 and sections 2A to 2H, inclusive, shall be

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available for expenditure in the 10 fiscal years following June 30 of the calendar year in which the appropriation is made and any portion of such appropriation representing encumbrances outstanding on the records of the comptroller's office at the close of the tenth fiscal year may be applied to the payment thereof any time thereafter. The unencumbered balance shall revert to the commonwealth at the close of the tenth fiscal year.

SECTION 110. Notwithstanding any general or special law to the contrary, in carrying out this act, the Massachusetts Department of Transportation may enter into contracts, agreements or transactions that may be appropriate with other federal, state, local or regional public agencies or authorities. The contracts, agreements or transactions may relate to such matters as the department shall determine including, without limitation, the research, design, layout, construction, reconstruction or management of construction of all or a portion of these projects. In relation to any such contracts, agreements or transactions, the department may advance monies to such agencies or authorities, without prior expenditure by the agencies or authorities, and the agencies and authorities may accept monies necessary to carry out these agreements; provided, however, the department shall certify to the comptroller the amounts so advanced and these agreements shall contain provisions satisfactory to the department for the accounting of monies expended by any other agency or authority. All monies not expended under these contracts, agreements or transactions shall be credited to the account of the department from which they were advanced.

SECTION 111.(a) Notwithstanding any general or special law to the contrary, the Massachusetts Department of Transportation shall expend the sums authorized in sections 2 through 2C, inclusive, and section 2G, for the following purposes: projects for the laying out, construction, reconstruction, resurfacing, relocation or necessary or beneficial improvement of highways, bridges, bicycle paths or facilities, on-street and off-street bicycle projects, sidewalks, telecommunications, parking facilities, auto-restricted zones, scenic easements, grade crossing eliminations and alterations of other crossings, traffic safety devices on state highways and on roads constructed pursuant to clause(b) of the second paragraph of section 4 of chapter 6C of the General Laws, highway or mass transportation studies including, but not limited to, traffic, environmental or parking studies, the establishment of school zones pursuant to section 2 of chapter 85 of the General Laws, improvements on routes not designated as state highways without assumption of maintenance responsibilities, projects to alleviate contamination of public and private water supplies caused by the department's storage and use of snow removal chemicals which are necessary for the purposes of highway safety, for the relocation of persons or businesses or for the replacement of dwellings or structures including, but not limited to, providing last resort housing under federal law and any functional replacement of structures in public ownership that may be necessary for the foregoing purposes and for relocation benefits to the extent necessary to satisfy the requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, 42 U.S.C. 4601 et seq., Public Law 97-646 and to sell any structure the title to which has been acquired for highway purposes. Environmental studies conducted pursuant to this subsection may include an assessment of both existing and proposed highway rest stop facilities to determine the cost-effectiveness of sanitary facilities that use zero-pollution discharge technologies, including recycling greywater systems. When dwellings or other structures are removed in furtherance of any of these projects, the excavations or cellar holes remaining shall be filled in and brought to grade within 1 month after the removal. Nothing in this section shall be

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construed to give rise to enforceable legal rights in any party or a cause of action or an enforceable entitlement as to the projects described in this section.

(b) Funds authorized in said sections 2A and 2B shall, except as otherwise specifically provided in this act, be subject to the first paragraph of section 6 and sections 7 and 9 of chapter 718 of the acts of 1956, if applicable, and, notwithstanding any general or special law to the contrary, may be used for the purposes stated in this act in conjunction with funds of cities, towns and political subdivisions.

(c) The Massachusetts Department of Transportation may:(i) expend funds made available by this act to acquire from a person by lease, purchase, eminent domain pursuant to chapter 79 of the General Laws or otherwise, land or rights in land for parking facilities adjacent to a public way to be operated by the department or under contract with an individual;(ii) expend funds made available by this act for the acquisition of van-type vehicles used for multi-passenger, commuter-driven carpools and high-occupancy vehicles including, but not limited to, water shuttles and water taxis; and(iii) pursuant to all applicable state and federal laws and regulations, exercise all powers and do all things necessary and convenient to carry out this act.

