SENATE DOCKET, NO. 2602 FILED ON: 1/17/2025

SENATE . . . . . No. 1780

The Commonwealth of Massachusetts

PRESENTED BY:

Bruce E. Tarr

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 relative to the creation of the Massachusetts Public Safety Building Authority.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
Bruce E. Tarr	*First Essex and Middlesex*	
David T. Vieira	*3rd Barnstable*	*1/24/2025*
Steven George Xiarhos	*5th Barnstable*	*1/27/2025*
Peter J. Durant	*Worcester and Hampshire*	*3/13/2025*
Michael D. Brady	*Second Plymouth and Norfolk*	*6/11/2025*
James K. Hawkins	*2nd Bristol*	*6/12/2025*
Joan B. Lovely	*Second Essex*	*6/17/2025*

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SENATE . . . . . No. 1780

By Mr. Tarr, a petition (accompanied by bill, Senate, No. 1780) of Bruce E. Tarr, David T. Vieira and Steven George Xiarhos for legislation to create the Massachusetts Public Safety Building Authority. Public Safety and Homeland Security.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. *1599* OF 2023-2024.]

The Commonwealth of Massachusetts

In the One Hundred and Ninety-Fourth General Court
(2025-2026)

An Act relative to the creation of the Massachusetts Public Safety Building Authority.

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

SECTION 1. Chapter 10 of the General Laws is hereby amended by inserting after section 35PPP the following section:-

Section 35QQQ. (a) As used in this section, the following words shall, unless the context requires otherwise, have the following meanings:-

"Authority", the Massachusetts Public Safety Building Authority, established under section 1 of Chapter 40Y.

"Dedicated sales tax revenue amount", all moneys received by the commonwealth equal to 1 per cent of the receipts from sales, as defined by chapter 64H, and 1 per cent of the sales price of purchases, as defined by chapter 64I, from that portion of the taxes imposed under said

10 chapters 64H and 64I as excises upon the sale and use at retail of tangible property or of services,
11 and upon the storage, use or other consumption of tangible property or of services, including
12 interest thereon or penalties, but not including any portion of the taxes that constitute special
13 receipts within the meaning of subsection (b1/2) of section 10 of chapter 152 of the acts of 1997
14 or within the meaning of subsection (b1/2) of said section 10 of said chapter 152 or any portion
15 of the taxes imposed on the sale of meals as defined in paragraph (h) of section 6 of said chapter
16 64H. (Marijuana – all moneys received by the commonwealth equal to 33 per cent of the
17 receipts from sales of marijuana, as defined by chapter 64N, as excises upon the sale at retail of
18 tangible property, and upon the storage, use or other consumption of tangible property, including
19 interest thereon or penalties).

20 "Receipts from sales", gross receipts from nonexempt sales, less amounts abated or
21 reimbursed.

22 "Sales price of purchases", sales price of nonexempt purchases, less amounts abated or
23 reimbursed.

24 (b) There is hereby established a separate fund to be known as the Public Safety Building
25 Modernization and Reconstruction Trust Fund. The authority shall administer the fund for the
26 purpose of assisting municipalities with the construction of or improvements to public safety
27 buildings, including, but not limited to, police stations and fire stations. There shall be credited
28 to the fund the dedicated sales tax revenue amount. Annual receipts into the fund on account of
29 any fiscal year shall be considered to meet the full obligation of the commonwealth to the
30 authority for such fiscal year.

31 (c) Amounts in the fund shall be held by the state treasurer or a designee, as trustee and
32 not on account of the commonwealth, exclusively for the purposes of the authority, and the state
33 treasurer shall disburse amounts in the fund to the authority, without further appropriation, upon
34 the request from time to time of the executive director of the authority. All amounts in the fund,
35 including investment earnings, shall be available for expenditure by the authority for any lawful
36 purpose, including without limitation payment of debt service on debt obligations issued by the
37 authority, and may be pledged to secure debt of the authority in such manner and according to
38 such priority as the authority may determine.

