

Chapter 288

(Senate Bill 658)

AN ACT concerning

Maryland Department of Emergency Management – Establishment and Transfer of Maryland 9–1–1 Board

FOR the purpose of transferring the Maryland 9–1–1 Board and certain functions, powers, duties, assets, liabilities, and records from the Department of Public Safety and Correctional Services to the Maryland Department of Emergency Management; providing that certain Board members may continue to serve for a certain term; transferring certain functions, powers, and duties from the Secretary of Public Safety and Correctional Services to the Secretary of Emergency Management; renaming the Maryland Emergency Management Agency to be the Maryland Department of Emergency Management; establishing the Maryland Department of Emergency Management as a principal department of the Executive Branch of State government; providing that the head of the Maryland Department of Emergency Management is the Secretary of Emergency Management; requiring the Secretary of Emergency Management to be appointed by the Governor, with the advice and consent of the Senate; providing for the term and salary of the Secretary of Emergency Management and requiring the Secretary of Emergency Management to devote full time to certain duties; specifying that the Maryland Department of Emergency Management is the successor of the Maryland Emergency Management Agency; providing that this Act does not affect the term of office of an appointed or elected member of any commission, office, department, agency, or other unit; providing for the continuity of certain transactions, employment status, rights, duties, and interests; specifying that certain employees in budgeted positions of the Maryland Emergency Management Agency or the Department of Public Safety and Correctional Services whose positions are transferred to the Maryland Department of Emergency Management are transferred without any change or loss of rights or status; providing for the continuity of certain units and their personnel records and other properties; requiring that certain letterheads, business cards, and other documents may not be used until other documents already in print have been used; requiring the publisher of the Annotated Code of Maryland, in consultation with and subject to the approval of the Department of Legislative Services, to correct any cross–references or terminology rendered incorrect by this Act and to describe any corrections made in an editor’s note following the section affected; altering a certain short title; making conforming and stylistic changes; defining certain terms; and generally relating to the Maryland Department of Emergency Management.

BY repealing and reenacting, without amendments,
Article – Public Safety
Section 1–301(a) and 8–101(a)
Annotated Code of Maryland
(2018 Replacement Volume and 2020 Supplement)

BY repealing and reenacting, with amendments,

Article – Public Safety

Section 1–301(u), 1–305(a), 8–101(b)(1) and (h) through (n), 8–102(c) and (e)(1), 8–103(a)(1) and (c)(7)(iii) and (iv), 8–104(a)(2)(i) and (3)(i), (b)(3), (d)(2)(ii), and (e)(1), (3)(i), (5)(ii), (6), (7)(ii) and (iii), and (8)(iii), 8–105(a)(1) and (b)(1), 8–106(b)(1), and 13–501(c); 14–101, 14–102(a), 14–103, 14–104, 14–106(a)(1), 14–107(b)(2) and (c)(1), 14–108(b)(4), 14–109(c)(1), 14–110, 14–112(c)(1) and (2), 14–115, and 14–116(b) and (c) to be under the amended subtitle “Subtitle 1. Maryland Emergency Management Act”; and 14–201(c), 14–603, and 14–803

Annotated Code of Maryland

(2018 Replacement Volume and 2020 Supplement)

BY repealing

Article – Public Safety

Section 8–101(g) and 14–101.1

Annotated Code of Maryland

(2018 Replacement Volume and 2020 Supplement)

BY adding to

Article – Public Safety

Section 8–101(n)

Annotated Code of Maryland

(2018 Replacement Volume and 2020 Supplement)

BY repealing and reenacting, with amendments,

Article – State Government

Section 8–201, 9–2901(c)(9), and 10–1503(b)(17)

Annotated Code of Maryland

(2014 Replacement Volume and 2020 Supplement)

BY repealing and reenacting, with amendments,

Article – Environment

Section 5–803(h)(3)(ii)

Annotated Code of Maryland

(2013 Replacement Volume and 2020 Supplement)

BY repealing and reenacting, with amendments,

Article – General Provisions

Section 4–314.1(b)(5)

Annotated Code of Maryland

(2019 Replacement Volume and 2020 Supplement)

BY repealing and reenacting, with amendments,

Article – Health – General

Section 17–602(c)(5) and 17–701(e)
Annotated Code of Maryland
(2019 Replacement Volume and 2020 Supplement)

BY repealing and reenacting, with amendments,
Article – Labor and Employment
Section 9–232(a)
Annotated Code of Maryland
(2016 Replacement Volume and 2020 Supplement)

BY repealing and reenacting, with amendments,
Article – Natural Resources
Section 3–1005(a)(9) and 3–1015(a)
Annotated Code of Maryland
(2018 Replacement Volume and 2020 Supplement)

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

Article – Public Safety

1–301.

