

SENATE No. 541

The Commonwealth of Massachusetts

PRESENTED BY:

Barry R. Finegold

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 modernizing the Massachusetts emergency management system.

PETITION OF:

NAME:

Barry R. Finegold

DISTRICT/ADDRESS:

Second Essex and Middlesex

SENATE No. 541

By Mr. Finegold, a petition (accompanied by bill, Senate, No. 541) of Barry R. Finegold for legislation to revise reducing risks, improving preparedness and managing the response to incidents such as natural disasters, technological hazards or human-caused emergencies. Emergency Preparedness and Management.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Fourth General Court
(2025-2026)**

An Act modernizing the Massachusetts emergency management system.

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 Section 64 of chapter 22C of the General Laws is hereby repealed.

2 SECTION 2. The General Laws are hereby amended by inserting after chapter 22E the
3 following new chapter:-

4 CHAPTER 22F. Massachusetts emergency management agency

5 Section 1. Definitions

6 For the purposes of this chapter, the following words shall have the following meanings
7 unless the context clearly requires otherwise:

8 “Agency”, the Massachusetts emergency management agency.

9 "Director", the director of the Massachusetts emergency management agency.

10 "Emergency", the imminent threat or occurrence of severe or widespread loss of life,
11 injury or other health impacts, property damage or destruction, social or economic disruption or
12 environmental degradation from natural, technological or human-made causes.

13 "Emergency management functions", any act taken to prepare for, prevent, respond to,
14 recover from or mitigate against an emergency; provided, however, that emergency management
15 functions shall include, but not be limited to: (i) firefighting and police services; (ii) medical and
16 health services; (iii) search and rescue services; (iv) engineering services; (v) communications
17 between first responders, incident commanders and other public officials; (vi) evacuation of
18 persons from stricken areas; (vii) responses to radiological, chemical or other special weapons;
19 (viii) emergency transportation; (ix) existing or properly assigned functions of plant protection;
20 (x) temporary restoration of public utility services; (xi) emergency welfare services; (xii)
21 dissemination of information to the general public; (xiii) animal protection; (xiv) coordination of
22 volunteers and donations; and (xv) other relevant functions; and provided further, that functions
23 for which military forces other than the National Guard are primarily responsible are shall not be
24 considered emergency management functions.

25 "Emergency response worker", any individual authorized to perform emergency
26 management functions or affiliated with an organization tasked with performing emergency
27 management functions.

28 "Emergency shelter", any facility which provides protection and basic human services to
29 citizens and evacuees until the threat of the emergency has passed.

30 "Nuclear power plant areas", any community located within a 10-mile radius of a nuclear
31 power plant, whether or not said power plant is located within the commonwealth.

32 "Political subdivision", a city, town, county or other governmental entity authorized or
33 created by law, including public corporations and authorities.

34 "Secretary", the secretary of public safety and security.

35 Section 2. Responsibility and Duties

36 There shall be within the executive office of public safety and security an agency to be
37 known as the Massachusetts emergency management agency. The agency shall coordinate
38 federal, state, local, voluntary and private resources during emergencies in the commonwealth.
39 The agency's responsibilities shall include, but not be limited to: (i) developing and maintaining
40 effective emergency response plans to all hazards, disasters or threats; (ii) training emergency
41 personnel to protect the public; (iii) providing information to residents of the commonwealth;
42 (iv) coordinating any response to emergencies or disasters for the commonwealth; (v) responding
43 to emergency scenes to provide subject matter expertise and resource assistance; and (vi)
44 assisting individuals, families, businesses and communities to prepare for, respond to, mitigate
45 against and recover from emergencies.

46 Section 3. Director of Emergency Management

47 The governor, upon the recommendation of the secretary, shall appoint a director of
48 emergency management, who shall be qualified by training and experience in emergency
49 management. The director shall serve as the executive and administrative head of the agency and
50 as the governor's principal assistant for directing and coordinating emergency management
51 activities. The director shall devote their full time to the duties set forth under this chapter and
52 shall not hold any other public office. The position of director shall be classified in accordance
53 with section 45 of chapter 30 and the salary shall be determined in accordance with section 46C

54 of said chapter 30. The director shall coordinate the activities of all organizations for emergency
55 management within the commonwealth. The director shall cooperate and maintain liaison with
56 emergency management agencies of other states and the federal government, and have such
57 additional authority, duties and responsibilities authorized by this chapter and as may be
58 prescribed by the governor. The director shall be responsible to the governor and the secretary
59 for carrying out the program of emergency management for the commonwealth.

