

HOUSE BILL 293

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P3

2002 Regular Session  
2lr0172  
CF 2lr0111

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By: **The Speaker (Administration)**  
Introduced and read first time: January 23, 2002  
Assigned to: Commerce and Government Matters

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Committee Report: Favorable with amendments  
House action: Adopted  
Read second time: March 5, 2002

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CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Maryland Emergency Management Assistance Compact**

3 FOR the purpose of establishing the Maryland Emergency Management Assistance  
4 Compact; authorizing certain jurisdictions to adopt the Compact for the purpose  
5 of providing intrastate mutual aid between jurisdictions in Maryland during an  
6 emergency; authorizing member jurisdictions to request assistance under the  
7 terms of the Compact; providing for certain limitations, liability, supplementary  
8 agreements, and reimbursement under the Compact; providing for the  
9 implementation and validity of the Compact; making provisions of the Compact  
10 severable; declaring the intent of the General Assembly; defining certain terms;  
11 and generally relating to the Maryland Emergency Management Assistance  
12 Compact.

13 BY adding to  
14 Article 16A - Maryland Emergency Management Agency  
15 Section 37 through 39 to be under the new subtitle "Maryland Emergency  
16 Management Assistance Compact"  
17 Annotated Code of Maryland  
18 (2001 Replacement Volume)

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

Article 16A - Maryland Emergency Management Agency

MARYLAND EMERGENCY MANAGEMENT ASSISTANCE COMPACT

37.

(A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(B) "AUTHORIZED REPRESENTATIVE" MEANS AN EMPLOYEE OF A LOCAL JURISDICTION AUTHORIZED BY THE SENIOR ELECTED OFFICIAL OF THAT JURISDICTION TO REQUEST, OFFER, OR PROVIDE ASSISTANCE UNDER THE TERMS OF THE COMPACT.

(C) "COMPACT" MEANS THE MARYLAND EMERGENCY MANAGEMENT ASSISTANCE COMPACT.

(D) "JURISDICTIONS" MEANS THE 23 COUNTIES WITHIN MARYLAND AND, BALTIMORE CITY, AND OCEAN CITY.

(E) "SENIOR ELECTED OFFICIAL" MEANS:

(1) THE MAYOR;

(2) THE COUNTY EXECUTIVE; OR

(3) FOR A COUNTY THAT DOES NOT HAVE A COUNTY EXECUTIVE, THE PRESIDENT OF THE BOARD OF COUNTY COMMISSIONERS OR COUNTY COUNCIL OR OTHER CHIEF EXECUTIVE OFFICER OF THE COUNTY.

38.

THE MARYLAND EMERGENCY MANAGEMENT ASSISTANCE COMPACT IS ENTERED INTO WITH ALL OTHER JURISDICTIONS ~~WHICH THAT~~ ADOPT THE COMPACT IN A FORM SUBSTANTIALLY AS SIMILAR TO THE COMPACT APPEARS SET FORTH IN THIS SUBTITLE.

39.

ARTICLE 1.  
PURPOSE

(A) (1) THE PURPOSE OF THIS COMPACT IS TO PROVIDE FOR MUTUAL ASSISTANCE BETWEEN THE JURISDICTIONS ENTERING INTO THIS COMPACT IN MANAGING AN EMERGENCY.

(2) THIS COMPACT ALSO SHALL PROVIDE FOR MUTUAL COOPERATION IN EMERGENCY-RELATED EXERCISES, TESTING, OR OTHER TRAINING ACTIVITIES USING EQUIPMENT OR PERSONNEL SIMULATING PERFORMANCE OF ANY ASPECT OF

1 THE GIVING AND RECEIVING OF AID BY PARTY JURISDICTIONS DURING  
2 EMERGENCIES.

3 ~~(3) THIS COMPACT ALSO SHALL PROVIDE FOR ACTIONS OCCURRING~~  
4 ~~OUTSIDE ACTUAL DECLARED EMERGENCY PERIODS.~~

5 ARTICLE 2.  
6 REQUESTS FOR ASSISTANCE

7 (B) (1) THE SENIOR ELECTED OFFICIAL OF EACH JURISDICTION SHALL  
8 DESIGNATE AN AUTHORIZED REPRESENTATIVE. THE AUTHORIZED REPRESENTATIVE  
9 OF A PARTY JURISDICTION MAY REQUEST ASSISTANCE OF ANOTHER PARTY  
10 JURISDICTION BY CONTACTING THE AUTHORIZED REPRESENTATIVE OF THAT  
11 JURISDICTION.

12 (2) THE PROVISIONS OF THIS COMPACT SHALL APPLY ONLY TO  
13 REQUESTS FOR ASSISTANCE MADE BY AND TO AUTHORIZED REPRESENTATIVES.

14 (3) REQUESTS MAY BE VERBAL OR IN WRITING.

