

HOUSE BILL 268

Unofficial Copy
E4

2000 Regular Session
0lr0278
CF 0lr1213

By: **Delegates Mohorovic, Cane, Turner, Edwards, Moe, Cole, Conroy, Riley, Heller, Petzold, Cryor, Bobo, K. Kelly, Taylor, Stern, DeCarlo, Baldwin, Morhaim, Pitkin, Rosso, Malone, Hubers, Zirkin, Stocksdales, Finifter, Glassman, Boutin, A. Jones, and Bronrott**

Introduced and read first time: January 27, 2000
Assigned to: Commerce and Government Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Public Safety - Maryland Search and Rescue Act**

3 FOR the purpose of establishing a State Search and Rescue Office; specifying the
4 powers and responsibilities of the State Search and Rescue Office; designating a
5 State Search and Rescue Coordinator; specifying the required qualifications for
6 the State Search and Rescue Coordinator; providing for compensation and
7 reimbursement for the State Search and Rescue Coordinator; setting forth the
8 duties and responsibilities of the State Search and Rescue Coordinator;
9 providing for the application of the State Search and Rescue Plan; requiring that
10 search and rescue missions be managed using a certain system under certain
11 circumstances; designating a State Search and Rescue Training Coordinator;
12 specifying the required qualifications for the State Search and Rescue Training
13 Coordinator; providing for compensation and reimbursement for the State
14 Search and Rescue Training Coordinator; setting forth the duties and
15 responsibilities of the State Search and Rescue Training Coordinator;
16 establishing a State Search and Rescue Review Board; specifying the duties of
17 the State Search and Rescue Review Board; setting forth the membership of the
18 State Search and Rescue Review Board; providing for the term of membership of
19 appointed members of the State Search and Rescue Review Board; providing for
20 removal of members of the State Search and Rescue Review Board; requiring
21 the selection of a chairman of the State Search and Rescue Review Board;
22 defining a quorum of the State Search and Rescue Review Board; requiring the
23 State Search and Rescue Review Board to meet at certain times; providing for
24 reimbursement for members of the State Search and Rescue Review Board;
25 prohibiting a person from intentionally providing or causing to be provided
26 certain false or misleading information; authorizing the State to maintain a civil
27 action against a person who intentionally provides or causes to be provided
28 certain false or misleading information; prohibiting a person from intentionally
29 interfering with, hindering, or obstructing a search and rescue operation;
30 providing that a search and rescue volunteer is a covered employee under the
31 Maryland Workers' Compensation Act; providing that search and rescue
32 volunteers are State personnel under the Maryland Tort Claims Act; defining

1 certain terms; and generally relating to the State Search and Rescue Office.

2 BY adding to

3 Article 88B - Department of State Police

4 Section 81 through 91, inclusive, to be under the new subtitle "Maryland Search
5 and Rescue Act"

6 Annotated Code of Maryland

7 (1998 Replacement Volume and 1999 Supplement)

8 BY adding to

9 Article - Labor and Employment

10 Section 9-233.1

11 Annotated Code of Maryland

12 (1999 Replacement Volume)

13 BY repealing and reenacting, with amendments,

14 Article - State Government

15 Section 12-101

16 Annotated Code of Maryland

17 (1999 Replacement Volume)

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

20 **Article 88B - Department of State Police**

21 **MARYLAND SEARCH AND RESCUE ACT**

22 81.

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

25 (B) "BOARD" MEANS THE STATE SEARCH AND RESCUE REVIEW BOARD.

26 (C) "COORDINATOR" MEANS THE STATE SEARCH AND RESCUE COORDINATOR.

27 (D) "FIELD COORDINATOR" MEANS A SEARCH AND RESCUE TRAINED
28 INDIVIDUAL RESPONSIBLE FOR THE ORGANIZATION AND MANAGEMENT OF A
29 SEARCH AND RESCUE MISSION.

