

SENATE No.

The Commonwealth of Massachusetts

PRESENTED BY:

William J. Driscoll

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 updating emergency management.

PETITION OF:

NAME:

William J. Driscoll

DISTRICT/ADDRESS:

Norfolk, Plymouth and Bristol

SENATE No.

[Pin Slip]

The Commonwealth of Massachusetts

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

An Act updating emergency management.

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

3 Chapter 22F. The Massachusetts Emergency Management Agency

4 Section 1: Definitions

5 Section 1. As used in this chapter, unless the context clearly otherwise requires, the
6 following words shall have the following meanings:

7 "Agency", Massachusetts emergency management agency.

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

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

12 "Emergency management functions", any act taken to prepare for, prevent, respond to,
13 recover from and mitigate against an emergency. Said functions shall include, but not be limited
14 to, the following: firefighting and police services; medical and health services; search and rescue
15 services; engineering services; communications between first responders, incident commanders,
16 and other public officials; evacuation of persons from stricken areas; radiological, chemical or
17 other special weapons; emergency transportation; existing or properly assigned functions of plant
18 protection; temporary restoration of public utility services; emergency welfare services;
19 dissemination of information to the general public; animal protection; coordination of volunteers
20 and donations; and other functions. Functions for which military forces other than the National
21 Guard are primarily responsible are not covered by this definition.

22 "Emergency response worker", any individual authorized to perform emergency
23 management functions or affiliated with an organization tasked with performing emergency
24 management functions.

25 "Mass care facility", any facility which provides protection and basic human services to
26 citizens and evacuees until the threat of the emergency has passed.

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

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

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

32 Section 2: Responsibilities and Duties

33 Section 2. There shall be within the executive office of public safety and security an
34 agency to be known as the Massachusetts emergency management agency. The agency shall
35 coordinate federal, state, local, voluntary and private resources during emergencies in the
36 commonwealth. The agency's responsibilities shall include,, developing and maintaining
37 effective emergency response plans to all hazards, disasters or threats; training emergency
38 response workers to protect the public; providing information to the citizens of the
39 commonwealth; coordinating the response to emergencies and disasters for the commonwealth;
40 responding to emergency scenes to provide subject matter expertise and resource assistance;
41 maintaining and managing the commonwealth's emergency supply stockpiles, assisting
42 individuals, families, businesses and communities to prepare for, respond to, mitigate against,
43 and recover from emergencies, and other tasks assigned to the agency by the governor related the
44 commonwealth's emergency preparedness, management, and response.

45 Section 3: State Director of Emergency Management, Duties and Powers

46 Section 3. (a) The governor, upon the recommendation of the secretary, shall appoint the
47 director, who shall be qualified by training and experience in emergency management. The
48 director shall serve as the executive and administrative head of the agency and as the governor's
49 principal assistant for directing and coordinating emergency management activities. The director
50 shall devote their full time to the duties set forth under this chapter and shall not hold any other
51 public office. The position of director shall be classified in accordance with section 45 of chapter
52 30 of the General Laws and the salary shall be determined in accordance with section 46C of
53 said chapter 30. The director shall coordinate the activities of all organizations for emergency
54 management within the commonwealth. The director shall cooperate and maintain liaison with
55 emergency management agencies of other states and the federal government, and have such

56 additional authority, duties and responsibilities authorized by this chapter and as may be
57 prescribed by the governor. The director shall be responsible to the governor and the secretary
58 for carrying out the program of emergency management for the commonwealth.

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

69 Section 4: Executive and Administrative Authority

70 Section 4. (a) The governor shall have general direction and control of the agency, and
71 shall be responsible for carrying out the provisions of this chapter, and may assume operational
72 control over any part or all parts of emergency management functions within the commonwealth.
73 The governor may at the request of the director authorize the employment of such personnel and
74 may make such expenditures as may be necessary to carry out the purposes of this chapter. The
75 governor may cooperate with the federal government and with other states and private agencies
76 in all matters pertaining to the protection and defense of the commonwealth and the nation, and
77 shall be tasked with the creation of a comprehensive plan and program for the commonwealth as

78 developed by the director, and in accordance with said plan and program may institute training
79 and public information programs and take all other preparatory steps, including the partial or full
80 mobilization of all public organizations in advance of actual emergencies as may be deemed
81 necessary. The governor may direct the secretary or director to make studies and surveys to
82 ascertain the capabilities of the commonwealth for disaster prevention, response, recovery,
83 mitigation and preparedness, and may delegate any administrative authority vested under this
84 chapter to the secretary or director.

