

SENATE BILL 68

P1, E4

1lr1331

(PRE-FILED)

By: **Senator Lam**

Requested: October 30, 2020

Introduced and read first time: January 13, 2021

Assigned to: Education, Health, and Environmental Affairs and Budget and Taxation

A BILL ENTITLED

1 AN ACT concerning

2 **Maryland Department of Emergency Management – Establishment**

3 FOR the purpose of renaming the Maryland Emergency Management Agency to be the
4 Maryland Department of Emergency Management; establishing the Department as
5 a principal department of the Executive Branch of State government; providing that
6 the head of the Department is the Secretary of Emergency Management; requiring
7 the Secretary to be appointed by the Governor, with the advice and consent of the
8 Senate; providing for the term and salary of the Secretary and requiring the
9 Secretary to devote full time to certain duties; specifying that the Department is the
10 successor of the Maryland Emergency Management Agency; providing that this Act
11 does not affect the term of office of an appointed or elected member of any
12 commission, office, department, agency, or other unit; providing for the continuity of
13 certain transactions, employment status, rights, duties, and interests; specifying
14 that certain employees in budgeted positions of the Maryland Emergency
15 Management Agency whose positions are transferred to the Department are
16 transferred without any change or loss of rights or status; providing for the
17 continuity of certain units and their personnel records and other properties;
18 requiring that certain letterheads, business cards, and other documents may not be
19 used until other documents already in print have been used; requiring the publisher
20 of the Annotated Code of Maryland, in consultation with and subject to the approval
21 of the Department of Legislative Services, to correct any cross-references or
22 terminology rendered incorrect by this Act and to describe any corrections made in
23 an editor's note following the section affected; altering a certain short title; making
24 conforming and stylistic changes; defining certain terms; and generally relating to
25 the Maryland Department of Emergency Management.

26 BY repealing and reenacting, without amendments,
27 Article – Public Safety
28 Section 8–101(a)
29 Annotated Code of Maryland

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



- 1 (2018 Replacement Volume and 2020 Supplement)
- 2 BY repealing and reenacting, with amendments,
3 Article – Public Safety
4 Section 8–101(b)(1) and (h) through (n), 8–102(c) and (e)(1), 8–103(a)(1) and (c)(7)(iii)
5 and (iv), 8–104(a)(2)(i) and (3)(i), (b)(3), (d)(2)(ii), and (e)(1), (3)(i), (5)(ii), (6),
6 (7)(ii) and (iii), and (8)(iii), 8–105(a)(1) and (b)(1), 8–106(b)(1), and 13–501(c);
7 14–101, 14–102(a), 14–103, 14–104, 14–106(a)(1), 14–107(b)(2) and (c)(1),
8 14–108(b)(4), 14–109(c)(1), 14–110, 14–112(c)(1) and (2), 14–115, and
9 14–116(b) and (c) to be under the amended subtitle “Subtitle 1. Maryland
10 Emergency Management Act”; and 14–201(c), 14–603, and 14–803
11 Annotated Code of Maryland
12 (2018 Replacement Volume and 2020 Supplement)
- 13 BY repealing
14 Article – Public Safety
15 Section 8–101(g) and 14–101.1
16 Annotated Code of Maryland
17 (2018 Replacement Volume and 2020 Supplement)
- 18 BY adding to
19 Article – Public Safety
20 Section 8–101(n)
21 Annotated Code of Maryland
22 (2018 Replacement Volume and 2020 Supplement)
- 23 BY repealing and reenacting, with amendments,
24 Article – State Government
25 Section 8–201, 9–2901(c)(9), and 10–1503(b)(17)
26 Annotated Code of Maryland
27 (2014 Replacement Volume and 2020 Supplement)
- 28 BY repealing and reenacting, with amendments,
29 Article – Environment
30 Section 5–803(h)(3)(ii)
31 Annotated Code of Maryland
32 (2013 Replacement Volume and 2020 Supplement)
- 33 BY repealing and reenacting, with amendments,
34 Article – General Provisions
35 Section 4–314.1(b)(5)
36 Annotated Code of Maryland
37 (2019 Replacement Volume and 2020 Supplement)
- 38 BY repealing and reenacting, with amendments,
39 Article – Health – General
40 Section 17–602(c)(5) and 17–701(e)

1 Annotated Code of Maryland
 2 (2019 Replacement Volume and 2020 Supplement)

3 BY repealing and reenacting, with amendments,
 4 Article – Labor and Employment
 5 Section 9–232(a)
 6 Annotated Code of Maryland
 7 (2016 Replacement Volume and 2020 Supplement)

8 BY repealing and reenacting, with amendments,
 9 Article – Natural Resources
 10 Section 3–1005(a)(9) and 3–1015(a)
 11 Annotated Code of Maryland
 12 (2018 Replacement Volume and 2020 Supplement)

13 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
 14 That the Laws of Maryland read as follows:

15 **Article – Public Safety**

16 Subtitle 1. Maryland Emergency Management [Agency] Act.

17 14–101.

18 (a) In this title the following words have the meanings indicated.