39 (d) The authority shall certify annually to the treasurer as trustee with copies provided to
40 the clerks of the house and senate and to the house and senate committees on ways and means
41 that it has made provision in its annual budget and its capital plan under section 7 of chapter 40Y
42 for sufficient amounts to be available to meet debt service payments or other payments due under
43 financing obligations, including, without limitation, leases or grant obligations.

44 (e) Subject to applicable restrictions contained in any bond resolution, trust or security
45 agreement or credit enhancement agreement, surety bond or insurance policy related to
46 indebtedness incurred by the authority, including without limitation coverage requirements, if the
47 authority shall determine that the balance of the fund exceeds the amount necessary to achieve
48 the purposes of the authority, including, without limitation, to meet debt service payments, lease
49 payments and grant obligations, the authority may transfer the excess amount to the
50 commonwealth.

51 (f) In order to increase the marketability of any bonds or notes of the trust which may be
52 secured by or payable from amounts held in the fund, the sums to be credited to the fund are

53 hereby impressed with a trust for the benefit of the trust and the holders from time to time of the
54 bonds or notes, and in consideration of the acceptance of payment for the bonds or notes, the
55 commonwealth covenants with the purchasers and all subsequent holders and transferees of the
56 bonds or notes that while the bond or note shall remain outstanding, and so long as the principal
57 of or interest on the bond or note shall remain unpaid, the sums to be credited to the fund shall
58 not be diverted from the control of the trust and, so long as the sums are necessary, as determined
59 by the authority in accordance with any applicable bond resolution, trust or security agreement or
60 credit enhancement agreement, surety bond or insurance policy related to indebtedness incurred
61 by the trust, for the purposes for which they have been pledged, the rates of the excises imposed
62 by said chapters 64H and 64I shall not be reduced below the rates prescribed by this section.

63 SECTION 2. The General Laws are hereby amended by inserting after chapter 40X the
64 following chapter:-

65 CHAPTER 40Y.

66 Section 1. (a) There is hereby created a body politic and corporate and a public
67 instrumentality to be known as the Massachusetts Public Safety Building Authority, which shall
68 be an independent public authority not subject to the supervision and control of any other
69 executive office, department, commission, board, bureau, agency or political subdivision of the
70 commonwealth except as specifically provided in any general or special law. The exercise by the
71 authority of the powers conferred by this chapter shall be considered to be the performance of an
72 essential public function.

73 (b) The authority shall consist of the state treasurer, who shall serve as chairperson, the
74 secretary of administration and finance in coordination with the secretary of public safety, and 4

75 additional members appointed by the state treasurer, 2 of whom shall have practical experience
76 in public safety facilities planning, public safety building construction, or architecture and public
77 safety building design, and 2 of whom shall be persons in the field of public safety with
78 demonstrated knowledge of Massachusetts public safety services and other relevant federal and
79 state public safety standards, each of whom shall serve a term of 2 years; but, a person appointed
80 to fill a vacancy shall serve only for the unexpired term. An appointed member of the authority
81 shall be eligible for reappointment. The authority shall annually elect 1 of its members to serve
82 as vice-chairperson. Each member of the authority serving ex officio may appoint a designee
83 pursuant to section 6A of chapter 30.

84 (c) Four members of the authority shall constitute a quorum, and the affirmative vote of 4
85 members of the authority shall be necessary and sufficient for any action taken by the authority.
86 No vacancy in the membership of the authority shall impair the right of a quorum to exercise all
87 the rights and duties of the authority. Members shall serve without pay but shall be reimbursed
88 for actual expenses necessarily incurred in the performance of their duties. The chairperson of
89 the authority shall report to the governor and to the general court no less than annually, to assist
90 the executive and legislative branches in coordinating public safety, community development
91 and fiscal policies of the commonwealth.

