

SENATE BILL 80

E4

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(PRE-FILED)

By: **Chair, Education, Health, and Environmental Affairs Committee (By Request
– Departmental – Military)**

Requested: September 24, 2019

Introduced and read first time: January 8, 2020

Assigned to: Education, Health, and Environmental Affairs

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: January 28, 2020

CHAPTER _____

1 AN ACT concerning

2 **Maryland Intrastate Emergency Management Assistance Compact**

3 FOR the purpose of renaming the Maryland Emergency Management Assistance Compact
4 to be the Maryland Intrastate Emergency Management Assistance Compact;
5 altering the purpose of the Compact; requiring a certain official to designate more
6 than one authorized representative for a certain purpose; altering the information
7 that must be provided by a certain written request; repealing the authority of a
8 certain official to advise the Maryland Emergency Management Agency of certain
9 requests and provide copies of certain requests; altering the circumstances under
10 which certain provisions of law take effect and continue in effect; altering certain
11 definitions; making stylistic changes; and generally relating to the Maryland
12 Intrastate Emergency Management Assistance Compact.

13 BY repealing and reenacting, with amendments,

14 Article – Public Safety

15 Section 14–801 through 14–803 to be under the amended subtitle “Subtitle 8.
16 Maryland Intrastate Emergency Management Assistance Compact”

17 Annotated Code of Maryland

18 (2018 Replacement Volume and 2019 Supplement)

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

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 **Article – Public Safety**2 **Subtitle 8. Maryland INTRASTATE Emergency Management Assistance Compact.**

3 14–801.

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

5 (b) “Authorized representative” means an employee of a local jurisdiction
6 authorized by the senior elected official of that jurisdiction to request, offer, or provide
7 assistance under the terms of the [compact] **COMPACT**.8 (c) “Compact” means the Maryland **INTRASTATE** Emergency Management
9 Assistance Compact.10 (d) (1) “Emergency responder” means an individual who is sent or directed by
11 a party jurisdiction in response to a request for assistance by another party jurisdiction.

12 (2) “Emergency responder” includes a:

13 (i) career or volunteer firefighter [within this State] **OF A FIRE,**
14 **RESCUE, OR EMERGENCY MEDICAL SERVICES ENTITY;**15 (ii) career or volunteer emergency medical services provider, as
16 defined in § 13–516 of the Education Article, within this State;17 (iii) career or volunteer rescue squad member [within this State] **OF**
18 **A FIRE, RESCUE, OR EMERGENCY MEDICAL SERVICES ENTITY;**19 (iv) county **OR MUNICIPAL** employee who is performing an
20 emergency support function described in § [14–803(2)(b)(5)(ii)] **14–803(2)(B)(5)(I)** of this
21 subtitle; and

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

23 (e) “Jurisdictions” means the 23 counties within Maryland, Baltimore City, the
24 City of Annapolis, and Ocean City.25 **(F) “PARTY JURISDICTION” MEANS A JURISDICTION THAT ENACTS THE**
26 **COMPACT IN A FORM SUBSTANTIALLY SIMILAR TO THE COMPACT SET FORTH IN**
27 **THIS SUBTITLE.**28 **[(f)] (G)** “Senior elected official” means:

29 (1) the mayor;

1 (2) the county executive; or

2 (3) for a county that does not have a county executive, the president **OR**
3 **CHAIRPERSON** of the board of county commissioners or county council or other chief
4 executive officer of the county.

5 14–802.

6 The Maryland **INTRASTATE** Emergency Management Assistance Compact is
7 entered into with all other jurisdictions that adopt the Compact in a form substantially
8 similar to the Compact set forth in this subtitle.

9 14–803.

10 (1) Article 1. Purpose.

11 (a) (1) The purpose of this Compact is to provide for **EMERGENCY**
12 **MANAGEMENT** mutual assistance between the jurisdictions entering into this Compact [in
13 managing an emergency].

14 (2) This Compact also shall provide for mutual cooperation in
15 [emergency–related] **EMERGENCY MANAGEMENT–RELATED** exercises, testing, or other
16 training activities [using equipment or personnel simulating performance of any aspect of
17 the giving and receiving of aid by party jurisdictions during emergencies].

18 (2) Article 2. Requests for Assistance.

