

SENATE No. 541

The Commonwealth of Massachusetts

PRESENTED BY:

Barry R. Finegold

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act modernizing the Massachusetts emergency management system.

PETITION OF:

NAME:

Barry R. Finegold

DISTRICT/ADDRESS:

Second Essex and Middlesex

SENATE No. 541

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

The Commonwealth of Massachusetts

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

An Act modernizing the Massachusetts emergency management system.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Section 64 of chapter 22C of the General Laws is hereby repealed.

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

4 CHAPTER 22F. Massachusetts emergency management agency

5 Section 1. Definitions

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

8 “Agency”, the Massachusetts emergency management agency.

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

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

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

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

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

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

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

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

Section 2. Responsibility and Duties

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

Section 3. Director of Emergency Management

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

The director may appoint such experts and other assistants as the work of the agency may require, and may make such expenditures, subject to available funding or appropriation, as may be necessary in order to execute effectively the purposes of this chapter. Such employees shall not be subject to chapter 31. The director may, on behalf of the agency, 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. Emergency Management Advisory Council

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

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

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

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

Section 5. Powers of the Governor

The governor shall have general direction and control of the agency and shall be responsible for carrying out the provisions of this chapter; provided, however, that the governor 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 United States, and shall approve 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 conduct studies or 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.

Except as otherwise stated in any general or special law, the governor shall have the power and authority to: (i) cooperate with any federal authorities and with the governors of other states in matters pertaining to the common defense or to the common welfare; (ii) cooperate with the military and naval forces of the United States and other states, and (iii) take any measures which the governor 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, recover from or mitigate against an emergency.

Section 6. State of Emergency Declaration

(a) In reasonable anticipation of an emergency, the governor may exercise any power, authority or discretion conferred on them under this chapter by issuing 1 or more executive orders or directives to the Massachusetts emergency management agency, other department or 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

emergency management or public safety authorities which 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.

(d) 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 7. State of Emergency Authorities

(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 residents. Without limiting the foregoing, the governor shall have and may exercise the following specific authority:

(1) To 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 responding to 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) To 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 residents and to enforce the law, and to utilize all available resources of the state government and of its political subdivisions as reasonably necessary to respond to the emergency. The governor may transfer the direction, personnel or functions of commonwealth departments, 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) To 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 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) To order or compel the evacuation of all or part of the population from any stricken or threatened area within the commonwealth if the governor deems this action necessary for the preservation of life or other emergency mitigation, response or recovery efforts. Consistent with this authority, the governor may prescribe routes, modes of transportation and destinations in connection with evacuation. The governor shall also formulate and execute plans and rules for the control of traffic in order to provide for the rapid and safe movement or evacuation over public highways and streets of people, troops, vehicles or materials for national defense or for use in any defense industry, and may coordinate the activities of the departments or agencies of the commonwealth and the political subdivisions thereof concerned directly or indirectly with public highways and streets in a manner which will best effectuate such plans. Neither the commonwealth, nor any of its political subdivisions, nor any employee of the commonwealth or of a political subdivision, nor any emergency response worker, shall be liable for harm to any person who refuses to comply with an evacuation order.

(5) To 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, notwithstanding the provisions of chapter 112A or any other applicable general or special law.

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

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;

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

(iv) 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 or the federal government;

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

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

Section 11. Local Emergency Management Organizations

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

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

Section 12. Local State of Emergency

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

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

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

Section 13. Emergency Management Resource Deployment

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

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

Personnel deployed as part of emergency management resources shall:

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

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

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

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

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

Section 14. Emergency Management Tax Relief

Any city or town that accepts the provisions of this section may establish a program to abate up to \$1,000 in property taxes due for any fiscal year for a 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 volunteer emergency response workers as defined under this chapter. Such tax relief may provide either: (i) an abatement of up to \$1,000 in property taxes due for any fiscal year; or (ii) an exemption applicable to the assessed value of real or personal property up to an amount equal to the quotient of \$1,000,000 divided by the mill rate in effect at the time of assessment, expressed as a whole number of dollars per \$1,000 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 15. Emergency Response Worker Liability

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

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

Section 16. Emergency Shelters

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

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

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

Section 17. Nuclear Planning

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 shall 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.

The director or a designee shall annually review the preparedness and response plans with regard for, but not limited to, such factors as: (i) changes in traffic patterns; (ii) population densities; and (iii) 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 recommend changes to the plan.

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 18. Employee Absence for Emergency Management Service

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 management 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, whether 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.

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 19. Court Personnel

During a state of emergency, the chief justice of the supreme judicial court, the chief justice of the superior court and the chief justice 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. If courts of the commonwealth are ordered to close during a state of emergency, the chief justice of the supreme judicial court, the chief justice of the superior court and the chief justice 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. The chief justice of the supreme judicial court, the chief justice of the superior court and the chief justice 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 20. Incident Management Assistance Team

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

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

The team shall have the authority and responsibility to:

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

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

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

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

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

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

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

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

Section 21. Continuity of Government

The head of each executive or administrative department of the commonwealth, including the state secretary, the attorney general, the treasurer and receiver-general and the auditor and the director or head of each division in each such department shall designate, by name or position, persons in their respective department or division who shall exercise, successively, their duties in the event of their 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 their absence or disability shall perform such duties only in succession to persons so authorized under any other provision of general or special law.

Section 22. Water Emergency

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

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

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

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