

**SENATE . . . . . No. 1380**

**The Commonwealth of Massachusetts**

PRESENTED BY:

*Walter F. Timilty*

*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 relative to the creation of the Commonwealth Technical Rescue Regions and Coordinating Council.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
<i>Walter F. Timilty</i>	<i>Norfolk, Bristol and Plymouth</i>	
<i>Kathleen O'Connor Ives</i>	<i>First Essex</i>	
<i>Frank A. Moran</i>	<i>17th Essex</i>	<i>1/26/2017</i>
<i>Michael D. Brady</i>	<i>Second Plymouth and Bristol</i>	<i>1/30/2017</i>
<i>Bradley H. Jones, Jr.</i>	<i>20th Middlesex</i>	<i>1/31/2017</i>
<i>Daniel J. Ryan</i>	<i>2nd Suffolk</i>	<i>1/31/2017</i>
<i>Angelo L. D'Emilia</i>	<i>8th Plymouth</i>	<i>2/1/2017</i>
<i>Jonathan D. Zlotnik</i>	<i>2nd Worcester</i>	<i>2/3/2017</i>
<i>Michelle M. DuBois</i>	<i>10th Plymouth</i>	<i>2/3/2017</i>
<i>Hannah Kane</i>	<i>11th Worcester</i>	<i>2/3/2017</i>

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By Mr. Timilty, a petition (accompanied by bill, Senate, No. 1380) of Walter F. Timilty, Kathleen O'Connor Ives, Frank A. Moran, Michael D. Brady and other members of the General Court for legislation relative to the creation of the Commonwealth Technical Rescue Regions and Coordinating Council. Public Safety and Homeland Security.

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**The Commonwealth of Massachusetts**

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**In the One Hundred and Ninetieth General Court  
(2017-2018)**  
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An Act relative to the creation of the Commonwealth Technical Rescue Regions and Coordinating Council.

*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

4           TECHNICAL RESCUE REGIONS

5           Section 1. (a) The secretary of the executive office of public safety, hereinafter referred  
6 to as the secretary, and the state fire marshal, shall, in consultation with the Professional Fire  
7 Fighters of Massachusetts, and the Fire Chiefs' Association of Massachusetts, Inc., create  
8 technical rescue regions across the commonwealth.

9           (b) Each region shall provide for organization and coordination of technical rescue  
10 training, emergency technical rescue services, acquisition of emergency equipment, and receipt

11 and distribution of federal, state and private monies received by appropriation, grant or as  
12 compensation for services provided under contract, as a means of providing resources to the city  
13 and town member fire departments for the coordinated delivery of technical rescue services. The  
14 regions shall be comprised of 5 distinct geographical areas encompassing the commonwealth;  
15 provided, that the secretary may change such number of regions from time to time as needed.  
16 The overall coordination of the regions shall be conducted by the technical rescue coordinating  
17 council.

18 Section 2. (a) There shall be within the department of fire services of the executive office  
19 of public safety, but not under its control, a technical rescue coordinating council, hereinafter  
20 referred to as the council. The council shall oversee and review the development of uniform  
21 standards, rules, procedures and regulations for the operation of a statewide regional technical  
22 rescue services program and the development of cost recovery mechanisms for certain technical  
23 rescue services provided by their regions; provided, however, that there shall be no cost recovery  
24 where (i) the responsible party is a resident of the commonwealth, (ii) the activity was not  
25 commercial in nature and (iii) the conduct which necessitated technical rescue services was not  
26 unlawful or reckless.

27 (b) The council may collect funds on behalf of the technical rescue regions, intended as  
28 compensation under contract, including but not limited to, any company who designates a fire  
29 department as a stand-by rescue team in order to meet the requirements imposed by 29 C.F.R.  
30 1910 through the United States Occupational Safety and Health Administration. The funds shall  
31 be deposited into the Technical Rescue Services Fund, established by section 2RRRR of chapter  
32 29. The council shall receive and distribute to the technical rescue regions, any federal, state and  
33 private monies received by appropriation, grant, compensation for services provided under

34 contract or by cost recovery for the purposes of delivering technical rescue services to the  
35 technical rescue regions and their member fire departments.

36 (c) The council shall consist of the governor's secretary of executive office of public  
37 safety and security or designee, ex officio; the state fire marshal or designee, ex-officio; 2  
38 members of the Fire Chief Association of Massachusetts, Inc; 2 members of the Professional  
39 Fire Fighters of Massachusetts; 1 member representing the regional technical rescue team, as  
40 selected by the team leadership, established pursuant to section 1. No person shall receive  
41 compensation for service as a member of the council but shall receive from the commonwealth,  
42 reimbursement for all expenses necessarily incurred in connection with his or her official duties.

43 The governor shall appoint each member for a term of 3 years. Any member shall be  
44 eligible for reappointment. The majority of the council shall constitute a quorum to conduct  
45 business but a lesser number may adjourn from time to time. The council shall annually elect a  
46 chair and vice-chair from its members. The department of fire services may, subject to  
47 appropriation, employ an executive secretary and may employ such clerical, technical or other  
48 assistants as may be required to assist the council in the performance of its duties.

49 Section 3. The council, in addition to other powers conferred to it by this chapter, shall  
50 assist in the coordination of all persons and agencies in the state concerned with technical rescue  
51 services. Distribution and use of funds by the council, for use by the technical rescue regions,  
52 shall be governed by the rules and regulations promulgated by the council. Such rules and  
53 regulations shall recognize the following goals and objectives for the use and disbursement of  
54 such funds:

55 (1) maintenance and operation of technical rescue regions;

56 (2) maintenance and operation of regional technical rescue equipment;  
57 and

58 (3) training of regional technical rescue personnel to include initial and  
59 in service training including but not limited to payment of backfill and overtime for team  
60 members.

61 Section 4. The council shall make an annual report to the secretary on or before June 30,  
62 which shall include but not be limited to, an accounting of all monies received and distributed as  
63 authorized by this chapter.

64 Section 5. Members of any Regional Technical Rescue team when on official team  
65 business to include, but not limited to, emergency response, rescue stand by, training, equipment  
66 maintenance, and meetings shall be considered “on duty” for their respective fire departments  
67 and covered under the provisions of MGL Chapter 41 section 111F and all other provisions  
68 applicable to on duty injury, illness, and death.

69

70 SECTION 2. Chapter 29 of the General Laws is hereby amended by inserting after  
71 section 2QQQQ the following section:-

72 Section 2RRRR. There shall be established and set up on the books of the  
73 commonwealth a separate fund, to be known as the Technical Rescue Services Fund consisting  
74 of any amounts appropriated by the general court or received by appropriation, grant or as  
75 compensation for services under contract or reimbursement for associated costs of technical  
76 rescue services, including but not limited to costs for administration, personnel, overtime and

77 fringe benefits incurred by the department of fire services pursuant to chapter 22E of the and any  
78 income derived from the interest thereon. All monies credited to the fund shall be used, not  
79 subject to appropriation, for the purposes provided for in said chapter 22D½. No expenditure  
80 made from the fund shall cause the fund to become deficit at the close of the fiscal year.

81 SECTION 3. Section 1 shall take effect on July 1, 2017.