19 (b) [“Director” means the Director of MEMA.] **“DEPARTMENT” MEANS THE**
 20 **MARYLAND DEPARTMENT OF EMERGENCY MANAGEMENT.**

21 (c) “Emergency” means the imminent threat or occurrence of severe or
 22 widespread loss of life, injury, or other health impacts, property damage or destruction,
 23 social or economic disruption, or environmental degradation from natural, technological, or
 24 human–made causes.

25 (d) (1) “Emergency management” means the planning, implementing, and
 26 conducting of risk reduction and consequence management activities across the mission
 27 areas of prevention, protection, mitigation, response, and recovery to enhance
 28 preparedness, save lives, preserve public health and safety, protect public and private
 29 property, and minimize or repair injury and damage that results or may result from
 30 emergencies.

31 (2) “Emergency management” does not include the preparation for and
 32 carrying out of functions in an emergency for which military forces are primarily
 33 responsible.

34 (e) **“LOCAL ORGANIZATION FOR EMERGENCY MANAGEMENT” MEANS AN**

1 **ORGANIZATION ESTABLISHED BY A POLITICAL SUBDIVISION OR OTHER LOCAL**
2 **AUTHORITY UNDER § 14–109 OF THIS SUBTITLE.**

3 (F) “Political subdivision” means a county or municipal corporation of the State.

4 (G) **“SECRETARY” MEANS THE SECRETARY OF EMERGENCY MANAGEMENT.**

5 [(f)] (H) “Senior elected official” means:

6 (1) the mayor;

7 (2) the county executive;

8 (3) for a county that does not have a county executive, the president of the
9 board of county commissioners or county council or other chief executive officer of the
10 county; or

11 (4) for a municipal corporation that does not have a mayor, the burgess,
12 chairperson, or president of the municipal governing body or other chief executive officer of
13 the municipal corporation.

14 [14–101.1.

15 (a) In this subtitle the following words have the meanings indicated.

16 (b) “Local organization for emergency management” means an organization
17 established by a political subdivision or other local authority under § 14–109 of this subtitle.

18 (c) “MEMA” means the Maryland Emergency Management Agency.]

19 14–102.

20 (a) To ensure that the State will be adequately prepared to deal with emergencies,
21 to protect the public peace, health, and safety in the State, to preserve the lives and
22 property of the people of the State, and to ensure the social and economic resilience of the
23 State, it is necessary to:

24 (1) establish a Maryland **DEPARTMENT OF** Emergency Management
25 [Agency];

26 (2) authorize the establishment of local organizations for emergency
27 management in the political subdivisions;

28 (3) confer on the Governor and on the senior elected officials or governing
29 bodies of the political subdivisions the emergency powers provided in this subtitle;

1 (4) provide for the rendering of mutual aid among the political subdivisions
2 and with other states in carrying out emergency management functions; and

3 (5) authorize a comprehensive emergency management system that
4 empowers all State departments and agencies to systematically prepare for, mitigate,
5 respond to, and recover from potential or actual emergencies through risk reduction and
6 consequence management.

7 14–103.

8 (a) There is a Maryland **DEPARTMENT OF** Emergency Management [Agency in
9 the Military Department] **ESTABLISHED AS A PRINCIPAL DEPARTMENT OF THE**
10 **EXECUTIVE BRANCH OF STATE GOVERNMENT.**

11 (b) [MEMA is a unit of State government.

12 (c) [MEMA] **THE DEPARTMENT** has primary responsibility and authority for
13 developing emergency management policies and is responsible for coordinating disaster
14 risk reduction, consequence management, and disaster recovery activities.

15 [(d)] (C) [MEMA] **THE DEPARTMENT** may act to:

16 (1) reduce the disaster risk and vulnerability of persons and property
17 located in the State;

18 (2) develop and coordinate emergency planning and preparedness; and

19 (3) coordinate emergency management activities and operations:

20 (i) relating to an emergency that involves two or more State
21 agencies;

22 (ii) between State agencies and political subdivisions;

23 (iii) with local governments;

24 (iv) with agencies of the federal government and other states; and

25 (v) with private and nonprofit entities.

26 14–104.

27 [(a)] The Governor shall appoint the Director of MEMA.

28 (b) The Director serves at the pleasure of the Governor.

1 (c) (1) The Director is in the executive service of the State Personnel
2 Management System and is entitled to the salary provided in the State budget.

3 (2) The Director's employment is not subject to the conditions and
4 limitations of the State Personnel and Pensions Article.]

5 (A) THE HEAD OF THE MARYLAND DEPARTMENT OF EMERGENCY
6 MANAGEMENT IS THE SECRETARY OF EMERGENCY MANAGEMENT, WHO SHALL BE
7 APPOINTED BY THE GOVERNOR WITH THE ADVICE AND CONSENT OF THE SENATE.

8 (B) THE SECRETARY:

9 (1) SERVES WITHOUT A FIXED TERM AND MAY BE REMOVED BY THE
10 GOVERNOR;

11 (2) IS ENTITLED TO THE SALARY PROVIDED IN THE STATE BUDGET;
12 AND

13 (3) SHALL DEVOTE FULL TIME TO THE DUTIES ASSIGNED TO THE
14 SECRETARY.

15 [(d)] (C) (1) [The Director is the executive head of MEMA.

