
By: **Delegates Moe, Taylor, R. Baker, W. Baker, Bobo, Bohanan, Boutin, Bozman, Branch, Brinkley, Brown, Cole, Conroy, Conway, D. Davis, Dobson, Dypski, Frush, Fulton, Glassman, Griffith, Harrison, Healey, Hill, Hubbard, Hurson, Hutchins, James, La Vay, Linton, Malone, McHale, McKee, Menes, Morhaim, Parrott, Pitkin, Proctor, Riley, Rudolph, Shriver, Stull, Swain, and Zirkin**

Introduced and read first time: February 27, 2002
Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Maryland Emergency Management Agency - Qualifications of Director -**
3 **Study of Feasibility of Consolidation of Agencies that Provide Emergency**
4 **Services**

5 FOR the purpose of requiring that the Director of the Maryland Emergency
6 Management Agency be an individual with expertise in emergency
7 management, including demonstrated expertise in and knowledge of fire and
8 rescue services in Maryland; establishing a study group on the feasibility of
9 creating a Department of Fire, Rescue, and Emergency Management Services;
10 providing for the membership, appointment of members, duties, staffing, and
11 reporting requirement of the study group; and generally relating to fire, rescue,
12 and emergency management services in the State.

13 BY repealing and reenacting, with amendments,
14 Article 16A - Maryland Emergency Management Agency
15 Section 4
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 4.

22 (a) (1) There is a Maryland Emergency Management Agency in the Military
23 Department.

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

4 (ii) The Director:

5 1. [is] IS in the executive service in the State Personnel
6 Management System and shall hold office at the pleasure of the Adjutant General[.];

7 [(iii)] 2. [The Director shall] SHALL receive such salary as is
8 provided in the budget; AND

9 3. SHALL HAVE EXPERTISE IN THE FIELD OF EMERGENCY
10 MANAGEMENT, INCLUDING DEMONSTRATED EXPERIENCE IN AND KNOWLEDGE OF
11 MANAGEMENT OF FIRE AND RESCUE SERVICES IN THIS STATE.

12 (b) (1) Subject to the authority of the Adjutant General, the Director may
13 employ professional, technical, clerical, stenographic, and other personnel within the
14 appropriations and (except as to the position of Director) subject to the conditions and
15 limitations of the State Personnel and Pensions Article.

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

19 (c) The Director is responsible to the Governor and the Adjutant General for
20 carrying out the State emergency management program. On those occasions when the
21 Governor shall have formally declared the threat or existence of a State emergency,
22 the Director shall coordinate the activities of all organizations for emergency
23 management operations within the State. The Director shall maintain liaison with
24 and cooperate with emergency management agencies and organizations of other
25 states and of the federal government.

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

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

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

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

35 SECTION 2. AND BE IT FURTHER ENACTED, That:

1 (a) There is a study group on the feasibility of consolidating the various
2 agencies and units of the State government that provide emergency management
3 services into a cabinet-level department.

4 (b) The study group shall consist of the following:

5 (1) Three members of the House of Delegates, appointed by the Speaker
6 of the House;

7 (2) Three members of the Senate of Maryland, appointed by the
8 President of the Senate;

9 (3) One representative of each of the following organizations, appointed
10 jointly by the Speaker and the President:

11 (i) The Maryland State Firemen's Association;

12 (ii) The Maryland - District of Columbia Firefighters Association;

13 (iii) The Maryland Fire Chiefs Council of the State of Maryland;

14 (iv) The Maryland Fire and Rescue Institute;

15 (v) The Maryland Association of Counties; and

16 (vi) The Maryland Municipal League;

17 (4) The Secretary of Transportation or his designee;

18 (5) The Director of the Maryland Emergency Management Agency or his
19 designee;

20 (6) The Executive Director of the Maryland Institute for Emergency
21 Medical Services Systems or his designee;

22 (7) The State Fire Marshal or his designee; and

23 (8) A representative of the Office of the Governor selected by the
24 Governor and recommended to the Speaker of the House and the President of the
25 Senate.

26 (c) The Speaker and the President shall jointly appoint the chairman of the
27 study group.

28 (d) The study group shall:

29 (1) Consider and review the feasibility of creating a Department of Fire,
30 Rescue, and Emergency Management Services that would be independent of the
31 Military Department and the Department of State Police, with the objective of
32 creating a consolidated State agency charged with the oversight, coordination, and
33 facilitation of, and the enhancement of effective communication by and among

1 providers of, emergency management services in the State of Maryland, including law
2 enforcement and fire and rescue services;

3 (2) Identify the currently existing agencies and units of State
4 government that provide fire, rescue, and emergency management services;

5 (3) Study funding and budgetary matters with respect to the various
6 State and local agencies and units that provide fire, rescue, and emergency services in
7 the State; and

8 (4) Consider any other appropriate issue related to the consolidation,
9 coordination, and oversight of fire, rescue, and emergency management services in
10 Maryland.

11 (e) The study group shall be staffed by the Department of Legislative Services,
12 and the Emergency Management Agency and all other agencies and units of State
13 government shall cooperate with the Department with respect to information
14 requests and other appropriate assistance the Department finds necessary to make or
15 request.

16 (f) The study group shall submit a final report on its activities, including its
17 findings and recommendations, to the Governor and, in accordance with § 2-1246 of
18 the State Government Article, the General Assembly on or before December 1, 2003.

19 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take
20 effect July 1, 2002.