
By: **Delegates Redmer, Malone, Ports, Klausmeier, Stull, Frush, Elliott,
Owings, Hammen, Conway, Glassman, Moe, Parrott, and Linton**

Introduced and read first time: February 9, 2001

Assigned to: Environmental Matters

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 16, 2001

CHAPTER 98

1 AN ACT concerning

2 **Maryland Emergency Management Agency - Report - Statewide Swift Water**
3 **Flood Rescue Plan**

4 FOR the purpose of requiring the Director of the Maryland Emergency Management
5 Agency to formulate, with certain assistance, and administer a certain
6 statewide swift water flood rescue plan and to coordinate certain educational
7 programs; making certain technical corrections; and generally relating to the
8 formulation and administration of a certain swift water rescue plan and the
9 coordination of certain educational programs, with certain assistance, to develop
10 and submit a certain report to the Governor and the General Assembly by a
11 certain date; providing for the termination of this Act; and generally relating to
12 developing a statewide swift water flood rescue plan.

13 ~~BY repealing and reenacting, without amendments,~~
14 ~~Article 16A—Maryland Emergency Management Agency~~
15 ~~Section 2(b), 3(d), 8, 9, and 10~~
16 ~~Annotated Code of Maryland~~
17 ~~(1998 Replacement Volume and 2000 Supplement)~~

18 ~~BY repealing and reenacting, with amendments,~~
19 ~~Article 16A—Maryland Emergency Management Agency~~
20 ~~Section 4~~
21 ~~Annotated Code of Maryland~~
22 ~~(1998 Replacement Volume and 2000 Supplement)~~

23 ~~BY repealing and reenacting, with amendments,~~

1 Article—Environment
 2 Section 5-803(f) and (h)(4)
 3 Annotated Code of Maryland
 4 (1996 Replacement Volume and 2000 Supplement)

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

7 **Article 16A—Maryland Emergency Management Agency**

8 ~~2.~~

9 (b) It is further declared to be the purpose of this subtitle and the policy of the
 10 State of Maryland that all emergency management functions of this State be
 11 coordinated to the maximum extent possible with the comparable functions of the
 12 federal government, other states and localities, and of private agencies of every type,
 13 to the end that the most effective preparation and use may be made of the resources
 14 and facilities available for dealing with any disaster that may occur.

15 ~~3.~~

16 As used in this subtitle:

17 (d) "Emergency" means the threat or occurrence of an enemy attack or any
 18 hurricane, tornado, storm, flood, high water, wind driven water, tidal wave,
 19 earthquake, landslide, mudslide, snowstorm, drought, fire, explosion, act of terrorism
 20 or other catastrophe in any part of the State which requires State emergency
 21 assistance to supplement local efforts in order to save lives and protect public health
 22 and safety.

23 ~~4.~~

24 (a) (1) There is a Maryland Emergency Management Agency in the Military
 25 Department.

26 (2) (i) The Adjutant General shall, with the approval of the Governor,
 27 appoint a Director of the Maryland Emergency Management Agency who shall be the
 28 executive head of the Agency.

29 (ii) The Director is in the executive service in the State Personnel
 30 Management System and shall hold office at the pleasure of the Adjutant General.

31 (iii) The Director shall receive such salary as is provided in the
 32 budget.

33 (b) (1) Subject to the authority of the Adjutant General, the Director may
 34 employ professional, technical, clerical, stenographic, and other personnel within the
 35 appropriations and [(except], EXCEPT as to the position of [Director)] DIRECTOR,
 36 subject to the conditions and limitations of the State Personnel and Pensions Article.

1 (2) The Director may make expenditures within the appropriations or
2 from other funds made available to the Director for purposes of emergency
3 management, as may be necessary to carry out the purposes of this subtitle.

4 (e) The Director is responsible to the Governor and the Adjutant General for
5 carrying out the State emergency management program. On those occasions when the
6 Governor shall have formally declared the threat or existence of a State emergency,
7 the Director shall coordinate the activities of all organizations for emergency
8 management operations within the State. The Director shall maintain liaison with
9 and cooperate with emergency management agencies and organizations of other
10 states and of the federal government.

11 (d) (1) Each county and Baltimore City shall:

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

15 (ii) Review its Emergency Preparedness Plan annually and submit
16 any changes in the Plan to the Director so that the Director may maintain current
17 and accurate information concerning the Plan.

18 (2) Each county and Baltimore City shall submit the Emergency
19 Preparedness Plan required under this section to the Director by October 1, 1998.

20 (E) THE DIRECTOR SHALL:

21 (1) FORMULATE, WITH THE ASSISTANCE OF A TASK FORCE OR
22 COMMITTEE PROVIDING APPROPRIATE EXPERTISE, AND ADMINISTER A STATEWIDE
23 SWIFT WATER FLOOD RESCUE PLAN THAT INCLUDES THE FOLLOWING FOR EACH
24 COUNTY AND BALTIMORE CITY:

25 (I) A PROCESS THAT IDENTIFIES POTENTIAL FLOODING EVENTS,
26 PROBABLE LOCATIONS, AND DEGREES OF PROBABILITY;

27 (II) THE IDENTIFICATION OF EXPERT RESPONSE TEAMS AND THE
28 STATE OF READINESS OF THEIR AVAILABLE EQUIPMENT; AND

29 (III) A PROCESS TO ACTIVATE RESPONSE TEAMS OR TO TRANSPORT
30 THE TEAMS AND THEIR EQUIPMENT TO A LOCATION IN ANTICIPATION OF A FLOOD
31 EVENT; AND

32 (2) COORDINATE EDUCATIONAL PROGRAMS REGARDING SWIFT WATER
33 FLOOD SAFETY, AS APPROPRIATE, FOR THE GENERAL PUBLIC.