(d) The Massachusetts Department of Transportation may enter into contracts or agreements with cities to mitigate the effects of projects undertaken pursuant to this act and to undertake additional transportation measures within the city and may enter into contracts, agreements or transactions with other federal, state, local or regional public agencies, authorities, nonprofit organizations or political subdivisions that may be necessary to implement these contracts or agreements with cities. Cities and other state, local or regional public agencies, authorities, nonprofit organizations or political subdivisions may enter into these contracts, agreements or transactions with the department. In relation to these agreements, the department may advance to these agencies, nonprofit organizations, political subdivisions or authorities, without prior expenditure by the agencies, nonprofit organizations, political subdivisions or authorities, monies necessary to carry out these agreements; provided however, that the department shall certify to the comptroller the amount so advanced and all monies not expended under these agreements shall be credited to the account of the department from which they were advanced. The department shall report to the house and senate committees on ways and means on any transfers completed pursuant to this subsection.

SECTION 112. Notwithstanding any general or special law to the contrary, the Massachusetts Department of Transportation shall take all necessary actions to secure federal highway or transportation assistance that is or may become available to the department including, but not limited to, actions authorized pursuant to or in compliance with any of the following: Title 23 of the United States Code; the Surface Transportation and Uniform Relocation Act of 1987, Public Law 100-17; the Intermodal Surface Transportation Efficiency Act of 1991, Public Law 102-240; the Transportation Equity Act for the 21st Century, Public Law 105-178; the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users, Public Law 109-59; Implementing Recommendations of the 9/11 Commission Act of 2007, Public Law 110-53; the Moving Ahead for Progress in the 21st Century Act of 2012, Public Law 112-141; Fixing America's Surface Transportation Act of 2015, Public Law 114-94; and any successor or reauthorizations of those acts, and such actions, including filing applications for federal assistance, supervising the expenditure of funds under federal grants or other assistance agreements, and making any determinations and certifications necessary or appropriate to the foregoing. If a federal law, administrative regulation or practice requires an action relating to federal assistance to be taken by a department,

agency or other instrumentality of the commonwealth other than the Massachusetts Department of Transportation, the other department, agency or instrumentality shall take such action.

SECTION 113. Notwithstanding any general or special law to the contrary, upon the joint direction of the secretary of energy and environmental affairs, the secretary of transportation and the secretary of administration and finance, up to one half of any monies collected by the commonwealth through market-based compliance mechanisms to address greenhouse gas emissions from the transportation sector as permitted in chapter 21N of the General Laws shall be directed, without further appropriation, to the Commonwealth Transportation Fund under section 2ZZZ of chapter 29 of the General Laws; provided that any such funds shall be used in a manner consistent with any multi-state or regional programs establishing such market-based compliance mechanisms.

SECTION 114. Notwithstanding any general or special law to the contrary, the unexpended balances of all capital accounts authorized in chapter 86 of the acts of 2008, chapter 233 of the acts of 2008, chapter 303 of the acts of 2008, chapter 10 of the acts of 2011, chapter 133 of the acts of 2012, chapter 242 of the acts of 2012, chapter 79 of the acts of 2014, chapter 209 of the acts of 2018, and chapter 16 of the acts of 2019, which otherwise would revert on or before June 30, 2020, but which are necessary to fund obligations during fiscal years 2020 through 2024, inclusive, are hereby reauthorized through June 30, 2024.

SECTION 115. The provisions of section 57 shall be effective for tax years beginning on or after January 1, 2020.

SECTION 116. Section 22 of chapter 62B of the General Laws, as inserted by section 58 of this act shall be effective for tax years beginning on or after January 1, 2020.

Ohio State Infrastructure Bank and Transportation Bonds

This is included as the statutory support for both Ohio's State Infrastructure Bank(SIB) in Section 13: 5531.09, and for the authority to sell transportation bonds in 5531.10. Section D of 5531.09 makes public transit eligible for SIB funding, and in Section 5531.10 it refers back to that paragraph to establish eligibility for bond funding.

Ohio Constitution, Article VIII, Section 13:

VIII.13 Economic development

To create or preserve jobs and employment opportunities, to improve the economic welfare of the people of the state, to control air, water, and thermal pollution, or to dispose of solid waste, it is hereby determined to be in the public interest and a proper public purpose for the state or its political subdivisions, taxing districts, or public authorities, its or their agencies or instrumentalities, or corporations not for profit designated by any of them as such agencies or instrumentalities, to acquire, construct, enlarge, improve, or equip, and to sell, lease, exchange, or otherwise dispose of property, structures, equipment, and facilities within the State of Ohio for industry, commerce, distribution, and research, to make or guarantee loans and to borrow money and issue bonds or other obligations to provide moneys for the acquisition, construction, enlargement, improvement, or equipment, of such property, structures, equipment and facilities. Laws may be passed to carry into effect such purposes and to authorize for such purposes the borrowing of money