60 The director may appoint such experts and other assistants as the work of the agency may
61 require, and may make such expenditures, subject to available funding or appropriation, as may
62 be necessary in order to execute effectively the purposes of this chapter. Such employees shall
63 not be subject to chapter 31. The director may, on behalf of the agency, accept gifts,
64 contributions, grants and bequests of funds or other property from individuals, foundations,
65 corporations and federal, state or other governmental bodies, which funds or property may be
66 expended or used with the approval of the secretary to discharge the department's responsibilities
67 or to conduct its programs, without further appropriation. The director may organize the agency
68 in a manner to achieve its statutory responsibilities, including the creation of appropriate
69 departments and divisions.

70 Section 4. Emergency Management Advisory Council

71 There shall be established a Massachusetts Emergency Management Advisory Council,
72 hereinafter referred to as the council, to provide guidance and recommendations to the governor,
73 secretary and director on matters of emergency management policy. The council shall be
74 composed of the director and at least 8 persons with experience in the field of emergency
75 management, at least 4 of whom shall be a local emergency management director, at least 1 of

76 whom shall be a representative of a non-profit emergency services organization and at least 1 of
77 whom shall be a private sector emergency management representative. Members of the council
78 shall be recommended by the director and appointed by the governor.

79 Members shall be appointed for terms of 3 years and no member shall be appointed to
80 serve for more than 2 consecutive terms. Upon the expiration of the term of an appointed
81 member, a successor shall be appointed in like manner for a term of 3 years.

82 The governor shall annually designate the chairperson of the council from among its
83 members. The council shall meet at least 2 times annually and shall convene special meetings at
84 the call of the chairperson, a majority of the members of the council or the director. The director,
85 or their designee, shall serve as the executive secretary of the council and shall attend all
86 meetings. The council shall make an annual report to the governor and shall file a copy of the
87 report with the state secretary and the clerks of the senate and house of representatives. Members
88 of the council shall serve without compensation.

89 Section 5. Powers of the Governor

90 The governor shall have general direction and control of the agency and shall be
91 responsible for carrying out the provisions of this chapter; provided, however, that the governor
92 may assume operational control over any part or all parts of emergency management functions
93 within the commonwealth. The governor may, at the request of the director, authorize the
94 employment of such personnel and may make such expenditures as may be necessary to carry
95 out the purposes of this chapter. The governor may cooperate with the federal government and
96 with other states and private agencies in all matters pertaining to the protection and defense of
97 the commonwealth and the United States, and shall approve a comprehensive plan and program

98 for the commonwealth as developed by the director and, in accordance with said plan and
99 program, may institute training and public information programs and take all other preparatory
100 steps, including the partial or full mobilization of all public organizations in advance of actual
101 emergencies, as may be deemed necessary. The governor may direct the secretary or director to
102 conduct studies or surveys to ascertain the capabilities of the commonwealth for disaster
103 prevention, response, recovery, mitigation and preparedness and may delegate any administrative
104 authority vested under this chapter to the secretary or director.

105 Except as otherwise stated in any general or special law, the governor shall have the
106 power and authority to: (i) cooperate with any federal authorities and with the governors of other
107 states in matters pertaining to the common defense or to the common welfare; (ii) cooperate with
108 the military and naval forces of the United States and other states, and (iii) take any measures
109 which the governor may deem proper to carry into effect any request of the president of the
110 United States for action looking to the national defense or to the public safety. The governor may
111 receive and allocate money, supplies, equipment or material granted, loaned or allocated by the
112 federal government or other states to the commonwealth or any of its agencies or political
113 subdivisions to prepare for, respond to, recover from or mitigate against an emergency.

114 Section 6. State of Emergency Declaration

115 (a) In reasonable anticipation of an emergency, the governor may exercise any power,
116 authority or discretion conferred on them under this chapter by issuing 1 or more executive
117 orders or directives to the Massachusetts emergency management agency, other department or
118 agency of the Commonwealth or any political subdivision thereof or other person. Any

119 department, agency or person so directed shall act in conformity with any orders or directives
120 prescribed by the governor.