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

(u) “Secretary” means the Secretary of [Public Safety and Correctional Services]
EMERGENCY MANAGEMENT.

1–305.

(a) There is a Maryland 9–1–1 Board in the **MARYLAND** Department of [Public Safety and Correctional Services] **EMERGENCY MANAGEMENT.**

Subtitle 1. Maryland Emergency Management [Agency] Act.

14–101.

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

(b) [“Director” means the Director of MEMA.] **“DEPARTMENT” MEANS THE MARYLAND DEPARTMENT OF EMERGENCY MANAGEMENT.**

(c) “Emergency” means the imminent threat or occurrence of severe or widespread loss of life, injury, or other health impacts, property damage or destruction, social or economic disruption, or environmental degradation from natural, technological, or human-made causes.

(d) (1) “Emergency management” means the planning, implementing, and conducting of risk reduction and consequence management activities across the mission areas of prevention, protection, mitigation, response, and recovery to enhance preparedness, save lives, preserve public health and safety, protect public and private property, and minimize or repair injury and damage that results or may result from emergencies.

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

(e) **“LOCAL ORGANIZATION FOR EMERGENCY MANAGEMENT” MEANS AN ORGANIZATION ESTABLISHED BY A POLITICAL SUBDIVISION OR OTHER LOCAL AUTHORITY UNDER § 14–109 OF THIS SUBTITLE.**

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

(G) **“SECRETARY” MEANS THE SECRETARY OF EMERGENCY MANAGEMENT.**

[(f)] (H) “Senior elected official” means:

(1) the mayor;

(2) the county executive;

(3) for a county that does not have a county executive, the president of the board of county commissioners or county council or other chief executive officer of the county; or

(4) for a municipal corporation that does not have a mayor, the burgess, chairperson, or president of the municipal governing body or other chief executive officer of the municipal corporation.

[14–101.1.

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

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

(c) “MEMA” means the Maryland Emergency Management Agency.]

14–102.

(a) To ensure that the State will be adequately prepared to deal with emergencies, to protect the public peace, health, and safety in the State, to preserve the lives and property of the people of the State, and to ensure the social and economic resilience of the State, it is necessary to:

- (1) establish a Maryland **DEPARTMENT OF** Emergency Management [Agency];
- (2) authorize the establishment of local organizations for emergency management in the political subdivisions;
- (3) confer on the Governor and on the senior elected officials or governing bodies of the political subdivisions the emergency powers provided in this subtitle;
- (4) provide for the rendering of mutual aid among the political subdivisions and with other states in carrying out emergency management functions; and
- (5) authorize a comprehensive emergency management system that empowers all State departments and agencies to systematically prepare for, mitigate, respond to, and recover from potential or actual emergencies through risk reduction and consequence management.

14–103.

(a) There is a Maryland **DEPARTMENT OF** Emergency Management [Agency in the Military Department] **ESTABLISHED AS A PRINCIPAL DEPARTMENT OF THE EXECUTIVE BRANCH OF STATE GOVERNMENT.**

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

(c) [MEMA] **THE DEPARTMENT** has primary responsibility and authority for developing emergency management policies and is responsible for coordinating disaster risk reduction, consequence management, and disaster recovery activities.

[(d)] (C) [MEMA] **THE DEPARTMENT** may act to:

- (1) reduce the disaster risk and vulnerability of persons and property located in the State;
- (2) develop and coordinate emergency planning and preparedness; and
- (3) coordinate emergency management activities and operations:
 - (i) relating to an emergency that involves two or more State agencies;

- (ii) between State agencies and political subdivisions;
- (iii) with local governments;
- (iv) with agencies of the federal government and other states; and
- (v) with private and nonprofit entities.

14–104.

[(a) The Governor shall appoint the Director of MEMA.

(b) The Director serves at the pleasure of the Governor.

(c) (1) The Director is in the executive service of the State Personnel Management System and is entitled to the salary provided in the State budget.