85 (b) The governor shall have the power and authority to cooperate with the federal
86 authorities and with the governors of other states in matters pertaining to emergency
87 preparedness, prevention, management, and response, and also so to cooperate with the military
88 and naval forces of the United States and other states, and to take any measures which he or she
89 may deem proper to carry into effect any request of the president of the United States for action
90 looking to the national defense or to the public safety. The governor may receive and allocate
91 money, supplies, equipment or material granted, loaned or allocated by the federal government
92 or other states to the commonwealth or any of its agencies or political subdivisions to prepare
93 for, respond to, and recover from and mitigate against an emergency.

94 (c) In reasonable anticipation of an emergency, the governor may exercise any power,
95 authority or discretion conferred on them under this chapter by issuing executive orders or
96 directives to the Massachusetts emergency management agency, or other department or agency
97 of the commonwealth or any political subdivision thereof, or other person. Any department,
98 agency or person so directed shall act in conformity with any orders or directives prescribed by
99 the governor.

100 (d) Upon the occurrence or imminent threat of occurrence of any emergency, the
101 governor may issue a proclamation setting forth a state of emergency. Said proclamation shall
102 serve to activate applicable emergency response, mitigation, and recovery plans. The state of
103 emergency may extend throughout the commonwealth or may pertain to one or more particular
104 geographic areas. Said proclamation shall be authority for the deployment and use of any state,
105 local, non-profit, or private forces to which the plans apply, and for the use or distribution of any
106 supplies, equipment, materials, or facilities assembled, stockpiled, or arranged to be made
107 available. If the governor notes in the proclamation that the emergency is one that is detrimental
108 to the public health, the commissioner of public health shall have those authorities necessary to
109 prevent disease and maintain public health set forth in section 2A of Chapter 17 of the General
110 Laws.

111 (e) After the governor issues a proclamation setting forth a state of emergency, the
112 governor may possess, use and employ any property, real or personal, for such time and in such
113 manner as he or she shall deem necessary to protect the commonwealth and its citizens. The
114 emergency management or public safety authorities who seize property during an emergency
115 shall maintain a permanent record of such property and its condition when seized, and shall
116 furnish a true copy of the record to the owner of the seized property. The commonwealth shall
117 pay just compensation to the owner of any facilities or materials that are permanently taken or
118 permanently appropriated by a commonwealth authority during an emergency. The
119 commonwealth shall not pay just compensation to the owner of any facilities or materials that
120 said authorities close, evacuate, decontaminate, or destroy when there is reasonable cause to
121 believe that the facilities or materials endanger the public during an emergency. The amount of
122 compensation shall be calculated in the same manner as compensation due for taking of property

123 pursuant to non-emergency eminent domain procedures, as provided in chapter 79 of the General
124 Laws.

125 (f) The declaration of emergency shall terminate when so declared by the governor, or
126 automatically after 60 days, unless renewed by the governor. Each renewal shall terminate after
127 60 days unless renewed for an additional 60 days, or unless sooner terminated.

128 Section 5: State of Emergency Declaration

129 Section 5. (a) During a declared state of emergency, the governor, in addition to any other
130 authority vested in them by law, shall have and may exercise any and all authority over persons
131 and property necessary or expedient to protect the commonwealth and its citizens. Without
132 limiting the foregoing, the governor shall have and may exercise the following specific authority
133 to:

134 (1) Suspend the provisions of any statute or the orders or regulations of any state agency,
135 if compliance with the provisions of any such statute, order, or regulation would in any way
136 prevent, hinder, or delay necessary action in coping with the emergency. Any provision of any
137 statute, order, or regulation inconsistent with an order issued or promulgated during a state of
138 emergency under this chapter shall be inoperative while such a declaration is in effect.

