

HOUSE No. 2324

By Representative Jones of North Reading and Senator Tisei, joint petition of Bradley H. Jones, Jr., and others relative to authority of the Governor to declare a disaster. Public Safety and Homeland Security.

The Commonwealth of Massachusetts

PETITION OF:

Bradley H. Jones, Jr.	Susan Williams Gifford
Richard R. Tisei	Robert S. Hargraves
Paul J. P. Loscocco	Robert L. Hedlund
Bruce E. Tarr	Bradford Hill
Mary S. Rogeness	Donald F. Humason, Jr.
George N. Peterson, Jr.	Michael R. Knapik
John A. Lepper	Jeffrey Davis Perry
Viriato Manuel deMacedo	Elizabeth A. Poirier
Lewis G. Evangelidis	Karyn E. Polito
F. Jay Barrows	Richard J. Ross
Scott P. Brown	Todd M. Smola
Paul K. Frost	Daniel K. Webster

In the Year Two Thousand and Seven.

AN ACT RELATIVE TO THE SECURITY OF THE COMMONWEALTH.

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 6 of the General Laws, as appearing in the
2 2004 Official Edition, is hereby amended by inserting after Section 1
3 thereof the following new section:—
- 4 Section 1A. (a) The governor shall have the authority to issue a
5 declaration of disaster within 72 hours after any event or series of
6 events which, in his discretion, results in loss of life, personal injury,
7 destruction of public or private property or disruption of infrastruc-
8 ture or essential services which is exceptional in degree because of
9 the number of people or the size of the geographic area so affected.
- 10 (b) A declaration issued under the preceding paragraph shall
11 specify with particularity the event or series of events to which it
12 relates and the persons or properties or groups of persons or proper-
13 ties so affected. In addition, such a declaration may include any one

14 or more of the following executive orders that the governor might
15 deem to be necessary or appropriate, and notwithstanding any
16 general or special law to the contrary:—

17 (1) an executive order that certain executive offices, departments
18 or administrative agencies of the Commonwealth take or refrain
19 from taking certain specified actions;

20 (2) an executive order that municipalities affected by the condi-
21 tion giving rise to the declaration may enter into agreements with
22 one another or with the commonwealth for the bulk purchasing of
23 equipment or resources necessary to abate or remedy said condition;
24 provided, that such bulk purchasing may be undertaken independent
25 of the requirements of Chapter 30B of the General Laws; and pro-
26 vided further, that such an order shall clearly define the municipali-
27 ties which are eligible to participate in such bulk purchasing, the
28 scope of items which may be procured according to its terms, and a
29 set period of time within which such items shall be purchased;

30 (3) an executive order that repairs and reconstruction of certain
31 specified land and buildings owned by the Commonwealth or one of
32 its political subdivisions and which were damaged as a direct result
33 of the condition giving rise to the declaration may be made without
34 regard to Chapter 30B of the General Laws;

35 (4) an executive order establishing a program which provides
36 state assistance to persons whose primary residences or businesses
37 were damaged as a direct and proximate result of the condition
38 giving rise to the declaration; provided, that such assistance shall
39 take the form of loans of money from the general fund of the Com-
40 monwealth, without further appropriation; and provided further, that
41 such program shall be administered by the director of the department
42 of housing and community development; and provided further, that
43 such loans shall be repayable at a rate of interest which is at or
44 below the market rate of interest; and provide further, that the total
45 amount of loans which are issued in response to any particular event
46 or series of events giving rise to a declaration shall not exceed \$10
47 million in value, nor shall any such loan to a single person exceed
48 \$20,000 in value; and provided further, that such loans shall be
49 repaid in full to the municipality in which the person resides or in
50 which the subject business is located over a term of not more than 5
51 years from the date of issue; and provided further, that each such
52 loan shall be secured by a lien in the subject property running in

53 favor of the municipality in which it is located, which lien shall have
54 priority over any and all other security interests in such property and
55 shall be perfected without need of being recorded at the registry of
56 deeds.