121 (b) Upon the occurrence or imminent threat of occurrence of any emergency, the
122 governor may issue a proclamation setting forth a state of emergency. Said proclamation shall
123 serve to activate applicable emergency response, mitigation and recovery plans. The state of
124 emergency may extend throughout the commonwealth or may pertain to one or more particular
125 geographic areas. Said proclamation shall be authority for the deployment or use of any forces to
126 which the plans apply, and for the use or distribution of any supplies, equipment, materials or
127 facilities assembled, stockpiled or arranged to be made available. If the governor notes in the
128 proclamation that the emergency is one that is:

129 (i) detrimental to the public health, the commissioner of public health shall have those
130 authorities necessary to prevent disease and maintain public health set forth in section 2A of
131 chapter 17;

132 (ii) reasonably likely to impact the availability of gas, electric and water utility services,
133 the commissioner of the department of public utilities shall have those authorities necessary to
134 restore or resume service set forth in section 4B of chapter 25; or

135 (iii) a threat to the availability of essential services of transportation to such an extent as
136 to endanger the health, safety or welfare of the community, the governor shall have those
137 authorities necessary to take possession and operate set forth in section 37 of chapter 161A.

138 (c) After the governor issues a proclamation setting forth a state of emergency, the
139 governor may possess, use or employ any property, real or personal, for such time and in such
140 manner as the governor shall deem necessary to protect the commonwealth and its residents. The

141 emergency management or public safety authorities which seize property during an emergency
142 shall maintain a permanent record of such property and its condition when seized and shall
143 furnish a true copy of the record to the owner of the seized property. The commonwealth shall
144 pay just compensation to the owner of any facilities or materials that are permanently taken or
145 permanently appropriated by a commonwealth authority during an emergency. The
146 commonwealth shall not pay just compensation to the owner of any facilities or materials that
147 said authorities close, evacuate, decontaminate or destroy when there is reasonable cause to
148 believe that the facilities or materials endanger the public during an emergency. The amount of
149 compensation shall be calculated in the same manner as compensation due for taking of property
150 pursuant to non-emergency eminent domain procedures as provided in chapter 79.

151 (d) The declaration of emergency shall terminate when so declared by the governor, or
152 automatically after 60 days, unless renewed by the governor. Each renewal shall terminate after
153 60 days unless renewed for an additional 60 days, or unless sooner terminated.

154 Section 7. State of Emergency Authorities

155 (a) During a declared state of emergency, the governor, in addition to any other authority
156 vested in them by law, shall have and may exercise any and all authority over persons and
157 property necessary or expedient to protect the commonwealth and its residents. Without limiting
158 the foregoing, the governor shall have and may exercise the following specific authority:

159 (1) To suspend the provisions of any statute or the orders or regulations of any state
160 agency if compliance with the provisions of any such statute, order or regulation would in any
161 way prevent, hinder or delay necessary action in responding to the emergency. Any provision of

162 any statute, order or regulation inconsistent with an order issued or promulgated during a state of
163 emergency under this chapter shall be inoperative while such a declaration is in effect.

164 (2) To employ every agency and all persons of the government of the commonwealth or
165 of any of its political subdivisions to protect the lives and property of its residents and to enforce
166 the law, and to utilize all available resources of the state government and of its political
167 subdivisions as reasonably necessary to respond to the emergency. The governor may transfer
168 the direction, personnel or functions of commonwealth departments, agencies or units thereof for
169 the purpose of performing or facilitating emergency management functions. The governor may
170 assign to any state agency any activity concerned with disaster preparedness and relief, and it
171 shall become the duty of such agency to undertake and carry out such activity on behalf of the
172 commonwealth. All persons employed by the commonwealth or any of its political subdivisions
173 who are acting as emergency response workers shall have the same powers, duties, immunities
174 and privileges as if they were performing those duties for the commonwealth or within any of its
175 political subdivisions.

176 (3) To order that the members of the police and fire forces of the commonwealth or its
177 political subdivisions, the National Guard and other authorized agents and emergency response
178 workers performing emergency management functions including, but not limited to, health
179 agents authorized under section 30 of chapter 111 and animal control officers, while in uniform
180 or upon presentation of government-issued identification, may enter private property for the sole
181 purpose of enforcing orders or directives issued by or under authority of the governor. Nothing in
182 this section shall be construed or deemed to prohibit any entry upon private property otherwise
183 authorized by law.