30 (E) "INCIDENT COMMAND SYSTEM" MEANS THE NATIONALLY RECOGNIZED,
31 STANDARDIZED ON-SCENE EMERGENCY MANAGEMENT SYSTEM DESIGNED TO
32 ALLOW ITS USERS TO PERFORM UNDER AN INTEGRATED ORGANIZATIONAL
33 STRUCTURE, WITHOUT BEING HINDERED BY THE DEMANDS OF SINGLE OR
34 MULTIPLE INCIDENTS OR JURISDICTIONAL BOUNDARIES.

1 (F) "MISSION INITIATOR" MEANS A SEARCH AND RESCUE TRAINED STATE
2 POLICE OFFICER, COUNTY POLICE OFFICER, MUNICIPAL POLICE OFFICER, STATE
3 PARK OR FOREST RANGER, NATIONAL PARK RANGER, PARK POLICE OFFICER,
4 NATURAL RESOURCES POLICE OFFICER, OR DEPUTY SHERIFF WHOSE FUNCTION IS
5 TO INITIATE SEARCH AND RESCUE MISSIONS AND COORDINATE INITIAL STAGES OF
6 SEARCH AND RESCUE MISSIONS.

7 (G) "OFFICE" MEANS THE STATE SEARCH AND RESCUE OFFICE.

8 (H) (1) "SEARCH AND RESCUE" MEANS THE COORDINATED ACT OF
9 SEARCHING FOR AND RESCUING OR RECOVERING BY MEANS OF GROUND, MARINE,
10 OR AIR ACTIVITY ANY INDIVIDUAL WHO IS LOST, INJURED, OR KILLED WHILE
11 OUTDOORS OR AS A RESULT OF A NATURAL, TECHNOLOGICAL, OR HUMAN CAUSED
12 DISASTER.

13 (2) "SEARCH AND RESCUE" INCLUDES INSTANCES INVOLVING
14 SEARCHES FOR DOWNED OR MISSING AIRCRAFT.

15 (I) "SEARCH AND RESCUE PERSONNEL" MEANS SEARCH AND RESCUE
16 TRAINED INDIVIDUALS WHO CARRY OUT SEARCH AND RESCUE MISSIONS.

17 (J) "TRAINING COORDINATOR" MEANS THE STATE SEARCH AND RESCUE
18 TRAINING COORDINATOR.

19 82.

20 IT IS THE INTENT OF THE GENERAL ASSEMBLY TO PROVIDE FOR:

21 (1) THE COORDINATION OF EFFORTS OF FEDERAL, STATE, AND LOCAL
22 GOVERNMENTAL AGENCIES AND VOLUNTEER AND OTHER ORGANIZATIONS FOR
23 PROMPT AND EFFICIENT SEARCH AND RESCUE MISSIONS; AND

24 (2) THE DEVELOPMENT AND IMPLEMENTATION OF A STATEWIDE PLAN
25 FOR SEARCH AND RESCUE.

26 83.

27 (A) THERE IS A STATE SEARCH AND RESCUE OFFICE IN THE DEPARTMENT.

28 (B) (1) THE OFFICE SHALL BE RESPONSIBLE FOR THE OVERALL
29 COORDINATION OF ALL SEARCH AND RESCUE MISSIONS IN THE STATE, INCLUDING
30 MISSIONS INVOLVING SEARCHES FOR DOWNED OR MISSING AIRCRAFT.

31 (2) THE OFFICE SHALL COORDINATE THE OPERATION OF SEARCH AND
32 RESCUE MISSIONS INVOLVING DOWNED OR MISSING AIRCRAFT IN COOPERATION
33 WITH THE CIVIL AIR PATROL.

34 (C) THE OFFICE MAY ADOPT REGULATIONS RELATING TO SEARCH AND
35 RESCUE POLICIES AND PROCEDURES SUBJECT TO THE APPROVAL OF THE BOARD
36 AND SECRETARY.

1 84.

2 (A) THE SECRETARY SHALL APPOINT, WITH THE APPROVAL OF THE
3 GOVERNOR, A STATE SEARCH AND RESCUE COORDINATOR, WHO SHALL SERVE AT
4 THE PLEASURE OF THE SECRETARY.

