

HOUSE No. 3980

By Mr. Pacheco of Taunton, petition of Marc R. Pacheco, Joan M. Menard and Theodore J. Aleixo, Jr., for legislation to establish a police and fire station building assistance fund within the Executive Office of Public Safety. Public Safety.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Ninety.

AN ACT ESTABLISHING A POLICE/FIRE STATION BUILDING ASSISTANCE 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 1. Chapter 6A of the General Laws is hereby
2 amended by inserting after section 18 the following six sections: —

3 Section 18A. The Executive Office of Public Safety shall
4 subject to appropriation, establish and administer a program of
5 state assistance to cities and towns in the planning, reconstruction,
6 construction, design, acquisition of real property, renovation,
7 preservation, rehabilitation, demolition or expansion of a facility
8 to be used as a police, fire or police/fire station. Said office may
9 in accordance with the provisions of this section, provide grant
10 funds to such cities and towns which apply for funding of projects
11 authorized by this section provided, however, that said grant shall
12 not exceed seventy-five per cent of the cost of an approved police/
13 fire station project, including interest and the cost of planning
14 thereof.

15 Section 18B. As used in section eighteen A through eighteen F
16 the following words shall, unless the context otherwise requires,
17 have the following meaning: —

18 “Addition, expansion or extension”, work which will result in
19 an increase in the overall external dimension of a police or fire
20 facility.

21 “Alteration”, work required to modify or adjust the interior
22 space arrangement or other physical characteristics of an existing

23 police or fire station facility so that it may be more effectively
24 utilized for its present designated functional purpose.

25 “Approved police or fire station project”, an undertaking for
26 the planning, alteration, construction, demolition, reconstruction,
27 renovation, addition, expansion, extension, or rehabilitation of
28 a police or fire station facility as approved by a majority vote of
29 the town at a town meeting or by a majority vote of a city council,
30 with the approval of the mayor, in the case of a city or in a
31 municipality having a town council form of government, by vote
32 of the town council.

33 “Construction”, new construction, alteration, renovation,
34 rehabilitation, or other activity that is intended to result in a
35 significant increase in the internal usable space of a police or fire
36 station.

37 “Master Plan”, a study, description, or design of an approved
38 police or fire station project which is intended to ensure that
39 various components of an approved police or fire station facility
40 shall be compatible with each other and that the approved police
41 or fire station project as a whole is compatible with its
42 surroundings.

43 “Planning”, the preparation of a master plan, study, analysis,
44 or similar report the purpose of which is to define the cost, content
45 and schedule of an approved police or fire station project so as
46 to establish a frame of reference prior to design, acquisition,
47 construction, alteration, renovation, rehabilitation or other
48 activity of an approved police or fire station project.

49 “Public agency”, a department, board, commission, council or
50 other instrumentality of a city or town.

51 “Police or fire station facility”, a building or other structure
52 utilized as a police or fire station in a city or town.

53 “Rehabilitation”, work required to restore a police or fire
54 station facility to its former condition, or to modify and modernize
55 a police or fire station facility in order that it may be effectively
56 utilized for its designated functional purpose or to comply with
57 current code requirements.

58 “Study”, a plan, analysis or report to identify and evaluate
59 alternative solutions to and recommendations for a solution to
60 the needs and requirements defined by a public agency proposing
61 an approved police or fire station project.

62 Section 18C. The Executive Office of Public Safety shall
63 establish rules and regulations which shall govern the application
64 for and distribution of said funds. Any such rule and regulation
65 shall require that any city or town receiving a grant for an
66 approved police/fire station project for the planning, construc-
67 tion, renovation, alteration, addition, expansion or demolition of
68 a police and fire station facility make a financial commitment to
69 the project for which the grant is awarded.

70 An application must be for an approved police or fire station
71 project and shall be in such form as prescribed by said agency
72 and shall be accompanied by such additional master plan,
73 information, drawings, plans, estimates of costs, and proposals
74 for defraying such costs as the agency may require. The board
75 may consult with the Division of Capital Planning and Operations
76 under the Secretary of Administration and Finance and the
77 Executive Office of Communities and Development as to the
78 feasibility and cost of any such application.

79 Said agency may, if it is satisfied that the application so
80 submitted meets the requirements as established by said agency
81 and that the expenses to be incurred are reasonable, certify to the
82 comptroller for payment to such city and town such amount as
83 it may deem proper and the state treasurer shall forthwith make
84 payments so certified from any funds appropriated therefor.

