

SENATE No. 2112

The Commonwealth of Massachusetts

In the Year Two Thousand Nine

An Act establishing a State Emergency Response Fund..

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

1 Chapter 10 of the General Laws is hereby amended by inserting after section 35JJ the
2 following section:-

3 Section 35KK. There shall be established and set up on the books of the commonwealth
4 a State Emergency Response Fund to provide payment for expenses incurred by local
5 governments as a result of activities associated with the preparation for and response to an
6 emergency or disaster following a declaration by the governor if the local governmental unit or
7 public or private property within the local governmental unit is in the area so designated under
8 the declaration. The expenditure for such purpose from another source may be eligible to be
9 repaid from the fund if the agency utilizing the fund has certified the necessity of such action to
10 the director of the Massachusetts emergency management agency. There shall be credited to the
11 fund amounts appropriated to it for its purposes. Monies in the fund shall be invested in the
12 same manner as monies in the General Fund. Interest earned on investment of monies in the
13 fund shall be deposited in and credited to the fund. Unexpended and unencumbered monies in

14 the fund shall remain in the fund. Monies in the fund shall be appropriated, administered and
15 used solely as provided in subsection (b).

16 (b) Monies in the fund shall be expended at the discretion of the director of the
17 Massachusetts emergency management agency and shall be used to provide funds to that agency.
18 Assistance under this section may be provided only during the 90-day period following the date
19 of a declaration of a major disaster or emergency. Monies in the fund may also be utilized to
20 provide bridge funding in anticipation of reimbursements from the federal government or another
21 source. Any reimbursement received for expenses paid from the fund shall be returned to and
22 deposited into the fund.

23 (c) The fund may make low-interest or interest-free loans to local governmental units to
24 help fund all or part of emergency public works projects. Emergency public works projects shall
25 include the construction, repair, reconstruction, replacement, rehabilitation or improvement of
26 any public infrastructure damaged or made otherwise unusable within a declared disaster area.
27 The loans may be used less any reimbursement from any of the following sources: (1) federal
28 disaster or emergency funds, including funds from the federal emergency management agency;
29 (2) disaster or emergency funds from the commonwealth; (3) insurance settlements; or (4)
30 litigation.