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by, and the issuance of bonds or other obligations of, the state, or its political subdivisions, taxing districts, or public authorities, its or their agencies or instrumentalities, or corporations not for profit designated by any of them as such agencies or instrumentalities, and to authorize the making of guarantees and loans and the lending of aid and credit, which laws, bonds, obligations, loans, guarantees, and lending of aid and credit shall not be subject to the requirements, limitations, or prohibitions of any other section of Article VIII, or of Article XII, Sections 6 and 11, of the Constitution, provided that moneys raised by taxation shall not be obligated or pledged for the payment of bonds or other obligations issued or guarantees made pursuant to laws enacted under this section.

Except for facilities for pollution control or solid waste disposal, as determined by law, no guarantees or loans and no lending of aid or credit shall be made under the laws enacted pursuant to this section of the Constitution for facilities to be constructed for the purpose of providing electric or gas utility service to the public.

The powers herein granted shall be in addition to and not in derogation of existing powers of the state or its political subdivisions, taxing districts, or public authorities, or their agencies or instrumentalities or corporations not for profit designated by any of them as such agencies or instrumentalities.

Any corporation organized under the laws of Ohio is hereby authorized to lend or contribute moneys to the state or its political subdivisions or agencies or instrumentalities thereof on such terms as may be agreed upon in furtherance of laws enacted pursuant to this section.

(Amended, effective November 5, 1974; SJR No.22.)

Ohio Revised Code 5531.09

5531.09 State infrastructure bank - funds.

(A) The state infrastructure bank shall consist of the highway and transit infrastructure bank fund, the aviation infrastructure bank fund, the rail infrastructure bank fund, and the infrastructure bank obligations fund, which are hereby created as funds of the state treasury, to be administered by the director of transportation and used for the purposes described in division(B) of this section. The highway and transit infrastructure bank fund, the aviation infrastructure bank fund, and the rail infrastructure bank fund shall consist of federal grants and awards or other assistance received by the state and eligible for deposit therein under applicable federal law, payments received by the department in connection with providing financial assistance for qualifying projects under division(B) of this section, and such other amounts as may be provided by law. The infrastructure bank obligations fund shall consist of such amounts of the proceeds of obligations issued under section [5531.10](#) of the Revised Code as the director of transportation determines with the advice of the director of budget and management; and such other amounts as may be provided by law. The director of budget and management, upon the request of the director of transportation, may transfer amounts between the funds created in this division, except the infrastructure bank obligations fund. The investment earnings of each fund created by this division shall be credited to such fund.

(B) The director of transportation shall use the state infrastructure bank to encourage public and private investment in transportation facilities that contribute to the multi-modal and intermodal transportation capabilities of the state, develop a variety of financing techniques designed to expand the availability of funding resources and to reduce direct state costs, maximize private and local participation in financing projects, and improve the

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efficiency of the state transportation system by using and developing the particular advantages of each transportation mode to the fullest extent. In furtherance of these purposes, the director shall use the state infrastructure bank to provide financial assistance to public or private entities for qualified projects. Such assistance shall be in the form of loans, loan guarantees, letters of credit, leases, lease-purchase agreements, interest rate subsidies, debt service reserves, and such other forms as the director determines to be appropriate. All fees, charges, rates of interest, payment schedules, security for, and other terms and conditions relating to such assistance shall be determined by the director.

(C) The director of transportation shall adopt rules establishing guidelines necessary for the implementation and exercise of the authority granted by this section, including rules for receiving, reviewing, evaluating, and selecting projects for which financial assistance may be approved.

(D) As used in this section and in section [5531.10](#) of the Revised Code, "qualified project" means any public or private transportation project as determined by the director of transportation, including, without limitation, planning, environmental impact studies, engineering, construction, reconstruction, resurfacing, restoring, rehabilitation, or replacement of public or private transportation facilities within the state, studying the feasibility thereof, and the acquisition of real or personal property or interests therein; any highway, public transit, aviation, rail, or other transportation project eligible for financing or aid under any federal or state program; and any project involving the maintaining, repairing, improving, or construction of any public or private highway, road, street, parkway, public transit, aviation, or rail project, and any related rights-of-way, bridges, tunnels, railroad-highway crossings, drainage structures, signs, guardrails, or protective structures.