15 (4) IF VERBAL, THE REQUEST SHALL BE CONFIRMED IN WRITING AT  
16 THE EARLIEST POSSIBLE DATE, BUT NO LATER THAN 10 CALENDAR DAYS  
17 FOLLOWING THE VERBAL REQUEST.

18 (5) WRITTEN REQUESTS SHALL PROVIDE THE FOLLOWING  
19 INFORMATION:

20 (I) A DESCRIPTION OF THE EMERGENCY SUPPORT FUNCTION FOR  
21 WHICH ASSISTANCE IS NEEDED;

22 (II) THE EMERGENCY SUPPORT FUNCTION SHALL INCLUDE, BUT  
23 NOT BE LIMITED TO, FIRE SERVICES, LAW ENFORCEMENT, EMERGENCY MEDICAL  
24 SERVICES, TRANSPORTATION, COMMUNICATIONS, PUBLIC WORKS AND  
25 ENGINEERING, BUILDING INSPECTION, PLANNING AND INFORMATION ASSISTANCE,  
26 MASS CARE, RESOURCE SUPPORT, HEALTH AND MEDICAL SERVICES, AND SEARCH  
27 AND RESCUE;

28 (III) THE AMOUNT AND TYPE OF PERSONNEL, EQUIPMENT,  
29 MATERIALS, AND SUPPLIES NEEDED AND A REASONABLE ESTIMATE OF THE LENGTH  
30 OF TIME THEY WILL BE NEEDED; AND

31 (IV) THE SPECIFIC PLACE AND TIME FOR STAGING OF THE  
32 ASSISTING PARTY'S RESPONSE AND A POINT OF CONTACT AT THAT LOCATION.

33 ~~(5)~~ (6) THERE SHALL BE FREQUENT CONSULTATIONS BETWEEN THE  
34 MARYLAND EMERGENCY MANAGEMENT AGENCY AND APPROPRIATE  
35 REPRESENTATIVES OF THE PARTY JURISDICTIONS WITH FREE EXCHANGE OF  
36 INFORMATION AND PLANS GENERALLY RELATING TO EMERGENCY CAPABILITIES.



1 ARTICLE 4.  
2 LIABILITY

3 (D) (1) OFFICERS OR ~~EMPLOYEES~~ EMERGENCY RESPONDERS OF A PARTY  
4 JURISDICTION RENDERING AID IN ANOTHER JURISDICTION PURSUANT TO THIS  
5 COMPACT SHALL BE CONSIDERED AGENTS OF THE REQUESTING JURISDICTION FOR  
6 TORT LIABILITY AND IMMUNITY PURPOSES.

7 (2) NO PARTY JURISDICTION OR ITS OFFICERS OR ~~EMPLOYEES~~  
8 EMERGENCY RESPONDERS RENDERING AID IN ANOTHER JURISDICTION PURSUANT  
9 TO THIS COMPACT SHALL BE LIABLE ON ACCOUNT OF ANY ACT OR OMISSION IN  
10 GOOD FAITH ON THE PART OF RESPONDING PERSONNEL WHILE SO ENGAGED OR ON  
11 ACCOUNT OF THE MAINTENANCE OR USE OF ANY EQUIPMENT OR SUPPLIES IN  
12 CONNECTION THEREWITH.

13 (3) GOOD FAITH IN THIS ARTICLE SHALL NOT INCLUDE WILLFUL  
14 MISCONDUCT, GROSS NEGLIGENCE, OR RECKLESSNESS.

15 ARTICLE 5.  
16 SUPPLEMENTARY AGREEMENTS

17 (E) (1) NOTHING IN THIS COMPACT SHALL:

18 (I) PRECLUDE ANY JURISDICTION FROM ENTERING INTO  
19 SUPPLEMENTARY AGREEMENTS WITH ANOTHER JURISDICTION; OR

20 (II) AFFECT ANY OTHER AGREEMENTS ~~ALREADY IN FORCE~~  
21 BETWEEN JURISDICTIONS ~~PRIOR TO JULY 1, 2002~~.

22 (2) SUPPLEMENTARY AGREEMENTS MAY INCLUDE, BUT ARE NOT  
23 LIMITED TO:

24 (I) PROVISIONS FOR EVACUATION AND RECEPTION OF INJURED  
25 AND OTHER PERSONS; AND

26 (II) THE EXCHANGE OF MEDICAL, FIRE, POLICE, PUBLIC UTILITY,  
27 RECONNAISSANCE, WELFARE, TRANSPORTATION, AND COMMUNICATIONS  
28 PERSONNEL, EQUIPMENT, AND SUPPLIES.

29 ARTICLE 6.  
30 REIMBURSEMENT

31 (F) (1) EACH PARTY JURISDICTION SHALL PROVIDE FOR THE PAYMENT OF  
32 WORKERS' COMPENSATION AND DEATH BENEFITS TO INJURED MEMBERS OF THE  
33 EMERGENCY RESPONDERS OF ITS OWN JURISDICTION.

