

HOUSE BILL 648

E4

0lr0116

By: **Chair, Health and Government Operations Committee (By Request – Departmental – Military)**

Introduced and read first time: January 29, 2020

Assigned to: Health and Government Operations

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 10, 2020

CHAPTER _____

1 AN ACT concerning

2 **Maryland Emergency Management Agency – Definitions and Authority**

3 FOR the purpose of altering the authority and responsibilities of the Maryland Emergency
4 Management Agency (MEMA); altering a certain explanation of purpose for certain
5 provisions of law; stating the policy of the State with regard to certain emergency
6 management activities and operations; requiring MEMA to prepare for certain
7 emergency management activities and operations; providing for the circumstances
8 under which MEMA may assume authority for responding to an emergency; defining
9 certain terms; altering certain defined terms; altering the applicability of certain
10 definitions; making conforming changes; and generally relating to the Maryland
11 Emergency Management Agency.

12 BY repealing and reenacting, with amendments,
13 Article – Public Safety
14 Section 14–101 through 14–103 and 14–801
15 Annotated Code of Maryland
16 (2018 Replacement Volume and 2019 Supplement)

17 BY adding to
18 Article – Public Safety
19 Section 14–101.1
20 Annotated Code of Maryland
21 (2018 Replacement Volume and 2019 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



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

3 **Article – Public Safety**

4 14–101.

5 (a) In this [subtitle] TITLE the following words have the meanings indicated.

6 (b) “Director” means the Director of MEMA.

7 (c) “Emergency” means the **IMMINENT** threat or occurrence of[:

8 (1) a hurricane, tornado, storm, flood, high water, wind–driven water, tidal
9 wave, earthquake, landslide, mudslide, snowstorm, drought, fire, explosion, and any other
10 disaster in any part of the State that requires State assistance to supplement local efforts
11 in order to save lives and protect public health and safety; or

12 (2) an enemy attack, act of terrorism, or public health catastrophe]
13 **SEVERE OR WIDESPREAD LOSS OF LIFE, INJURY, OR OTHER HEALTH IMPACTS,**
14 **PROPERTY DAMAGE OR DESTRUCTION, SOCIAL OR ECONOMIC DISRUPTION, OR**
15 **ENVIRONMENTAL DEGRADATION FROM NATURAL, TECHNOLOGICAL, OR**
16 **HUMAN–MADE CAUSES.**

17 (d) (1) “Emergency management” means the [preparation for and carrying out
18 of functions in an emergency in order to save lives and to minimize and repair injury and
19 damage that result from emergencies beyond the capabilities of local authorities]
20 **PLANNING, IMPLEMENTING, AND CONDUCTING OF RISK REDUCTION AND**
21 **CONSEQUENCE MANAGEMENT ACTIVITIES ACROSS THE MISSION AREAS OF**
22 **PREVENTION, PROTECTION, MITIGATION, RESPONSE, AND RECOVERY TO ENHANCE**
23 **PREPAREDNESS, SAVE LIVES, PRESERVE PUBLIC HEALTH AND SAFETY, PROTECT**
24 **PUBLIC AND PRIVATE PROPERTY, AND MINIMIZE OR REPAIR INJURY AND DAMAGE**
25 **THAT RESULTS OR MAY RESULT FROM EMERGENCIES.**

26 (2) “Emergency management” does not include the preparation for and
27 carrying out of functions in an emergency for which military forces are primarily
28 responsible.

29 (e) [“Local organization for emergency management” means an organization
30 established by a political subdivision or other local authority under § 14–109 of this subtitle.

31 (f) “MEMA” means the Maryland Emergency Management Agency.

32 (g) [“Political subdivision” means a county or municipal corporation of the State.