139 (2) Employ every agency and all persons of the government of the commonwealth or of
140 any of its political subdivisions to protect the lives and property of its citizens and to enforce the
141 law, and utilize all available resources of the state government and of its political subdivisions as
142 reasonably necessary to cope with the emergency. The governor may transfer the direction,
143 personnel, or functions of commonwealth departments and agencies or units thereof for the
144 purpose of performing or facilitating emergency management functions. The governor may

145 assign to any state agency any activity concerned with disaster preparedness and relief, and it
146 shall become the duty of such agency to undertake and carry out such activity on behalf of the
147 commonwealth. All persons employed by the commonwealth or any of its political subdivisions
148 who are acting as emergency response workers shall have the same powers, duties, immunities
149 and privileges as if they were performing those duties for the commonwealth or within any of its
150 political subdivisions.

151 (3) Order that the members of the police and fire forces of the commonwealth or its
152 political subdivisions, the National Guard, and other authorized agents and emergency response
153 workers performing emergency management functions, including but not limited to health agents
154 authorized under section 30 of chapter 111 of the General Laws, and animal control officers,
155 while in uniform or upon presentation of government-issued identification, may enter private
156 property for the sole purpose of enforcing orders or directives issued by or under authority of the
157 governor. Nothing in this section shall be construed or deemed to prohibit any entry upon private
158 property otherwise authorized by law.

159 (4) Allow health care practitioners who are licensed in another state and whose license is
160 in good standing to provide health care in any area affected by the emergency.

161 (5) Notwithstanding the provisions of chapter 32 of the General Laws or any other
162 applicable law, retired employees of the commonwealth who previously served in emergency
163 management or related roles may be temporarily employed by the agency to perform disaster
164 emergency operations functions during a declared state of emergency or other urgent operational
165 needs. Such temporary employment shall not be subject to the restrictions on earnings or hours
166 worked imposed by chapter 32, provided that the duration of such employment does not exceed

167 the period necessary to address the emergency or operational need. Retired personnel engaged
168 under this section shall retain their status as retirees and shall not accrue additional creditable
169 service or retirement benefits as a result of such temporary employment. Compensation for such
170 personnel shall be established by the agency and shall not exceed their pre-retirement rate of pay.

171 (b) Whoever violates any provision of any order or directive issued by the governor
172 pursuant to sections 5 or 6 of this chapter shall be punished by imprisonment of not more than
173 one year, or by a fine of not more than five hundred dollars, or both, unless the conduct in
174 question is covered by existing law and sets forth a greater punishment for the violation.

175 Section 7: State Emergency Operations Center

176 Section 7. (a) The agency shall establish a State Emergency Operations Center (SEOC) at
177 a facility to serve as the central coordination hub for all emergency management operations
178 within the commonwealth. The SEOC shall serve as the primary location for state-level decision-
179 making, resource allocation, and operational coordination during emergencies and disasters. The
180 SEOC shall be responsible for ensuring a unified and effective response by coordinating efforts
181 among federal, state, local, private sector, and nonprofit entities. It shall also oversee the
182 implementation of the Massachusetts Comprehensive Emergency Management Plan during
183 incidents requiring a state-level response.

184 (b) Each state agency designated as an emergency response agency by the director shall
185 assign a minimum of two qualified personnel to serve as liaison officers to the SEOC. These
186 liaison officers shall be tasked with facilitating communication, resource management, and
187 operational support between their respective agencies and the SEOC. The SEOC shall maintain

188 operational readiness at all times and shall be activated by the governor or director during
189 emergencies, disasters, and other significant incidents requiring state-level coordination.