5 (B) THE COORDINATOR SHALL BE A CIVILIAN EMPLOYEE WITH AT LEAST 5
6 YEARS OF EXPERIENCE IN SEARCH AND RESCUE MANAGEMENT AND TRAINING.

7 (C) THE COORDINATOR SHALL DEVOTE FULL TIME TO THE DUTIES OF THE
8 OFFICE.

9 (D) THE COORDINATOR IS ENTITLED TO:

10 (1) COMPENSATION IN ACCORDANCE WITH THE STATE BUDGET; AND

11 (2) REIMBURSEMENT FOR EXPENSES UNDER THE STANDARD STATE
12 TRAVEL REGULATIONS, AS PROVIDED IN THE STATE BUDGET.

13 (E) THE COORDINATOR SHALL:

14 (1) ADMINISTER AND OPERATE THE OFFICE;

15 (2) DEVELOP, ADMINISTER, AND UPDATE A STATE SEARCH AND RESCUE
16 PLAN;

17 (3) MAINTAIN AN INVENTORY OF RESOURCES AVAILABLE FOR SEARCH
18 AND RESCUE PURPOSES;

19 (4) MAINTAIN A LIST OF INDIVIDUALS, AGENCIES, AND ORGANIZATIONS
20 AVAILABLE TO ASSIST WITH SEARCH AND RESCUE MISSIONS;

21 (5) COORDINATE SEARCH AND RESCUE ACTIVITIES WITHIN THE STATE;

22 (6) ACT AS A CONTACT AGENT FOR THE STATE WITH OTHER STATES AND
23 THE FEDERAL GOVERNMENT IN SEARCH AND RESCUE MATTERS;

24 (7) DEVELOP TRAINING PROGRAMS FOR SEARCH AND RESCUE
25 INSTRUCTORS, MISSION INITIATORS, FIELD COORDINATORS, AND SEARCH AND
26 RESCUE PERSONNEL;

27 (8) ADOPT CERTIFICATION SYSTEMS FOR MISSION INITIATORS, FIELD
28 COORDINATORS, AND SEARCH AND RESCUE PERSONNEL;

29 (9) CERTIFY MISSION INITIATORS, FIELD COORDINATORS, AND SEARCH
30 AND RESCUE PERSONNEL FOR APPROVAL AND APPOINTMENT BY THE BOARD;

31 (10) KEEP THE OFFICIAL RECORDS OF THE OFFICE;

1 (11) ESTABLISH AND MAINTAIN A SYSTEM OF COMMUNICATION FOR USE
2 THROUGHOUT THE STATE IN CONNECTION WITH SEARCH AND RESCUE OPERATIONS;
3 AND

4 (12) DEVELOP AN ANNUAL BUDGET FOR THE OFFICE FOR APPROVAL BY
5 THE BOARD AND SECRETARY.

6 (F) THE COORDINATOR MAY DELEGATE ANY POWER OR DUTY OF THE
7 COORDINATOR UNDER THIS SUBTITLE.

8 85.

9 (A) THE STATE SEARCH AND RESCUE PLAN IS BINDING ON ALL
10 JURISDICTIONS IN THE STATE.

11 (B) SEARCH AND RESCUE MISSIONS SHALL BE MANAGED USING THE
12 INCIDENT COMMAND SYSTEM, UNLESS CIRCUMSTANCES RENDER USE OF THE
13 SYSTEM IMPRACTICAL.

14 (C) THERE SHALL BE AT LEAST ONE MISSION INITIATOR PER COUNTY.

15 86.

16 (A) THE SECRETARY SHALL APPOINT A STATE SEARCH AND RESCUE
17 TRAINING COORDINATOR.

18 (B) THE TRAINING COORDINATOR SHALL BE A COMMISSIONED POLICE
19 OFFICER, POLICE OFFICER, OR CIVILIAN EMPLOYEE WITH A BACKGROUND IN
20 TRAINING AND EDUCATION.

21 (C) THE TRAINING COORDINATOR SHALL DEVOTE FULL TIME TO THE DUTIES
22 OF THE OFFICE.