184 (4) To order or compel the evacuation of all or part of the population from any stricken or
185 threatened area within the commonwealth if the governor deems this action necessary for the
186 preservation of life or other emergency mitigation, response or recovery efforts. Consistent with
187 this authority, the governor may prescribe routes, modes of transportation and destinations in
188 connection with evacuation. The governor shall also formulate and execute plans and rules for
189 the control of traffic in order to provide for the rapid and safe movement or evacuation over
190 public highways and streets of people, troops, vehicles or materials for national defense or for
191 use in any defense industry, and may coordinate the activities of the departments or agencies of
192 the commonwealth and the political subdivisions thereof concerned directly or indirectly with
193 public highways and streets in a manner which will best effectuate such plans. Neither the
194 commonwealth, nor any of its political subdivisions, nor any employee of the commonwealth or
195 of a political subdivision, nor any emergency response worker, shall be liable for harm to any
196 person who refuses to comply with an evacuation order.

197 (5) To allow health care practitioners who are licensed in another state and whose license
198 is in good standing to provide health care in any area affected by the emergency, notwithstanding
199 the provisions of chapter 112A or any other applicable general or special law.

200 (b) Whoever violates any provision of any order or directive issued by the governor
201 pursuant to sections 5 or 6 shall be punished by imprisonment of not more than 1 year, or by a
202 fine of not more than \$500, or both, unless the conduct in question is prohibited by other existing
203 law which sets forth a greater punishment for the violation.

204 Section 8. MEMA Regions

205 The agency shall establish regional emergency operations centers to support coordination
206 and communication between the agency and political subdivisions. These centers shall serve as
207 regional hubs for emergency management activities, facilitating planning, response, recovery and
208 mitigation efforts.

209 Regional coordinators shall be designated by the director to act as liaisons between the
210 agency and the political subdivisions within each region. The regional emergency operations
211 centers shall operate in alignment with the commonwealth’s comprehensive emergency
212 management plan established pursuant to section 10 to ensure effective collaboration across all
213 levels of government during emergencies.

214 Section 9. State Emergency Operations Center

215 The agency shall establish a State Emergency Operations Center, hereinafter referred to
216 as the center, at a facility to serve as the central coordination hub for all emergency management
217 operations within the commonwealth. The center shall serve as the primary location for state-
218 level decision-making, resource allocation and operational coordination during emergencies and
219 disasters.

220 The center shall be responsible for ensuring a unified and effective response by
221 coordinating efforts among federal, state, local, private sector and non-profit entities. The center
222 shall also oversee the implementation of the comprehensive emergency management plan
223 established pursuant to section 10 during incidents requiring a state-level response.

224 Each state agency designated as an emergency response agency by the director shall
225 assign a minimum of 2 qualified personnel to serve as liaison officers to the center. These liaison

226 officers shall be tasked with facilitating communication, resource management and operational
227 support between their respective agencies and the center.

228 The center shall maintain operational readiness at all times and shall be activated by the
229 governor or director during emergencies, disasters or other significant incidents requiring state-
230 level coordination.

231 Section 10. State Emergency Management Plan

232 The director shall establish and publish a comprehensive emergency management plan
233 for the commonwealth. This plan shall establish the framework in which the emergency response
234 and recovery actions of all levels of government can be effectively integrated and coordinated.

235 The plan shall be an all-hazards document and shall provide a comprehensive approach for
236 planning for, responding to and recovering from an emergency. The plan shall encompass all
237 aspects of pre-emergency preparedness and post-emergency response, recovery and mitigation.

238 The plan shall:

239 (i) establish the fundamental policies, basic program strategies, assumptions and
240 mechanisms through which the Commonwealth shall mobilize resources and conduct activities
241 to guide and support local emergency management efforts during response, recovery and
242 mitigation;

243 (ii) coordinate regional and inter-regional evacuation and sheltering, post-disaster
244 response and recovery, rapid deployment and pre-deployment of resources, emergency exercises
245 and clearly define responsibilities for state agencies through the Massachusetts emergency
246 support functions approach to planning and operations;

247 (iii) establish a concept of operations for the direction and control of an emergency from
248 initial monitoring through post-disaster response and recovery;

249 (iv) define the inter-agency coordination mechanism that facilitates delivery of state
250 assistance and establishment of state direction and control over response and recovery assistance
251 provided by other states or the federal government;

252 (v) assign functional responsibilities to appropriate executive offices of the
253 commonwealth, as well as to specific state agencies, private sector groups and volunteer
254 organizations;

255 (vi) assess the various levels of emergencies likely to occur within the commonwealth
256 and the corresponding response and recovery actions needed to recover from them.