57 (5) an executive order permitting any city or town in which per-
58 sonal property has been damaged as a direct and proximate result of
59 the condition giving rise to the declaration to abate property taxes
60 for the property so damaged, such that for a period of not more than
61 2 years next following the declaration the valuation of the property
62 which is so taxed shall be limited to the value of the land upon
63 which it is located immediately prior to the time the damage took
64 place.

1 SECTION 2. Section 18³/₄ of Chapter 6A of the General Laws, as
2 appearing in the 2004 Official Edition, is hereby amended by adding
3 the following paragraph:—

4 (9) to develop and implement a comprehensive program which
5 shall identify, on a continuing basis, significant natural and man-
6 made threats to the life and safety of Massachusetts residents and to
7 the security of public and private facilities located in the Common-
8 wealth, to determine vulnerabilities in such areas, and to develop
9 solutions to prevent, interdict and respond to incidents related to
10 such threats. The program shall include, but not be limited to,
11 analysis of the sufficiency of staffing and equipment within munic-
12 ipal police and fire departments, regional police and fire districts and
13 the state police; plans for the evacuation of communities in the event
14 of a catastrophe; and, the ability of federal, state and local agencies
15 to communicate and inter-operate in the event of an emergency. The
16 undersecretary of homeland security shall annually file a report on
17 the status and findings of such program with the clerk of the senate
18 and house of representatives, the chairs of the joint committee on
19 public safety and homeland security and the house and senate com-
20 mittees on ways and means; provided, that the undersecretary of
21 homeland security may omit from such report any findings or other
22 information the disclosure of which he believes may present a secu-
23 rity risk to the health, safety or welfare of Massachusetts residents.

1 SECTION 3. Chapter 10 of the General Laws, as appearing in the
2 2004 Official Edition, is hereby amended by inserting after section
3 33BB the following new section:—

4 Section 35CC. There shall be established on the books of the
5 Commonwealth a separate fund, to be known as the Massachusetts
6 Disaster Relief Fund. There shall be credited to said fund any and all
7 amounts paid to the Commonwealth by the federal government for
8 the purpose of relief from any disaster. All amounts in the fund,
9 including any investment earnings, shall be held by the state trea-
10 surer and paid to public or private persons, according to the purposes
11 for which the funds were received and in consultation with the
12 director of the emergency management agency; provided, that no
13 monies credited to said fund shall remain on deposit with the Com-
13 monwealth for more than six months after they are received.

1 SECTION 4. There is hereby established a special commission to
2 study the sufficiency and appropriateness of laws and other arrange-
3 ments for the continuity of state government in the event of a cata-
4 strophe, including but not limited to plans to prevent the disruption
5 of services in the event of a disaster and to prevent interruptions in
6 decision making by elected officials through the prompt filling of
7 vacancies in elected offices resulting from an emergency. Said com-
8 mission shall consist of 7 members, one of whom shall be the gov-
9 ernor or his designee, one of whom shall be the secretary of state or
10 his designee, one of whom shall be the secretary of public safety or
11 his designee, one of whom shall be a state senator appointed by the
12 president of the senate, one of whom shall be a state senator
13 appointed by the minority leader of the senate, one of whom shall be
14 a state representative appointed by the speaker of the house of repre-
15 sentatives, and one of whom shall be a state representative appointed
16 by the minority leader of the house of representatives. Said commis-
17 sion shall issue a report of its findings, including any proposals for
18 the passage of legislation to remedy insufficiencies in existing law,
19 not later than December 1, 2007.

1 SECTION 5. Notwithstanding any general or special law to the
2 contrary, law enforcement councils recognized by the secretary of
3 public safety shall be eligible to apply for and receive grants of
4 homeland security funding under the same terms and conditions as

5 municipal police departments and regional police districts in the
6 Commonwealth.