

**Department of Legislative Services**  
Maryland General Assembly  
2020 Session

**FISCAL AND POLICY NOTE**  
**Third Reader - Revised**

House Bill 648

(Chair, Health and Government Operations  
Committee)(By Request - Departmental - Military)

Health and Government Operations

Education, Health, and Environmental Affairs

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**Maryland Emergency Management Agency - Definitions and Authority**

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This departmental bill generally clarifies the responsibilities of the Maryland Emergency Management Agency (MEMA) and alters and establishes related definitions. The bill also makes other technical and conforming changes.

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**Fiscal Summary**

**State Effect:** None. The bill’s changes are generally procedural in nature and do not directly affect State finances.

**Local Effect:** The bill is not anticipated to materially affect local operations or finances.

**Small Business Effect:** The Military Department has determined that this bill has minimal or no impact on small businesses (attached). The Department of Legislative Services concurs with this assessment. (The attached assessment does not reflect amendments to the bill.)

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**Analysis**

**Bill Summary:** The bill redefines “emergency” as 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. The bill redefines “emergency management” as the planning, implementing, and conducting of risk reduction and consequence management across the mission areas of prevention, protection, mitigation, response, and recovery to enhance preparedness, save lives, preserve public health and safety, protect public and

private property, and minimize or repair injury and damage that results or may result from emergencies. The bill alters the definition of “senior elected official” to include (for a municipal corporation that does not have a mayor) the burgess, chairperson, or president of the municipal governing body or other chief executive officer of the municipal corporation.

A “local organization for emergency management” is defined as an organization established by a political subdivision or other local authority, as specified.

### *Legislative Policy*

The bill specifies that, among other things, it is necessary to ensure that the State will be adequately prepared to deal with emergencies by authorizing a comprehensive emergency management system that empowers all State departments and agencies to systematically prepare for, mitigate, respond to, and recover from potential or actual emergencies through risk reduction and consequence management.

The bill establishes that it is the policy of the State that the initial governmental authority and responsibility for emergency management activities and operations be placed at the local level. The State must prepare for emergency management activities and operations and coordinate activity in support of the response, but may not preempt local authority for responding to an emergency unless (1) the emergency involves more than one political subdivision and one or more of the political subdivisions involved makes a request for State-level authority to coordinate or intervene; (2) the political subdivision or subdivisions in which the emergency occurs issues a request from the senior elected official for the State to assume authority for the emergency; (3) evidence exists that the political subdivision is overwhelmed by the emergency; or (4) the Governor or the Governor’s designee determines that additional resources are necessary to protect the public interest.

### *Authority of the Maryland Emergency Management Agency*

The bill specifies that MEMA has primary responsibility and authority for developing emergency management policies and is responsible for coordinating disaster risk reduction, consequence management, and disaster recovery activities. MEMA may act to (1) reduce the disaster risk and vulnerability of persons and property located in the State; (2) develop and coordinate emergency planning and preparedness; and (3) coordinate emergency management activities and operations (1) relating to an emergency that involves two or more State agencies; (2) between State agencies and political subdivisions; (3) with local governments; (4) with agencies of the federal government and other states; and (5) with private and nonprofit entities.

## **Current Law:**

### *Maryland Emergency Management Agency, Generally*

MEMA, which is a part of the Military Department, is responsible for coordinating the State response in any major emergency or disaster. This includes supporting local governments as needed or requested and coordinating assistance with the Federal Emergency Management Agency and other federal partners. MEMA manages many of the federal grants that fund a broad range of initiatives leading to enhanced protection from and responses to the full range of natural and man-made disasters that could threaten the State's citizens.

### *Maryland Emergency Preparedness Program*

In 2013, Governor Martin J. O'Malley issued Executive Order [01.01.2013.06](#), which established the Maryland Emergency Preparedness Program (MEPP). MEMA is the agency of State government with primary responsibility and authority for emergency preparedness policy and for coordinating hazard mitigation, incident response, and disaster recovery. Among other things, MEMA must develop and coordinate preparedness policy through MEPP, and each State agency must, among other things, develop and maintain documents necessary to support MEPP, as requested by either MEMA or the Maryland State Police, including continuity of operations plans.

In addition, MEMA must coordinate activities and operations (1) between State agencies and political subdivisions; (2) with related agencies of the federal government and other states; and (3) with private and nonprofit agencies. All local jurisdictions must make their best efforts to align homeland security and emergency management preparedness activities with MEPP, using standards and policies developed by MEMA.

### *Maryland Emergency Management Assistance Compact, Generally*

The Maryland Emergency Management Assistance Compact (MEMAC) is a statewide program that provides for mutual aid between jurisdictions for emergency assistance. MEMAC provides for the procedures to request assistance and to resolve financial and liability issues for assistance given. All 23 counties within the State, Baltimore City, the City of Annapolis, and Ocean City belong to the compact. MEMAC also provides for mutual cooperation in emergency-related exercises, testing, or other training activities using equipment or personnel simulating performance of any aspect of the giving and receiving of aid by party jurisdictions during emergencies. Frequent consultations between MEMA and appropriate representatives of the party jurisdictions are required with free exchange of information and plans generally relating to emergency capabilities.

**Background:** The Military Department advises that the bill is intended to expand established State policy to include the authorization of a comprehensive emergency management system, clarify and expand existing definitions that were previously ambiguous under the Public Safety Article, and to codify specified provisions as currently set forth in Executive Order 01.01.2013.06.

The Military Department advises that neighboring states have declared or established state policies as they relate for emergency management. In Virginia, the General Assembly found that it is necessary “that all emergency service functions of the Commonwealth be coordinated to the maximum extent possible.” In West Virginia, it is the policy of the state “to establish and implement comprehensive homeland security and emergency management plans to deal with such disasters and large-scale threats.”

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### **Additional Information**

**Prior Introductions:** None.

**Designated Cross File:** None.

**Information Source(s):** Baltimore City; Washington and Worcester counties; Maryland Association of Counties; cities of Salisbury and Westminster; Maryland Municipal League; towns of Bel Air and Leonardtown; Department of Budget and Management; Department of State Police; Maryland Department of Transportation; Military Department; Department of Legislative Services

**Fiscal Note History:** First Reader - February 21, 2020  
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## ANALYSIS OF ECONOMIC IMPACT ON SMALL BUSINESSES

TITLE OF BILL: Maryland Emergency Management Agency - Definitions and Authority

BILL NUMBER: HB 648

PREPARED BY: Catherine Kelly

### PART A. ECONOMIC IMPACT RATING

This agency estimates that the proposed bill:

WILL HAVE MINIMAL OR NO ECONOMIC IMPACT ON MARYLAND SMALL BUSINESS

**OR**

WILL HAVE MEANINGFUL ECONOMIC IMPACT ON MARYLAND SMALL BUSINESSES

### PART B. ECONOMIC IMPACT ANALYSIS