257 Section 11. Local Emergency Management Organizations

258 Each political subdivision of the commonwealth shall have an emergency management
259 director, who shall have direct responsibility for the organization, administration and operation
260 of their respective city or town's emergency management organization subject to the direction
261 and control of such appointing authority. In addition to performing emergency management
262 functions within their communities, city or town emergency management organizations shall
263 coordinate their activities with the agency and comply with the commonwealth's comprehensive
264 emergency management plan established pursuant to section 10. City or town emergency
265 management agencies may provide for mutual aid or other support to any other city or town
266 consistent with section 4J of chapter 40.

267 In carrying out the provisions of this chapter, each political subdivision impacted by an
268 emergency shall have the power to enter into contracts and incur obligations necessary to combat
269 such emergencies, to protect the health and safety of persons and property and to provide
270 emergency assistance to the victims of the emergency. Each political subdivision is authorized to
271 exercise the powers vested under this section in light of the exigencies of the emergency, without
272 regard to procedures or formalities prescribed by law pertaining to the performance of public
273 work, entering into contracts, the incurring of obligations, the employment of temporary
274 workers, the rental of equipment, the purchase of supplies and materials, the levying of taxes or
275 the appropriation and expenditure of public funds, unless mandated by constitutional
276 requirements.

277 Each political subdivision shall have the power to make appropriations in the manner
278 provided by law for making appropriations for the ordinary expenses of such political
279 subdivision for the payment of expenses of its emergency management operations.

280 Whenever the federal government or any agency or office thereof or any person, firm or
281 corporation shall offer to the commonwealth, or to any political subdivision thereof, services,
282 equipment, supplies, materials or funds by way of gift, grant or loan for purposes of emergency
283 management, the commonwealth acting through the governor or such political subdivision acting
284 through its governing body may accept such offer, and upon acceptance the governor or
285 governing body of such political subdivision may authorize any officer of the commonwealth or
286 of the political subdivision, as the case may be, to receive such services, equipment, supplies,
287 materials or funds on behalf of the commonwealth or such political subdivision, subject to the
288 terms of the offer and rules and regulations, if any, of the agency making the offer.

289 For the purpose of financing emergency management expenditures authorized under this
290 chapter, a city, town, district or county may raise such sums as may be necessary by taxation, by
291 transfer from available funds or may borrow from time to time and may issue bonds or notes
292 therefore as otherwise authorized by law. Each authorized issue shall constitute a separate loan,
293 and such loans shall be paid in not more than five years from their dates and shall bear on their
294 face the words (city, town or county) emergency management loan. The city auditor, town
295 accountant, or, if there is no such officer, the town treasurer, district treasurer and county
296 treasurer, of every city, town, district and county making expenditures under the authority of this
297 chapter shall file annually with the secretary of the executive office of administration and finance
298 in such form and detail as said secretary may require.

299 Section 12. Local State of Emergency

300 (a) During a local emergency, the governing body of a political subdivision or officials
301 designated thereby may promulgate orders necessary to provide for the protection of life and
302 property, including orders imposing a curfew within designated boundaries where necessary to
303 preserve the public order and safety. Such orders and amendments and rescissions thereof shall
304 be in writing and shall be distributed publicly.

305 (b) If, because of the emergency conditions, the governing body of a political subdivision
306 is unable to meet promptly, the chief executive officer or acting chief executive officer of any
307 political subdivision shall exercise by proclamation all of the powers conferred upon the
308 governing body under subsection (a) that appear necessary and expedient. The proclamation
309 shall be subject to ratification, alteration, modification or repeal by the governing body as soon

310 as that body can meet; provided, however, that the subsequent action taken by the governing
311 body shall not affect the prior validity of the proclamation.

312 Section 13. Emergency Management Resource Deployment

313 The agency is authorized to deploy emergency response personnel, teams, equipment and
314 other resources of the commonwealth, political subdivisions, non-profit or private sector as state
315 resources to support emergency management operations within or beyond the commonwealth as
316 necessary to reinforce local, regional, state or national emergency management efforts.