16 (2)] The [Director] SECRETARY is responsible to the Governor for carrying
17 out the State emergency management program.

18 [(3)] (2) If the Governor has formally declared the threat or occurrence of
19 an emergency, the [Director] SECRETARY shall coordinate the activities of all
20 organizations for emergency management operations in the State.

21 [(4)] (3) The [Director] SECRETARY, in collaboration with other public
22 and private agencies in the State, shall develop or cause to be developed mutual aid
23 agreements for reciprocal emergency aid and assistance in case of emergency of an extreme
24 nature that affects two or more political subdivisions.

25 [(5)] (4) The [Director] SECRETARY shall maintain liaison and cooperate
26 with emergency management agencies and organizations of other states and the federal
27 government.

28 [(e)] (D) The [Director] SECRETARY may employ personnel in accordance with
29 the State budget and subject to the conditions and limitations of the State Personnel and
30 Pensions Article.

31 [(f)] (E) The [Director] SECRETARY may make expenditures within the
32 appropriations in the State budget or from other money made available to the [Director]

1 **SECRETARY** for purposes of emergency management as necessary to carry out this
2 subtitle.

3 14–106.

4 (a) (1) The Governor:

5 (i) has control of and is responsible for **[MEMA] THE**
6 **DEPARTMENT**; and

7 (ii) is responsible for carrying out this subtitle.

8 14–107.

9 (b) (2) Each executive order or proclamation shall be:

10 (i) disseminated promptly by means calculated to publicize its
11 contents; and

12 (ii) unless prevented or impeded by the circumstances of the
13 emergency, filed promptly with:

14 1. **[MEMA] THE DEPARTMENT**;

15 2. the State Archives; and

16 3. the chief local records–keeping agency in the area to which
17 the executive order or proclamation applies.

18 (c) (1) After the Governor declares a state of emergency, the **[Director]**
19 **SECRETARY** shall coordinate the activities of the agencies of the State and of those political
20 subdivisions included in the declaration in all actions that serve to prevent or alleviate the
21 ill effects of the imminent or actual emergency.

22 14–108.

23 (b) (4) Each executive order shall be:

24 (i) disseminated promptly by means calculated to publicize its
25 contents; and

26 (ii) filed promptly with:

27 1. **[MEMA] THE DEPARTMENT**;

28 2. the State Archives; and

1 3. each agency of the State or a political subdivision that is
2 authorized by the order to use resources in the other state or responsible for the
3 enforcement of any provisions that are suspended by the executive order.

4 14-109.

5 (c) (1) Subject to the budget of the political subdivision, each local
6 organization for emergency management shall include those programs and positions
7 recommended periodically by [MEMA] **THE DEPARTMENT** to meet federal and State
8 standards.

9 14-110.

10 (a) (1) Each county shall:

11 (i) prepare an Emergency Preparedness Plan for responding to an
12 emergency that involves hazardous materials or controlled hazardous substances, as
13 defined in the Environment Article; and

14 (ii) review the Plan annually and submit any changes to the
15 [Director] **SECRETARY** so that the [Director] **SECRETARY** may maintain current and
16 accurate information about the Plan.

17 (2) Each county shall submit its Emergency Preparedness Plan to the
18 [Director] **SECRETARY** on or before October 1, 1998.

19 (b) (1) A local organization for emergency management shall submit to the
20 [Director] **SECRETARY** a radiological emergency response plan if the political subdivision
21 in which the local organization for emergency management is located:

22 (i) falls within the plume or ingestion zone of a commercial nuclear
23 reactor; or

24 (ii) might reasonably be expected to host evacuees from another
25 jurisdiction in a plume or ingestion zone.

26 (2) The radiological emergency response plan shall provide for the
27 evacuation of the residents of the political subdivision as a result of an emergency caused
28 by a dangerous release of radiation.

29 14-112.

30 (c) (1) In carrying out this subtitle, the Governor, [Director] **SECRETARY**,
31 and executive officers or governing bodies of the political subdivisions shall use the services,
32 equipment, supplies, and facilities of existing agencies and units of the State and the
33 political subdivisions to the maximum extent practicable.

1 (2) The officers and personnel of the agencies and units of the State and
2 the political subdivisions shall cooperate with and extend services and facilities to the
3 Governor, Adjutant General, [Director] **SECRETARY**, and the local organizations for
4 emergency management on request.

5 14–115.

6 This subtitle may be cited as the Maryland Emergency Management [Agency] Act.

7 14–116.

8 (b) (1) Each principal department shall:

9 (i) develop a continuity of operations plan to maintain department
10 operations if an emergency or other crisis disrupts normal operations;

11 (ii) annually update the continuity of operations plan; and

12 (iii) submit the continuity of operations plan and updates to [MEMA]

13 **THE DEPARTMENT.**

14 (2) Each continuity of operations plan shall include information regarding:

15 (i) the delineation of essential functions;

16 (ii) the delegation of authority;

17 (iii) the safekeeping of and access to essential records, including
18 electronic records;

19 (iv) continuity locations;

20 (v) continuity communications;

21 (vi) human resources planning;

22 (vii) devolution of essential functions;

23 (viii) reconstitution; and

24 (ix) program validation through testing, training, and exercises.