19 (b) (1) The senior elected official of each jurisdiction shall designate
20 [an] authorized [representative] **REPRESENTATIVES**. [The] **AN** authorized
21 representative of a party jurisdiction may request assistance [of] **FROM** another party
22 jurisdiction by contacting [the] **AN** authorized representative of that jurisdiction.

23 (2) The provisions of this Compact shall apply only to requests for
24 assistance made by and to authorized representatives.

25 (3) Requests may be verbal or in writing.

26 (4) If verbal, the request shall be confirmed in writing at the earliest
27 possible date, but no later than 10 calendar days following the verbal request.

28 (5) Written requests shall provide the following information:

29 (i) [A description of the emergency support function for which
30 assistance is needed;

1 (ii) The emergency support function shall include, but not be
2 limited to,] **THE FUNCTIONAL AREAS FOR WHICH ASSISTANCE IS NEEDED, INCLUDING**
3 fire services, law enforcement, emergency medical services, transportation,
4 communications, public works and engineering, building inspection, planning and
5 information assistance, mass care, resource support, health and medical services, and
6 search and rescue;

7 [(iii) The amount and type of personnel, equipment, materials,
8 and supplies needed and a reasonable estimate of the length of time they will be needed;
9 and

10 (iv) The specific place and time for staging of the assisting
11 party's response and a point of contact at that location.]

12 **(II) THE MISSION, CAPABILITY, SIZE, AND AMOUNT OF**
13 **THE REQUESTED AID; AND**

14 **(III) THE LOGISTICS, LOCATION, AND TIME FOR STAGING**
15 **THE AID FROM A RESPONDING PARTY JURISDICTION.**

16 (6) There shall be frequent consultations between the Maryland
17 Emergency Management Agency and appropriate representatives of the party jurisdictions
18 with [free] **THE UNHINDERED** exchange of information and plans generally relating to
19 emergency [capabilities] **MANAGEMENT.**

20 (7) [A senior elected official or an] **AN** authorized representative **OF**
21 **THE REQUESTING PARTY JURISDICTION** will advise the Maryland Emergency
22 Management Agency of verbal requests and provide copies of written requests.

23 (3) Article 3. Limitations.

24 (c) (1) Any jurisdiction which is a party to this Compact and which
25 receives a request for assistance shall take such actions as are necessary to provide
26 requested resources.

27 (2) Any **PARTY** jurisdiction may withhold resources to the extent
28 necessary to provide reasonable protection to its own jurisdiction.

29 (3) Each party jurisdiction shall afford to the emergency responders
30 of any party jurisdiction operating within the requesting jurisdiction under the terms and
31 conditions of this Compact, the same powers, duties, rights, and privileges as are afforded
32 those of the jurisdiction in which they are performing emergency services.

33 (4) Emergency responders will continue under the command and
34 control of their regular leaders, but the organizational units will come under the
35 operational control of the emergency services authorities of the requesting jurisdiction.

1 (5) Emergency responders shall have the same powers, duties,
2 rights, and privileges as personnel of the requesting jurisdiction correspondent to
3 performing the same function.

4 (6) [(i)] The provisions of this article shall only [take effect]:

5 [1. Subsequent to a local declaration of a state of emergency
6 by the requesting jurisdiction; or

7 2. Upon commencement of exercises, testing, or training for
8 mutual aid.

9 (ii) The provisions of this article shall continue as long as:

10 1. The exercises, testing, or training for the mutual aid are
11 in progress;

12 2. The state of emergency or the disaster remains in effect;
13 or

14 3. Loaned resources remain in the requesting jurisdiction.]

15 (I) TAKE EFFECT WHEN RESOURCES LOANED UNDER THE
16 TERMS AND CONDITIONS OF THIS COMPACT BY THE RESPONDING PARTY
17 JURISDICTION ARRIVE IN THE REQUESTING PARTY JURISDICTION; AND

18 (II) CONTINUE IN EFFECT AS LONG AS RESOURCES
19 LOANED UNDER THE TERMS AND CONDITIONS OF THIS COMPACT BY THE
20 RESPONDING PARTY JURISDICTION REMAIN IN THE REQUESTING PARTY
21 JURISDICTION.

22 (4) Article 4. Liability.