317 Emergency management resources, including personnel and teams, shall be deployed
318 based on the critical needs of the situation, taking into account the plans and priorities of the
319 commonwealth, the federal government and other states. Such deployments shall be initiated
320 upon the orders of the agency and shall support emergency management activities in any part of
321 the commonwealth or, under agreed conditions, in other states.

322 Personnel deployed as part of emergency management resources shall:

323 (i) if they are employees of the commonwealth, retain all powers, duties, rights,
324 privileges and immunities associated with their employment and continue to receive their regular
325 compensation;

326 (ii) if they are employees of a political subdivision of the commonwealth, retain all
327 powers, duties, rights, privileges and immunities associated with their employment and continue
328 to receive their regular compensation while serving within or beyond their political subdivision;
329 or

330 (iii) if they are not employees of the commonwealth or a political subdivision thereof, be
331 entitled to the same rights and immunities as provided by law for employees of the
332 commonwealth; provided, however, that compensation and reimbursement for travel and
333 subsistence expenses shall be provided in accordance with policies established by the agency
334 subject to available funds.

335 All personnel deployed under this section shall be subject to the operational control of the
336 authority in charge of emergency management activities in the area in which they are serving.

337 The agency shall issue regulations governing the standards, deployment procedures,
338 training requirements and operational responsibilities for personnel and teams deployed under
339 this program to ensure readiness and effectiveness during emergencies.

340 Section 14. Emergency Management Tax Relief

341 Any city or town that accepts the provisions of this section may establish a program to
342 abate up to \$1,000 in property taxes due for any fiscal year for a resident of the city or town to
343 provide property tax relief for a non-salaried local director of emergency management and for
344 individuals who are volunteer emergency response workers as defined under this chapter. Such
345 tax relief may provide either: (i) an abatement of up to \$1,000 in property taxes due for any fiscal
346 year; or (ii) an exemption applicable to the assessed value of real or personal property up to an
347 amount equal to the quotient of \$1,000,000 divided by the mill rate in effect at the time of
348 assessment, expressed as a whole number of dollars per \$1,000 of assessed value. A city or town
349 which has accepted the provisions of this section may enact the necessary local by-laws,
350 ordinances, rules or regulations to effectuate the provisions of this section.

351 Section 15. Emergency Response Worker Liability

352 Neither the commonwealth, nor any agency, political subdivision or employee thereof,
353 nor any other emergency response worker performing authorized emergency management
354 functions or engaged in emergency preparedness training programs or exercises authorized by
355 the director, shall be liable in any suit for damages as a result of any acts or omissions committed
356 by such person in the course of such emergency management functions, training or exercises,
357 unless such acts or omissions constitute willful, wanton or reckless conduct. The immunity
358 provided in this section shall not apply to any person whose act or omission caused the
359 emergency, in whole or in part. Consistent with the provisions of chapter 12, the attorney general
360 shall appear for and defend the commonwealth, any agency or political subdivision thereof and
361 any emergency response worker against any civil action brought as a result of actions taken
362 during a declared emergency or authorized training or exercises.

363 In the absence of any other benefits provided by law, all emergency response workers
364 who are killed or who sustain disability or injury while performing authorized emergency
365 management functions shall be construed to be employees of the commonwealth and shall be
366 compensated in like manner as state employees are compensated under the provisions of chapter
367 152. The same shall be true of all emergency response workers killed, disabled or injured while
368 engaged in any emergency preparedness training programs or exercises authorized by the
369 director.

370 Section 16. Emergency Shelters

371 In consultation with the secretary and the fire marshal, the director shall establish
372 standards and issue regulations for the designation of emergency shelters within each community
373 or group of communities. Facilities designated as emergency shelters may be utilized for other

374 functions and may not be maintained exclusively for emergency purposes but shall meet
375 minimum emergency structural, capacity and accessibility requirements. The board of building
376 regulations and standards may grant deviations from the applicable building codes to the extent
377 that such building codes conflict with the standards and regulations for emergency shelters.

378 Any person or entity owning or controlling real estate or other premises who voluntarily
379 and without compensation grants a license or privilege or otherwise permits the use of the whole
380 or any part or parts of such real estate or premises for the purpose of sheltering persons during an
381 actual, impending or mock emergency shall, together with their successors in interests, if any,
382 not be civilly liable for negligently causing the death of, or injury to, any person or for loss of, or
383 damage to, the property of such person on or about such real estate or premises under such
384 license, privilege or other permission, and section 15 of chapter 186 shall not be deemed to apply
385 to any agreement granting such license or privilege or to such other permission, whether such
386 agreement is executed or such other permission given before or after the effective date of this
387 section.