(E) The general assembly finds that state infrastructure projects, as defined in division(A)(8) of section [5531.10](#) of the Revised Code, and the state infrastructure bank, will materially contribute to the economic revitalization of areas of the state and result in improving the economic welfare of all the people of the state. Accordingly, it is declared to be the public purpose of the state, through operations under sections 5531.09 and [5531.10](#) of the Revised Code, and other applicable laws adopted pursuant to Section 13 of Article VIII, Ohio Constitution, and other authority vested in the general assembly, to assist in and facilitate the purposes set forth in division(B) of section [5531.10](#) of the Revised Code, and to assist and cooperate with any governmental agency in achieving such purposes.

Amended by 128th General Assembly ch.165, HB 2, §101.01, eff. 7/1/2009.

Effective Date: 03-31-1997; 03-29-2005

Ohio Revised Code 5531.10 Issuing obligations for state infrastructure projects.

(A) As used in this chapter:

(1) "Bond proceedings" means the resolution, order, trust agreement, indenture, lease, lease-purchase agreements, and other agreements, amendments and supplements to the foregoing, or any one or more or combination thereof, authorizing or providing for the terms and conditions applicable to, or providing for the security or liquidity of, obligations issued pursuant to this section, and the provisions contained in such obligations.

(2) "Bond service charges" means principal, including mandatory sinking fund requirements for retirement of obligations, and interest, and redemption premium, if any, required to be paid by the state on obligations.

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(3) "Bond service fund" means the applicable fund and accounts therein created for and pledged to the payment of bond service charges, which may be, or may be part of, the state infrastructure bank revenue bond service fund created by division(R) of this section including all moneys and investments, and earnings from investments, credited and to be credited thereto.

(4) "Issuing authority" means the treasurer of state, or the officer who by law performs the functions of the treasurer of state.

(5) "Obligations" means bonds, notes, or other evidence of obligation including interest coupons pertaining thereto, issued pursuant to this section.

(6) "Pledged receipts" means moneys accruing to the state from the lease, lease-purchase, sale, or other disposition, or use, of qualified projects, and from the repayment, including interest, of loans made from proceeds received from the sale of obligations; accrued interest received from the sale of obligations; income from the investment of the special funds; any gifts, grants, donations, and pledges, and receipts therefrom, available for the payment of bond service charges; and any amounts in the state infrastructure bank pledged to the payment of such charges. If the amounts in the state infrastructure bank are insufficient for the payment of such charges, "pledged receipts" also means moneys that are apportioned by the United States secretary of transportation under United States Code, Title XXIII, as amended, or any successor legislation, or under any other federal law relating to aid for highways, and that are to be received as a grant by the state, to the extent the state is not prohibited by state or federal law from using such moneys and the moneys are pledged to the payment of such bond service charges.

(7) "Special funds" or "funds" means, except where the context does not permit, the bond service fund, and any other funds, including reserve funds, created under the bond proceedings, and the state infrastructure bank revenue bond service fund created by division(R) of this section to the extent provided in the bond proceedings, including all moneys and investments, and earnings from investment, credited and to be credited thereto.

(8) "State infrastructure project" means any public transportation project undertaken by the state, including, but not limited to, all components of any such project, as described in division(D) of section 5531.09 of the Revised Code.

(9) "District obligations" means bonds, notes, or other evidence of obligation including interest coupons pertaining thereto, issued to finance a qualified project by a transportation improvement district created pursuant to section 5540.02 of the Revised Code, of which the principal, including mandatory sinking fund requirements for retirement of such obligations, and interest and redemption premium, if any, are payable by the department of transportation.

(B) The issuing authority, after giving written notice to the director of budget and management and upon the certification by the director of transportation to the issuing authority of the amount of moneys or additional moneys needed either for state infrastructure projects or to provide financial assistance for any of the purposes for which the state infrastructure bank may be used under section 5531.09 of the Revised Code, or needed for capitalized interest, funding reserves, and paying costs and expenses incurred in connection with the issuance, carrying, securing, paying, redeeming, or retirement of the obligations or any obligations refunded thereby, including payment of costs and expenses relating to letters of credit, lines of credit, insurance, put agreements, standby purchase