(2) The Director's employment is not subject to the conditions and limitations of the State Personnel and Pensions Article.]

(A) THE HEAD OF THE MARYLAND DEPARTMENT OF EMERGENCY MANAGEMENT IS THE SECRETARY OF EMERGENCY MANAGEMENT, WHO SHALL BE APPOINTED BY THE GOVERNOR WITH THE ADVICE AND CONSENT OF THE SENATE.

(B) THE SECRETARY:

(1) SERVES WITHOUT A FIXED TERM AND MAY BE REMOVED BY THE GOVERNOR;

(2) IS ENTITLED TO THE SALARY PROVIDED IN THE STATE BUDGET;
AND

(3) SHALL DEVOTE FULL TIME TO THE DUTIES ASSIGNED TO THE SECRETARY.

[(d)] **(C)** (1) [The Director is the executive head of MEMA.

(2)] The [Director] **SECRETARY** is responsible to the Governor for carrying out the State emergency management program.

[(3)] **(2)** If the Governor has formally declared the threat or occurrence of an emergency, the [Director] **SECRETARY** shall coordinate the activities of all organizations for emergency management operations in the State.

[(4)] (3) The [Director] **SECRETARY**, in collaboration with other public and private agencies in the State, shall develop or cause to be developed mutual aid agreements for reciprocal emergency aid and assistance in case of emergency of an extreme nature that affects two or more political subdivisions.

[(5)] (4) The [Director] **SECRETARY** shall maintain liaison and cooperate with emergency management agencies and organizations of other states and the federal government.

[(e)] (D) The [Director] **SECRETARY** may employ personnel in accordance with the State budget and subject to the conditions and limitations of the State Personnel and Pensions Article.

[(f)] (E) The [Director] **SECRETARY** may make expenditures within the appropriations in the State budget or from other money made available to the [Director] **SECRETARY** for purposes of emergency management as necessary to carry out this subtitle.

14–106.

(a) (1) The Governor:

(i) has control of and is responsible for [MEMA] **THE DEPARTMENT**; and

(ii) is responsible for carrying out this subtitle.

14–107.

(b) (2) Each executive order or proclamation shall be:

(i) disseminated promptly by means calculated to publicize its contents; and

(ii) unless prevented or impeded by the circumstances of the emergency, filed promptly with:

1. [MEMA] **THE DEPARTMENT**;

2. the State Archives; and

3. the chief local records–keeping agency in the area to which the executive order or proclamation applies.

(c) (1) After the Governor declares a state of emergency, the [Director] **SECRETARY** shall coordinate the activities of the agencies of the State and of those political

subdivisions included in the declaration in all actions that serve to prevent or alleviate the ill effects of the imminent or actual emergency.

14–108.

(b) (4) Each executive order shall be:

(i) disseminated promptly by means calculated to publicize its contents; and

(ii) filed promptly with:

1. [MEMA] THE DEPARTMENT;

2. the State Archives; and

3. each agency of the State or a political subdivision that is authorized by the order to use resources in the other state or responsible for the enforcement of any provisions that are suspended by the executive order.

14–109.

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

14–110.

(a) (1) Each county shall:

(i) prepare an Emergency Preparedness Plan for responding to an emergency that involves hazardous materials or controlled hazardous substances, as defined in the Environment Article; and

(ii) review the Plan annually and submit any changes to the [Director] SECRETARY so that the [Director] SECRETARY may maintain current and accurate information about the Plan.

(2) Each county shall submit its Emergency Preparedness Plan to the [Director] SECRETARY on or before October 1, 1998.

(b) (1) A local organization for emergency management shall submit to the [Director] SECRETARY a radiological emergency response plan if the political subdivision in which the local organization for emergency management is located:

(i) falls within the plume or ingestion zone of a commercial nuclear reactor; or

(ii) might reasonably be expected to host evacuees from another jurisdiction in a plume or ingestion zone.

(2) The radiological emergency response plan shall provide for the evacuation of the residents of the political subdivision as a result of an emergency caused by a dangerous release of radiation.

14–112.

(c) (1) In carrying out this subtitle, the Governor, [Director] **SECRETARY**, and executive officers or governing bodies of the political subdivisions shall use the services, equipment, supplies, and facilities of existing agencies and units of the State and the political subdivisions to the maximum extent practicable.