25 (3) [MEMA] **THE DEPARTMENT** shall develop guidelines and serve as the
26 coordinating agency to assist each principal department to write and maintain a continuity
27 of operations plan.

1 (4) [MEMA] THE DEPARTMENT may resolve conflicts between principal
2 department continuity of operations plans.

3 (c) (1) To ensure the State can continue to provide essential government
4 functions during and after an emergency, [MEMA] THE DEPARTMENT shall work with
5 each principal department to develop and maintain a continuity of government plan.

6 (2) The continuity of government plan shall include the continuity of
7 operations for essential government functions as identified by the principal departments.

8 (3) [MEMA] THE DEPARTMENT shall:

9 (i) present the continuity of government plan to the Governor and,
10 in accordance with § 2–1257 of the State Government Article, the General Assembly by the
11 end of the first calendar year of each gubernatorial term; and

12 (ii) review for revision the continuity of government plan at least
13 once every 4 years.

14 Article – State Government

15 8–201.

16 (a) The Executive Branch of the State government shall have not more than 21
17 principal departments, each of which shall embrace a broad, functional area of that Branch.

18 (b) The principal departments of the Executive Branch of the State government
19 are:

20 (1) Aging;

21 (2) Agriculture;

22 (3) Budget and Management;

23 (4) Commerce;

24 (5) Disabilities;

25 (6) **EMERGENCY MANAGEMENT;**

26 (7) the Environment;

27 [(7)] (8) General Services;

28 [(8)] (9) Health;

1 [(9)] (10) Housing and Community Development;

2 [(10)] (11) Human Services;

3 [(11)] (12) Information Technology;

4 [(12)] (13) Juvenile Services;

5 [(13)] (14) Labor;

6 [(14)] (15) Natural Resources;

7 [(15)] (16) Planning;

8 [(16)] (17) Public Safety and Correctional Services;

9 [(17)] (18) State Police;

10 [(18)] (19) Transportation; and

11 [(19)] (20) Veterans Affairs.

12 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read
13 as follows:

14 **Article – Environment**

15 5–803.

16 (h) (3) (ii) Grants for automated flood warnings projects shall be
17 conditioned to require all affected local governing bodies to:

18 1. Adopt a specific and compatible response plan which has
19 been coordinated with local emergency management authorities and reviewed and
20 approved by the Department and the Maryland **DEPARTMENT OF** Emergency
21 Management [Agency]; and

22 2. Provide for financial and other commitments to properly
23 operate and maintain the project.

24 **Article – General Provisions**

25 4–314.1.

26 (b) A custodian shall allow inspection of safety evaluation, school emergency plan,

1 and emergency response policy records by the following entities in the performance of the
2 entity's official duties:

3 (5) the Maryland **DEPARTMENT OF** Emergency Management [Agency];

4 **Article – Health – General**

5 17–602.

6 (c) The Department shall adopt regulations for the implementation of the
7 Program that:

8 (5) Provide for the release of information in the Biological Agents Registry
9 to:

10 (i) State and federal law enforcement agencies and the Centers for
11 Disease Control and Prevention pursuant to a communicable disease investigation
12 commenced or conducted by the Department or other State or federal law enforcement
13 agency having investigatory authority, or in connection with any investigation involving
14 release, theft, or loss of biological agents;

15 (ii) The Maryland **DEPARTMENT OF** Emergency Management
16 [Agency] and the Maryland Department of the Environment for the purposes of planning
17 for the protection of the public in relation to the release of a biological agent and the
18 prevention of a release of a biological agent; and

19 (iii) The Maryland Institute for Emergency Medical Services Systems
20 for the purposes of providing certain specified information to:

21 1. A police officer, as defined in § 3–201(f) of the Public Safety
22 Article, responding to an emergency; and

23 2. A fire, rescue, or emergency medical services entity, as
24 defined in § 7–101 of the Public Safety Article, performing emergency services, responding
25 to a fire or other emergency, or dispatched on a call for emergency services;

26 17–701.

27 (e) On or before December 31 each year, the Department shall report to:

28 (1) The Maryland **DEPARTMENT OF** Emergency Management [Agency]
29 and the health officer and emergency management officials of Frederick County the
30 number and location of BSL–3 laboratories subject to this section; and

31 (2) The Governor and, in accordance with § 2–1257 of the State
32 Government Article, the General Assembly the total number of BSL–3 laboratories subject
33 to this section.

1 **Article – Labor and Employment**

2 9–232.

3 (a) Each regularly enrolled volunteer member or trainee of the Maryland
4 **DEPARTMENT OF** Emergency Management [Agency] established under the Maryland
5 Emergency Management [Agency] Act is a covered employee.

6 **Article – Natural Resources**

7 3–1005.

8 (a) The Coast Smart Council shall include:

9 (9) The [Director of the Maryland] **SECRETARY OF** Emergency
10 Management [Agency], or the [Director’s] **SECRETARY’S** designee;

11 3–1015.

12 (a) The Board of Public Works, in conjunction with the Department, the
13 Department of the Environment, and the Maryland **DEPARTMENT OF** Emergency
14 Management [Agency], shall establish criteria to evaluate whether State funds may be
15 used to mitigate hazards associated with sea level rise inundation and coastal flooding.

