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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

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A BILL ENTITLED

1 AN ACT concerning

2 **Maryland Emergency Management Agency - Statewide Swift Water Flood**  
3 **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.

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

15 BY repealing and reenacting, with amendments,  
16 Article 16A - Maryland Emergency Management Agency  
17 Section 4  
18 Annotated Code of Maryland  
19 (1998 Replacement Volume and 2000 Supplement)

20 BY repealing and reenacting, with amendments,  
21 Article - Environment  
22 Section 5-803(f) and (h)(4)  
23 Annotated Code of Maryland  
24 (1996 Replacement Volume and 2000 Supplement)

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

1 **Article 16A - Maryland Emergency Management Agency**

2 2.

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

9 3.

10 As used in this subtitle:

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

17 4.

18 (a) (1) There is a Maryland Emergency Management Agency in the Military  
19 Department.

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

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

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

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

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

34 (c) The Director is responsible to the Governor and the Adjutant General for  
35 carrying out the State emergency management program. On those occasions when the  
36 Governor shall have formally declared the threat or existence of a State emergency,  
37 the Director shall coordinate the activities of all organizations for emergency

1 management operations within the State. The Director shall maintain liaison with  
2 and cooperate with emergency management agencies and organizations of other  
3 states and of the federal government.

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

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

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

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

13 (E) THE DIRECTOR SHALL:

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

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

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

22 (III) A PROCESS TO ACTIVATE RESPONSE TEAMS OR TO TRANSPORT  
23 THE TEAMS AND THEIR EQUIPMENT TO A LOCATION IN ANTICIPATION OF A FLOOD  
24 EVENT; AND

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

27 8.

28 The Director, with the approval of the Adjutant General, and in collaboration  
29 with other public and private agencies within the State, will develop, or cause to be  
30 developed, mutual aid arrangements for reciprocal emergency aid and assistance in  
31 case of disaster of extreme nature which affects two or more political subdivisions.

32 9.

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

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

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

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

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

21 10.

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

### 33 **Article - Environment**

34 5-803.

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

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

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

8 (ii) To provide for financial and other commitments to properly  
9 operate and maintain the project.

10 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
11 October 1, 2001.