

**SENATE . . . . . No. 1208**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

*James B. Eldridge*

*To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:*

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act establishing a state emergency response fund.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>James B. Eldridge</i>	
<i>Stephen L. DiNatale</i>	<i>3rd Worcester</i>
<i>Jason M. Lewis</i>	<i>31st Middlesex</i>

**SENATE . . . . . No. 1208**

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By Mr. Eldridge, petition (accompanied by bill, Senate, No. 1208) of Lewis, Eldridge and DiNatale for legislation to establish a state emergency response fund [Joint Committee on Public Safety and Homeland Security].

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[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE SENATE, NO. 2112 OF 2009-2010.]

**The Commonwealth of Massachusetts**

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**In the Year Two Thousand Eleven**  
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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                   Section 18.5 of Chapter 6A of the General Laws, as so appearing, is hereby  
2 amended by inserting the following section:--

3                   Section 18.5A. The State Emergency Response Fund, hereinafter referred to as  
4 the "fund", is hereby created in the state treasury. Any money donated to the fund or  
5 appropriated to the fund by the legislature shall be deposited in the fund. Monies in the fund shall  
6 be invested in the same manner as monies in the state general fund. Interest earned on investment  
7 of monies in the fund shall be deposited in and credited to the fund. Unexpended and  
8 unencumbered monies in the fund shall remain in the fund. Monies in the fund shall be  
9 appropriated, administered, and used solely as provided in Subsection B of this Section.

10                   Monies in the fund shall be appropriated at the discretion of the Director of the  
11 Massachusetts Emergency Management Administration (MEMA), and used to provide a source  
12 of funds to pay expenses incurred by local governments as a result of activities associated with  
13 the preparation for and response to an emergency or declared disaster following a declaration by  
14 the governor, if the local governmental unit or household is within the area designated under the  
15 declaration. The expenditure for such a purpose from another source may be eligible to be repaid  
16 from the fund if the using agency has certified the necessity of such action to the Director of the  
17 Massachusetts Emergency Management Administration (MEMA). Assistance under this Section  
18 may be provided only during the 90-day period following the date of declaration of a major  
19 disaster or emergency. Monies in the fund may also be utilized to provide bridge funding in  
20 anticipation of reimbursements from the federal government or another source. Any  
21 reimbursement received for expenses paid from the fund shall be returned to and deposited into  
22 the fund.

23                   The fund may make low-interest or interest-free loans to local government units  
24 to help fund all or part of emergency public works projects. Emergency public works projects  
25 shall include the construction, repair, reconstruction, replacement, rehabilitation, or improvement  
26 of any public infrastructure damaged or made otherwise unusable within a disaster area. The  
27 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) state disaster or emergency funds; (3) insurance settlements; or (4) litigation.