16 **Article – Public Safety**

17 8–101.

18 (a) In this subtitle the following words have the meanings indicated.

19 (b) (1) “Administrative costs” means any costs that are for administrative
20 functions, including:

21 (i) billing and collection expenses;

22 (ii) promotion and marketing expenses;

23 (iii) taxes, fees, and assessments;

24 (iv) legal expenses; and

25 (v) other general and administrative costs as determined by the
26 [Director] **SECRETARY**.

27 [(g) “Director” means the Director of the Maryland Emergency Management

1 Agency.]

2 **[(h)] (G)** “Encumber” means to create a legal obligation that requires a portion
3 of an appropriation to be reserved to pay money in the future.

4 **[(i)] (H)** (1) “Expenditures for fire protection” means:

5 (i) revenues appropriated or to be appropriated by a county for fire
6 protection, rescue, and ambulance services; and

7 (ii) the proceeds of any county bonds used to finance facilities that
8 house equipment for fire protection, rescue, and ambulance services.

9 (2) “Expenditures for fire protection” includes:

10 (i) revenues appropriated by a county to volunteer fire, rescue, and
11 ambulance companies;

12 (ii) accounting and financial reporting expenses, including the costs
13 of auditing the Fund in accordance with § 8–104 of this subtitle; and

14 (iii) the costs of training personnel.

15 (3) “Expenditures for fire protection” does not include:

16 (i) salaries, workers’ compensation, fringe benefits, or other
17 personnel costs;

18 (ii) administrative costs;

19 (iii) capital expenditures; or

20 (iv) in Carroll County, appropriations for loans to a volunteer fire,
21 rescue, or ambulance company, secured by mortgages, notes, or other evidence of
22 indebtedness of the volunteer fire, rescue, or ambulance company, if the appropriations
23 derive from the proceeds of bonds used to finance facilities that house equipment for fire
24 protection, rescue, and ambulance services.

25 **[(j)] (I)** “Fund” means the Senator William H. Amoss Fire, Rescue, and
26 Ambulance Fund.

27 **[(k)] (J)** “Legal obligation” includes:

28 (1) a purchase order;

29 (2) a written agreement for the purchase of goods and services;

1 (3) a written agreement between a county and a volunteer fire, rescue, or
2 ambulance company; and

3 (4) a written agreement between a county and a vendor.

4 **[(l)] (K)** (1) “Qualified municipal corporation” means a municipal
5 corporation in the State whose expenditures for fire protection from municipal sources
6 exceed \$25,000.

7 (2) “Qualified municipal corporation” does not include Baltimore City.

8 **[(m)] (L)** “Rehabilitate”, with regard to a facility, does not include purchasing
9 office equipment or incurring administrative expenses.

10 **[(n)] (M)** “Routine maintenance costs” means expenditures for activities that are:

11 (1) normally established by a manufacturer or an industry trade
12 association;

13 (2) planned and performed at regular intervals; and

14 (3) necessary to extend the useful life or to prevent the premature failure
15 of building components or equipment.

16 **(N) “SECRETARY” MEANS THE SECRETARY OF EMERGENCY MANAGEMENT.**

17 8–102.

18 (c) (1) The **[Director] SECRETARY** shall administer the Fund.

19 (2) Subject to paragraph (3) of this subsection, the **[Director] SECRETARY**
20 may adopt procedures to carry out this subtitle, including additional auditing and reporting
21 requirements.

22 (3) The **[Director] SECRETARY** may not impose training or operational
23 requirements as a precondition to receipt of money, except as otherwise expressly provided
24 in this subtitle.

25 (e) (1) As authorized by the **[Director] SECRETARY**, the Treasurer shall make
26 payments out of the Fund to each county on warrant of the Comptroller.

27 8–103.

28 (a) Subject to subsection (c) of this section, each county shall receive an initial
29 allocation of money based on a percentage to be determined in the following manner:

1 (1) the Director of Assessments and Taxation shall certify to the [Director]
2 **SECRETARY** each county's total percentage of land use property tax accounts, including
3 vacant unimproved properties, relative to the statewide total of all land use property tax
4 accounts for the first completed fiscal year immediately preceding the fiscal year for which
5 money is to be allocated;

6 (c) (7) (iii) The State Fire Marshal shall:

7 1. adopt policies and procedures for determining if a county
8 has participated in the Maryland Fire Incident Reporting System; and

9 2. certify to the [Director] **SECRETARY** by July 1 of each
10 year whether a county has participated in the Maryland Fire Incident Reporting System
11 during the immediately preceding fiscal year.

12 (iv) The Executive Director of the Maryland Institute for Emergency
13 Medical Services Systems shall:

14 1. adopt policies and procedures for determining if a county
15 has participated in the Ambulance Information System; and

16 2. certify to the [Director] **SECRETARY** by July 1 of each
17 year whether a county has participated in the Ambulance Information System during the
18 immediately preceding fiscal year.

19 8–104.

