

**SENATE . . . . . No.**

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**The Commonwealth of Massachusetts**

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PRESENTED BY:

***Barry R. Finegold***

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*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.

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PETITION OF:

NAME:

*Barry R. Finegold*

DISTRICT/ADDRESS:

*Second Essex and Middlesex*

SENATE . . . . . No.

[Pin Slip]

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 Section 64 of chapter 22C of the General Laws is hereby repealed.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