92 (d) Any action of the authority may take effect immediately and need not be published or
93 posted unless otherwise provided by law. The authority shall be subject to all provisions of
94 chapter 30A, and records pertaining to the administration of the authority shall be subject to
95 section 42 of chapter 30 and section 10 of chapter 66. All moneys of the authority shall be
96 considered to be public funds for purposes of chapter 12A. The operations of the authority shall

97 be subject to chapter 268A and chapter 268B and all other operational or administrative
98 standards or requirements to the same extent as the office of the state treasurer.

99 Section 2. For the purposes of this chapter, the following words shall have the following
100 meanings:-

101 "Authority", the Massachusetts Public Safety Building Authority.

102 “Public safety services”, city or town police, fire, and emergency medical
103 service departments.

104 Section 3. There is hereby established a public safety building assistance program. The
105 purpose of said program is generally to encourage and foster the thoughtful establishment and
106 maintenance of public safety facility space in and among the cities and towns of the
107 commonwealth; to conduct surveys and studies relative thereto; and to administer the provisions
108 of this chapter relative to grants and loans to cities and towns for the planning and construction
109 of public safety buildings and public safety facility projects.

110 The purposes of the program shall be the provision of financial assistance to cities and
111 towns as beneficiaries of the trust to finance and refinance the costs of approved public safety
112 projects as provided in, and as necessary to implement this chapter, including without limitation
113 providing for the payment of grants approved pursuant to this chapter and the payment of all
114 costs of the authority, including professional and financial services incident to the conduct of its
115 operations.

116 The authority shall establish general policy and review standards regarding public safety
117 building construction, renovation, maintenance and facility space and administer the public

118 safety building assistance program in accordance with this chapter. In carrying out its duties, the
119 authority shall be guided by the following principles: preservation of open space and
120 minimization of loss of such open space, emphasis on thoughtful community development, and
121 project flexibility that addresses the needs of individual communities and municipalities. In
122 accordance with the terms of any bond resolution, trust or security agreement or credit
123 enhancement agreement, surety bond or insurance policy related to indebtedness incurred by the
124 authority secured by amounts provided to the trust in accordance with section 35QQQ of chapter
125 10, the holders of indebtedness and the providers of any credit enhancement, surety bond or
126 insurance policy shall also be beneficiaries of the trust. The authority shall apply and disburse
127 moneys and revenues of the trust without further appropriation or allotment.

128 Specific powers of the authority shall include, but not be limited to, the following:

129 (a) review, approve or deny grant applications, waivers and other requests submitted to
130 the program; review, approve and recommend changes to grant payment schedules or suspend
131 said schedules for program projects such as refinancings, audit findings and such other
132 circumstances that may warrant such action;

133 (b) provide architectural or other technical advice and assistance, training and education,
134 to cities and towns or to joint committees thereof and to general contractors, subcontractors,
135 construction or project managers, designers and others in the planning, maintenance and
136 establishment of public safety facility space;

137 (c) recommend to the general court such legislation as it may deem desirable or necessary
138 to further the purposes of this chapter;

139 (d) develop a formal enrollment projection model or consider using projection models
140 already available;

141 (e) to apply for, receive, administer and comply with the conditions and requirements
142 respecting any grant, gift or appropriation of property, services or moneys;

143 (f) to enter into contracts, arrangements and agreements with other persons and execute
144 and deliver all trust agreements, grant agreements and other instruments necessary or convenient
145 to the exercise of the powers of the trust;

146 (g) to borrow and repay money by issuing bonds or notes of the trust, to apply the
147 proceeds thereof as provided in this chapter and to pledge or assign or create security interests in
148 any revenues, receipts or other assets or funds of the trust to secure bonds or notes;

149 (h) develop a project priority system;

150 (i) collect and maintain a clearinghouse of prototypical public safety building plans which
151 may be consulted by eligible applicants;