(2) The officers and personnel of the agencies and units of the State and the political subdivisions shall cooperate with and extend services and facilities to the Governor, Adjutant General, [Director] **SECRETARY**, and the local organizations for emergency management on request.

14–115.

This subtitle may be cited as the Maryland Emergency Management [Agency] Act.

14–116.

(b) (1) Each principal department shall:

(i) develop a continuity of operations plan to maintain department operations if an emergency or other crisis disrupts normal operations;

(ii) annually update the continuity of operations plan; and

(iii) submit the continuity of operations plan and updates to [MEMA]

THE DEPARTMENT.

(2) Each continuity of operations plan shall include information regarding:

(i) the delineation of essential functions;

(ii) the delegation of authority;

(iii) the safekeeping of and access to essential records, including electronic records;

- (iv) continuity locations;
- (v) continuity communications;
- (vi) human resources planning;
- (vii) devolution of essential functions;
- (viii) reconstitution; and
- (ix) program validation through testing, training, and exercises.

(3) **[MEMA] THE DEPARTMENT** shall develop guidelines and serve as the coordinating agency to assist each principal department to write and maintain a continuity of operations plan.

(4) **[MEMA] THE DEPARTMENT** may resolve conflicts between principal department continuity of operations plans.

(c) (1) To ensure the State can continue to provide essential government functions during and after an emergency, **[MEMA] THE DEPARTMENT** shall work with each principal department to develop and maintain a continuity of government plan.

(2) The continuity of government plan shall include the continuity of operations for essential government functions as identified by the principal departments.

(3) **[MEMA] THE DEPARTMENT** shall:

(i) present the continuity of government plan to the Governor and, in accordance with § 2-1257 of the State Government Article, the General Assembly by the end of the first calendar year of each gubernatorial term; and

(ii) review for revision the continuity of government plan at least once every 4 years.

Article – State Government

8–201.

(a) The Executive Branch of the State government shall have not more than 21 principal departments, each of which shall embrace a broad, functional area of that Branch.

(b) The principal departments of the Executive Branch of the State government are:

- (1) Aging;
- (2) Agriculture;
- (3) Budget and Management;
- (4) Commerce;
- (5) Disabilities;
- (6) **EMERGENCY MANAGEMENT;**
- (7) the Environment;
- [(7)] (8) General Services;
- [(8)] (9) Health;
- [(9)] (10) Housing and Community Development;
- [(10)] (11) Human Services;
- [(11)] (12) Information Technology;
- [(12)] (13) Juvenile Services;
- [(13)] (14) Labor;
- [(14)] (15) Natural Resources;
- [(15)] (16) Planning;
- [(16)] (17) Public Safety and Correctional Services;
- [(17)] (18) State Police;
- [(18)] (19) Transportation; and
- [(19)] (20) Veterans Affairs.

SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

Article – Environment

5–803.

(h) (3) (ii) Grants for automated flood warnings projects shall be conditioned to require all affected local governing bodies to:

1. Adopt a specific and compatible response plan which has been coordinated with local emergency management authorities and reviewed and approved by the Department and the Maryland **DEPARTMENT OF** Emergency Management [Agency]; and

2. Provide for financial and other commitments to properly operate and maintain the project.

Article – General Provisions

4–314.1.

(b) A custodian shall allow inspection of safety evaluation, school emergency plan, and emergency response policy records by the following entities in the performance of the entity’s official duties:

(5) the Maryland **DEPARTMENT OF** Emergency Management [Agency];

Article – Health – General

17–602.

(c) The Department shall adopt regulations for the implementation of the Program that:

(5) Provide for the release of information in the Biological Agents Registry to:

(i) State and federal law enforcement agencies and the Centers for Disease Control and Prevention pursuant to a communicable disease investigation commenced or conducted by the Department or other State or federal law enforcement agency having investigatory authority, or in connection with any investigation involving release, theft, or loss of biological agents;

(ii) The Maryland **DEPARTMENT OF** Emergency Management [Agency] and the Maryland Department of the Environment for the purposes of planning for the protection of the public in relation to the release of a biological agent and the prevention of a release of a biological agent; and

(iii) The Maryland Institute for Emergency Medical Services Systems for the purposes of providing certain specified information to:

1. A police officer, as defined in § 3–201(f) of the Public Safety Article, responding to an emergency; and

2. A fire, rescue, or emergency medical services entity, as defined in § 7–101 of the Public Safety Article, performing emergency services, responding to a fire or other emergency, or dispatched on a call for emergency services;

17–701.