34 &.

35 The Director, with the approval of the Adjutant General, and in collaboration
36 with other public and private agencies within the State, will develop, or cause to be

1 developed, mutual aid arrangements for reciprocal emergency aid and assistance in
2 case of disaster of extreme nature which affects two or more political subdivisions.

3 9.

4 (a) Each political subdivision may make appropriations in the manner
5 provided by law for the payment of expenses of its local organizations for emergency
6 management.

7 (b) If the federal government, another state, or any agency or officer of the
8 federal government or another state offers to the State or any political subdivision
9 thereof, services, equipment, supplies, materials, or funds by way of gift, grant or loan
10 for purposes of emergency management the State, acting through the Governor, or
11 such political subdivision, acting with the consent of the Governor, and through its
12 executive officer or governing body, may accept such offer and may authorize any
13 officer of the State or of the political subdivision as the case may be, to receive such
14 aid and assistance.

15 (c) If any person, firm or corporation offers to the State or to any political
16 subdivision thereof any aid or assistance, the State and the political subdivision,
17 acting as in (b), above, may accept same.

18 (d) The State may accept any and all allotments of federal funds and
19 commodities and manage and dispose of same in whatever manner may be required
20 by federal law, and may take advantage of the federal Disaster Relief Act of 1974 and
21 any amendments and supplements thereto, and any other federal act relating to
22 grants and public assistance for the purposes of this article.

23 (e) Expenditures necessitated by emergencies will first be made by the use of
24 funds regularly appropriated to State and local agencies. If the Governor finds that
25 these funds are inadequate to cope with a particular emergency, the Board of Public
26 Works may make contingency funds available, as authorized in the budget.

27 10.

28 In carrying out the provisions of this subtitle, the Governor, the Adjutant
29 General, and the executive officers or governing bodies of the political subdivisions of
30 the State shall utilize the services, equipment, supplies and facilities of existing
31 departments, offices and agencies of the State and of the political subdivisions thereof
32 to the maximum extent practicable, and the officers and personnel of all such
33 departments, offices and agencies shall cooperate with and extend such services and
34 facilities to the Governor or to the Adjutant General or to the Director and to the
35 emergency management organizations throughout the State upon request. At the
36 direction of the Governor, the Maryland National Guard will utilize its services,
37 equipment, supplies, and facilities in life threatening emergencies which are beyond
38 the capabilities of local authorities.

1 ~~Article—Environment~~2 ~~5-803.~~

3 (f) ~~The Department and the subdivisions shall coordinate activities under this~~
 4 ~~section with all related programs, including the national flood insurance program,~~
 5 ~~THE STATEWIDE SWIFT WATER FLOOD RESCUE PLAN UNDER ARTICLE 16A, § 4(E) OF~~
 6 ~~THE CODE, the sediment control program, and the State water pollution control and~~
 7 ~~abatement programs.~~

8 (h) (4) ~~Grants for automated flood warnings projects shall be conditioned to~~
 9 ~~require all affected local governing bodies:~~

10 (i) ~~To adopt [a] specific and compatible response [plan which has]~~
 11 ~~AND RESCUE PLANS THAT HAVE been coordinated with THE MARYLAND EMERGENCY~~
 12 ~~MANAGEMENT AGENCY UNDER ARTICLE 16A, § 4(E) OF THE CODE AND local~~
 13 ~~emergency management [authorities] AUTHORITIES, and reviewed and approved by~~
 14 ~~the Department and the [Maryland Emergency Management] Agency; and~~

15 (ii) ~~To provide for financial and other commitments to properly~~
 16 ~~operate and maintain the project.~~

17 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
 18 MARYLAND, That not later than December 1, 2001, the Director of the Maryland
 19 Emergency Management Agency, with the assistance of a task force or committee
 20 providing appropriate expertise, shall develop and submit to the Governor and, in
 21 accordance with § 2-1246 of the State Government Article, the General Assembly a
 22 report evaluating the current swift water flood response capabilities in the State and
 23 recommending policies and procedures for inclusion in a statewide swift water flood
 24 rescue plan. The report shall:

25 (1) include an analysis of current coordination of educational programs
 26 for the general public regarding swift water flood safety and recommend any
 27 improvements in the educational programs;

28 (2) analyze and make recommendations regarding implementing team
 29 typing and various methods of team deployment in the statewide swift water flood
 30 rescue plan;

31 (3) identify appropriate and necessary response policies and team
 32 notification mechanisms throughout the State;

33 (4) study, in light of the benefits of team typing, the development of local
 34 teams;

35 (5) identify and make recommendations regarding any mutual aid
 36 issues; and

37 (6) identify and make recommendations regarding any civil liability
 38 issues.

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
2 ~~October 1, 2001~~ June 1, 2001. It shall remain effective for a period of 1 year and, at
3 the end of May 31, 2002, with no further action required by the General Assembly,
4 this Act shall be abrogated and of no further force and effect.