

SENATE No. 1668

The Commonwealth of Massachusetts

PRESENTED BY:

William J. Driscoll, Jr.

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:	DISTRICT/ADDRESS:	
<i>William J. Driscoll, Jr.</i>	<i>Norfolk, Plymouth and Bristol</i>	
<i>Steven George Xiarhos</i>	<i>5th Barnstable</i>	<i>3/6/2025</i>
<i>Sal N. DiDomenico</i>	<i>Middlesex and Suffolk</i>	<i>3/6/2025</i>
<i>Michael D. Brady</i>	<i>Second Plymouth and Norfolk</i>	<i>3/6/2025</i>
<i>John F. Keenan</i>	<i>Norfolk and Plymouth</i>	<i>3/6/2025</i>
<i>Joanne M. Comerford</i>	<i>Hampshire, Franklin and Worcester</i>	<i>3/7/2025</i>

SENATE No. 1668

By Mr. Driscoll, a petition (accompanied by bill, Senate, No. 1668) of William J. Driscoll, Jr., Steven George Xiarhos, Sal N. DiDomenico, Michael D. Brady and other members of the General Court for legislation to establish the Massachusetts emergency management agency. Public Safety and Homeland Security.

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

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

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

Section 4: Executive and Administrative Authority

Section 4. (a) The governor shall have general direction and control of the agency, and shall be responsible for carrying out the provisions of this chapter, and may assume operational control over any part or all parts of emergency management functions within the commonwealth. The governor may at the request of the director authorize the employment of such personnel and may make such expenditures as may be necessary to carry out the purposes of this chapter. The

governor may cooperate with the federal government and with other states and private agencies in all matters pertaining to the protection and defense of the commonwealth and the nation, and shall be tasked with the creation of a comprehensive plan and program for the commonwealth as developed by the director, and in accordance with said plan and program may institute training and public information programs and take all other preparatory steps, including the partial or full mobilization of all public organizations in advance of actual emergencies as may be deemed necessary. The governor may direct the secretary or director to make studies and surveys to ascertain the capabilities of the commonwealth for disaster prevention, response, recovery, mitigation and preparedness, and may delegate any administrative authority vested under this chapter to the secretary or director.

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

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

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

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

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

believe that the facilities or materials endanger the public during an emergency. The amount of compensation shall be calculated in the same manner as compensation due for taking of property pursuant to non-emergency eminent domain procedures, as provided in chapter 79 of the General Laws.

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

Section 5: State of Emergency Declaration

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

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

(2) Employ every agency and all persons of the government of the commonwealth or of any of its political subdivisions to protect the lives and property of its citizens and to enforce the law, and utilize all available resources of the state government and of its political subdivisions as reasonably necessary to cope with the emergency. The governor may transfer the direction,

personnel, or functions of commonwealth departments and agencies or units thereof for the purpose of performing or facilitating emergency management functions. The governor may assign to any state agency any activity concerned with disaster preparedness and relief, and it shall become the duty of such agency to undertake and carry out such activity on behalf of the commonwealth. All persons employed by the commonwealth or any of its political subdivisions who are acting as emergency response workers shall have the same powers, duties, immunities and privileges as if they were performing those duties for the commonwealth or within any of its political subdivisions.

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

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

(5) Notwithstanding the provisions of chapter 32 of the General Laws or any other applicable law, retired employees of the commonwealth who previously served in emergency management or related roles may be temporarily employed by the agency to perform disaster emergency operations functions during a declared state of emergency or other urgent operational

needs. Such temporary employment shall not be subject to the restrictions on earnings or hours worked imposed by chapter 32, provided that the duration of such employment does not exceed the period necessary to address the emergency or operational need. Retired personnel engaged under this section shall retain their status as retirees and shall not accrue additional creditable service or retirement benefits as a result of such temporary employment. Compensation for such personnel shall be established by the agency and shall not exceed their pre-retirement rate of pay.

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

Section 7: State Emergency Operations Center

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

(b) Each state agency designated as an emergency response agency by the director shall assign a minimum of two qualified personnel to serve as liaison officers to the SEOC. These liaison officers shall be tasked with facilitating communication, resource management, and

operational support between their respective agencies and the SEOC. The SEOC shall maintain operational readiness at all times and shall be activated by the governor or director during emergencies, disasters, and other significant incidents requiring state-level coordination.

Section 8: State Emergency Management Plan

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

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

Section 11: Nuclear Power Preparedness

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

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

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

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

Section 12: Emergency Response Worker Compensation and Leave

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

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

Section 13: Judicial Administration

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

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

Section 14. The head of each executive, constitutional, and administrative office or agency of the commonwealth, shall designate, by name or position, persons in his or her respective department or division who shall exercise, successively, his or her duties in the event of his or her absence or disability. Each such designation shall be subject to approval by the governor and council and shall be in effect until revoked by the governor who made such designation. Persons designated under this section to perform the duties of a department or division head in his or her absence or disability shall perform such duties only in succession to 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.