(e) On or before December 31 each year, the Department shall report to:

(1) The Maryland **DEPARTMENT OF** Emergency Management [Agency] and the health officer and emergency management officials of Frederick County the number and location of BSL–3 laboratories subject to this section; and

(2) The Governor and, in accordance with § 2–1257 of the State Government Article, the General Assembly the total number of BSL–3 laboratories subject to this section.

Article – Labor and Employment

9–232.

(a) Each regularly enrolled volunteer member or trainee of the Maryland **DEPARTMENT OF** Emergency Management [Agency] established under the Maryland Emergency Management [Agency] Act is a covered employee.

Article – Natural Resources

3–1005.

(a) The Coast Smart Council shall include:

(9) The [Director of the Maryland] **SECRETARY OF** Emergency Management [Agency], or the [Director’s] **SECRETARY’S** designee;

3–1015.

(a) The Board of Public Works, in conjunction with the Department, the Department of the Environment, and the Maryland **DEPARTMENT OF** Emergency Management [Agency], shall establish criteria to evaluate whether State funds may be used to mitigate hazards associated with sea level rise inundation and coastal flooding.

Article – Public Safety

8–101.

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

(b) (1) “Administrative costs” means any costs that are for administrative functions, including:

(i) billing and collection expenses;

(ii) promotion and marketing expenses;

(iii) taxes, fees, and assessments;

(iv) legal expenses; and

(v) other general and administrative costs as determined by the [Director] **SECRETARY**.

[(g) “Director” means the Director of the Maryland Emergency Management Agency.]

[(h) (G) “Encumber” means to create a legal obligation that requires a portion of an appropriation to be reserved to pay money in the future.

[(i) (H) (1) “Expenditures for fire protection” means:

(i) revenues appropriated or to be appropriated by a county for fire protection, rescue, and ambulance services; and

(ii) the proceeds of any county bonds used to finance facilities that house equipment for fire protection, rescue, and ambulance services.

(2) “Expenditures for fire protection” includes:

(i) revenues appropriated by a county to volunteer fire, rescue, and ambulance companies;

(ii) accounting and financial reporting expenses, including the costs of auditing the Fund in accordance with § 8–104 of this subtitle; and

(iii) the costs of training personnel.

(3) “Expenditures for fire protection” does not include:

(i) salaries, workers’ compensation, fringe benefits, or other personnel costs;

- (ii) administrative costs;
- (iii) capital expenditures; or

(iv) in Carroll County, appropriations for loans to a volunteer fire, rescue, or ambulance company, secured by mortgages, notes, or other evidence of indebtedness of the volunteer fire, rescue, or ambulance company, if the appropriations derive from the proceeds of bonds used to finance facilities that house equipment for fire protection, rescue, and ambulance services.

[(j)] (I) “Fund” means the Senator William H. Amoss Fire, Rescue, and Ambulance Fund.

[(k)] (J) “Legal obligation” includes:

- (1) a purchase order;
- (2) a written agreement for the purchase of goods and services;
- (3) a written agreement between a county and a volunteer fire, rescue, or ambulance company; and
- (4) a written agreement between a county and a vendor.

[(l)] (K) (1) “Qualified municipal corporation” means a municipal corporation in the State whose expenditures for fire protection from municipal sources exceed \$25,000.

(2) “Qualified municipal corporation” does not include Baltimore City.

[(m)] (L) “Rehabilitate”, with regard to a facility, does not include purchasing office equipment or incurring administrative expenses.

[(n)] (M) “Routine maintenance costs” means expenditures for activities that are:

- (1) normally established by a manufacturer or an industry trade association;
- (2) planned and performed at regular intervals; and
- (3) necessary to extend the useful life or to prevent the premature failure of building components or equipment.

(N) “SECRETARY” MEANS THE SECRETARY OF EMERGENCY MANAGEMENT.

8–102.

(c) (1) The [Director] **SECRETARY** shall administer the Fund.

(2) Subject to paragraph (3) of this subsection, the [Director] **SECRETARY** may adopt procedures to carry out this subtitle, including additional auditing and reporting requirements.

(3) The [Director] **SECRETARY** may not impose training or operational requirements as a precondition to receipt of money, except as otherwise expressly provided in this subtitle.