152 (j) collect and maintain resource library relating to regulations established by the United
153 States Department of Labor Occupational Safety and Health Administration and
154 recommendations established by public safety services professional organizations, including but
155 not limited to the International Association of Fire Fighters;

156 (k) determine eligibility of cost components of projects for reimbursement, including
157 partial or full eligibility for project components for which the benefit is shared between the
158 public safety entity and other municipal entities;

159 (l) establish appropriate rules and regulations as may be necessary to carry out the
160 purposes of this chapter;

161 (m) prepare an annual budget for the administration of the program;

162 (n) collect and maintain data on all the public building facilities in the commonwealth,
163 including information on size, services, number of employees, available facility space,
164 maintenance;

165 (o) perform or commission a needs survey to ascertain the capital construction,
166 reconstruction, maintenance and other capital needs for public safety services in the
167 commonwealth;

168 (p) develop a long term capital plan in accordance with needs and projected funding;

169 (q) adopt and amend bylaws and such rules, regulations and procedures for the conduct of
170 the business of the trust as the board shall deem necessary to carry out the provisions of this
171 chapter;

172 (r) establish and maintain reserves;

173 (s) disburse amounts due to cities and towns under grants approved by the authority to
174 finance or refinance costs of approved public safety projects and, in conjunction therewith,
175 finance or refinance the local share of costs of these projects, through the purchase of bonds,
176 notes or other evidences of local indebtedness, at the rates and on the terms that the authority
177 may in its discretion determine, and provide for the payment of all costs of the authority,
178 including professional and financial services incident to the conduct of its operations;

179 (t) invest the funds of the trust in such investments as may be legal investments for funds
180 of the commonwealth or any fiduciary in the commonwealth;

181 (u) obtain insurance and enter into agreements of indemnification necessary or
182 convenient to the exercise of the powers of the trust;

183 (v) sue and be sued and to prosecute and defend actions relating to the affairs of the trust;
184 but the trust shall not be authorized to become a debtor under the United States Bankruptcy
185 Code;

186 (w) engage accounting, management, legal, financial, consulting and other professional
187 services necessary to the operations of the trust; and

188 (x) do all things necessary or convenient to carry out the purposes of this chapter.

189 The chairperson of the authority shall appoint an executive director, who shall supervise
190 the administrative affairs and general management and operations of the authority and who shall
191 also serve as secretary of the authority, ex officio. The executive director shall receive a salary
192 commensurate with the duties of the office, and may be removed by the board for cause. The
193 executive director may appoint other officers of the authority necessary to the functioning of the
194 authority. The executive director shall designate no fewer than 1 employee to be a municipal
195 liaison to assist cities and towns with concerns regarding the construction of public safety
196 buildings. Sections 9A, 45, 46, and 46C of chapter 30, chapter 31 and chapter 150E shall not
197 apply to the executive director or any other employees of the authority. The executive director
198 shall, with the approval of the authority: (i) plan, direct, coordinate and execute administrative
199 functions in conformity with the policies and directives of the authority; (ii) employ professional
200 and clerical staff as necessary; (iii) report to the authority on all operations under his control and

201 supervision; (iv) prepare an annual budget and manage the administrative expenses of the
202 authority; and (v) undertake any other activities necessary to implement the powers and duties
203 set forth in this chapter.

204 Section 3A. The authority, in cooperation with the state treasurer, shall at all times keep
205 accounts of all receipts, expenditures and disbursements and all assets and liabilities of the
206 authority, which shall be open to inspection by any officer or duly appointed agent of the
207 commonwealth.

208 Section 4. Within 365 days of the effective date of this act and prior to the review of grant
209 applications, the authority shall conduct a comprehensive review of all municipal public safety
210 buildings in the Commonwealth, including, but not limited to, determining the total number of
211 public safety buildings, the date of initial construction, the number of public safety services
212 based in each public safety building, the number of cities and towns actively renovating or
213 constructing a public safety building, the total population served by each public safety service in
214 each public safety building, the unique needs of each public safety service and their impact on
215 the construction of a public safety building, how construction of the public safety building
216 impacts dispatch response time, how to prioritize health and safety of public safety personnel in
217 the construction of a public safety building, and how public safety equipment and vehicles are
218 stored in existing public safety buildings. This review shall be the responsibility of an
219 independent, third-party research firm, as identified by the authority, and based on criteria set
220 forth in this section.