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agreements, indexing, marketing, remarketing and administrative arrangements, interest swap or hedging agreements, and any other credit enhancement, liquidity, remarketing, renewal, or refunding arrangements, all of which are authorized by this section, shall issue obligations of the state under this section in the required amount. The proceeds of such obligations, except for the portion to be deposited in special funds, including reserve funds, as may be provided in the bond proceedings, shall as provided in the bond proceedings be credited to the infrastructure bank obligations fund of the state infrastructure bank created by section 5531.09 of the Revised Code and disbursed as provided in the bond proceedings for such obligations. The issuing authority may appoint trustees, paying agents, transfer agents, and authenticating agents, and may retain the services of financial advisors, accounting experts, and attorneys, and retain or contract for the services of marketing, remarketing, indexing, and administrative agents, other consultants, and independent contractors, including printing services, as are necessary in the issuing authority's judgment to carry out this section. The costs of such services are payable from funds of the state infrastructure bank or as otherwise provided in the bond proceedings.

(C) The holders or owners of such obligations shall have no right to have moneys raised by taxation by the state of Ohio obligated or pledged, and moneys so raised shall not be obligated or pledged, for the payment of bond service charges. The right of such holders and owners to the payment of bond service charges is limited to all or that portion of the pledged receipts and those special funds pledged thereto pursuant to the bond proceedings for such obligations in accordance with this section, and each such obligation shall bear on its face a statement to that effect. Moneys received as repayment of loans made by the state infrastructure bank pursuant to section 5531.09 of the Revised Code shall not be considered moneys raised by taxation by the state of Ohio regardless of the source of the moneys.

(D) Obligations shall be authorized by order of the issuing authority and the bond proceedings shall provide for the purpose thereof and the principal amount or amounts, and shall provide for or authorize the manner or agency for determining the principal maturity or maturities, not exceeding twenty-five years from the date of issuance or, with respect to obligations issued to finance a transportation facility pursuant to a public-private agreement, not exceeding forty-five years from the date of issuance, the interest rate or rates or the maximum interest rate, the date of the obligations and the dates of payment of interest thereon, their denomination, and the establishment within or without the state of a place or places of payment of bond service charges. Sections 9.98 to 9.983 of the Revised Code are applicable to obligations issued under this section. The purpose of such obligations may be stated in the bond proceedings in terms describing the general purpose or purposes to be served. The bond proceedings also shall provide, subject to the provisions of any other applicable bond proceedings, for the pledge of all, or such part as the issuing authority may determine, of the pledged receipts and the applicable special fund or funds to the payment of bond service charges, which pledges may be made either prior or subordinate to other expenses, claims, or payments, and may be made to secure the obligations on a parity with obligations theretofore or thereafter issued, if and to the extent provided in the bond proceedings. The pledged receipts and special funds so pledged and thereafter received by the state immediately are subject to the lien of such pledge without any physical delivery thereof or further act, and the lien of any such pledges is valid and binding against all parties having claims of any kind against the state or any governmental agency of the state, irrespective of whether such parties have notice thereof, and shall create a perfected security interest for all purposes of Chapter 1309. of the Revised Code, without the

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necessity for separation or delivery of funds or for the filing or recording of the bond proceedings by which such pledge is created or any certificate, statement, or other document with respect thereto; and the pledge of such pledged receipts and special funds is effective and the money therefrom and thereof may be applied to the purposes for which pledged without necessity for any act of appropriation. Every pledge, and every covenant and agreement made with respect thereto, made in the bond proceedings may therein be extended to the benefit of the owners and holders of obligations authorized by this section, and to any trustee therefor, for the further security of the payment of the bond service charges.

For purposes of this division, "transportation facility" and "public-private agreement" have the same meanings as in section 5501.70 of the Revised Code.

(E) The bond proceedings may contain additional provisions as to:

(1) The redemption of obligations prior to maturity at the option of the issuing authority at such price or prices and under such terms and conditions as are provided in the bond proceedings;

(2) Other terms of the obligations;

(3) Limitations on the issuance of additional obligations;

(4) The terms of any trust agreement or indenture securing the obligations or under which the same may be issued;

(5) The deposit, investment, and application of special funds, and the safeguarding of moneys on hand or on deposit, without regard to Chapter 131. or 135. of the Revised Code, but subject to any special provisions of this section with respect to particular funds or moneys, provided that any bank or trust company which acts as depository of any moneys in the special funds may furnish such indemnifying bonds or may pledge such securities as required by the issuing authority;

(6) Any or every provision of the bond proceedings being binding upon such officer, board, commission, authority, agency, department, or other person or body as may from time to time have the authority under law to take such actions as may be necessary to perform all or any part of the duty required by such provision;

(7) Any provision that may be made in a trust agreement or indenture;

(8) Any other or additional agreements with the holders of the obligations, or the trustee therefor, relating to the obligations or the security therefor, including the assignment of mortgages or other security relating to financial assistance for qualified projects under section 5531.09 of the Revised Code.