20 (a) (2) (i) If a county does not comply with the requirements of paragraph
21 (1) of this subsection, the [Director] **SECRETARY** may withhold money allocated to the
22 county for the fiscal year that begins after the submission of the report required under §
23 8–105 of this subtitle.

24 (3) (i) The [Director] **SECRETARY** shall automatically withhold money
25 allocated to a county from the Fund if:

26 1. the county fails to comply with the requirements of
27 paragraph (1) of this subsection for two consecutive fiscal years; and

28 2. no waiver has been granted by the Board of Public Works
29 or the General Assembly in accordance with subsection (d) of this section.

30 (b) (3) In determining the amount of expenditures for fire protection made by
31 a county, before certification, the [Director] **SECRETARY** shall review the financial
32 information of the county for the first completed fiscal year before the fiscal year for which
33 State money is appropriated.

1 (d) (2) (ii) The [Director] **SECRETARY** shall provide a preliminary
2 assessment of a waiver request to the Board of Public Works.

3 (e) (1) The money distributed under this subtitle and allocated to a county
4 shall be:

5 (i) audited in accordance with the procedures for accounting and
6 auditing of other governmental revenues; or

7 (ii) accounted for in a format developed by the [Director]
8 **SECRETARY**.

9 (3) (i) Money distributed under this subtitle that remains
10 unencumbered or unexpended by the county after the second fiscal year shall be repaid to
11 the [Director] **SECRETARY** for deposit in the Fund.

12 (5) (ii) Money distributed under this paragraph that remains
13 unencumbered or unexpended by the county after the second fiscal year shall be repaid to
14 the [Director] **SECRETARY** for deposit in the Fund.

15 (6) If a volunteer fire, rescue, or ambulance company creates a legal
16 obligation to encumber money received from the Fund, the [Director] **SECRETARY** shall
17 consider the legal obligation to be an encumbrance of the county for purposes of this
18 subtitle.

19 (7) (ii) Money distributed under this subtitle to a volunteer or municipal
20 fire, rescue, or ambulance company may be accounted for in a format developed by the
21 [Director] **SECRETARY**.

22 (iii) Copies of the audit of the separate bank account shall be
23 submitted to the respective county government and to the Maryland **DEPARTMENT OF**
24 **Emergency Management [Agency]**.

25 (8) (iii) Money held by a county or municipality under subparagraph (i)
26 of this paragraph shall be:

27 1. audited in accordance with the procedures for accounting
28 and auditing of other governmental revenues; or

29 2. accounted for in a format developed by the [Director]
30 **SECRETARY**.

31 8–105.

32 (a) (1) On or before December 31 of each year, each county shall submit to the
33 [Director] **SECRETARY** a report for the preceding fiscal year in the format provided by the

1 [Director] **SECRETARY**.

2 (b) (1) Each year the [Director] **SECRETARY** shall report to the Governor and,
3 subject to § 2–1257 of the State Government Article, to the General Assembly on the
4 information provided by the counties on the distribution of money provided under this
5 subtitle, including an assessment of the extent to which the purposes of this subtitle are
6 being achieved.

7 8–106.

8 (b) (1) The [Director] **SECRETARY** may withhold money allocated for the next
9 fiscal year under this subtitle from a county if the county does not comply with this subtitle.

10 13–501.

11 (c) (1) The Maryland Defense Force shall have the primary mission of
12 providing competent and supplemental professional, technical, and military support to the
13 Maryland Army National Guard, the Maryland Air National Guard, and the Maryland
14 **DEPARTMENT OF** Emergency Management [Agency].

15 (2) The Maryland Defense Force shall also have other duties and missions
16 as it may be assigned from time to time by competent authority.

17 14–201.

18 (c) “Person in emergency management service” means a person who, during the
19 emergency period to which this subtitle is applicable, is a member of or works for the
20 [Maryland Emergency Management Agency] **DEPARTMENT** or a local emergency
21 management organization.

22 14–603.

23 The Governor is hereby authorized and empowered to enter into and execute, on
24 behalf of the State of Maryland, such emergency management and civil defense compacts
25 with other states, possessions or territories of the United States or with the District of
26 Columbia, substantially in the form hereinbefore set forth, provided that the Board of
27 Public Works, with the concurrence of the [Director of the Maryland Emergency
28 Management Agency] **SECRETARY**, may approve alterations of the terms, provisions and
29 conditions of the aforesaid proposed emergency management and civil defense compact so
30 long as said alterations are in substantial compliance with the terms, provisions and
31 conditions hereinbefore set forth and when the Governor, in the exercise of the power as
32 aforesaid, enters into and executes an emergency management and civil defense compact
33 on behalf of the State of Maryland, said compact is hereby approved and ratified and every
34 paragraph, clause, provision, matter and thing in the said compact contained shall be
35 obligatory on this State and the citizens thereof, and shall be forever faithfully and
36 inviolably observed, and kept by the government of this State and all of its citizens

1 according to the true intent and meaning of the said compact.

2 14–803.

3 (1) Article 1. Purpose.

4 (a) (1) The purpose of this Compact is to provide for emergency
5 management mutual assistance between the jurisdictions entering into this Compact.

6 (2) This Compact also shall provide for mutual cooperation in
7 emergency management–related exercises, testing, or other training activities.

