

HOUSE No. 2115

The Commonwealth of Massachusetts

PRESENTED BY:

James J. O'Day

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 construction and rehabilitation of public safety facilities.

PETITION OF:

NAME:

James J. O'Day

DISTRICT/ADDRESS:

14th Worcester

HOUSE No. 2115

By Mr. O'Day of West Boylston, a petition (accompanied by bill, House, No. 2115) of James J. O'Day for legislation to establish a public safety assistance board to assist in the construction of police stations, fire stations and other public safety facilities. Public Safety and Homeland Security.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-First General Court
(2019-2020)**

An Act relative to construction and rehabilitation of public safety facilities.

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. The General Laws, as appearing in the 2016 Official Edition, are hereby
2 amended by inserting after chapter 22E the following chapter:-

3 CHAPTER 22F.

4 THE PUBLIC SAFETY ASSISTANCE BOARD

5 Section 1. As used in this chapter, the following words shall, unless the context clearly
6 requires otherwise, have the following meanings:-

7 “Board,” the public safety assistance board.

8 “Capital construction project,” a project for the construction, enlargement or renovation
9 of a municipal police station, fire station, or joint public safety facility.

10 “Construction standards,” the standards promulgated by the public safety assistance
11 board, which shall be used to determine the minimum and maximum sizes, including square
12 footage, compliance with health and safety codes, compliance with all applicable provisions of
13 federal, state, and local law relative to the accessibility of facilities to handicapped persons, and
14 the scope of design of a municipal police station, fire station, or public safety facility.

15 “Joint public safety facility,” any building constructed, enlarged, or renovated with the
16 intent of housing more than 1 public safety agency.

17 Section 2. (a) There is hereby established in the executive office of public safety, a public
18 safety assistance board, which shall consist of 5 members to be appointed by the governor, 1 of
19 whom shall be a representative from the Massachusetts Municipal Association, 1 of whom shall
20 be a representative of the Massachusetts Police Chiefs Association, and 1 of whom shall be a
21 representative of the Massachusetts Fire Chiefs Association. The governor shall first appoint 1
22 member for a period of 1 year, 1 member for a period of 2 years, 1 member for a period of 3
23 years, 1 member for a period of 4 years, and 1 member for a period of 5 years; provided,
24 however, that appointments made upon the expiration of a term of any member shall thereafter
25 be for a period of 5 years. All members shall be residents of the commonwealth and 1 member
26 shall be designated by the governor, from time to time, as chairman. The secretary of the
27 executive office of public safety, or a designee, shall serve as an ex-officio, non-voting member
28 of said board.

29 (b) The board shall be provided with suitable office space in the executive office of
30 public safety. A majority vote shall constitute action by the board. Any action decided upon by
31 the board shall be in writing and signed by a majority of said board. Each member of the board

32 shall be reimbursed for any expenses actually incurred by him or her in the performance of his or
33 her duties.

34 Section 3. All administrative and clerical duties deemed necessary to carry out the
35 provision of this chapter shall be carried out by employees within the executive office of public
36 safety, subject to the supervision and control of the board.

37 Section 4. (a) The board shall establish and administer a grant program, to be known as
38 the Public Safety Assistance Program through which the board shall award and prioritize grants
39 to cities and towns for capital construction projects, and to encourage and foster the
40 establishment and building of joint public safety facilities in cities and towns which the board
41 deems appropriate.

42 (b) All such grants made pursuant to this chapter shall be paid from funds in the Public
43 Safety Assistance Fund. No grant shall be approved for any amount greater than 75 percent of
44 the total construction costs for a police or fire station facility; provided, however, that in the case
45 of a joint public safety facility, a grant may be awarded for up to 90 percent of the total
46 construction cost. In no case shall a grant include payment for the principal, interest, or any other
47 amount obligated to be paid by a city or town in furtherance of a capital construction project. The
48 specific percentage that a city or town is eligible for, if approved, shall be determined in
49 accordance with rules and regulations promulgated by the board pursuant to this act; provided,
50 however, that said rules and regulations shall include provisions to determine the financial
51 obligations of 2 or more cities and town when applying for a grant for a regional joint public
52 safety facility; provided further that all grant payments shall be made by the public safety
53 assistance board to a city or town in 3 equal payments over a 3 year period.

54 Section 5. Between January 1 and May 1 of each year, a city or town may apply to the
55 board for a grant for a capital construction project, including costs incurred for the preparation of
56 preliminary studies, plans, drawings, and estimated related thereto. All applications shall comply
57 with the construction standards promulgated by the board pursuant to this chapter. All
58 application shall be accompanied by required documentation in the form prescribed by the board,
59 including copies of the plans, drawings, estimates, and other construction documents, together
60 with such additional information as the board may require.

