

HOUSE No. 2293

The Commonwealth of Massachusetts

In the Year Two Thousand Nine

An Act to build and renovate fire and police stations in the commonwealth..

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

1 SECTION 1. For the purposes of this act the following words and phrases shall have the
2 following meanings:—"Board", the public safety assistance board. "Joint public safety facility",
3 any building constructed, enlarged or renovated with the intent of housing more than one public
4 safety agency. "Construction standards", the standards promulgated by the public safety
5 assistance board which shall be used to determine the minimum and maximum sizes, including
6 square footage, compliance with health and safety codes, compliance with all applicable
7 provisions of federal, state and local law relative to the accessibility of facilities to handicapped
8 persons, and the scope of design of a municipal police station, fire station, or joint public safety
9 facility. "Capital construction project", a project for the construction, enlargement or renovation
10 of a municipal police station, fire station or joint public safety facility.

11 SECTION 2. (a) There is hereby established in the executive office of public safety, a
12 public safety assistance board, which shall consist of five members to be appointed by the
13 governor, one of whom shall be a representative from the Massachusetts Municipal Association,
14 one of whom shall be a representative of the Massachusetts Police Chiefs Association and one of

15 whom shall be a representative of the Massachusetts Fire Chiefs Association. The governor shall
16 first appoint one member for a period of one year, one member for a period of two years, one
17 member for a period of three years, one member for a period of four years and one member for a
18 period of five years; provided, however, that appointments made upon the expiration of a term of
19 any member shall thereafter be for a period of five years. All members shall be residents of the
20 commonwealth and one member shall be designated by the governor, from time to time, as
21 chairman. The secretary of the executive office of public safety, or his designee, shall serve as an
22 ex-officio, non-voting member of said board. (b) Said board shall be provided with suitable
23 office space in the executive office of public safety. A majority vote of said board shall
24 constitute action by the board; any action decided upon by said board shall be in writing and
25 signed by a majority of said board. Each member of the board shall be reimbursed for any
26 expenses actually incurred by him in the performance of his duties. SECTION 3. All
27 administrative and clerical duties deemed necessary to carry out the provisions of this chapter
28 shall be carried out by employees within the executive office of public safety, subject to the
29 supervision and control of the board.

30 SECTION 4. (a) The board is hereby authorized and directed to establish and administer
31 a grant program, to be known as the Public Safety Assistance Program through which the board
32 shall be charged with awarding and prioritizing grants to cities and towns for capital construction
33 projects, and to encourage and foster the establishment and building of joint public safety
34 facilities in cities and towns which the board deems appropriate. (b) All such grants made
35 pursuant to this act shall be paid from funds in the Public Safety Assistance Fund pursuant to
36 section eleven of this act. No grant shall be approved for any amount greater than seventy-five
37 percent of the total construction costs for a police or fire station facility; provided, however, that

38 in the case of a joint public safety facility, a grant may be awarded for up to ninety percent of the
39 total construction cost. In no case shall a grant include payment for the principal, interest or any
40 other amount obligated to be paid by a city or town in furtherance of a capital construction
41 project. The specific percentage that a city or town is eligible for, if approved, shall be
42 determined in accordance with rules and regulations promulgated by the board pursuant to this
43 act; provided, however, that said rules and regulations shall include provisions to determine the
44 financial obligations or two or more cities and towns when applying for a grant for a regional
45 joint public safety facility; provided further that all grant payments shall be made by the public
46 safety assistance board to a city or town in three equal payments over a three year period.

47 SECTION 5. Between January first and May first of each year, a city or town may apply
48 to the board for a grant for a capital construction project, including costs incurred for the
49 preparation of preliminary studies, plans, drawings and estimates related thereto. All applications
50 shall comply with the construction standards promulgated by the board pursuant to this act;
51 provided, however, that any city or town which has certified blueprints for a police station, fire
52 station or joint public safety facility prior to the effective date of passage of this act, and who
53 shall act in furtherance of said blueprints within one year of the effective date of passage of this
54 act by commencing the capital construction project, shall not be subject to the construction
55 standards promulgated by the board pursuant to this act. All application shall be accompanied by
56 required documentation in the form prescribed by the board, including copies of the plans,
57 drawings, estimates and other construction documents, together with such additional information
58 as the board may require.

