SENATE DOCKET, NO. 282 FILED ON: 1/27/2021

SENATE . . . . . No. 1611

The Commonwealth of Massachusetts

PRESENTED BY:

Michael O. Moore

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 establishing local emergency management agencies.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Michael O. Moore	*Second Worcester*

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SENATE . . . . . No. 1611

By Mr. Moore, a petition (accompanied by bill, Senate, No. 1611) of Michael O. Moore for legislation to establish local emergency management agencies. Public Safety and Homeland Security.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. *1444* OF 2019-2020.]

The Commonwealth of Massachusetts

In the One Hundred and Ninety-Second General Court
(2021-2022)

An Act establishing local emergency management agencies.

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

SECTION 1. Chapter 639 of the acts of 1950, as amended by section 1 of chapter 579 of the acts of 1968, is hereby amended by striking out section 13 and inserting in place thereof the following section:-

Section 13. Establishment of Local Civil Defense Organizations; Duties; Powers of Political

Subdivisions During Disasters.

Each political subdivision of the commonwealth is hereby authorized and directed to establish a local organization for civil defense in accordance with the state civil defense plan and program, to be known as Local Emergency Management Agency and Local Office of Emergency

Preparedness. The appointing authority, as defined by this Section, may designate an existing city or town department as such Agency.

Each local organization for civil defense and office of emergency preparedness shall have a director, who shall, in the case of a city, be appointed by the mayor, or in a city having a council manager form of government by the city manager, and in towns the director shall be appointed by the selectman, except in towns having a town manager or town administrator, by the manager or administrator. The director shall have direct responsibility for the organization, administration and operation of such local organization for civil defense. Each local organization for civil defense shall perform the civil defense functions within the territorial limits of the political subdivision within which it is organized, subject to a declaration of a state of emergency and, in addition, shall conduct such functions outside of such territorial limits as may be required pursuant to the provisions of section seven of this act. ·

The appointing authority may designate an existing department head of a city or town department to serve as the director of civil defense. M.G.L. Chapter 268A, Section 20 shall not apply to such designation.

In carrying out the provisions of this act, each political subdivision in which in any disaster, as described in section one, occurs, shall have the power to enter into contracts and incur obligations necessary to combat such disaster, protecting the health and safety of persons and property and providing emergency assistance to the victims of such disaster. Each appointing authority of such political subdivision is authorized to exercise the powers vested under this section in the light of the exigencies of the extreme emergency situation, without regard to time-consuming procedures and formalities prescribed by law excepting mandatory

constitutional requirements, pertaining to the performance of public work, entering into Contracts, the incurring of obligations, the employment of temporary workers, the rental of equipment, the purchase of supplies and materials, expenditure of public funds, suspending employment contract limitations, or restrictions made under Chapters 41 or 150E, or the common law, to go on private property to provide aid and assistance, and take such other appropriate actions as may be necessary to meet the state of emergency for the duration of the emergency. The legislative body of such political subdivision can levy taxes and make emergency appropriations to carry out the appointing authority's exercise of the powers under this Section.

The appointing authority shall declare in writing the state of emergency in order to exercise the powers under this section and shall file such declaration immediately with the governor, the state director, the secretary of state, and the city or town clerk.

SECTION 2. Said chapter 639 of the acts of 1950, as so amended, is hereby further amended by striking out section 16 and inserting in place thereof the following section:-

Section 16. Utilization of State and Local Departments, Agencies, Officers, and Personnel.

In carrying out the provisions of this act, the governor and the executive officers, are directed to utilize the services, equipment, supplies and facilities of existing departments, offices and agencies of the commonwealth, and of the political subdivisions thereof, to the maximum extent practicable; and the officers and personnel of all such departments, offices and agencies of the commonwealth, and of the political subdivisions thereof, to the maximum extent practicable; and the officers and personnel of all such departments, offices and agencies are directed to co-

operate with and extend such services and facilities to the governor and to the civil defense organizations of the commonwealth upon request.

The governor may assign to a state agency any activity concerned with disaster preparedness and relief of a nature related to the existing powers and duties of such agency, and it shall thereupon, become the duty of such agency to undertake and carry out such activity on behalf of the commonwealth.

Upon declaration of a state of emergency, mayor, or city manager in a city having a council manager form of government, or town manager, or town administrator, as the case may be, the director is directed to utilize the services, equipment, supplies and facilities of existing departments, offices and agencies of said political subdivision, to the maximum extent practicable; and the officers and personnel of all such departments, offices and agencies of said political subdivision, to the maximum extent practicable are directed upon request to co-operate with and extend such services and facilities to the mayor, or city manager in a city having a council manager form of government, or to the town manager, or town administrator, as the case may be, and to their respective civil defense organizations of the political subdivision.

The mayor, or city manager in a city having a council manager form of government, or town manager, or town administrator, as the case may be, may assign to their municipal agency, any activity concerned with disaster preparedness and relief of a nature related to the existing powers and duties of such agency, and it shall, thereupon, become the duty of such agency to undertake and carry out such activity on behalf of the city or town, as the case may be.