

SENATE BILL 65

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SB 604/02 - EHE

2003 Regular Session  
3r1041

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By: **Senator Hafer**

Introduced and read first time: January 20, 2003

Assigned to: Education, Health, and Environmental Affairs

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A BILL ENTITLED

1 AN ACT concerning

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

3 FOR the purpose of requiring the director of emergency management in Allegany  
4 County to 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 - Public Safety  
9 Section 14-109  
10 Annotated Code of Maryland  
11 (As enacted by Chapter \_\_\_\_ (S.B. 1) of the Acts of the General Assembly of 2003)

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

14 **Article - Public Safety**

15 14-109.

16 (a) Each political subdivision shall:

17 (1) establish a local organization for emergency management in  
18 accordance with the State emergency management plan and program; and

19 (2) participate in federal programs for emergency management.

20 (b) (1) (I) [On] EXCEPT AS PROVIDED IN ITEM (II) OF THIS PARAGRAPH,  
21 ON recommendation of the mayor, executive, or governing body of the political  
22 subdivision, the Governor shall appoint a director of emergency management for each  
23 local organization for emergency management.

24 (II) IN ALLEGANY COUNTY, THE DIRECTOR OF EMERGENCY  
25 MANAGEMENT SHALL BE HIRED IN ACCORDANCE WITH THE PERSONNEL POLICY  
26 AND PROCEDURES OF THE COUNTY AND SHALL BE AN EMPLOYEE OF THE COUNTY.

1           (2)     Each director of a local organization for emergency management is  
2 directly responsible for the organization, administration, and operation of the local  
3 organization for emergency management.

4           (3)     Each director of a local organization for emergency management is  
5 subject to the direction and control of the mayor, executive, or governing body of the  
6 political subdivision, under the general power of the Governor.

7       (c)     (1)     Subject to the budget of the political subdivision, each local  
8 organization for emergency management shall include those programs and positions  
9 recommended periodically by MEMA to meet federal and State standards.

10           (2)     (i)     In a county in which there is a local merit system or classified  
11 service for the general employees of the county, the employees and officers of the local  
12 organization for emergency management are included in and subject to all rights,  
13 duties, privileges, and responsibilities of that system or service.

14                   (ii)     Subparagraph (i) of this paragraph does not apply to the  
15 director of the local organization for emergency management.

16           (3)     (i)     If a county does not have a local merit system or classified  
17 service, the governing body of the county, or the board of estimates of Baltimore City,  
18 may include by regulation the employees and officers of the local organization for  
19 emergency management in the classified service of the State Personnel Management  
20 System.

21                   (ii)     Subparagraph (i) of this paragraph does not apply to the  
22 director of the local organization for emergency management.

23                   (iii)    1.     Except as otherwise provided by law, during the effective  
24 period of the regulation the employees and officers are subject to the rights, duties,  
25 privileges, and responsibilities of Division I of the State Personnel and Pensions  
26 Article.

27                           2.     The governing body of the county or the Mayor of  
28 Baltimore is the appointing officer under Division I of the State Personnel and  
29 Pensions Article.

30           (4)     Paragraph (3) of this subsection does not remove from the governing  
31 body of a county or from the Mayor and City Council of Baltimore the power to  
32 establish and regulate the compensation, vacation allowance, or sick leave of all  
33 employees and officers of the local organization for emergency management in the  
34 county or Baltimore City.

35       (d)     Each political subdivision may make appropriations in the manner  
36 provided by law to pay the expenses of its local organization for emergency  
37 management.

38     SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take  
39 effect October 1, 2003.