(e) (1) As authorized by the [Director] **SECRETARY**, the Treasurer shall make payments out of the Fund to each county on warrant of the Comptroller.

8–103.

(a) Subject to subsection (c) of this section, each county shall receive an initial allocation of money based on a percentage to be determined in the following manner:

(1) the Director of Assessments and Taxation shall certify to the [Director] **SECRETARY** each county's total percentage of land use property tax accounts, including vacant unimproved properties, relative to the statewide total of all land use property tax accounts for the first completed fiscal year immediately preceding the fiscal year for which money is to be allocated;

(c) (7) (iii) The State Fire Marshal shall:

1. adopt policies and procedures for determining if a county has participated in the Maryland Fire Incident Reporting System; and

2. certify to the [Director] **SECRETARY** by July 1 of each year whether a county has participated in the Maryland Fire Incident Reporting System during the immediately preceding fiscal year.

(iv) The Executive Director of the Maryland Institute for Emergency Medical Services Systems shall:

1. adopt policies and procedures for determining if a county has participated in the Ambulance Information System; and

2. certify to the [Director] **SECRETARY** by July 1 of each year whether a county has participated in the Ambulance Information System during the immediately preceding fiscal year.

8–104.

(a) (2) (i) If a county does not comply with the requirements of paragraph (1) of this subsection, the [Director] **SECRETARY** may withhold money allocated to the county for the fiscal year that begins after the submission of the report required under § 8–105 of this subtitle.

(3) (i) The [Director] **SECRETARY** shall automatically withhold money allocated to a county from the Fund if:

1. the county fails to comply with the requirements of paragraph (1) of this subsection for two consecutive fiscal years; and

2. no waiver has been granted by the Board of Public Works or the General Assembly in accordance with subsection (d) of this section.

(b) (3) In determining the amount of expenditures for fire protection made by a county, before certification, the [Director] **SECRETARY** shall review the financial information of the county for the first completed fiscal year before the fiscal year for which State money is appropriated.

(d) (2) (ii) The [Director] **SECRETARY** shall provide a preliminary assessment of a waiver request to the Board of Public Works.

(e) (1) The money distributed under this subtitle and allocated to a county shall be:

(i) audited in accordance with the procedures for accounting and auditing of other governmental revenues; or

(ii) accounted for in a format developed by the [Director] **SECRETARY**.

(3) (i) Money distributed under this subtitle that remains unencumbered or unexpended by the county after the second fiscal year shall be repaid to the [Director] **SECRETARY** for deposit in the Fund.

(5) (ii) Money distributed under this paragraph that remains unencumbered or unexpended by the county after the second fiscal year shall be repaid to the [Director] **SECRETARY** for deposit in the Fund.

(6) If a volunteer fire, rescue, or ambulance company creates a legal obligation to encumber money received from the Fund, the [Director] **SECRETARY** shall consider the legal obligation to be an encumbrance of the county for purposes of this subtitle.

(7) (ii) Money distributed under this subtitle to a volunteer or municipal fire, rescue, or ambulance company may be accounted for in a format developed by the [Director] **SECRETARY**.

(iii) Copies of the audit of the separate bank account shall be submitted to the respective county government and to the Maryland **DEPARTMENT OF** Emergency Management [Agency].

(8) (iii) Money held by a county or municipality under subparagraph (i) of this paragraph shall be:

1. audited in accordance with the procedures for accounting and auditing of other governmental revenues; or

2. accounted for in a format developed by the [Director] **SECRETARY**.

8–105.

(a) (1) On or before December 31 of each year, each county shall submit to the [Director] **SECRETARY** a report for the preceding fiscal year in the format provided by the [Director] **SECRETARY**.

(b) (1) Each year the [Director] **SECRETARY** shall report to the Governor and, subject to § 2–1257 of the State Government Article, to the General Assembly on the information provided by the counties on the distribution of money provided under this subtitle, including an assessment of the extent to which the purposes of this subtitle are being achieved.

8–106.

(b) (1) The [Director] **SECRETARY** may withhold money allocated for the next fiscal year under this subtitle from a county if the county does not comply with this subtitle.

13–501.

(c) (1) The Maryland Defense Force shall have the primary mission of providing competent and supplemental professional, technical, and military support to the Maryland Army National Guard, the Maryland Air National Guard, and the Maryland **DEPARTMENT OF** Emergency Management [Agency].