34 (2) THE REQUESTING JURISDICTION WILL REIMBURSE THE  
35 RESPONDING JURISDICTION FOR ALL REASONABLE AND NECESSARY EXPENSES  
36 INCURRED BY THE RESPONDING JURISDICTION PROVIDED THAT ANY ~~AIDING~~  
37 RESPONDING JURISDICTION MAY:

1 (I) ASSUME IN WHOLE OR IN PART SUCH LOSS, DAMAGE, EXPENSE,  
2 OR OTHER COST;

3 (II) LOAN EQUIPMENT OR DONATE SERVICES TO THE ~~RECEIVING~~  
4 REQUESTING JURISDICTION WITHOUT CHARGE OR COST; AND

5 (III) AGREE TO ANY ALLOCATION OF EXPENSES BETWEEN THE  
6 ~~ASSISTING~~ RESPONDING AND REQUESTING JURISDICTION.

7 (3) ANY TWO OR MORE JURISDICTIONS MAY ENTER INTO  
8 SUPPLEMENTAL AGREEMENTS ESTABLISHING A DIFFERENT ALLOCATION OF COSTS  
9 AMONG THOSE JURISDICTIONS.

10 (4) RECORDS OF EXPENSES INCURRED IN SUFFICIENT DETAIL TO  
11 SATISFY AUDITING REQUIREMENTS SHALL BE SUBMITTED BY THE RESPONDING  
12 JURISDICTION AS SOON AS POSSIBLE FOLLOWING THE TERMINATION OF THE  
13 ASSISTANCE PROVIDED.

14 ARTICLE 7.  
15 IMPLEMENTATION

16 (G) (1) PARTY JURISDICTIONS ARE ENCOURAGED TO CONSULT  
17 FREQUENTLY WITH EACH OTHER AND WITH THE MARYLAND EMERGENCY  
18 MANAGEMENT AGENCY AND TO EXCHANGE INFORMATION AND PLANS RELATING TO  
19 EMERGENCY MANAGEMENT.

20 (2) THIS COMPACT SHALL BECOME EFFECTIVE IMMEDIATELY UPON ITS  
21 ENACTMENT INTO LAW BY LOCAL JURISDICTIONS.

22 (3) ANY PARTY JURISDICTION MAY WITHDRAW FROM THIS COMPACT BY  
23 ENACTING A REPEAL OF THE SAME BUT NO SUCH WITHDRAWAL SHALL TAKE EFFECT  
24 UNTIL 30 DAYS AFTER THE SENIOR ELECTED OFFICIAL OF THE WITHDRAWING  
25 JURISDICTION HAS GIVEN NOTICE IN WRITING OF SUCH WITHDRAWAL TO THE  
26 SENIOR ELECTED OFFICIALS OF ALL PARTY JURISDICTIONS.

27 (4) WITHDRAWAL FROM THE COMPACT SHALL NOT RELIEVE THE  
28 WITHDRAWING JURISDICTION FROM OBLIGATIONS ASSUMED ~~HEREUNDER~~ UNDER  
29 ARTICLE 4 OR ARTICLE 6 OF THIS COMPACT PRIOR TO THE EFFECTIVE DATE OF  
30 WITHDRAWAL.

31 (5) AUTHENTICATED COPIES OF THIS COMPACT AND OF SUCH  
32 SUPPLEMENTARY AGREEMENTS AS MAY BE ENTERED INTO SHALL AT THE TIME OF  
33 THEIR APPROVAL BE RETAINED BY EACH PARTY JURISDICTION AND WITH THE  
34 MARYLAND EMERGENCY MANAGEMENT AGENCY.

35 ARTICLE 8.  
36 VALIDITY

37 (H) (1) THIS COMPACT SHALL BE CONSTRUED TO EFFECTUATE THE  
38 PURPOSES STATED IN ARTICLE 1 HEREOF.

1           (2)     IF ANY PART OR PROVISION OF THIS COMPACT OR THE APPLICATION  
2 THEREOF TO ANY PERSON OR CIRCUMSTANCE IS HELD INVALID FOR ANY REASON IN  
3 A COURT OF COMPETENT JURISDICTION, THE INVALIDITY DOES NOT AFFECT OTHER  
4 PROVISIONS OR ANY OTHER APPLICATION OF THIS COMPACT WHICH CAN BE GIVEN  
5 EFFECT WITHOUT THE INVALID PROVISION OR APPLICATION, AND FOR THIS  
6 PURPOSE THE PROVISIONS OF THIS COMPACT ARE DECLARED SEVERABLE.

7     SECTION 2. AND BE IT FURTHER ENACTED, That it is the intent of the  
8 General Assembly that the jurisdictions eligible to enter into the Maryland  
9 Emergency Management Assistance Compact should adopt the Compact by June 1,  
10 2003.

11     ~~SECTION 2. 3.~~ AND BE IT FURTHER ENACTED, That this Act shall take  
12 effect ~~July~~ June 1, 2002.