

SENATE No. 2535

The Commonwealth of Massachusetts

PRESENTED BY:

Walter F. Timilty

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 technical rescue services.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
<i>Walter F. Timilty</i>	<i>Norfolk, Plymouth and Bristol</i>	
<i>Steven George Xiarhos</i>	<i>5th Barnstable</i>	<i>1/18/2024</i>

SENATE No. 2535

By Mr. Timilty, a petition (accompanied by bill, Senate, No. 2535) (subject to Joint Rule 12) of Walter F. Timilty for legislation relative to technical rescue services. Public Safety and Homeland Security.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Third General Court
(2023-2024)**

An Act relative to technical rescue services.

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. Section 2 of Chapter 22D of the General Laws, as appearing in the 2020
2 Official Edition, is hereby amended by striking out the word "and" in line 11.

3 SECTION 2. Section 2 of Chapter 22D, as so appearing, is further amended by striking
4 out in lines 11, 12, 13, and 14 the words "of hazardous materials under the charge of a director to
5 be known as the director of hazardous materials, the director of hazardous materials shall
6 administer the regional hazardous material response teams" and inserting in place thereof, the
7 following new language:- and a division of special operations under the charge of a director to be
8 known as the director of special operations. The special operations division shall include
9 hazardous materials emergency response teams and technical rescue emergency response teams.

10 SECTION 3. Section 6 of Chapter 22D, as so appearing, is hereby amended by striking
11 out in line 6 of subsection (a), the words "each technical rescue region" and inserting in place
12 thereof the following new words:- the state fire marshal.

13 SECTION 4. Section 6 of Chapter 22D, as so appearing, is hereby amended by striking
14 out subsection (b) in its entirety and inserting the following new language:-

15 (b) There is hereby established within the department a technical rescue coordinating
16 council, which shall serve as an advisory board to the state fire marshal. Said board shall review
17 the development of standards, rules, procedures, and regulations for technical rescue emergency
18 response and cost recovery. The board shall consist of the secretary of public safety or a
19 designee; the state fire marshal or a designee; and five members to be appointed by the governor,
20 2 of whom shall be members of the Fire Chief's Association of Massachusetts, Inc., 2 of whom
21 shall be members of the Professional Fire Fighters of Massachusetts; and 1 of whom shall be
22 selected from a list comprised of 1 nominee from each regional technical rescue team and
23 selected by the team's leadership. The governor shall appoint members for a term of 3 years and
24 any such member shall be eligible for reappointment. A person shall not receive compensation
25 for service as a member of the council but may receive reimbursement for all expenses
26 necessarily incurred in connection with the member's official duties.

27 The majority of the council shall constitute a quorum to conduct business but a lesser
28 number may adjourn from time to time. The council shall biannually elect a chair and vice-chair
29 from among its members.

30 SECTION 5: Section 6 of Chapter 22D, as so appearing, is hereby further amended by
31 striking in line 32 of subsection (c), the word "develop" and inserting in its place, the following
32 new language:- advise the state fire marshal on the development of.

33 SECTION 6: Section 6 of Chapter 22D, as so appearing, is hereby further amended by
34 striking out in line 36 of subsection (d), the word "establish" and inserting in its place, the
35 following new language:- advise the state fire marshal on the establishment of.

36 SECTION 7. Section 6 of Chapter 22D, as so appearing, is hereby further amended by
37 striking out subsection section (e) in its entirety and inserting the following new paragraphs:-

38 The department, acting through the division of special operations, administered by the
39 state fire marshal or his designee, shall prepare and from time to time update a technical rescue
40 response plan.

41 The department may, at the request of the local fire department or on its own authority,
42 dispatch member departments of the technical rescue response plan a site in the commonwealth
43 for the purpose of conducting a technical rescue response. During a technical rescue response,
44 the team leader shall have complete operational authority for technical rescue emergency
45 response team operations at all times. Once the team leader has determined that the imminent
46 danger of the technical rescue incident has been satisfactorily mitigated, the team leader shall
47 thereafter notify the incident commander. The incident commander shall have authority over the
48 technical rescue response site during a technical rescue response.

49 SECTION 8. Section 6 of Chapter 22D, as so appearing, is hereby further amended by
50 adding the following new paragraph at the end of subsection (f):- Any technical rescue response
51 action taken by a member department under the technical rescue response plan shall be deemed
52 to have been taken on behalf of the department and for the benefit of the commonwealth for the
53 purpose of implementing the provisions of this chapter.

54 SECTION 9. Section 6 of Chapter 22D, as so appearing, is hereby further amended by
55 striking out in line 54 of subsection (g) the words "the department of fire services, in consultation
56 with the technical rescue coordinating council may promulgate," and inserting in place, the
57 following new language:- the state fire marshal may promulgate rules and

58 SECTION 10. Section 6 of Chapter 22D, as so appearing, is hereby further amended by
59 adding the following new subsection:-

60 (h) The commonwealth shall, subject to appropriation, reimburse a municipality for costs
61 incurred for the technical rescue response of its qualified members of a technical rescue response
62 team and shall pay an annual stipend of \$5,000 to each qualified member of that team.

63 Qualification shall be established by the state fire marshal.

64 SECTION 11. Section 2DDDDD of Chapter 29, as so appearing, is hereby amended by
65 striking out in lines 2 and 3, the second sentence in its entirety.

66 SECTION 12. Section 2DDDDD of Chapter 29, as so appearing, is hereby amended
67 inserting in line 4 after the word "contract", the following new words:- for services or otherwise.

68 SECTION 13. Section 2DDDDD of Chapter 29, as so appearing, is hereby amended by
69 inserting in line 15 after the word "expended", the following new words:- by the state fire
70 marshal, as head of the department of fire services, who shall act as administrator of the fund,