85 Section 18D. In allocating said funds, the office shall give
86 priority to police and fire station construction projects within
87 communities (a) in which the most recent fiscal year's tax levy as
88 a percent of its levy limit exceeds the statewide average, as
89 determined by the commissioner of revenue; (b) that demonstrate
90 strong local annual operating support for police and fire
91 departments; (c) that has a high degree of need to expand space
92 requirements for living, apparatus and office space, and training
93 facilities; (d) where police or fire stations are needed to replace
94 a structure where the volume of traffic at the present location
95 provides a potential safety hazard; (e) which undertake significant
96 cooperation with other municipalities in the area of mutual and
97 services; (f) where additional police or fire service is required due
98 to increased residential or industrial development.

99 Section 18E. Cities and towns may accept grants or gifts for
100 purposes of police and fire station construction or renovation,

101 including the planning thereof from private persons or
102 corporations and from charitable foundations and may disburse
103 the same for such purposes. Cities and towns may include any
104 such funds in the determination of the local match in applying
105 for assistance from the Commonwealth for a grant for an
106 approved police and fire station project. Any amounts so received
107 by a city or town shall be deposited with the treasurer of such
108 city or town and held as a separate account and may be expended
109 without further appropriation notwithstanding the provisions of
110 section fifty-three of chapter forty-four.

111 Section 18F. No regulation shall be accepted for filing with the
112 state secretary unless such regulation has been submitted to the
113 clerks of the Senate or House of Representatives who shall refer
114 such regulations to the appropriate joint committee for its review
115 and comment ninety days prior to the effective date of said
116 regulations. Said committee may submit written comments and
117 suggested changes, if any, to the EOPS at least sixty days prior
118 to said effective date. The EOPS in filing its regulations shall
119 consider the comments and suggested changes will not be adopted
120 to such committee at least thirty days prior to the effective date
121 of the regulations.

1 SECTION 2. The executive office of public safety shall
2 establish a competitive grant program for the purpose of
3 providing funds, subject to appropriation, to implement new
4 projects in police or fire station facilities. Such grants shall not
5 be made for the support of ongoing operational project, which
6 in no case shall exceed two years. The board shall establish
7 minimum requirements to be met by all applicants for grants
8 under this program, which shall include but not be limited to the
9 requirements that said applicants shall not use grant monies to
10 replace local operational monies, shall pay a certain portion of
11 the implementation costs of a project and shall agree to pay the
12 operating costs of a project after its implementation.

1 SECTION 3. The executive office of public safety is hereby
2 authorized to expend a sum not exceeding forty million dollars
3 for a program of grants to cities and towns for approved police
4 and fire station projects as authorized. Grants for approved police

5 and fire station projects shall be awarded only for projects on
6 which construction will commence after November first, nineteen
7 hundred and eighty-seven.

1 SECTION 4. To meet the expenditures necessary in carrying
2 out the provisions of section three of this act, the state treasurer
3 shall, upon request of the governor, issue and sell bonds of the
4 commonwealth but not exceeding, in the aggregate, the sum of
5 forty million dollars. All bonds issued by the commonwealth, as
6 aforesaid, shall be designated on their face, Capital Outlay Loan
7 — Police/Fire Station Facilities, Act of 1988 and shall be in
8 accordance with recommendations of the governor submitted
9 pursuant to Section 3 of Article LXII of the Amendments to the
10 Constitution of the Commonwealth, be issued for maximum
11 terms not exceeding twenty years and be payable not later than
12 June thirtieth, two thousand and eighteen. All interest and
13 payments on account of principal of such obligations shall be
14 payable from the Local Aid Fund. Bonds issued under authority
15 of this section and the interest thereon shall, notwithstanding any
16 other provisions of this act, be general obligations of the
17 commonwealth.

1 SECTION 5. The state treasurer may borrow from time to
2 time on the credit of the commonwealth such sums of money as
3 may be necessary for the purposes of meeting payments
4 authorized by section nine of this act and may issue and renew
5 from time to time notes of the commonwealth therefor, bearing
6 interest payable at such times and at such rates as shall be fixed
7 by the state treasurer. In accordance with the recommendations
8 which the governor shall submit pursuant to Section 3 of Article
9 LXII of the Amendments to the Constitution of the Common-
10 wealth, such notes shall be issued and may be renewed one or more
11 times for terms not exceeding one year and the final maturities
12 of such notes, whether original or renewal, shall not be later than
13 June thirtieth, nineteen hundred and ninety-three. Such notes and
14 any renewals therefor shall be general obligations of the
15 commonwealth.