388 Section 17. Nuclear Planning

389 The director shall designate certain areas of the commonwealth as nuclear power
390 planning areas. The director shall publish and release to local officials of each political
391 subdivision within such areas preparedness and response plans which shall permit the residents
392 of said areas to evacuate or take other protective actions in the event of a nuclear accident.
393 Copies of such plans shall be made available to the public upon request for a fee which is not to
394 exceed the cost of reproduction. The director shall also publish and release through local officials
395 to the residents of the said areas emergency public information. Such information shall include

396 warning and alerting provisions, evacuation routes, reception areas and other recommended
397 actions for each area.

398 The director or a designee shall annually review the preparedness and response plans
399 with regard for, but not limited to, such factors as: (i) changes in traffic patterns; (ii) population
400 densities; and (iii) new construction of schools, hospitals, industrial facilities and the like. Where
401 such factors justify a revision of the preparedness and response plan, the director shall notify the
402 appropriate state and local officials and recommend changes to the plan.

403 In the event of any emergency or threatened emergency that involves a release of
404 radiation, the radiation control program of the department of public health shall be notified.

405 Section 18. Employee Absence for Emergency Management Service

406 Any employee of the commonwealth or of any political subdivision may be granted a
407 leave of absence with pay for the purpose of serving as an emergency response worker
408 performing emergency management functions. Any other employer may grant a leave of absence
409 with or without pay to an employee for the purpose of serving as an emergency response worker
410 performing emergency response functions. Said leave shall be approved at the discretion of the
411 employer, whether public or private. In determining whether to grant said leave, the employer
412 should consider the specialized expertise an employee may possess which could enhance the
413 ability of the commonwealth to prepare for, respond to and recover from an emergency.

414 An employee who is granted a leave of absence with pay pursuant to this section shall be
415 compensated by the employee's employing agency at the employee's regular rate of pay for those
416 regular work hours during which the employee is absent from work, but in no event shall the
417 employee receive overtime pay, shift differential pay, hazardous duty pay or any other form of

418 compensation in addition to the employee's regular pay. An employee who is granted leave
419 pursuant to this section shall not lose any already existing insurance or health care coverage,
420 seniority or any previously accrued vacation time, sick time, personal days, compensation time
421 or earned overtime due to the employee's granted leave of absence.

422 Section 19. Court Personnel

423 During a state of emergency, the chief justice of the supreme judicial court, the chief
424 justice of the superior court and the chief justice of the district court, shall consult and
425 recommend to the governor reasonable steps to maintain the safety and security of court
426 personnel, records and persons held in custody. If courts of the commonwealth are ordered to
427 close during a state of emergency, the chief justice of the supreme judicial court, the chief justice
428 of the superior court and the chief justice of the district court shall recommend to the governor
429 reasonable steps to open those court facilities affected by a state of emergency as soon as it is
430 safe and practicable to do so. The chief justice of the supreme judicial court, the chief justice of
431 the superior court and the chief justice of the district court shall work with the members of the
432 judiciary and administrators of the court system to temporarily transfer cases among courts to
433 ensure the continued viability and operability of the commonwealth's justice system.

434 Section 20. Incident Management Assistance Team

435 There shall be established within the agency the Massachusetts all-hazards incident
436 management assistance team, hereinafter referred to as the team, to provide professional
437 emergency management support to state agencies, political subdivisions and other entities during
438 incidents requiring enhanced coordination.

439 The team shall consist of personnel from state agencies, political subdivisions, private
440 organizations and non-profit entities with demonstrated expertise in emergency management,
441 incident command and disaster response. Members shall be selected by the director and shall
442 meet training and qualification standards established by the agency. While activated, members of
443 the team shall be compensated and considered employees of the commonwealth solely for the
444 purposes of performing their emergency management duties.

