

SENATE No. 1360

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>James M. Kelcourse</i> | <i>1st Essex</i> | <i>1/18/2017</i> |
| <i>Angelo L. D'Emilia</i> | <i>8th Plymouth</i> | <i>2/1/2017</i> |
| <i>Richard J. Ross</i> | <i>Norfolk, Bristol and Middlesex</i> | <i>5/9/2017</i> |

SENATE No. 1360

By Mr. Tarr, a petition (accompanied by bill, Senate, No. 1360) of Bruce E. Tarr, James M. Kelcourse and Angelo L. D'Emilia for legislation relative to the creation of the Commonwealth technical rescue regions and coordinating council. Public Safety and Homeland Security.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. 1298 OF 2015-2016.]

The Commonwealth of Massachusetts

**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. Notwithstanding any general or special law to the contrary, the General
2 Laws as so appearing in the 2016 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 services, acquisition of emergency equipment, and receipt and
9 distribution of federal, state, and private monies received by appropriation, grant, or as

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

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

24 The council shall consist of the Governor's Homeland Security Advisor or his designee,
25 ex officio; the State Fire Marshal or his designee, ex officio; the President of the Fire Chief's
26 Association of Massachusetts or his designee; the President of the Massachusetts Call/Volunteer
27 Firefighters Association or his designee; two members of the Professional Firefighters of
28 Massachusetts, of which one shall be a member of the technical rescue association; a state region
29 member holding the rank of chief, one from each of the dedesignated state technical rescue
30 regions established pursuant to section 1, provided, said chief is neither an active member of the
31 state technical rescue district team or has otherwise been qualified by meeting the requirements
32 for Technical Rescuer as provided for in chapter 4 of NFPA 1006. Each of the state region

33 members shall be appointed, by the Governor, from a list of two names submitted by the Fire
34 Chief's Association of Massachusetts for each region established pursuant to section 1. No
35 person shall receive compensation for service as a member of the council but shall receive from
36 the Commonwealth, reimbursement for all expenses necessarily incurred in connection with his
37 official duties.

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

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

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

58 Section 5. The provision of this chapter shall be effective July 1, 2017.

59 SECTION 2. Chapter 29 of the General Laws as so appearing in the 2016 Official
60 Edition, is hereby amended by adding after section 2III, the following section:- 2JJJ. Technical
61 Rescue Services Fund

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