23 (D) THE TRAINING COORDINATOR IS ENTITLED TO:

24 (1) COMPENSATION IN ACCORDANCE WITH THE STATE BUDGET; AND

25 (2) REIMBURSEMENT FOR EXPENSES UNDER THE STANDARD STATE
26 TRAVEL REGULATIONS, AS PROVIDED IN THE STATE BUDGET.

27 (E) THE TRAINING COORDINATOR SHALL:

28 (1) COORDINATE SEARCH AND RESCUE TRAINING FOR THE OFFICE; AND

29 (2) BE RESPONSIBLE TO THE COORDINATOR.

30 87.

31 (A) THERE IS A STATE SEARCH AND RESCUE REVIEW BOARD.

32 (B) THE BOARD SHALL:

- 1 (1) EVALUATE THE OPERATION OF THE STATE SEARCH AND RESCUE
2 PLAN;
- 3 (2) EVALUATE PROBLEMS OF SPECIFIC SEARCH AND RESCUE MISSIONS;
- 4 (3) MAKE FINDINGS OF FACT AND RECOMMENDATIONS TO THE
5 SECRETARY AND COORDINATOR;
- 6 (4) APPROVE AND APPOINT MISSION INITIATORS, FIELD
7 COORDINATORS, AND SEARCH AND RESCUE PERSONNEL;
- 8 (5) APPROVE THE ANNUAL BUDGET FOR THE OFFICE; AND
- 9 (6) APPROVE REGULATIONS ADOPTED BY THE OFFICE.
- 10 (C) THE BOARD CONSISTS OF THE FOLLOWING 12 MEMBERS:
- 11 (1) THE COORDINATOR;
- 12 (2) THE SECRETARY OR THE SECRETARY'S DESIGNEE;
- 13 (3) THE SECRETARY OF THE DEPARTMENT OF NATURAL RESOURCES OR
14 THE SECRETARY'S DESIGNEE;
- 15 (4) THE DIRECTOR OF THE MARYLAND EMERGENCY MANAGEMENT
16 AGENCY OR THE DIRECTOR'S DESIGNEE; AND
- 17 (5) EIGHT MEMBERS APPOINTED BY THE GOVERNOR WITH THE ADVICE
18 AND CONSENT OF THE SENATE.
- 19 (D) THE EIGHT APPOINTED MEMBERS SHALL INCLUDE:
- 20 (1) ONE REPRESENTATIVE OF THE CIVIL AIR PATROL;
- 21 (2) ONE REPRESENTATIVE OF THE MARYLAND INSTITUTE OF
22 EMERGENCY MEDICAL SERVICE SYSTEM;
- 23 (3) ONE CERTIFIED SEARCH AND RESCUE WORKER;
- 24 (4) ONE REPRESENTATIVE OF THE STATE SHERIFF'S ASSOCIATION;
- 25 (5) ONE REPRESENTATIVE OF THE STATE CHIEFS OF POLICE
26 ASSOCIATION;
- 27 (6) ONE REPRESENTATIVE OF THE MARYLAND STATE AND D.C.
28 PROFESSIONAL FIREFIGHTERS ASSOCIATION;
- 29 (7) ONE REPRESENTATIVE OF THE MARYLAND STATE FIREMEN'S
30 ASSOCIATION; AND
- 31 (8) ONE MEMBER OF THE GENERAL PUBLIC.

1 (E) (1) THE TERM OF AN APPOINTED MEMBER IS 3 YEARS.

2 (2) THE TERMS OF APPOINTED MEMBERS ARE STAGGERED AS
3 REQUIRED BY THE TERMS PROVIDED FOR APPOINTED MEMBERS OF THE BOARD ON
4 OCTOBER 1, 2000.

5 (3) AT THE END OF A TERM, AN APPOINTED MEMBER CONTINUES TO
6 SERVE UNTIL A SUCCESSOR IS APPOINTED AND QUALIFIES.

7 (4) A MEMBER WHO IS APPOINTED AFTER A TERM HAS BEGUN SERVES
8 ONLY FOR THE REST OF THE TERM AND UNTIL A SUCCESSOR IS APPOINTED AND
9 QUALIFIES.

