

SENATE No. 1298

The Commonwealth of Massachusetts

PRESENTED BY:

Bruce E. Tarr

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 the creation of the Commonwealth technical rescue regions and coordinating council.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Bruce E. Tarr</i>	<i>First Essex and Middlesex</i>
<i>Bradley H. Jones, Jr.</i>	<i>20th Middlesex</i>
<i>Donald F. Humason, Jr.</i>	<i>Second Hampden and Hampshire</i>

SENATE No. 1298

By Mr. Tarr, a petition (accompanied by bill, Senate, No. 1298) of Bruce E. Tarr and Donald F. Humason, Jr. for legislation relative to the creation of the Commonwealth technical rescue regions and coordinating council. Public Safety and Homeland Security.

The Commonwealth of Massachusetts

In the One Hundred and Eighty-Ninth General Court
(2015-2016)

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. Notwithstanding any genearl or special law to the contrary, the General
2 Laws as so appearing in the 2014 Official Edition are hereby amended by adding after Chapter
3 22D, the following new chapter:- Chapter 22D½

4 Section 1. The Secretary of the Executive Office of Public Safety and Security and the
5 State Fire Marshal, shall, in conjunction with the Executive Board of the Fire Chief's
6 Association of Massachusetts, create technical rescue regions across the Commonwealth. These
7 regions are created in order to provide organization and coordination of technical rescue training,
8 emergency technical rescue servces, acqusition of emergency equipment, and receipt and
9 distribution of federal, state, and private monies received by appropriation, grant, or as
10 copenensation for services provided under contract, as a means of providing resources to the city
11 and town member fire departments for the coordinated delivery of technical rescue services. Said
12 state regions shall be comprised of five distinct geographical areas encompassing the

Commonwealth, provided, the Secretary may change such number of regions from time to time as needed. The overall coordination of these regions shall be coordinated by the Technical Resecue Coordinating Council.

Section 2. There shall be within the Department of Fire Services, but not under its control, a Technical Rescue Coordinating Council. Said Council shall oversee and review the development of uniform standards, rules, procedures, and regulations for the operation of a Statewide Regional Technical Rescue Services program and the development of cost recovery mechanisms for certain technical rescue services provided by their regions; provided however, that there shall be no cost recovery where (i) the responsible party is a resident of the Commonwealth, (ii) the activity was not commercial in nature, and (iii) the conduct which necessitated technical rescue services was not unlawful or reckless.

The council shall consist of the Governor's Homeland Security Advisor or his designess, ex officio; the State Fire Marshal or his designee, ex officio; the President of the Fire Chief's Association of Massachusetts or his designee; the President of the Massachusetts Call/Volunteer Firefighters Association or his designee; two members of the Professional Firefighters of Massachusetts, of which one shall be a member of the technical rescue association; a state region member holding the rank of chief, one from each of the dedsignated state technical rescue regions established pursuant to section 1, provided, said chief is neither an active member of the state technical rescue district team or has otherwise been qualified by meeting the requirements for Technical Rescuer as provided for in chapter 4 of NFPA 1006. Each of the state region members shall be appointed, by the Governor, from a list of two names submitted by the Fire Chief's Association of Massachusetts for each region established pursuant to section 1. No person shall receive compensation for service as a member of the council but shall receive from

the Commonwealth, reimbursement for all expenses necessarily incurred in connection with his official duties.

The Governor shall appoint each member for a term of three years. Any member shall be eligible for reappointment. The majority of the Council shall constitute a quorum to conduct business but a lesser number may adjourn from time to time. The Council shall annually elect a Chairman and Vice Chairman from its members; provided, however, that no member shall serve as Chairman or Vice Chairman for more than two consecutive years. The Department of Fire Services may, subject to appropriation, employ an executive secretary and may employ such clerical, technical, or other assistants as may be required to assist the Council in the performance of its duties.

Section 3. The council, in addition to other powers conferred to it by this chapter, shall assist in the coordination of all persons and agencies in the state concerned with technical rescue services. Distribution and use of funds by the council, for use by the technical rescue regions, shall be governed by the rules and regulations promulgated by the council. Such rules and regulations shall recognize the following goals and objectives for the use and disbursement of funds: (1) maintenance and operation of technical rescue regions; (2) maintenance and operation of regional technical rescue equipment; and (3) training of regional technical rescue personnel to include initial and in service training including but not limited to payment of backfill and overtime for team members.

Section 4. The council shall make an annual report to the Secretary of Public Safety and Security on or before June 30 of each calendar year, which shall include but not be limited to, an accounting of all monies received and distributed as authorized by this chapter.

Section 5. The provision of this chapter shall be effective July 1, 2015.

SECTION 2. Chapter 29 of the General Laws as so appearing in the 2014 Official Edition, is hereby amended by adding after section 2III, the following section:- 2JJJ. Technical Rescue Services Fund

There shall be established and set up on the books of the Commonwealth a separate fund, to be known as the Technical Rescue Services Fund consisting of any amounts appropriated by the General Court or received by appropriation, grant, or as compensation for services under contract or reimbursement for associated costs of technical rescue services, including but not limited to costs for administration, personnel, overtime and fringe benefits incurred by the Department of Fire Services pursuant to Chapter 22D½ of the General Laws and any income derived from the interest thereon. All monies credited to the fund shall be used, not subject to appropriation, for purposes provided for in Chapter 22D½, provided no expenditure shall be made from the fund which shall cause the fund to be in deficient at the close of the fiscal year.