

SENATE BILL 658

P1, E4

11r2185
CF 11r2189

By: **Senators Kagan, Reilly, and Jackson**

Introduced and read first time: January 29, 2021

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

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

4 FOR the purpose of transferring the Maryland 9–1–1 Board and certain functions, powers,
5 duties, assets, liabilities, and records from the Department of Public Safety and
6 Correctional Services to the Maryland Department of Emergency Management;
7 providing that certain Board members may continue to serve for a certain term;
8 transferring certain functions, powers, and duties from the Secretary of Public Safety
9 and Correctional Services to the Secretary of Emergency Management; renaming the
10 Maryland Emergency Management Agency to be the Maryland Department of
11 Emergency Management; establishing the Maryland Department of Emergency
12 Management as a principal department of the Executive Branch of State
13 government; providing that the head of the Maryland Department of Emergency
14 Management is the Secretary of Emergency Management; requiring the Secretary of
15 Emergency Management to be appointed by the Governor, with the advice and
16 consent of the Senate; providing for the term and salary of the Secretary of
17 Emergency Management and requiring the Secretary of Emergency Management to
18 devote full time to certain duties; specifying that the Maryland Department of
19 Emergency Management is the successor of the Maryland Emergency Management
20 Agency; providing that this Act does not affect the term of office of an appointed or
21 elected member of any commission, office, department, agency, or other unit;
22 providing for the continuity of certain transactions, employment status, rights,
23 duties, and interests; specifying that certain employees in budgeted positions of the
24 Maryland Emergency Management Agency whose positions are transferred to the
25 Maryland Department of Emergency Management are transferred without any
26 change or loss of rights or status; providing for the continuity of certain units and
27 their personnel records and other properties; requiring that certain letterheads,
28 business cards, and other documents may not be used until other documents already
29 in print have been used; requiring the publisher of the Annotated Code of Maryland,
30 in consultation with and subject to the approval of the Department of Legislative
31 Services, to correct any cross–references or terminology rendered incorrect by this

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Act and to describe any corrections made in an editor's note following the section
2 affected; altering a certain short title; making conforming and stylistic changes;
3 defining certain terms; and generally relating to the Maryland Department of
4 Emergency Management.

5 BY repealing and reenacting, without amendments,
6 Article – Public Safety
7 Section 1–301(a) and 8–101(a)
8 Annotated Code of Maryland
9 (2018 Replacement Volume and 2020 Supplement)

10 BY repealing and reenacting, with amendments,
11 Article – Public Safety
12 Section 1–301(u), 1–305(a), 8–101(b)(1) and (h) through (n), 8–102(c) and (e)(1),
13 8–103(a)(1) and (c)(7)(iii) and (iv), 8–104(a)(2)(i) and (3)(i), (b)(3), (d)(2)(ii), and
14 (e)(1), (3)(i), (5)(ii), (6), (7)(ii) and (iii), and (8)(iii), 8–105(a)(1) and (b)(1),
15 8–106(b)(1), and 13–501(c); 14–101, 14–102(a), 14–103, 14–104, 14–106(a)(1),
16 14–107(b)(2) and (c)(1), 14–108(b)(4), 14–109(c)(1), 14–110, 14–112(c)(1) and
17 (2), 14–115, and 14–116(b) and (c) to be under the amended subtitle “Subtitle
18 1. Maryland Emergency Management Act”; and 14–201(c), 14–603, and
19 14–803
20 Annotated Code of Maryland
21 (2018 Replacement Volume and 2020 Supplement)

22 BY repealing
23 Article – Public Safety
24 Section 8–101(g) and 14–101.1
25 Annotated Code of Maryland
26 (2018 Replacement Volume and 2020 Supplement)

27 BY adding to
28 Article – Public Safety
29 Section 8–101(n)
30 Annotated Code of Maryland
31 (2018 Replacement Volume and 2020 Supplement)

32 BY repealing and reenacting, with amendments,
33 Article – State Government
34 Section 8–201, 9–2901(c)(9), and 10–1503(b)(17)
35 Annotated Code of Maryland
36 (2014 Replacement Volume and 2020 Supplement)

37 BY repealing and reenacting, with amendments,
38 Article – Environment
39 Section 5–803(h)(3)(ii)
40 Annotated Code of Maryland
41 (2013 Replacement Volume and 2020 Supplement)

