
By: **Senator Hafer**

Introduced and read first time: February 1, 2002

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Allegany County - Director of Emergency Management**

3 FOR the purpose of providing that the director of emergency management in Allegany
4 County shall be an employee of Allegany County and not appointed by the
5 Governor; and generally relating to the organization of local emergency
6 management in Allegany County.

7 BY repealing and reenacting, with amendments,
8 Article 16A - Maryland Emergency Management Agency
9 Section 7
10 Annotated Code of Maryland
11 (2001 Replacement Volume)

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

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

15 7.

16 (a) (1) Each political subdivision of this State shall establish a local
17 organization for emergency management in accordance with the State emergency
18 management plan and program and shall participate in federal programs for
19 emergency management. [Each] EXCEPT AS PROVIDED IN SUBSECTION (D) OF THIS
20 SECTION, EACH local organization for emergency management shall have a director of
21 emergency management who shall be appointed by the Governor, upon the
22 recommendation of the mayor, the executive, or governing body of the respective
23 political subdivision. Each director of a local organization shall have direct
24 responsibility for the organization, administration and operation of the respective
25 local organization for emergency management. Each local director shall be subject to
26 the direction and control of the mayor, executive, or governing body of the respective
27 subdivision, under general power of the Governor. The local organization shall include
28 such positions and programs as may be recommended from time to time by the
29 Maryland Emergency Management Agency to meet federal and State standards,
30 subject to the budgets of the local jurisdictions.

1 (2) Each local organization whose jurisdiction falls within the plume or
2 ingestion zone of a commercial nuclear reactor or which might be reasonably expected
3 to host evacuees from another jurisdiction within a plume or ingestion zone shall
4 submit to the State Director a radiological emergency response plan. The emergency
5 response plan for a jurisdiction within a plume zone shall provide for evacuation of
6 the residents of the political subdivision as a result of an emergency or major disaster
7 caused by a dangerous release of radiation.

8 (b) In any county, or Baltimore City, in which there is a local merit system or
9 classified service for the general employees of that political subdivision, the
10 employees and officers of the local organization for emergency management (except
11 the director) shall be included in and subject to all rights, duties, privileges, and
12 responsibilities of that system or service.

13 (c) (1) If the county or Baltimore City does not have such a local merit
14 system or classified service, the county commissioners or county council, or the board
15 of estimates of Baltimore City, may include by regulation the employees and officers
16 of the local organization for emergency management (except the director) in the
17 classified service of the State Personnel Management System.

18 (2) Except as otherwise provided by law, during the effective period of
19 any such regulation, the said employees and officers shall be subject to the rights,
20 duties, privileges, and responsibilities of the provisions of Division I of the State
21 Personnel and Pensions Article, with the particular board of county commissioners or
22 county council, or the Mayor of Baltimore City, as the appointing officer thereunder.

23 (3) The provisions of this subsection may not be construed or applied to
24 remove from the particular board of county commissioners or county council or from
25 the Mayor and City Council of Baltimore power to establish and regulate the
26 compensation, vacation allowance, and sick leave of all such employees and officers in
27 the respective political subdivisions.

28 (D) IN ALLEGANY COUNTY, THE DIRECTOR OF EMERGENCY MANAGEMENT
29 SHALL BE HIRED IN ACCORDANCE WITH THE PERSONNEL POLICY AND PROCEDURES
30 OF THE COUNTY AND SHALL BE AN EMPLOYEE OF THE COUNTY.

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