221 Section 5. Any eligible applicant may apply to the authority for reimbursement, in whole
222 or in part, of any expenses incurred for educational, engineering and architectural services

223 incidental to the planning of a public safety building or any expenses incurred for surveys made
224 of public safety building needs and conditions, the contract for which has been approved by the
225 authority. Such application shall be accompanied by information and documentation that the
226 authority may require.

227 Section 6. An eligible applicant may submit to the authority a statement of interest which
228 shall be approved by a vote of the applicable local governing body or bodies as set forth and in a
229 form prescribed by the authority, and which shall state what the eligible applicant believes are
230 the deficiencies in said eligible applicant's respective public safety facilities that meet one or
231 more of the priorities established by the authority. Said statement of interest shall be
232 accompanied by such additional forms, documents, and information as the authority shall deem
233 necessary to review the statement. The submission for a statement of interest shall not commit
234 the authority to accept any further application materials, approve an application, or provide a
235 grant or any other type of funding, or place any other obligation or requirement upon the
236 authority. The authority shall notify an eligible applicant if the authority determines that the
237 statement of interest has not met the criteria established by the authority.

238 If the authority determines that the statement of interest and associated material merits
239 further consideration, the authority may, in its discretion, invite the eligible applicant to apply to
240 the authority for a public safety facilities grant to meet in part the cost of a public safety building
241 project; but, a city or town shall not have an entitlement to funds under this chapter except at the
242 discretion of the authority in accordance with this chapter. Application shall mean a series of
243 documents, forms, letters, statements, certifications, plans, studies, drawings, and other data and
244 information required by the authority to be submitted within the deadlines and in the format
245 prescribed by the authority and shall be accompanied or supplemented by drawings, plans,

246 estimates of cost and proposals for defraying the costs or any additional information the authority
247 may require, before construction is undertaken. The authority shall require a maintenance plan to
248 be submitted as part of the application to address any required updates to the public safety
249 building following the completion of construction. The authority shall promulgate regulations
250 establishing the procedural steps by which applications must be made and reviewed, and may at
251 any time during the application process determine that the application does not warrant further
252 consideration, pursuant to the priority criteria established by the authority. In the event that an
253 eligible applicant undertakes construction before approval is obtained, the eligible applicant shall
254 remain subject to the authority's approval process as if the construction were not undertaken.

255 Section 7. (a) On or before June 30 of each year, the authority shall submit a report to the
256 governor, the house and senate committees on ways and means, the joint committee on public
257 safety and homeland security, the joint committee on bonding, capital expenditures and state
258 assets, and the joint committee on municipalities and regional government, which analyzes the
259 anticipated financial needs for public safety facilities projects of the kind that qualify for
260 assistance under this chapter. The report shall include a listing of each public safety building,
261 together with a description of its public safety services, number of population served, age and
262 state of maintenance and whether it is likely to require construction, enlargement, reconstruction,
263 rehabilitation or improvement due to such factors as deterioration, lack of adequate facilities to
264 meet public safety services' needs and changing number of population served.

265 (b) The authority shall also conduct periodic surveys of the cities and towns to determine
266 the need for new public safety facility construction to meet demand.

267 (c) The authority shall develop a long-term capital plan in accordance with needs and
268 funding projected to be available in the trust under this chapter for purposes of planning and
269 guiding the policies of the authority.

270 (d) The capital plans, needs surveys and reports of the authority shall not give rise to any
271 claim, legal or moral, or enforceable right in any party to benefits or funds from the trust or from
272 other sources.