(2) The Maryland Defense Force shall also have other duties and missions as it may be assigned from time to time by competent authority.

14–201.

(c) “Person in emergency management service” means a person who, during the emergency period to which this subtitle is applicable, is a member of or works for the [Maryland Emergency Management Agency] **DEPARTMENT** or a local emergency management organization.

14–603.

The Governor is hereby authorized and empowered to enter into and execute, on behalf of the State of Maryland, such emergency management and civil defense compacts with other states, possessions or territories of the United States or with the District of Columbia, substantially in the form hereinbefore set forth, provided that the Board of Public Works, with the concurrence of the [Director of the Maryland Emergency Management Agency] **SECRETARY**, may approve alterations of the terms, provisions and conditions of the aforesaid proposed emergency management and civil defense compact so long as said alterations are in substantial compliance with the terms, provisions and conditions hereinbefore set forth and when the Governor, in the exercise of the power as aforesaid, enters into and executes an emergency management and civil defense compact on behalf of the State of Maryland, said compact is hereby approved and ratified and every paragraph, clause, provision, matter and thing in the said compact contained shall be obligatory on this State and the citizens thereof, and shall be forever faithfully and inviolably observed, and kept by the government of this State and all of its citizens according to the true intent and meaning of the said compact.

14–803.

(1) Article 1. Purpose.

(a) (1) The purpose of this Compact is to provide for emergency management mutual assistance between the jurisdictions entering into this Compact.

(2) This Compact also shall provide for mutual cooperation in emergency management–related exercises, testing, or other training activities.

(2) Article 2. Requests for Assistance.

(b) (1) The senior elected official of each jurisdiction shall designate authorized representatives. An authorized representative of a party jurisdiction may request assistance from another party jurisdiction by contacting an authorized representative of that jurisdiction.

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

(3) Requests may be verbal or in writing.

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

(5) Written requests shall provide the following information:

(i) The functional areas for which assistance is needed, including fire services, law enforcement, emergency medical services, transportation, communications, public works and engineering, building inspection, planning and information assistance, mass care, resource support, health and medical services, and search and rescue;

(ii) The mission, capability, size, and amount of the requested aid; and

(iii) The logistics, location, and time for staging the aid from a responding party jurisdiction.

(6) There shall be frequent consultations between the Maryland **DEPARTMENT OF** Emergency Management [Agency] and appropriate representatives of the party jurisdictions with the unhindered exchange of information and plans generally relating to emergency management.

(7) An authorized representative of the requesting party jurisdiction will advise the Maryland **DEPARTMENT OF** Emergency Management [Agency] of verbal requests and provide copies of written requests.

(3) Article 3. Limitations.

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

(2) Any party jurisdiction may withhold resources to the extent necessary to provide reasonable protection to its own jurisdiction.

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

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

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

(6) The provisions of this article shall only:

(i) Take effect when resources loaned under the terms and conditions of this Compact by the responding party jurisdiction arrive in the requesting party jurisdiction; and

(ii) Continue in effect as long as resources loaned under the terms and conditions of this Compact by the responding party jurisdiction remain in the requesting party jurisdiction.

(4) Article 4. Liability.

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

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

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

(5) Article 5. Supplementary Agreements.

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

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

(ii) Affect any other agreements between jurisdictions.

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

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

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

(6) Article 6. Reimbursement.

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

(2) The requesting party jurisdiction will reimburse the responding party jurisdiction for all reasonable and necessary expenses incurred by the responding party jurisdiction provided that any responding jurisdiction may:

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

(ii) Loan equipment or donate services to the requesting party jurisdiction without charge or cost; and

(iii) Agree to any allocation of expenses between the responding and requesting party jurisdictions.

(3) Any two or more party jurisdictions may enter into supplemental agreements establishing a different allocation of costs among those party jurisdictions.

(4) Records of expenses incurred in sufficient detail to satisfy auditing requirements shall be submitted to the requesting party jurisdiction by the responding party jurisdiction as soon as possible following the termination of the assistance provided.

(7) Article 7. Implementation.

(g) (1) Party jurisdictions are encouraged to consult frequently with each other and with the Maryland **DEPARTMENT OF** Emergency Management [Agency] and to exchange information and plans relating to emergency management.

(2) (i) This Compact shall become effective immediately upon its enactment into law by any two jurisdictions in a form substantially similar to the Compact set forth in this subtitle.