10 (F) (1) THE GOVERNOR MAY REMOVE A MEMBER FOR INCOMPETENCE OR
11 MISCONDUCT.

12 (2) ANY MEMBER WHO MISSES WITHOUT EXCUSE MORE THAN TWO
13 CONSECUTIVE MEETINGS SHALL AUTOMATICALLY BE REMOVED.

14 (G) FROM AMONG ITS MEMBERS, THE BOARD ANNUALLY SHALL SELECT A
15 CHAIRMAN.

16 (H) A MAJORITY OF THE AUTHORIZED MEMBERSHIP OF THE BOARD IS A
17 QUORUM.

18 (I) THE BOARD SHALL MEET AT LEAST FOUR TIMES A YEAR, AT THE TIMES
19 AND PLACES THAT IT DETERMINES.

20 (J) A MEMBER OF THE BOARD:

21 (1) MAY NOT RECEIVE COMPENSATION; BUT

22 (2) IS ENTITLED TO REIMBURSEMENT FOR EXPENSES UNDER THE
23 STANDARD STATE TRAVEL REGULATIONS, AS PROVIDED IN THE STATE BUDGET.

24 88.

25 (A) THIS SECTION APPLIES TO ALL 911 CENTERS AND DISPATCH CENTERS,
26 LAW ENFORCEMENT AGENCIES, LAW ENFORCEMENT DISPATCHERS, FIRE
27 DEPARTMENTS, RESCUE SQUADS, EMERGENCY MEDICAL SERVICES AGENCIES, AND
28 EMERGENCY MANAGEMENT AGENCIES.

29 (B) WHENEVER A SEARCH FOR A MISSING PERSON HAS LASTED FOR MORE
30 THAN A PREDETERMINED TIME ESTABLISHED BY THE BOARD, THE INFORMATION
31 REQUIRED TO BE REPORTED BY REGULATION SHALL BE REPORTED TO:

32 (1) THE LOCAL MISSION INITIATOR FOR THE COUNTY IN WHICH THE
33 PERSON IS REPORTED MISSING; AND

34 (2) THE OFFICE.

1 89.

2 IN A SEARCH AND RESCUE SITUATION INVOLVING A MISSING CHILD, AS
3 DEFINED IN § 9-401 OF THE FAMILY LAW ARTICLE, THE PROVISIONS OF THE FAMILY
4 LAW ARTICLE APPLY IN ADDITION TO THIS SUBTITLE.

5 90.

6 (A) A PERSON MAY NOT INTENTIONALLY PROVIDE OR CAUSE TO BE PROVIDED
7 FALSE OR MISLEADING INFORMATION THAT:

8 (1) RESULTS IN AN UNNECESSARY SEARCH AND RESCUE EFFORT; OR

9 (2) UNNECESSARILY PROLONGS AN ONGOING SEARCH AND RESCUE
10 EFFORT.

11 (B) THE STATE MAY MAINTAIN A CIVIL ACTION AGAINST A VIOLATOR OF THIS
12 SECTION TO RECOVER THE COST OF PROVIDING THE SEARCH AND RESCUE SERVICE,
13 THE COST OF BRINGING THE ACTION, AND REASONABLE ATTORNEY'S FEES.

14 91.

15 (A) A PERSON MAY NOT INTENTIONALLY INTERFERE WITH, HINDER, OR
16 OBSTRUCT A SEARCH AND RESCUE OPERATION.

17 (B) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR
18 AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$1,000 OR
19 IMPRISONMENT NOT EXCEEDING 1 YEAR OR BOTH.

20 **Article - Labor and Employment**

21 9-233.1.

22 (A) EACH SEARCH AND RESCUE VOLUNTEER REGISTERED WITH THE STATE
23 SEARCH AND RESCUE OFFICE ASSISTING WITH A SEARCH AND RESCUE MISSION
24 COORDINATED BY THE STATE SEARCH AND RESCUE OFFICE IS A COVERED
25 EMPLOYEE.

26 (B) FOR THE PURPOSES OF THIS TITLE, THE STATE IS THE EMPLOYER OF
27 EACH INDIVIDUAL WHO IS A COVERED EMPLOYEE UNDER THIS SECTION.