8 (2) Article 2. Requests for Assistance.

9 (b) (1) The senior elected official of each jurisdiction shall designate
10 authorized representatives. An authorized representative of a party jurisdiction may
11 request assistance from another party jurisdiction by contacting an authorized
12 representative of that jurisdiction.

13 (2) The provisions of this Compact shall apply only to requests for
14 assistance made by and to authorized representatives.

15 (3) Requests may be verbal or in writing.

16 (4) If verbal, the request shall be confirmed in writing at the earliest
17 possible date, but no later than 10 calendar days following the verbal request.

18 (5) Written requests shall provide the following information:

19 (i) The functional areas for which assistance is needed,
20 including fire services, law enforcement, emergency medical services, transportation,
21 communications, public works and engineering, building inspection, planning and
22 information assistance, mass care, resource support, health and medical services, and
23 search and rescue;

24 (ii) The mission, capability, size, and amount of the requested
25 aid; and

26 (iii) The logistics, location, and time for staging the aid from a
27 responding party jurisdiction.

28 (6) There shall be frequent consultations between the Maryland
29 **DEPARTMENT OF** Emergency Management [Agency] and appropriate representatives of
30 the party jurisdictions with the unhindered exchange of information and plans generally
31 relating to emergency management.

32 (7) An authorized representative of the requesting party jurisdiction

1 will advise the Maryland **DEPARTMENT OF** Emergency Management [Agency] of verbal
2 requests and provide copies of written requests.

3 (3) Article 3. Limitations.

4 (c) (1) Any jurisdiction which is a party to this Compact and which
5 receives a request for assistance shall take such actions as are necessary to provide
6 requested resources.

7 (2) Any party jurisdiction may withhold resources to the extent
8 necessary to provide reasonable protection to its own jurisdiction.

9 (3) Each party jurisdiction shall afford to the emergency responders
10 of any party jurisdiction operating within the requesting jurisdiction under the terms and
11 conditions of this Compact, the same powers, duties, rights, and privileges as are afforded
12 those of the jurisdiction in which they are performing emergency services.

13 (4) Emergency responders will continue under the command and
14 control of their regular leaders, but the organizational units will come under the
15 operational control of the emergency services authorities of the requesting jurisdiction.

16 (5) Emergency responders shall have the same powers, duties,
17 rights, and privileges as personnel of the requesting jurisdiction correspondent to
18 performing the same function.

19 (6) The provisions of this article shall only:

20 (i) Take effect when resources loaned under the terms and
21 conditions of this Compact by the responding party jurisdiction arrive in the requesting
22 party jurisdiction; and

23 (ii) Continue in effect as long as resources loaned under the
24 terms and conditions of this Compact by the responding party jurisdiction remain in the
25 requesting party jurisdiction

26 (4) Article 4. Liability.

27 (d) (1) Officers or emergency responders of a party jurisdiction
28 rendering aid in another jurisdiction pursuant to this Compact shall be considered agents
29 of the requesting party jurisdiction for tort liability and immunity purposes.

30 (2) No party jurisdiction or its officers or emergency responders
31 rendering aid in another party jurisdiction pursuant to this Compact shall be liable on
32 account of any act or omission in good faith on the part of responding personnel while so
33 engaged or on account of the maintenance or use of any equipment or supplies in connection
34 therewith.

1 (3) Good faith in this article shall not include willful misconduct,
2 gross negligence, or recklessness.

3 (5) Article 5. Supplementary Agreements.

4 (e) (1) Nothing in this Compact shall:

5 (i) Preclude any jurisdiction from entering into
6 supplementary agreements with another jurisdiction; or

7 (ii) Affect any other agreements between jurisdictions.

8 (2) Supplementary agreements may include, but are not limited to:

9 (i) Provisions for evacuation and reception of injured and
10 other persons; and

11 (ii) The exchange of medical, fire, police, public utility,
12 reconnaissance, welfare, transportation, and communications personnel, equipment, and
13 supplies.

14 (6) Article 6. Reimbursement.

15 (f) (1) Each party jurisdiction shall provide for the payment of workers'
16 compensation and death benefits to injured members of the emergency responders of its
17 own jurisdiction.

18 (2) The requesting party jurisdiction will reimburse the responding
19 party jurisdiction for all reasonable and necessary expenses incurred by the responding
20 party jurisdiction provided that any responding jurisdiction may:

21 (i) Assume in whole or in part such loss, damage, expense, or
22 other cost;

23 (ii) Loan equipment or donate services to the requesting party
24 jurisdiction without charge or cost; and

25 (iii) Agree to any allocation of expenses between the
26 responding and requesting party jurisdictions.

27 (3) Any two or more party jurisdictions may enter into supplemental
28 agreements establishing a different allocation of costs among those party jurisdictions.

29 (4) Records of expenses incurred in sufficient detail to satisfy
30 auditing requirements shall be submitted to the requesting party jurisdiction by the
31 responding party jurisdiction as soon as possible following the termination of the assistance
32 provided.

1 (7) Article 7. Implementation.

2 (g) (1) Party jurisdictions are encouraged to consult frequently with
3 each other and with the Maryland **DEPARTMENT OF** Emergency Management [Agency]
4 and to exchange information and plans relating to emergency management.