445 The team shall have the authority and responsibility to:

446 (i) support and enhance the operational capabilities of incident command structures
447 during emergencies, including integrating into local or regional emergency operations centers or
448 incident command posts when requested;

449 (ii) provide technical assistance and strategic advice to incident commanders and local
450 emergency management officials;

451 (iii) assist in resource coordination, situational analysis and logistical operations during
452 active incidents; and

453 (iv) facilitate inter-agency communication and cooperation to ensure the seamless
454 integration of state, local and regional response efforts.

455 The director shall ensure the team is equipped, trained and prepared to deploy promptly
456 when requested. The team's operational readiness shall be maintained through regular exercises
457 and participation in statewide emergency preparedness initiatives.

458 Requests for the team may be made by a local emergency management director, state
459 agencies or other authorized entities. The team shall operate in accordance with the

460 comprehensive emergency management plan established pursuant to section 10 and shall adhere
461 to the principles of the national incident management system and the incident command system.

462 The team shall serve as a critical resource to enhance the commonwealth's ability to
463 prepare for, respond to and recover from emergencies, and its activities shall be coordinated
464 under the direction of the agency.

465 Section 21. Continuity of Government

466 The head of each executive or administrative department of the commonwealth, including
467 the state secretary, the attorney general, the treasurer and receiver-general and the auditor and the
468 director or head of each division in each such department shall designate, by name or position,
469 persons in their respective department or division who shall exercise, successively, their duties in
470 the event of their absence or disability. Each such designation shall be subject to approval by the
471 governor and council and shall be in effect until revoked by the governor who made such
472 designation. Persons designated under this section to perform the duties of a department or
473 division head in their absence or disability shall perform such duties only in succession to
474 persons so authorized under any other provision of general or special law.

475 Section 22. Water Emergency

476 Any city or town, water district, water supply district, fire and water district, fire district
477 or water company may contract with any other such city, town, district or water company for the
478 interconnection of their water distribution systems and for providing and using any necessary
479 pumping equipment for the supplying of water for domestic, fire and other purposes. The
480 supplying of water for domestic purposes for extended periods shall be subject to the provisions
481 of section 40 of chapter 40. Such interconnections made with the works of the Massachusetts

482 water resource authority or any municipality, district or water company supplied therefrom shall
483 be subject to the provisions of chapter 92.

484 Section 23. Emergency Planning and Community Right-to-Know Act

485 There is hereby established a state emergency response commission that shall be
486 responsible for implementing the federal Emergency Planning and Community Right-to- Know
487 Act, also known as Title III of the Superfund Amendments and Reauthorization Act. The state
488 emergency response commission shall be chaired by the director or designee, and shall consist
489 of: the commissioner of the department of environmental protection or a designee; the president
490 of the Massachusetts Association of Hazardous Materials Technicians or a designee; the colonel
491 of the state police or a designee; the commissioner of the department of public health or a
492 designee; the state fire marshal or a designee; local or regional emergency planning committees
493 as selected by the chair; the attorney general or designee; the regional administrator of the United
494 States Environmental Protection Agency or a designee; the president of the Massachusetts Chiefs
495 of Police Association or a designee; the president of the Fire Chiefs Association of
496 Massachusetts or a designee; the secretary of transportation or a designee; and a member of the
497 public appointed by the chair. The chair may appoint other such members to the extent additional
498 expertise is necessary to carry out the commission's responsibilities. The commission shall meet
499 at such times and places as determined by the chair. The director shall establish local and
500 regional emergency planning committee jurisdictions to develop hazardous materials emergency
501 plans to use in responding to and recovering from a release or spill of hazardous or toxic
502 substances as provided by said federal law. The day-to-day functions of the state emergency
503 response commission shall be the responsibility of the agency.

504 SECTION 3. Subsection (2) of section 3 of chapter 32, as appearing in the 2022 Official
505 Edition, is hereby amended by inserting in the definition of Group 2 in paragraph (g) after the
506 words “fire services having police powers” the following words:- ; employees of the
507 Massachusetts emergency management agency.

508 SECTION 4. Section 7E of chapter 90 of the General Laws, as so appearing, is hereby
509 amended by striking out the words “vehicles specified in section seven D used for transporting
510 school children, and vehicles specified in section seven I” and inserting in place thereof the
511 following words:- vehicles specified in section 7D for transporting school children, emergency
512 management vehicles and vehicles specified in section 7I.

513 SECTION 5. Section 23B of chapter 149 of the General Laws is hereby repealed.

514 SECTION 6. Chapter 639 of the Acts of 1950 is hereby repealed.