

# **HOUSE . . . . . No. 4843**

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## The Commonwealth of Massachusetts

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HOUSE OF REPRESENTATIVES, July 30, 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. 2614), reports recommending that the same ought to pass with an amendment striking all after the enacting clause and inserting in place thereof the text contained in House document numbered 4843.

For the committee,

JEFFREY SÁNCHEZ.

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**The Commonwealth of Massachusetts**

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**In the One Hundred and Ninetieth General Court  
(2017-2018)**  
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By striking out all after the enacting clause and inserting in place thereof the following:—

1           SECTION 1. Chapter 22D of the General Laws is hereby amended by adding the  
2 following 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’  
5 Association of Massachusetts, Inc., shall divide the commonwealth into technical rescue regions;  
6 provided 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  
9 receipt 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  
12 regions. The council shall consist of: the secretary of public safety and security or a designee; the  
13 state fire marshal or a designee; and 5 members to be appointed by the governor, 2 of whom  
14 shall be members of the Fire Chiefs’ Association of Massachusetts, Inc., 2 of whom shall be  
15 members of the Professional Fire Fighters of Massachusetts and 1 of whom shall be selected

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

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

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

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

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

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

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

44 SECTION 2. Chapter 29 of the General Laws is hereby amended by inserting after  
45 section 2YYYY, inserted by section 8 of chapter 110 of the acts of 2017, the following section:-

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

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

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

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

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

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