1 (F) "SENIOR ELECTED OFFICIAL" MEANS:

2 (1) THE MAYOR;

3 (2) THE COUNTY EXECUTIVE; ~~OR~~

4 (3) FOR A COUNTY THAT DOES NOT HAVE A COUNTY EXECUTIVE, THE
5 PRESIDENT OF THE BOARD OF COUNTY COMMISSIONERS OR COUNTY COUNCIL OR
6 OTHER CHIEF EXECUTIVE OFFICER OF THE COUNTY ; OR

7 (4) FOR A MUNICIPAL CORPORATION THAT DOES NOT HAVE A MAYOR,
8 THE BURGESS, CHAIRPERSON, OR PRESIDENT OF THE MUNICIPAL GOVERNING BODY
9 OR OTHER CHIEF EXECUTIVE OFFICER OF THE MUNICIPAL CORPORATION.

10 14-101.1.

11 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
12 INDICATED.

13 (B) "LOCAL ORGANIZATION FOR EMERGENCY MANAGEMENT" MEANS AN
14 ORGANIZATION ESTABLISHED BY A POLITICAL SUBDIVISION OR OTHER LOCAL
15 AUTHORITY UNDER § 14-109 OF THIS SUBTITLE.

16 (C) "MEMA" MEANS THE MARYLAND EMERGENCY MANAGEMENT
17 AGENCY.

18 14-102.

19 (a) To ensure that the State will be adequately prepared to deal with emergencies
20 [that are beyond the capabilities of local authorities, to provide for the common defense],
21 to protect the public peace, health, and safety **IN THE STATE**, [and] to preserve the lives
22 and property of the people of the State, **AND TO ENSURE THE SOCIAL AND ECONOMIC**
23 **RESILIENCE OF THE STATE**, it is necessary to:

24 (1) establish a Maryland Emergency Management Agency;

25 (2) authorize the establishment of local organizations for emergency
26 management in the political subdivisions;

27 (3) confer on the Governor and on the [executive heads] **SENIOR ELECTED**
28 **OFFICIALS** or governing bodies of the political subdivisions the emergency powers provided
29 in this subtitle; [and]

30 (4) provide for the rendering of mutual aid among the political subdivisions
31 and with other states in carrying out emergency management functions; **AND**

1 **(5) AUTHORIZE A COMPREHENSIVE EMERGENCY MANAGEMENT**
 2 **SYSTEM THAT EMPOWERS ALL STATE DEPARTMENTS AND AGENCIES TO**
 3 **SYSTEMATICALLY PREPARE FOR, MITIGATE, RESPOND TO, AND RECOVER FROM**
 4 **POTENTIAL OR ACTUAL EMERGENCIES THROUGH RISK REDUCTION AND**
 5 **CONSEQUENCE MANAGEMENT.**

6 (b) It is the policy of the State and the purpose of this subtitle to coordinate, to
 7 the maximum extent possible, all emergency management functions of the State with the
 8 comparable functions of the federal government, other states, **POLITICAL SUBDIVISIONS,**
 9 other localities, and private agencies, so that the most effective preparation and use may
 10 be made of the resources and facilities available for dealing with any **POTENTIAL OR**
 11 **ACTUAL** emergency.

12 **(c) (1) IT IS THE POLICY OF THE STATE THAT THE INITIAL**
 13 **GOVERNMENTAL AUTHORITY AND RESPONSIBILITY FOR EMERGENCY MANAGEMENT**
 14 **ACTIVITIES AND OPERATIONS BE PLACED AT THE LOCAL LEVEL.**

15 **(2) THE STATE SHALL PREPARE FOR EMERGENCY MANAGEMENT**
 16 **ACTIVITIES AND OPERATIONS, ~~BUT MAY NOT ASSUME~~ AND COORDINATE ACTIVITY IN**
 17 **SUPPORT OF THE RESPONSE, BUT MAY NOT PREEMPT LOCAL AUTHORITY FOR**
 18 **RESPONDING TO AN EMERGENCY UNLESS:**

19 **(i) 1. THE EMERGENCY INVOLVES MORE THAN ONE**
 20 **POLITICAL SUBDIVISION; ~~OR~~ AND**

21 **2. ONE OR MORE OF THE POLITICAL SUBDIVISIONS**
 22 **INVOLVED MAKES A REQUEST FOR STATE-LEVEL AUTHORITY TO COORDINATE OR**
 23 **INTERVENE;**