190 Section 8: State Emergency Management Plan

191 Section 8. The director shall establish and publish a comprehensive emergency
192 management plan for the commonwealth. This plan shall establish the framework in which the
193 emergency response and recovery actions of all levels of government can be effectively
194 integrated and coordinated. The plan shall be an all-hazards document and shall provide a
195 comprehensive approach for planning for, responding to and recovering from an emergency. The
196 plan shall encompass all aspects of pre-emergency preparedness and post-emergency response,
197 recovery, and mitigation. Specifically, the plan shall: (a) establish the fundamental policies, basic
198 program strategies, assumptions, and mechanisms through which the commonwealth will
199 mobilize resources and conduct activities to guide and support local emergency management
200 efforts during response, recovery, and mitigation; (b) establish a concept of operations for the
201 direction and control of an emergency from initial monitoring through post-disaster response and
202 recovery; (c) define the inter-agency coordination mechanism that facilitates delivery of state
203 assistance and establishment of state direction and control over response and recovery assistance
204 provided by other states and/or the federal government; (d) assign functional responsibilities to
205 appropriate executive offices of the commonwealth as well as to specific state agencies, private
206 sector groups, and volunteer organizations; (e) assess the various levels of emergencies likely to
207 occur within the commonwealth, and the corresponding response and recovery actions needed to
208 recover from them.

209 Section 9: Personnel

210 Section 9. (a) The agency is authorized to deploy emergency response personnel, teams,
211 equipment, and other resources of the commonwealth, political subdivisions, non-profit or
212 private sector as state resources to support emergency management operations within or beyond
213 the state, as necessary to reinforce local, regional, state, or national emergency management
214 efforts. Emergency management resources, including personnel and teams, shall be deployed
215 based on the critical needs of the situation, taking into account the plans and priorities of the
216 commonwealth, the Federal Government, and other states. Such deployments shall be initiated
217 upon the orders of the agency and shall support emergency management activities in any part of
218 the commonwealth or, under agreed conditions, in other states.

219 (b) Personnel deployed as part of emergency management resources shall: (1) as
220 employees of the commonwealth, retain all powers, duties, rights, privileges, and immunities
221 associated with their employment and continue to receive their regular compensation and; (2) as
222 employees of a political subdivision of the commonwealth, retain all powers, duties, rights,
223 privileges, and immunities associated with their employment and continue to receive their
224 regular compensation while serving within or beyond their political subdivision.

225 (c) All personnel deployed under this section shall be subject to the operational control of
226 the authority in charge of emergency management activities in the area in which they are serving.

227 Section 10: Municipal Abatements

228 Section 10. Any city or town that accepts the provisions of this section may establish a
229 program to abate up to one thousand dollars in property taxes due for any fiscal year for a
230 resident of the city or town to provide property tax relief for a non-salaried local director of
231 emergency management and for individuals who are emergency response workers as defined

232 under this chapter, provided such workers are employed by the commonwealth or a political
233 subdivision thereof. Such tax relief may provide either (a) an abatement of up to one thousand
234 dollars in property taxes due for any fiscal year, or (b) an exemption applicable to the assessed
235 value of real or personal property up to an amount equal to the quotient of one million dollars
236 divided by the mill rate, in effect at the time of assessment, expressed as a whole number of
237 dollars per one thousand dollars of assessed value. A city or town which has accepted the
238 provisions of this section may enact the necessary local by-laws, ordinances, rules or regulations
239 to effectuate the provisions of this section.

240 Section 11: Nuclear Power Preparedness

241 Section 11. (a) The director shall designate certain areas of the commonwealth as nuclear
242 power planning areas. The director shall publish and release to local officials of each political
243 subdivision within such areas preparedness and response plans which will permit the residents of
244 said areas to evacuate or take other protective actions in the event of a nuclear accident. Copies
245 of such plans shall be made available to the public upon request for a fee which is not to exceed
246 the cost of reproduction. The director shall also publish and release through local officials to the
247 residents of the said areas emergency public information. Such information shall include warning
248 and alerting provisions, evacuation routes, reception areas, and other recommended actions for
249 each area.

250 (b) The director or designee shall annually review the preparedness and response plans
251 with regard for, but not limited to, such factors as changes in traffic patterns, population
252 densities, and new construction of schools, hospitals, industrial facilities, and the like. Where

253 such factors justify a revision of the preparedness and response plan, the director shall notify the
254 appropriate state and local officials and make recommended changes to the plan.

255 (c) In the event of any emergency or threatened emergency that involves a release of
256 radiation, the radiation control program of the department of public health shall be notified.