59 SECTION 6. The board shall establish criteria for making a decision to approve or reject
60 the grant application for a capital construction project, and to determine the amount of such a

61 grant; provided, however, that each application shall be placed in one of the following three
62 categories as determined by the population of the city or town in which the capital construction
63 project will take place:— (1) cities or towns with a population of not more than 25,000, (2) cities
64 and towns with a population of more than 25,000 but not more than 75,000, and (3) cities and
65 towns with a population greater than 75,000. In making a decision to approve or reject an
66 application, the board shall consider each category separately and shall in no case cause
67 applicants from one category to compete for funding against applicants from any other category
68 except the category in which the application was placed. The population of a city or town shall
69 be determined pursuant to the most recent census figures. (b) The board may vote to approve or
70 reject such application after it is satisfied that: (1) the plans so submitted are satisfactory with
71 respect to site, type and adequacy of the proposed construction or renovation; (2) that such a
72 capital construction project is in the best interest of the respective city or town; (3) the city or
73 town has demonstrated the ability and commitment to adequately maintain a new facility
74 according to standards set forth by the public safety assistance board; and (4) the expenses so
75 incurred are reasonable. (c) After a vote which results in the approval of an application, the board
76 shall then list all approved applications in order of priority and according to the three categories
77 pursuant to subsection (a). Subject to availability of funding, the board shall certify to the
78 comptroller for payment to such city or town, not exceeding such expenses, as it may deem
79 proper. A city or town which has an approved capital construction project that has been
80 prioritized by the board shall be notified of their ranking and said project shall not be removed
81 from, or have its position altered on, the priority list until a grant has been awarded to such city
82 or town except when conditions beyond the control of any city or town result in the destruction
83 of an existing police or fire facility, necessitating immediate action from the board. (d) The board

84 shall begin making awards and ranking applications in order of priority pursuant to this section
85 no later than January first of the year following the effective date of this act. Each year thereafter
86 said grants shall be awarded on or before September first.

87 SECTION 7. (a) The board is hereby authorized to enter into contracts for technical
88 service within the scope of its duties, to provide legal, architectural or other technical advice and
89 assistance to all applicants in the planning, building or renovating of police and fire station
90 facilities. (b) The board is hereby authorized and directed to promulgate rules and regulations
91 necessary to carry out the provisions of this act relative to capital construction project
92 applications; provided, however, that said rules and regulations include standards to be known as
93 “construction standards” which shall include a requirement that all police station facilities shall
94 be designed to include a so-called, community meeting room; provided, further that the board
95 shall establish a formula for the equitable distribution of revenues from the Public Safety
96 Assistance Fund for each of the three categories of applications pursuant to subsection (a) of
97 section six; and provided, further, that said rules and regulations shall be promulgated no later
98 than September fifteenth of the year following the effective date of this act.

99 SECTION 8. The board may recommend to the general court such legislation as it may
100 deem desirable or necessary to further the purposes of this act. The board shall submit biannual
101 reports to the house and senate committees on ways and means and to the joint committee on
102 public safety. Said reports shall include, but not be limited to, a listing of applications received
103 and approved by the board to receive a grant under both grant programs, together with the
104 amount of each such grant, and a listing of cities and towns whose applications have not been
105 approved, together with the reason for failure to approve such applications.

106 SECTION 9. (a) Any city or town which engages in a capital construction project using
107 funds from a grant pursuant to this act shall not be eligible to apply for or receive a grant
108 pursuant to this act for the construction or rehabilitation of the building which was the subject of
109 said capital construction project for a period of twenty years; provided, however, that the board
110 may waive the provisions of this section when conditions beyond the control of a city or towns
111 severely damage or destroy the building which was previously the subject of a capital
112 construction project. (b) A city or town which engages in a capital construction project using
113 funds from a grant pursuant to this act shall not hire an individual or company to work on said
114 project in any manner without proof that said individual or company will pay to its employees
115 the current prevailing wage in the commonwealth. Such proof shall be furnished to the board in
116 the form of an affidavit signed by the owner of the business contracted to perform work, or the
117 agent of such owner.

118 SECTION 10. The commonwealth of Massachusetts shall expend \$20,000,000 in fiscal
119 year 2010 for funding of grants made pursuant to the establishment of the Public Safety
120 Assistance Fund, for the planning and studies, acquisition of land and buildings and interest
121 therein, the preparation of plans and specifications, construction, renovation, reconstruction,
122 alteration, improvement, demolition, expansion, repair and equipment for municipal police and
123 fire facilities; provided that the secretary of the executive office of public safety shall file an
124 annual spending plan with the house and senate committees on ways and means, which details,
125 by subsidiary, all administrative costs charged to this item. This amount shall increase to
126 \$40,000,000 in fiscal year 20012 and \$60,000,000 in fiscal year 20013, at which time the annual
127 amount shall remain \$60,000,000.