(F) The obligations may have the great seal of the state or a facsimile thereof affixed thereto or printed thereon. The obligations and any coupons pertaining to obligations shall be signed or bear the facsimile signature of the issuing authority. Any obligations or coupons may be executed by the person who, on the date of execution, is the proper issuing authority although on the date of such bonds or coupons such person was not the issuing authority. In case the issuing authority whose signature or a facsimile of whose signature appears on any such obligation or coupon ceases to be the issuing authority before delivery thereof, such signature or facsimile nevertheless is valid and sufficient for all purposes as if the former issuing authority had remained the issuing authority until such delivery; and in case the seal to be affixed to obligations has been changed after a facsimile of the seal has

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been imprinted on such obligations, such facsimile seal shall continue to be sufficient as to such obligations and obligations issued in substitution or exchange therefor.

(G) All obligations are negotiable instruments and securities under Chapter 1308. of the Revised Code, subject to the provisions of the bond proceedings as to registration. The obligations may be issued in coupon or in registered form, or both, as the issuing authority determines. Provision may be made for the registration of any obligations with coupons attached thereto as to principal alone or as to both principal and interest, their exchange for obligations so registered, and for the conversion or reconversion into obligations with coupons attached thereto of any obligations registered as to both principal and interest, and for reasonable charges for such registration, exchange, conversion, and reconversion.

(H) Obligations may be sold at public sale or at private sale, as determined in the bond proceedings.

(I) Pending preparation of definitive obligations, the issuing authority may issue interim receipts or certificates which shall be exchanged for such definitive obligations.

(J) In the discretion of the issuing authority, obligations may be secured additionally by a trust agreement or indenture between the issuing authority and a corporate trustee which may be any trust company or bank possessing corporate trust powers that has a place of business within or without the state. Any such agreement or indenture may contain the order authorizing the issuance of the obligations, any provisions that may be contained in any bond proceedings, and other provisions which are customary or appropriate in an agreement or indenture of such type, including, but not limited to:

(1) Maintenance of each pledge, trust agreement, indenture, or other instrument comprising part of the bond proceedings until the state has fully paid the bond service charges on the obligations secured thereby, or provision therefor has been made;

(2) In the event of default in any payments required to be made by the bond proceedings, or any other agreement of the issuing authority made as a part of the contract under which the obligations were issued, enforcement of such payments or agreement by mandamus, the appointment of a receiver, suit in equity, action at law, or any combination of the foregoing;

(3) The rights and remedies of the holders of obligations and of the trustee, and provisions for protecting and enforcing them, including limitations on the rights of individual holders of obligations;

(4) The replacement of any obligations that become mutilated or are destroyed, lost, or stolen;

(5) Such other provisions as the trustee and the issuing authority agree upon, including limitations, conditions, or qualifications relating to any of the foregoing.

(K) Any holder of obligations or a trustee under the bond proceedings, except to the extent that the holder's or trustee's rights are restricted by the bond proceedings, may by any suitable form of legal proceedings, protect and enforce any rights under the laws of this state or granted by such bond proceedings. Such rights include the right to compel the performance of all duties of the issuing authority and the director of transportation required by the bond proceedings or sections 5531.09 and 5531.10 of the Revised Code; to enjoin unlawful activities; and in the event of default with respect to the payment of any bond service charges on any obligations or in the performance of any covenant or agreement on the part of the issuing authority or the director of transportation in the bond proceedings,

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to apply to a court having jurisdiction of the cause to appoint a receiver to receive and administer the pledged receipts and special funds, other than those in the custody of the treasurer of state, which are pledged to the payment of the bond service charges on such obligations or which are the subject of the covenant or agreement, with full power to pay, and to provide for payment of bond service charges on, such obligations, and with such powers, subject to the direction of the court, as are accorded receivers in general equity cases, excluding any power to pledge additional revenues or receipts or other income or moneys of the state or local governmental entities, or agencies thereof, to the payment of such principal and interest and excluding the power to take possession of, mortgage, or cause the sale or otherwise dispose of any project facilities.