257 Section 12: Emergency Response Worker Compensation and Leave

258 Section.12 (a) Any employee of the commonwealth or of any political subdivision may
259 be granted a leave of absence with pay for the purpose of serving as an emergency response
260 worker performing emergency response functions. Any other employer may grant a leave of
261 absence with or without pay to an employee for the purpose of serving as an emergency response
262 worker performing emergency response functions. Said leave shall be approved at the discretion
263 of the employer, public or private. In determining whether to grant said leave, the employer
264 should consider the specialized expertise an employee may possess which could enhance the
265 ability of the commonwealth to prepare for, respond to, and recover from an emergency.

266 (b) An employee who is granted a leave of absence with pay pursuant to this section shall
267 be compensated by the employee's employing agency at the employee's regular rate of pay for
268 those regular work hours during which the employee is absent from work, but in no event shall
269 the employee receive overtime pay, shift differential pay, hazardous duty pay or any other form
270 of compensation in addition to the employee's regular pay. An employee who is granted leave
271 pursuant to this section shall not lose any already existing insurance or health care coverage,
272 seniority or any previously accrued vacation time, sick time, personal days, compensation time
273 or earned overtime due to the employee's granted leave of absence.

274 Section 13: Judicial Administration

275 Section 13. During a state of emergency, the chief justice of the supreme judicial court,
276 the chief judge of the superior court, and the chief judge of the district court, shall consult and
277 recommend to the governor reasonable steps to maintain the safety and security of court
278 personnel, records, and persons held in custody. While courts of the commonwealth, like other
279 government facilities, may be ordered to close during a state of emergency, the chief justice of
280 the supreme judicial court, the chief judge of the superior court, and the chief judge of the district
281 court shall recommend to the governor reasonable steps to open those court facilities affected by
282 a state of emergency as soon as it is safe and practicable to do so. Further, the chief justice of the
283 supreme judicial court, the chief judge of the superior court, and the chief judge of the district
284 court shall work with the members of the judiciary and administrators of the court system to
285 temporarily transfer cases among courts to ensure the continued viability and operability of the
286 commonwealth's justice system.

287 Section 14: Executive, Constitutional, and Administrative Delegation in the Event of an
288 Emergency

289 Section 14. The head of each executive, constitutional, and administrative office or
290 agency of the commonwealth, shall designate, by name or position, persons in his or her
291 respective department or division who shall exercise, successively, his or her duties in the event
292 of his or her absence or disability. Each such designation shall be subject to approval by the
293 governor and council and shall be in effect until revoked by the governor who made such
294 designation. Persons designated under this section to perform the duties of a department or
295 division head in his or her absence or disability shall perform such duties only in succession to
296 persons so authorized under any other provision of general or special law.

297 Section 15: Water Emergencies

298 Section 15. Any city or town, water district, water supply district, fire and water district,
299 fire district or water company may contract with any other such city, town, district or water
300 company for the interconnection of their water distribution systems and for providing and using
301 any necessary pumping equipment for the supplying of water for domestic, fire and other
302 purposes. The supplying of water for domestic purposes for extended periods shall be subject to
303 the provision of section 40 of chapter 40 of the General Laws. Such interconnections made with
304 the works of the Massachusetts water resource authority or any municipality, district or water
305 company supplied there from shall be subject to the provisions of chapter 92 of the General
306 Laws.

307 SECTION 2. Section 7E of chapter 90 is hereby amended by inserting after the words
308 “and vehicles specified in section seven D used for transporting school children,” the following
309 words:-

310 emergency management and disaster response vehicles.

311 SECTION 3. Section 23B of chapter 149 is hereby repealed.

312 SECTION 4. Group 2 paragraph (g) of sub-division 2 of section 3 of chapter 32, as
313 amended by section (1) of Chapter 71 of the acts of 2006, is hereby further amended by inserting
314 after the words "officials and employees of the office of public safety and inspections of the
315 division of occupational licensure and the division of inspection of the department of fire
316 services having police powers;" the following words:- employees of the Massachusetts
317 emergency management agency;

318 SECTION 5. Section 64 of chapter 22C is hereby repealed.

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

320 SECTION 7. In any provision of this act or the application thereof to any person or
321 circumstance is held invalid, such invalidity shall not affect other provisions or application of the
322 act which can be given effect without the invalid provision or application; and to this end the
323 provisions of this act are declared to be severable.