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

A BILL ENTITLED

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; and generally relating to the Maryland Emergency Management
11 Assistance Compact.

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

21 MARYLAND EMERGENCY MANAGEMENT ASSISTANCE COMPACT

22 37.

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

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

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

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

5 (E) "SENIOR ELECTED OFFICIAL" MEANS:

6 (1) THE MAYOR;

7 (2) THE COUNTY EXECUTIVE; OR

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

11 38.

12 THE MARYLAND EMERGENCY MANAGEMENT ASSISTANCE COMPACT IS
13 ENTERED INTO WITH ALL OTHER JURISDICTIONS WHICH ADOPT THE COMPACT IN A
14 FORM SUBSTANTIALLY AS THE COMPACT APPEARS.

15 39.

16 ARTICLE 1.
17 PURPOSE

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

21 (2) THIS COMPACT ALSO SHALL PROVIDE FOR MUTUAL COOPERATION
22 IN EMERGENCY-RELATED EXERCISES, TESTING, OR OTHER TRAINING ACTIVITIES
23 USING EQUIPMENT OR PERSONNEL SIMULATING PERFORMANCE OF ANY ASPECT OF
24 THE GIVING AND RECEIVING OF AID BY PARTY JURISDICTIONS DURING
25 EMERGENCIES.

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

28 ARTICLE 2.
29 REQUESTS FOR ASSISTANCE

30 (B) (1) THE SENIOR ELECTED OFFICIAL OF EACH JURISDICTION SHALL
31 DESIGNATE AN AUTHORIZED REPRESENTATIVE. THE AUTHORIZED REPRESENTATIVE
32 OF A PARTY JURISDICTION MAY REQUEST ASSISTANCE OF ANOTHER PARTY
33 JURISDICTION BY CONTACTING THE AUTHORIZED REPRESENTATIVE OF THAT
34 JURISDICTION.

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

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

4 (4) IF VERBAL, THE REQUEST SHALL BE CONFIRMED IN WRITING AT
5 THE EARLIEST POSSIBLE DATE, BUT NO LATER THAN 10 CALENDAR DAYS
6 FOLLOWING THE VERBAL REQUEST. REQUESTS SHALL PROVIDE THE FOLLOWING
7 INFORMATION:

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

10 (II) THE EMERGENCY SUPPORT FUNCTION SHALL INCLUDE, BUT
11 NOT BE LIMITED TO, FIRE SERVICES, LAW ENFORCEMENT, EMERGENCY MEDICAL
12 SERVICES, TRANSPORTATION, COMMUNICATIONS, PUBLIC WORKS AND
13 ENGINEERING, BUILDING INSPECTION, PLANNING AND INFORMATION ASSISTANCE,
14 MASS CARE, RESOURCE SUPPORT, HEALTH AND MEDICAL SERVICES, AND SEARCH
15 AND RESCUE;

16 (III) THE AMOUNT AND TYPE OF PERSONNEL, EQUIPMENT,
17 MATERIALS, AND SUPPLIES NEEDED AND A REASONABLE ESTIMATE OF THE LENGTH
18 OF TIME THEY WILL BE NEEDED; AND

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

21 (5) THERE SHALL BE FREQUENT CONSULTATIONS BETWEEN THE
22 MARYLAND EMERGENCY MANAGEMENT AGENCY AND APPROPRIATE
23 REPRESENTATIVES OF THE PARTY JURISDICTIONS WITH FREE EXCHANGE OF
24 INFORMATION AND PLANS GENERALLY RELATING TO EMERGENCY CAPABILITIES.

25 (6) A SENIOR ELECTED OFFICIAL OR AN AUTHORIZED REPRESENTATIVE
26 WILL ADVISE THE MARYLAND EMERGENCY MANAGEMENT AGENCY OF ORAL
27 REQUESTS AND PROVIDE COPIES OF WRITTEN REQUESTS.

28 ARTICLE 3.
29 LIMITATIONS

30 (C) (1) ANY JURISDICTION WHICH IS A PARTY TO THIS COMPACT AND
31 WHICH RECEIVES A REQUEST FOR ASSISTANCE SHALL TAKE SUCH ACTIONS AS ARE
32 NECESSARY TO PROVIDE REQUESTED RESOURCES.