Each duty of the issuing authority and the issuing authority's officers and employees, and of each state or local governmental agency and its officers, members, or employees, undertaken pursuant to the bond proceedings or any loan, loan guarantee, lease, lease-purchase agreement, or other agreement made under authority of section 5531.09 of the Revised Code, and in every agreement by or with the issuing authority, is hereby established as a duty of the issuing authority, and of each such officer, member, or employee having authority to perform such duty, specifically enjoined by the law resulting from an office, trust, or station within the meaning of section 2731.01 of the Revised Code.

The person who is at the time the issuing authority, or the issuing authority's officers or employees, are not liable in their personal capacities on any obligations issued by the issuing authority or any agreements of or with the issuing authority.

(L) The issuing authority may authorize and issue obligations for the refunding, including funding and retirement, and advance refunding with or without payment or redemption prior to maturity, of any obligations previously issued by the issuing authority or district obligations. Such refunding obligations may be issued in amounts sufficient for payment of the principal amount of the prior obligations or district obligations, any redemption premiums thereon, principal maturities of any such obligations or district obligations maturing prior to the redemption of the remaining obligations or district obligations on a parity therewith, interest accrued or to accrue to the maturity dates or dates of redemption of such obligations or district obligations, and any expenses incurred or to be incurred in connection with such issuance and such refunding, funding, and retirement. Subject to the bond proceedings therefor, the portion of proceeds of the sale of refunding obligations issued under this division to be applied to bond service charges on the prior obligations or district obligations shall be credited to an appropriate account held by the trustee for such prior or new obligations or to the appropriate account in the bond service fund for such obligations or district obligations. Obligations authorized under this division shall be deemed to be issued for those purposes for which such prior obligations or district obligations were issued and are subject to the provisions of this section pertaining to other obligations, except as otherwise provided in this section. The last maturity of obligations authorized under this division shall not be later than the latest permitted maturity of the original securities issued for the original purpose.

(M) The authority to issue obligations under this section includes authority to issue obligations in the form of bond anticipation notes and to renew the same from time to time by the issuance of new notes. The holders of such notes or interest coupons pertaining thereto shall have a right to be paid solely from the pledged receipts and special funds that may be pledged to the payment of the bonds anticipated, or from the proceeds of such bonds or renewal notes, or both, as the issuing authority provides in the order authorizing such notes. Such notes may be additionally secured by covenants of the issuing authority to

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the effect that the issuing authority and the state will do such or all things necessary for the issuance of such bonds or renewal notes in the appropriate amount, and apply the proceeds thereof to the extent necessary, to make full payment of the principal of and interest on such notes at the time or times contemplated, as provided in such order. For such purpose, the issuing authority may issue bonds or renewal notes in such principal amount and upon such terms as may be necessary to provide funds to pay when required the principal of and interest on such notes, notwithstanding any limitations prescribed by or for purposes of this section. Subject to this division, all provisions for and references to obligations in this section are applicable to notes authorized under this division.

The issuing authority in the bond proceedings authorizing the issuance of bond anticipation notes shall set forth for such bonds an estimated interest rate and a schedule of principal payments for such bonds and the annual maturity dates thereof.

(N) Obligations issued under this section are lawful investments for banks, societies for savings, savings and loan associations, deposit guarantee associations, trust companies, trustees, fiduciaries, insurance companies, including domestic for life and domestic not for life, trustees or other officers having charge of sinking and bond retirement or other special funds of political subdivisions and taxing districts of this state, the commissioners of the sinking fund of the state, the administrator of workers' compensation, the state teachers retirement system, the public employees retirement system, the school employees retirement system, and the Ohio police and fire pension fund, notwithstanding any other provisions of the Revised Code or rules adopted pursuant thereto by any agency of the state with respect to investments by them, and are also acceptable as security for the deposit of public moneys.