61 Section 6. (a) The board shall establish criteria for making a decision to approve or reject
62 the grant application for a capital construction project, and to determine the amount of such a
63 grant; provided, however, that each application shall be placed in one of the following 3
64 categories as determined by the population of the city or town in which the capital construction
65 project shall take place: (1) cities or towns with a population of not more than 25,000 people; (2)
66 cities or towns with a population of more than 25,000 people but not more than 75,000; and (3)
67 cities and towns with a population of more than 75,000 people. In making a decision to approve
68 or reject an application, the board shall consider each category separately and shall in no case
69 cause applicants from 1 category to compete for funding against applicants from any other
70 category except the category in which the application was placed. The population of a city or
71 town shall be determined pursuant to the most recent census figures.

72 (b) The board may vote to approve or reject such applications after it is satisfied that: (1)
73 the plans so submitted are satisfactory with respect to site, type, and adequacy of the proposal
74 construction or renovation; (2) that such a capital construction project is in the best interest of the
75 respective city or town; (3) the city or town has demonstrated the ability and commitment to

76 adequately maintain a new facility according to standards set forth by the public safety assistance
77 board; and (4) the expenses for incurred are reasonable.

78 (c) After a vote which results in the approval of an application, the board shall then list all
79 approved applications in order of priority and according to the 3 categories pursuant to
80 subsection (a). Subject to availability of funding, the board shall certify to the comptroller for
81 payment to such city or town, not exceeding such expenses, as it may deem proper. A city or
82 town which has an approved capital construction project that has been prioritized by the board
83 shall be notified of their ranking and said project shall not be removed from, or have its position
84 altered on, the priority list until a grant has been awarded to such city or town except when
85 conditions beyond the control of any city or town result in the destruction of an existing police or
86 fire facility, necessitating immediate action from the board.

87 Section 7. (a) The board may enter into contracts for technical service within the scope of
88 its duties, to provide legal, architectural or other technical advice and assistance to all applicants
89 in the planning, building, or renovating of police and fire station facilities.

90 (b) The board shall promulgate rules and regulations necessary to carry out the provisions
91 of this chapter relative to capital construction project applications; provided however, that said
92 rules and regulations include standards to be known as “construction standards,” which shall
93 include a requirement that all police station facilities shall be designed to include a so-called
94 community meeting room; and provided, further that the board shall establish a formula for the
95 equitable distribution of revenues from the Public Safety Assistance Fund for each of the 3
96 categories of applications pursuant to subsection (1) of section 6.

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

104 Section 9. (a) Any city or town which engages in a capital construction project using
105 funds from a grant pursuant to this chapter shall not be eligible to apply for or receive a grant
106 pursuant to this chapter for the construction or rehabilitation of the building which was the
107 subject of said capital construction project for a period of 20 years; provided, however, that the
108 board may waive the provisions of this section when conditions beyond the control of the city or
109 town severely damage or destroy the building which was previously the subject of a capital
110 construction project.

111 (b) A city or town which engages in a capital construction project using funds from a
112 grant pursuant to this chapter shall not hire an individual or company to work on said project in
113 any manner without proof that said individual or company shall pay to its employees the current
114 prevailing wage in the commonwealth. Such proof shall be furnished to the board in the form of
115 an affidavit signed by the owner of the business contracted to perform work, or the agent of such
116 owner.

117 SECTION 2. Chapter 29 of the General Laws, as appearing in the 2016 Official Edition,
118 is hereby amended by inserting after section 2VVVV the following section:-

119 Section 2WWW. There shall be established and set up on the books of the
120 commonwealth a Public Safety Assistance Fund which shall be administered by the public safety
121 assistance board. Notwithstanding any general or special law to the contrary, the following
122 monies shall be credited to the fund: (i) any appropriations, grants, gifts, or other monies
123 authorized by the general court or other parties and specifically designated to be credited to the
124 fund; and (ii) any income derived from the investment of amounts credited to the fund. All
125 amounts credited to the fund shall be used without further appropriation for the purpose of
126 administrating the Public Safety Assistance Program and any other program established pursuant
127 to chapter 22F. No expenditure from the fund shall cause the fund to be in deficiency at the close
128 of a fiscal year. Monies deposited in the fund that are unexpended at the end of the fiscal year
129 shall not revert to the General Fund and shall be available for expenditure in the subsequent year.
130 The fund shall be except from the indirect and fringe benefits that would otherwise be assessed
131 pursuant to this chapter.”

132 SECTION 3. Notwithstanding any general or special law to the contrary, any city or town
133 which has certified blueprints for a police station, fire station, or joint public safety facility prior
134 to the effective date to this act, and who shall act in furtherance of said blueprints within 1 year
135 of the effective date of this act by commencing the capital construction project, as defined in
136 section 1 of chapter 22F of the General Laws shall not be subject to the construction standards
137 promulgated by the board pursuant to section 5 of said chapter 22F.

138 SECTION 4. The public safety assistance board shall begin making awards and ranking
139 applications in order of priority pursuant to chapter 22F of the General Laws no later than
140 January 1 of the year following the effective date of this act. Each year thereafter said grants
141 shall be awarded on or before September 1.

142 SECTION 5. The public safety assistance board shall promulgate the rules and
143 regulations required under subsection(b) of section 7 of chapter 22F of the General Laws no later
144 than September 15 of the year following the effective date of this act.