33 (2) ANY JURISDICTION MAY WITHHOLD RESOURCES TO THE EXTENT
34 NECESSARY TO PROVIDE REASONABLE PROTECTION TO ITS OWN JURISDICTION.

35 (3) EACH PARTY JURISDICTION SHALL AFFORD TO THE EMERGENCY
36 PERSONNEL OF ANY PARTY JURISDICTION OPERATING WITHIN THE REQUESTING
37 JURISDICTION UNDER THE TERMS AND CONDITIONS OF THIS COMPACT, THE SAME

1 POWERS, DUTIES, RIGHTS, AND PRIVILEGES AS ARE AFFORDED THOSE OF THE
2 JURISDICTION IN WHICH THEY ARE PERFORMING EMERGENCY SERVICES.

3 (4) EMERGENCY RESPONDERS WILL CONTINUE UNDER THE COMMAND
4 AND CONTROL OF THEIR REGULAR LEADERS, BUT THE ORGANIZATIONAL UNITS
5 WILL COME UNDER THE OPERATIONAL CONTROL OF THE EMERGENCY SERVICES
6 AUTHORITIES OF THE JURISDICTION.

7 (5) EMERGENCY RESPONDERS SHALL HAVE THE SAME POWERS,
8 DUTIES, RIGHTS, AND PRIVILEGES AS PERSONNEL OF THE REQUESTING
9 JURISDICTION CORRESPONDENT TO PERFORMING THE SAME FUNCTION.

10 (6) (I) THE PROVISIONS OF THIS ARTICLE SHALL ONLY TAKE EFFECT:

11 1. SUBSEQUENT TO A LOCAL DECLARATION OF A STATE OF
12 EMERGENCY BY THE JURISDICTION; OR

13 2. UPON COMMENCEMENT OF EXERCISES, TESTING, OR
14 TRAINING FOR MUTUAL AID.

15 (II) THE PROVISIONS OF THIS ARTICLE SHALL CONTINUE AS LONG
16 AS:

17 1. THE EXERCISES, TESTING, OR TRAINING FOR THE
18 MUTUAL AID ARE IN PROGRESS;

19 2. THE STATE OF EMERGENCY OR THE DISASTER REMAINS
20 IN EFFECT; OR

21 3. LOANED RESOURCES REMAIN IN THE RECEIVING
22 JURISDICTION.

23 ARTICLE 4.
24 LIABILITY

25 (D) (1) OFFICERS OR EMPLOYEES OF A PARTY JURISDICTION RENDERING
26 AID IN ANOTHER JURISDICTION PURSUANT TO THIS COMPACT SHALL BE
27 CONSIDERED AGENTS OF THE REQUESTING JURISDICTION FOR TORT LIABILITY AND
28 IMMUNITY PURPOSES.

29 (2) NO PARTY JURISDICTION OR ITS OFFICERS OR EMPLOYEES
30 RENDERING AID IN ANOTHER JURISDICTION PURSUANT TO THIS COMPACT SHALL BE
31 LIABLE ON ACCOUNT OF ANY ACT OR OMISSION IN GOOD FAITH ON THE PART OF
32 RESPONDING PERSONNEL WHILE SO ENGAGED OR ON ACCOUNT OF THE
33 MAINTENANCE OR USE OF ANY EQUIPMENT OR SUPPLIES IN CONNECTION
34 THEREWITH.

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

ARTICLE 5.
SUPPLEMENTARY AGREEMENTS

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

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

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

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

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

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

ARTICLE 6.
REIMBURSEMENT

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

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

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

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

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

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

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

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ARTICLE 7.
IMPLEMENTATION

3 (G) (1) PARTY JURISDICTIONS ARE ENCOURAGED TO CONSULT
4 FREQUENTLY WITH EACH OTHER AND WITH THE MARYLAND EMERGENCY
5 MANAGEMENT AGENCY AND TO EXCHANGE INFORMATION AND PLANS RELATING TO
6 EMERGENCY MANAGEMENT.

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

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

14 (4) WITHDRAWAL FROM THE COMPACT SHALL NOT RELIEVE THE
15 WITHDRAWING JURISDICTION FROM OBLIGATIONS ASSUMED HEREUNDER PRIOR TO
16 THE EFFECTIVE DATE OF WITHDRAWAL.

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

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ARTICLE 8.
VALIDITY

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

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

31 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
32 July 1, 2002.