(O) Unless otherwise provided in any applicable bond proceedings, moneys to the credit of or in the special funds established by or pursuant to this section may be invested by or on behalf of the issuing authority only in notes, bonds, or other obligations of the United States, or of any agency or instrumentality of the United States, obligations guaranteed as to principal and interest by the United States, obligations of this state or any political subdivision of this state, and certificates of deposit of any national bank located in this state and any bank, as defined in section 1101.01 of the Revised Code, subject to inspection by the superintendent of financial institutions. If the law or the instrument creating a trust pursuant to division(J) of this section expressly permits investment in direct obligations of the United States or an agency of the United States, unless expressly prohibited by the instrument, such moneys also may be invested in no-front-end-load money market mutual funds consisting exclusively of obligations of the United States or an agency of the United States and in repurchase agreements, including those issued by the fiduciary itself, secured by obligations of the United States or an agency of the United States; and in collective investment funds as defined in division(A) of section 1111.01 of the Revised Code and consisting exclusively of any such securities. The income from such investments shall be credited to such funds as the issuing authority determines, and such investments may be sold at such times as the issuing authority determines or authorizes.

(P) Provision may be made in the applicable bond proceedings for the establishment of separate accounts in the bond service fund and for the application of such accounts only to the specified bond service charges on obligations pertinent to such accounts and bond service fund and for other accounts therein within the general purposes of such fund. Unless otherwise provided in any applicable bond proceedings, moneys to the credit of or in the several special funds established pursuant to this section shall be disbursed on the order of

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the treasurer of state, provided that no such order is required for the payment from the bond service fund when due of bond service charges on obligations.

(Q)

(1) The issuing authority may pledge all, or such portion as the issuing authority determines, of the pledged receipts to the payment of bond service charges on obligations issued under this section, and for the establishment and maintenance of any reserves, as provided in the bond proceedings, and make other provisions therein with respect to pledged receipts as authorized by this chapter, which provisions are controlling notwithstanding any other provisions of law pertaining thereto.

(2) An action taken under division(Q)(2) of this section does not limit the generality of division(Q)(1) of this section, and is subject to division(C) of this section and, if and to the extent otherwise applicable, Section 13 of Article VIII, Ohio Constitution. The bond proceedings may contain a covenant that, in the event the pledged receipts primarily pledged and required to be used for the payment of bond service charges on obligations issued under this section, and for the establishment and maintenance of any reserves, as provided in the bond proceedings, are insufficient to make any such payment in full when due, or to maintain any such reserve, the director of transportation shall so notify the governor, and shall determine to what extent, if any, the payment may be made or moneys may be restored to the reserves from lawfully available moneys previously appropriated for that purpose to the department of transportation. The covenant also may provide that if the payments are not made or the moneys are not immediately and fully restored to the reserves from such moneys, the director shall promptly submit to the governor and to the director of budget and management a written request for either or both of the following:

(a) That the next biennial budget submitted by the governor to the general assembly include an amount to be appropriated from lawfully available moneys to the department for the purpose of and sufficient for the payment in full of bond service charges previously due and for the full replenishment of the reserves;

(b) That the general assembly be requested to increase appropriations from lawfully available moneys for the department in the current biennium sufficient for the purpose of and for the payment in full of bond service charges previously due and to come due in the biennium and for the full replenishment of the reserves.

The director of transportation shall include with such requests a recommendation that the payment of the bond service charges and the replenishment of the reserves be made in the interest of maximizing the benefits of the state infrastructure bank. Any such covenant shall not obligate or purport to obligate the state to pay the bond service charges on such bonds or notes or to deposit moneys in a reserve established for such payments other than from moneys that may be lawfully available and appropriated for that purpose during the then-current biennium.

(R) There is hereby created the state infrastructure bank revenue bond service fund, which shall be in the custody of the treasurer of state but shall not be a part of the state treasury. All moneys received by or on account of the issuing authority or state agencies and required by the applicable bond proceedings, consistent with this section, to be deposited, transferred, or credited to the bond service fund, and all other moneys transferred or allocated to or received for the purposes of the fund, shall be deposited and credited to such fund and to any separate accounts therein, subject to applicable provisions of the bond proceedings, but without necessity for any act of appropriation. The state infrastructure

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bank revenue bond service fund is a trust fund and is hereby pledged to the payment of bond service charges to the extent provided in the applicable bond proceedings, and payment thereof from such fund shall be made or provided for by the treasurer of state in accordance with such bond proceedings without necessity for any act of appropriation.

(S) The obligations issued pursuant to this section, the transfer thereof, and the income therefrom, including any profit made on the sale thereof, shall at all times be free from taxation within this state.

Amended by 130th General Assembly File No. TBD, HB 483, §101.01, eff. 9/15/2014.

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