23 (d) (1) Officers or emergency responders of a party jurisdiction
24 rendering aid in another jurisdiction pursuant to this Compact shall be considered agents
25 of the requesting PARTY jurisdiction for tort liability and immunity purposes.

26 (2) No party jurisdiction or its officers or emergency responders
27 rendering aid in another PARTY jurisdiction pursuant to this Compact shall be liable on
28 account of any act or omission in good faith on the part of responding personnel while so
29 engaged or on account of the maintenance or use of any equipment or supplies in connection
30 therewith.

31 (3) Good faith in this article shall not include willful misconduct,
32 gross negligence, or recklessness.

1 (5) Article 5. Supplementary Agreements.

2 (e) (1) Nothing in this Compact shall:

3 (i) Preclude any jurisdiction from entering into
4 supplementary agreements with another jurisdiction; or

5 (ii) Affect any other agreements between jurisdictions.

6 (2) Supplementary agreements may include, but are not limited to:

7 (i) Provisions for evacuation and reception of injured and
8 other persons; and

9 (ii) The exchange of medical, fire, police, public utility,
10 reconnaissance, welfare, transportation, and communications personnel, equipment, and
11 supplies.

12 (6) Article 6. Reimbursement.

13 (f) (1) Each party jurisdiction shall provide for the payment of workers'
14 compensation and death benefits to injured members of the emergency responders of its
15 own jurisdiction.

16 (2) The requesting **PARTY** jurisdiction will reimburse the
17 responding **PARTY** jurisdiction for all reasonable and necessary expenses incurred by the
18 responding **PARTY** jurisdiction provided that any responding jurisdiction may:

19 (i) Assume in whole or in part such loss, damage, expense, or
20 other cost;

21 (ii) Loan equipment or donate services to the requesting
22 **PARTY** jurisdiction without charge or cost; and

23 (iii) Agree to any allocation of expenses between the
24 responding and requesting **[jurisdiction] PARTY JURISDICTIONS**.

25 (3) Any two or more **PARTY** jurisdictions may enter into
26 supplemental agreements establishing a different allocation of costs among those **PARTY**
27 jurisdictions.

28 (4) Records of expenses incurred in sufficient detail to satisfy
29 auditing requirements shall be submitted **TO THE REQUESTING PARTY JURISDICTION**
30 by the responding **PARTY** jurisdiction as soon as possible following the termination of the
31 assistance provided.

1 (7) Article 7. Implementation.

2 (g) (1) Party jurisdictions are encouraged to consult frequently with
3 each other and with the Maryland Emergency Management Agency and to exchange
4 information and plans relating to emergency management.

5 (2) (I) This Compact shall become effective immediately upon its
6 enactment into law by [local] ANY TWO jurisdictions IN A FORM SUBSTANTIALLY
7 SIMILAR TO THE COMPACT SET FORTH IN THIS SUBTITLE.

8 (II) THEREAFTER, THIS COMPACT SHALL BECOME
9 EFFECTIVE AS TO ANY OTHER JURISDICTION UPON ITS ENACTMENT BY THAT
10 JURISDICTION.

11 (3) Any party jurisdiction may withdraw from this Compact by
12 enacting a repeal of the same but no such withdrawal shall take effect until 30 days after
13 the senior elected official of the withdrawing jurisdiction has given notice in writing of such
14 withdrawal to the senior elected officials of all party jurisdictions.

15 (4) Withdrawal from the Compact shall not relieve the withdrawing
16 jurisdiction from obligations assumed under Article 4 or Article 6 of this Compact prior to
17 the effective date of withdrawal.

18 (5) Authenticated copies of this Compact and of such supplementary
19 agreements as may be entered into shall at the time of their approval be retained by each
20 party jurisdiction and with the Maryland Emergency Management Agency.

21 (8) Article 8. Validity.

22 (h) (1) This Compact shall be construed to effectuate the purposes
23 stated in Article 1 hereof.

24 (2) If any part or provision of this Compact or the application thereof
25 to any person or circumstance is held invalid for any reason in a court of competent
26 jurisdiction, the invalidity does not affect other provisions or any other application of this
27 Compact which can be given effect without the invalid provision or application, and for this
28 purpose the provisions of this Compact are declared severable.

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