5 (2) (i) This Compact shall become effective immediately upon its
6 enactment into law by any two jurisdictions in a form substantially similar to the Compact
7 set forth in this subtitle.

8 (ii) Thereafter, this Compact shall become effective as to any
9 other jurisdiction upon its enactment by that jurisdiction.

10 (3) Any party jurisdiction may withdraw from this Compact by
11 enacting a repeal of the same but no such withdrawal shall take effect until 30 days after
12 the senior elected official of the withdrawing jurisdiction has given notice in writing of such
13 withdrawal to the senior elected officials of all party jurisdictions.

14 (4) Withdrawal from the Compact shall not relieve the withdrawing
15 jurisdiction from obligations assumed under Article 4 or Article 6 of this Compact prior to
16 the effective date of withdrawal.

17 (5) Authenticated copies of this Compact and of such supplementary
18 agreements as may be entered into shall at the time of their approval be retained by each
19 party jurisdiction and with the Maryland **DEPARTMENT OF** Emergency Management
20 [Agency].

21 (8) Article 8. Validity.

22 (h) (1) This Compact shall be construed to effectuate the purposes
23 stated in Article 1 hereof.

24 (2) If any part or provision of this Compact or the application thereof
25 to any person or circumstance is held invalid for any reason in a court of competent
26 jurisdiction, the invalidity does not affect other provisions or any other application of this
27 Compact which can be given effect without the invalid provision or application, and for this
28 purpose the provisions of this Compact are declared severable.

29 Article – State Government

30 9–2901.

31 (c) The Council consists of the following members:

32 (9) the [Executive Director of the Maryland Emergency Management
33 Agency] **SECRETARY OF EMERGENCY MANAGEMENT**, or the [Executive Director's]

1 **SECRETARY'S** designee;

2 10–1503.

3 (b) The Council consists of the following 37 members:

4 (17) the [Director of the Maryland Emergency Management Agency]
5 **SECRETARY OF EMERGENCY MANAGEMENT;**

6 SECTION 3. AND BE IT FURTHER ENACTED, That:

7 (a) The Maryland Department of Emergency Management is the successor of the
8 Maryland Emergency Management Agency.

9 (b) In every law, executive order, rule, regulation, policy, or document created by
10 an official, an employee, or a unit of this State, the names and titles of those agencies and
11 officials mean the names and titles of the successor agency or official.

12 SECTION 4. AND BE IT FURTHER ENACTED, That nothing in this Act affects the
13 term of office of an appointed or elected member of any board, commission, office,
14 department, agency, or other unit. An individual who is a member of a unit on the effective
15 date of this Act shall remain for the balance of the term to which appointed or elected,
16 unless the member sooner dies, resigns, or is removed under provisions of law.

17
18 SECTION 5. AND BE IT FURTHER ENACTED, That any transaction or
19 employment status affected by or flowing from any change of nomenclature or any statute
20 amended by this Act and validly entered into or existing before the effective date of this Act
21 and every right, duty, or interest flowing from a statute amended by this Act remains valid
22 after the effective date of this Act and may be terminated, completed, consummated, or
23 enforced as required or allowed by any statute amended by this Act as though the
24 amendment had not occurred. If a change in nomenclature involves a change in name or
25 designation of any State unit, the successor unit shall be considered in all respects as
26 having the powers and obligations granted the former unit.

27 SECTION 6. AND BE IT FURTHER ENACTED, That all persons who, as of
28 September 30, 2021, are employees in budgeted positions in the Maryland Emergency
29 Management Agency and whose positions are transferred to the Maryland Department of
30 Emergency Management as provided by this Act are hereby transferred to the Maryland
31 Department of Emergency Management without any change or loss in pay, working
32 conditions, benefits, rights or status, and shall retain any merit system and retirement
33 status they may have on the date of transfer.

34 SECTION 7. AND BE IT FURTHER ENACTED, That:

35 (1) the continuity of every board, commission, office, department, agency
36 or other unit is retained; and

1 (2) the personnel, records, files, furniture, fixtures, and other properties
2 and all appropriations, credits, assets, liabilities, and obligations of each retained unit are
3 continued as the personnel, records, files, furniture, fixtures, properties, appropriations,
4 credits, assets, liabilities, and obligations of the unit under the laws enacted by this Act.

5 SECTION 8. AND BE IT FURTHER ENACTED, That letterhead, business cards,
6 and other documents reflecting the renaming of the Maryland Emergency Management
7 Agency to be the Maryland Department of Emergency Management may not be used until
8 all letterhead, business cards, and other documents already in print and reflecting the
9 name of the Agency before the effective date of this Act have been used.

10 SECTION 9. AND BE IT FURTHER ENACTED, That the publisher of the
11 Annotated Code of Maryland, in consultation with and subject to the approval of the
12 Department of Legislative Services, shall correct, with no further action required by the
13 General Assembly, cross-references and terminology rendered incorrect by this Act. The
14 publisher shall adequately describe any correction made in an editor's note following the
15 section affected.

16
17 SECTION 10. AND BE IT FURTHER ENACTED, That this Act shall take effect
18 October 1, 2021.