(ii) Thereafter, this Compact shall become effective as to any other jurisdiction upon its enactment by that jurisdiction.

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

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

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

(8) Article 8. Validity.

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

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

Article – State Government

9–2901.

(c) The Council consists of the following members:

(9) the [Executive Director of the Maryland Emergency Management Agency] **SECRETARY OF EMERGENCY MANAGEMENT**, or the [Executive Director's] **SECRETARY'S** designee;

10–1503.

(b) The Council consists of the following 37 members:

(17) the [Director of the Maryland Emergency Management Agency] **SECRETARY OF EMERGENCY MANAGEMENT**;

SECTION 3. AND BE IT FURTHER ENACTED, That:

(a) The Maryland Department of Emergency Management is the successor of the Maryland Emergency Management Agency.

(b) In every law, executive order, rule, regulation, policy, or document created by an official, an employee, or a unit of this State, the names and titles of those agencies and officials mean the names and titles of the successor agency or official.

SECTION 4. AND BE IT FURTHER ENACTED, That nothing in this Act affects the term of office of an appointed or elected member of any board, commission, office, department, agency, or other unit. An individual who is a member of a unit on the effective date of this Act shall remain for the balance of the term to which appointed or elected, unless the member sooner dies, resigns, or is removed under provisions of law.

SECTION 5. AND BE IT FURTHER ENACTED, That any transaction or employment status affected by or flowing from any change of nomenclature or any statute amended by this Act and validly entered into or existing before the effective date of this Act and every right, duty, or interest flowing from a statute amended by this Act remains valid after the effective date of this Act and may be terminated, completed, consummated, or enforced as required or allowed by any statute amended by this Act as though the amendment had not occurred. If a change in nomenclature involves a change in name or designation of any State unit, the successor unit shall be considered in all respects as having the powers and obligations granted the former unit.

SECTION 6. AND BE IT FURTHER ENACTED, That all persons who, as of September 30, 2021, are employees in budgeted positions in the Maryland Emergency Management Agency or the Department of Public Safety and Correctional Services and whose positions are transferred to the Maryland Department of Emergency Management as provided by this Act are hereby transferred to the Maryland Department of Emergency Management without any change or loss in pay, working conditions, benefits, rights or status, and shall retain any merit system and retirement status they may have on the date of transfer.

SECTION 7. AND BE IT FURTHER ENACTED, That, except as provided in Section 11 of this Act:

(1) the continuity of every board, commission, office, department, agency, or other unit is retained; and

(2) the personnel, records, files, furniture, fixtures, and other properties and all appropriations, credits, assets, liabilities, and obligations of each retained unit are continued as the personnel, records, files, furniture, fixtures, properties, appropriations, credits, assets, liabilities, and obligations of the unit under the laws enacted by this Act.

SECTION 8. AND BE IT FURTHER ENACTED, That letterhead, business cards, and other documents reflecting the renaming of the Maryland Emergency Management Agency to be the Maryland Department of Emergency Management may not be used until all letterhead, business cards, and other documents already in print and reflecting the name of the Agency before the effective date of this Act have been used.

SECTION 9. AND BE IT FURTHER ENACTED, That the publisher of the Annotated Code of Maryland, in consultation with and subject to the approval of the Department of Legislative Services, shall correct, with no further action required by the General Assembly, cross-references and terminology rendered incorrect by this Act. The

publisher shall adequately describe any correction made in an editor's note following the section affected.

SECTION 10. AND BE IT FURTHER ENACTED, That a member of the Maryland 9–1–1 Board in the Department of Public Safety and Correctional Services before October 1, 2021, shall continue to serve on the Maryland 9–1–1 Board in the Maryland Department of Emergency Management for the remainder of the member's term.

SECTION 11. AND BE IT FURTHER ENACTED, That, on October 1, 2021:

(1) all the functions, powers, duties, assets, liabilities, and records of the Maryland 9–1–1 Board in the Department of Public Safety and Correctional Services shall be transferred to the Maryland 9–1–1 Board in the Maryland Department of Emergency Management; and

(2) all the functions, powers, and duties of the Secretary of Public Safety and Correctional Services with respect to the Maryland 9–1–1 Board shall be transferred to the Secretary of Emergency Management.

SECTION 12. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2021.

Approved by the Governor, May 18, 2021.