24 **(ii) THE POLITICAL SUBDIVISION OR SUBDIVISIONS IN WHICH**
 25 **THE EMERGENCY OCCURS; ~~ISSUES A REQUEST FROM THE SENIOR ELECTED~~**
 26 **OFFICIAL FOR THE STATE TO ASSUME AUTHORITY FOR THE EMERGENCY;**

27 ~~**1. IS NOT CAPABLE OF APPROPRIATELY RESPONDING TO**~~
 28 ~~**THE EMERGENCY; OR**~~

29 ~~**2. FAILS TO ACT IN RESPONSE TO THE EMERGENCY.**~~

30 **(iii) EVIDENCE EXISTS THAT THE POLITICAL SUBDIVISION IS**
 31 **OVERWHELMED BY THE EMERGENCY; OR**

1 **(IV) THE GOVERNOR OR THE GOVERNOR'S DESIGNEE**
2 **DETERMINES THAT ADDITIONAL RESOURCES ARE NECESSARY TO PROTECT THE**
3 **PUBLIC INTEREST.**

4 14-103.

5 (a) There is a Maryland Emergency Management Agency in the Military
6 Department.

7 (b) MEMA is a unit of State government.

8 **(C) MEMA HAS PRIMARY RESPONSIBILITY AND AUTHORITY FOR**
9 **DEVELOPING EMERGENCY MANAGEMENT POLICIES AND IS RESPONSIBLE FOR**
10 **COORDINATING DISASTER RISK REDUCTION, CONSEQUENCE MANAGEMENT, AND**
11 **DISASTER RECOVERY ACTIVITIES.**

12 **(D) MEMA MAY ACT TO:**

13 **(1) REDUCE THE DISASTER RISK AND VULNERABILITY OF PERSONS**
14 **AND PROPERTY LOCATED IN THE STATE;**

15 **(2) DEVELOP AND COORDINATE EMERGENCY PLANNING AND**
16 **PREPAREDNESS; AND**

17 **(3) COORDINATE EMERGENCY MANAGEMENT ACTIVITIES AND**
18 **OPERATIONS:**

19 **(I) RELATING TO AN EMERGENCY THAT INVOLVES TWO OR**
20 **MORE STATE AGENCIES;**

21 **(II) BETWEEN STATE AGENCIES AND POLITICAL SUBDIVISIONS;**

22 **(III) WITH LOCAL GOVERNMENTS;**

23 **(IV) WITH AGENCIES OF THE FEDERAL GOVERNMENT AND**
24 **OTHER STATES; AND**

25 **(V) WITH PRIVATE AND NONPROFIT ENTITIES.**

26 14-801.

27 (a) In this subtitle the following words have the meanings indicated.

1 (b) "Authorized representative" means an employee of a local jurisdiction
2 authorized by the senior elected official of that jurisdiction to request, offer, or provide
3 assistance under the terms of the compact.

4 (c) "Compact" means the Maryland Emergency Management Assistance
5 Compact.

6 (d) (1) "Emergency responder" means an individual who is sent or directed by
7 a party jurisdiction in response to a request for assistance by another party jurisdiction.

8 (2) "Emergency responder" includes a:

9 (i) career or volunteer firefighter within this State;

10 (ii) career or volunteer emergency medical services provider, as
11 defined in § 13-516 of the Education Article, within this State;

12 (iii) career or volunteer rescue squad member within this State;

13 (iv) county employee who is performing an emergency support
14 function described in § 14-803(2)(b)(5)(ii) of this subtitle; and

15 (v) law enforcement officer as defined in § 3-101 of this article.

16 (e) "Jurisdictions" means the 23 counties within Maryland, Baltimore City, the
17 City of Annapolis, and Ocean City.

18 [(f) "Senior elected official" means:

19 (1) the mayor;

20 (2) the county executive; or

21 (3) for a county that does not have a county executive, the president of the
22 board of county commissioners or county council or other chief executive officer of the
23 county.]

24 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
25 October 1, 2020.