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By: **Senator Hafer**

Introduced and read first time: February 1, 2002

Assigned to: Education, Health, and Environmental Affairs

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Committee Report: Favorable

Senate action: Adopted

Read second time: March 19, 2002

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CHAPTER \_\_\_\_\_

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

1 responsibility for the organization, administration and operation of the respective  
2 local organization for emergency management. Each local director shall be subject to  
3 the direction and control of the mayor, executive, or governing body of the respective  
4 subdivision, under general power of the Governor. The local organization shall include  
5 such positions and programs as may be recommended from time to time by the  
6 Maryland Emergency Management Agency to meet federal and State standards,  
7 subject to the budgets of the local jurisdictions.

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

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

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

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

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

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

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