28 **Article - State Government**

29 12-101.

30 (a) In this subtitle, unless the context clearly requires otherwise, "State
31 personnel" means:

32 (1) a State employee or official who is paid in whole or in part by the
33 Central Payroll Bureau in the Office of the Comptroller of the Treasury;

- 1 (2) an employee or official of the:
- 2 (i) Maryland Transportation Authority;
- 3 (ii) Injured Workers' Insurance Fund;
- 4 (iii) Maryland Stadium Authority;
- 5 (iv) Maryland Environmental Service;
- 6 (v) overseas programs of the University College of the University
7 System of Maryland; and
- 8 (vi) Maryland Economic Development Corporation;
- 9 (3) a person who:
- 10 (i) is a member of a State board, commission, or similar State
11 entity; or
- 12 (ii) 1. is providing a service to or for the State;
- 13 2. is not paid in whole or in part by the State; and
- 14 3. satisfies all other requirements for designation as State
15 personnel as may be set forth in regulations adopted by the Treasurer pursuant to
16 Title 10 of this article;
- 17 (4) an individual who, without compensation, exercises a part of the
18 sovereignty of the State;
- 19 (5) a student enrolled in a State educational institution:
- 20 (i) who is providing services to third parties in the course of
21 participation in an approved clinical training or academic program;
- 22 (ii) who, as determined by the Treasurer, is required to have
23 liability insurance covering claims arising from services to third parties performed by
24 the student in the course of the approved clinical training or academic program;
- 25 (iii) who, as determined by the Treasurer, cannot obtain commercial
26 liability insurance at an affordable cost; and
- 27 (iv) who, as determined by the Treasurer, may be required to
28 contribute to an insurance program for claims arising from services to third parties
29 performed by the student in the course of the approved clinical training or academic
30 program;
- 31 (6) a sheriff or deputy sheriff of a county or Baltimore City;

1 (7) an employee of a county who is assigned to a local department of
2 social services, including a Montgomery County employee who carries out State
3 programs administered under Article 88A, § 13A(b) of the Code;

4 (8) a State's Attorney of a county or Baltimore City, or an employee of an
5 office of a State's Attorney;

6 (9) a member of a board of license commissioners of a county or
7 Baltimore City appointed under the provisions of Article 2B of the Code, or an
8 employee of a board of license commissioners;

9 (10) a member of a board of supervisors of elections of a county or
10 Baltimore City, or an employee of a board of supervisors of elections;

11 (11) a judge of a circuit court of a county or Baltimore City, or an employee
12 of a circuit court;

13 (12) a judge of an orphans' court of a county or Baltimore City, or an
14 employee of an orphans' court;

15 (13) to the extent of a nonprofit organization's activities as a third party
16 payee, and to the extent the nonprofit organization has no other insurance for this
17 purpose, a nonprofit organization that has been approved by the Department of
18 Human Resources or its designee to serve as a third party payee for purposes of
19 providing temporary cash assistance, transitional assistance, or child-specific
20 benefits to Family Investment Program recipients; [or]

21 (14) a student, faculty, or staff member of an institution of higher
22 education who is providing a service under the Family Investment Program in
23 accordance with the provisions of Article 88A, § 47 or § 53 of the Code; OR

24 (15) A SEARCH AND RESCUE VOLUNTEER REGISTERED WITH THE STATE
25 SEARCH AND RESCUE OFFICE ASSISTING WITH A SEARCH AND RESCUE MISSION
26 COORDINATED BY THE STATE SEARCH AND RESCUE OFFICE.

27 (b) In this subtitle, a unit of the State government includes the Montgomery
28 County government to the extent that Montgomery County administers a State
29 program under Article 88A, § 13A(b) of the Code.

30 SECTION 2. AND BE IT FURTHER ENACTED, That the terms of the initial
31 appointed members of the State Search and Rescue Review Board shall expire as
32 follows:

33 (1) two members in 2001;

34 (2) two members in 2002; and

35 (3) three members in 2003.

1 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
2 October 1, 2000.