

SENATE No. 2614

The Commonwealth of Massachusetts

—
In the One Hundred and Ninetieth General Court
(2017-2018)
—

SENATE, July 18, 2018

The committee on Ways and Means to whom was referred the Senate Bill relative to the creation of the Commonwealth Technical Rescue Regions and Coordinating Council (Senate, No. 1380),-- reports, recommending that the same ought to pass with an amendment substituting a new draft with the same title (Senate, No. 2614).

For the committee,
Karen E. Spilka

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In the One Hundred and Ninetieth General Court
(2017-2018)

An Act relative to the creation of the Commonwealth Technical Rescue Regions and Coordinating Council.

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 22D of the General Laws is hereby amended by adding the following
2 section:-

3 Section 6. (a) The secretary of public safety and security and the state fire marshal, in
4 consultation with the Professional Fire Fighters of Massachusetts and the Fire Chiefs' Association
5 of Massachusetts, Inc., shall divide the commonwealth into technical rescue regions; provided,
6 however, that the secretary of public safety and security may amend the number of such regions
7 as needed. Each technical rescue region shall provide for the organization and coordination of
8 technical rescue services and training, the acquisition of technical rescue equipment and the receipt
9 and distribution of funds.

10 (b) There shall be in the department of fire services, but not under its control, a technical
11 rescue coordinating council that shall provide overall coordination of the technical rescue regions.
12 The council shall consist of: the secretary of public safety and security or a designee; the state fire
13 marshal or a designee; and 5 members to be appointed by the governor, 2 of whom shall be

14 members of the Fire Chiefs' Association of Massachusetts, Inc., 2 of whom shall be members of
15 the Professional Fire Fighters of Massachusetts and 1 of whom shall be selected from a list
16 comprised of 1 nominee from each regional technical rescue region who is a member of a regional
17 technical rescue team and selected by such team's leadership. The governor shall appoint members
18 for a term of 3 years and any such member shall be eligible for reappointment. A person shall not
19 receive compensation for service as a member of the council but may receive reimbursement for
20 all expenses necessarily incurred in connection with the member's official duties.

21 The majority of the council shall constitute a quorum to conduct business but a lesser
22 number may adjourn from time to time. The council shall annually elect a chair and vice-chair
23 from among its members. The department of fire services may, subject to appropriation, furnish
24 reasonable staff and other support for the work of the commission.

25 (c) The council shall develop uniform standards, rules and procedures for the operation of
26 a statewide regional technical rescue services program and shall assist in the coordination of all
27 persons and agencies concerned with technical rescue services.

28 (d) The council shall establish cost recovery mechanisms for technical rescue services
29 provided within a technical rescue region; provided, however, that there shall be no cost recovery
30 if: (i) the party responsible for creating the need for technical rescue services is a resident of the
31 commonwealth; (ii) the conduct that necessitated technical rescue services was not commercial in
32 nature; and (iii) the conduct that necessitated technical rescue services was not unlawful or
33 reckless.

34 (e) The council may collect funds on behalf of a technical rescue region and shall deposit
35 said funds into the Technical Rescue Services Fund, established in section 2ZZZZ of chapter 29.

36 (f) A member of a regional technical rescue team performing official team duties,
37 including, but not limited to, emergency response, rescue stand by, training, equipment
38 maintenance and meetings, shall be considered to be on duty for the member's respective fire
39 department and covered under the provisions of section 111F of chapter 41 and any other provision
40 applicable to on-duty injury, illness or death of a firefighter.

41 (g) The department of fire services, in consultation with the technical rescue coordinating
42 council, may promulgate regulations to implement this section.

43 SECTION 2. Chapter 29 of the General Laws is hereby amended by inserting after section
44 2YYYY the following section:-

45 Section 2ZZZZ. There shall be a Technical Rescue Services Fund. The fund shall be
46 administered by the technical rescue coordinating council established under section 6 of chapter
47 22D. The fund shall consist of: (i) compensation under a contract including, but not limited to, a
48 contract with a company that designates a member fire department as a stand-by rescue team in
49 order to meet the requirements established by the federal United States Occupational Safety and
50 Health Administration under 29 C.F.R. 1910; (ii) funds collected pursuant to a cost recovery
51 mechanism established in subsection (d) of said section 6 of said chapter 22D; (iii) federal, state
52 or private gifts, grants, donations or appropriations; (iv) funds from any other public or private
53 sources; and (v) interest earned on such money.

54 Amounts credited to the fund shall not be subject to further appropriation and shall be
55 expended for: (i) the maintenance and operation of technical rescue regions established under
56 section 6 of chapter 22D; (ii) the provision of technical rescue services; (iii) the acquisition and
57 maintenance of technical rescue equipment; and (iv) the provision of initial and in-service training

58 to regional technical rescue personnel including, but not limited to, payment of backfill and
59 overtime for personnel participating in such training. Amounts credited to the fund that are
60 unexpended at the end of a fiscal year shall not revert to the General Fund and shall be available
61 for expenditure in the following fiscal year. An expenditure shall not be made from the fund if it
62 would cause the fund to become deficient at the end of any fiscal year.

63 The council shall annually report to the secretary of public safety and security not later than June
64 30. The report shall include, but not be limited to, an accounting of all funds received and
65 distributed as authorized by this section.

66 SECTION 3. Notwithstanding the provisions of section 6 of chapter 22D of the General
67 Laws, the secretary of public safety and security and the state fire marshal, in consultation with
68 the Professional Fire Fighters of Massachusetts and the Fire Chiefs' Association of Massachusetts,
69 Inc., shall initially divide the commonwealth into 5 technical rescue regions.

70 SECTION 4. This act shall take effect on December 1, 2018.