

HOUSE No. 3683

The Commonwealth of Massachusetts

PRESENTED BY:

James J. O'Day and Harriette L. Chandler

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 emergency management assistance compacts.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>James J. O'Day</i>	<i>14th Worcester</i>	<i>1/20/2011</i>
<i>Harriette L. Chandler</i>		<i>1/24/2011</i>

HOUSE No. 3683

By Representative O'Day of West Boylston and Senator Chandler, a joint petition (accompanied by bill, House, No. 3683) of James J. O'Day and Harriette L. Chandler relative to emergency management assistance compacts. Public Safety and Homeland Security.

The Commonwealth of Massachusetts

In the Year Two Thousand Eleven

An act relative to emergency management assistance compacts.

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

1 Chapter 40 of the General Laws is hereby amended by adding the following section:-

2 Section 61. The following terms as used in this chapter shall, unless a different meaning
3 clearly appears from the context, have the following meanings:-

4 “Emergency management assistance compact”, the interstate compact established in
5 chapter 339 of the acts of 2000 that provides for mutual assistance between the commonwealth
6 and certain other states in managing any emergency disaster that is duly declared by the
7 governor.

8 “Governmental unit”, a city, town, county, regional transit authority established under
9 chapter 161B, water or sewer commission or district established under chapter 40N or by special
10 law, fire district, regional health district established under chapter 111, a regional school district
11 or a law enforcement council.

“International emergency management assistance compact”, the international compact as established in section 58 of chapter 300 of the acts of 2002 that provides for mutual aid between the commonwealth and certain other New England states and the Canadian provinces of Quebec, New Brunswick, Prince Edward Island, Nova Scotia and Newfoundland and such other states and provinces as may hereafter become a party to this compact.

“States” shall mean the several states, the Commonwealth of Puerto Rico, the District of Columbia, and all U.S. territorial possessions.

The director of the Massachusetts emergency management agency or his designee shall be the persons authorized under the emergency management assistance compact and the international emergency management assistance compact to (i) receive, coordinate, and answer all requests to the commonwealth to provide mutual aid assistance to another state or country pursuant to the emergency management assistance compact and the international emergency management assistance compact, and (ii) make and coordinate all requests on behalf of the commonwealth to another state or country to receive mutual aid assistance pursuant to the emergency management assistance compact and the international emergency management assistance compact.

The Massachusetts emergency management agency shall be the agency of the commonwealth authorized to dispatch resources of the commonwealth or of a governmental unit to another state or country to provide mutual aid assistance pursuant to the emergency management assistance compact and the international emergency management assistance compact. Employees of a governmental unit who, at the request and with the express approval of both their employer and the Massachusetts emergency management agency, render mutual aid

34 assistance to another state or country pursuant to the emergency management assistance compact
35 or the international emergency management assistance compact shall be deemed to be
36 emergency forces and officers of the commonwealth for the limited purpose of effectuating the
37 purposes of the emergency management assistance compact and the international emergency
38 management assistance compact.

39 Employees of the commonwealth or a governmental unit who, at the request of and with
40 the express approval of both their employer and the Massachusetts emergency management
41 agency, render mutual aid assistance to another state or country pursuant to the emergency
42 management assistance compact or the international emergency management assistance compact
43 shall, except as otherwise provided for herein or in the emergency management assistance
44 compact or the international emergency management assistance compact, be provided the same
45 rights, responsibilities, and protections that they would be entitled to receive if they were
46 operating in their own geographical jurisdiction. Employees rendering such mutual aid shall
47 continue to be compensated by and receive benefits from their employers for the duration of their
48 deployment.

49 The Massachusetts emergency management agency, on behalf of the commonwealth,
50 shall request reimbursement for the commonwealth and other governmental units rendering aid
51 from the state or country receiving such aid as provided in the emergency management
52 assistance compact and the international emergency management assistance compact. Upon
53 receipt of reimbursement by the state or country receiving such aid, the commonwealth shall, in
54 turn, reimburse each governmental unit for the reasonable expenses incurred in rendering mutual
55 aid assistance under the emergency management assistance compact or the international
56 emergency management assistance compact at the request of and with the express approval of

57 the Massachusetts emergency management agency, including direct and indirect payroll costs,
58 overtime costs, travel costs, repair costs, replacement costs, costs of materials and supplies, and
59 injury or death benefits. The reimbursement to each governmental unit shall not exceed the
60 amount reimbursed to the commonwealth by the state or country receiving such aid.