1 BY repealing and reenacting, with amendments,
2 Article – General Provisions
3 Section 4–314.1(b)(5)
4 Annotated Code of Maryland
5 (2019 Replacement Volume and 2020 Supplement)

6 BY repealing and reenacting, with amendments,
7 Article – Health – General
8 Section 17–602(c)(5) and 17–701(e)
9 Annotated Code of Maryland
10 (2019 Replacement Volume and 2020 Supplement)

11 BY repealing and reenacting, with amendments,
12 Article – Labor and Employment
13 Section 9–232(a)
14 Annotated Code of Maryland
15 (2016 Replacement Volume and 2020 Supplement)

16 BY repealing and reenacting, with amendments,
17 Article – Natural Resources
18 Section 3–1005(a)(9) and 3–1015(a)
19 Annotated Code of Maryland
20 (2018 Replacement Volume and 2020 Supplement)

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

23 **Article – Public Safety**

24 1–301.

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

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

28 1–305.

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

31 Subtitle 1. Maryland Emergency Management [Agency] Act.

32 14–101.

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

1 (b) **["Director" means the Director of MEMA.] "DEPARTMENT" MEANS THE**
2 **MARYLAND DEPARTMENT OF EMERGENCY MANAGEMENT.**

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

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

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

16 (e) **"LOCAL ORGANIZATION FOR EMERGENCY MANAGEMENT" MEANS AN**
17 **ORGANIZATION ESTABLISHED BY A POLITICAL SUBDIVISION OR OTHER LOCAL**
18 **AUTHORITY UNDER § 14-109 OF THIS SUBTITLE.**

19 (F) "Political subdivision" means a county or municipal corporation of the State.

20 (G) **"SECRETARY" MEANS THE SECRETARY OF EMERGENCY MANAGEMENT.**

21 [(f)] (H) "Senior elected official" means:

22 (1) the mayor;

23 (2) the county executive;

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

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

30 [14-101.1.

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

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

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

4 14–102.

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

9 (1) establish a Maryland **DEPARTMENT OF** Emergency Management
10 [Agency];

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

13 (3) confer on the Governor and on the senior elected officials or governing
14 bodies of the political subdivisions the emergency powers provided in this subtitle;

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

17 (5) authorize a comprehensive emergency management system that
18 empowers all State departments and agencies to systematically prepare for, mitigate,
19 respond to, and recover from potential or actual emergencies through risk reduction and
20 consequence management.

21 14–103.

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

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

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

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

30 (1) reduce the disaster risk and vulnerability of persons and property
31 located in the State;

- 1 (2) develop and coordinate emergency planning and preparedness; and
- 2 (3) coordinate emergency management activities and operations:
- 3 (i) relating to an emergency that involves two or more State
- 4 agencies;
- 5 (ii) between State agencies and political subdivisions;
- 6 (iii) with local governments;
- 7 (iv) with agencies of the federal government and other states; and
- 8 (v) with private and nonprofit entities.

9 14–104.

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

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

12 (c) (1) The Director is in the executive service of the State Personnel

13 Management System and is entitled to the salary provided in the State budget.

14 (2) The Director's employment is not subject to the conditions and

15 limitations of the State Personnel and Pensions Article.]

16 **(A) THE HEAD OF THE MARYLAND DEPARTMENT OF EMERGENCY**

17 **MANAGEMENT IS THE SECRETARY OF EMERGENCY MANAGEMENT, WHO SHALL BE**

18 **APPOINTED BY THE GOVERNOR WITH THE ADVICE AND CONSENT OF THE SENATE.**

19 **(B) THE SECRETARY:**

20 **(1) SERVES WITHOUT A FIXED TERM AND MAY BE REMOVED BY THE**

21 **GOVERNOR;**

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

23 **AND**

24 **(3) SHALL DEVOTE FULL TIME TO THE DUTIES ASSIGNED TO THE**

25 **SECRETARY.**

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

27 **(2)] The [Director] SECRETARY is responsible to the Governor for carrying**

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

3 (c) (1) After the Governor declares a state of emergency, the [Director]
4 **SECRETARY** shall coordinate the activities of the agencies of the State and of those political
5 subdivisions included in the declaration in all actions that serve to prevent or alleviate the
6 ill effects of the imminent or actual emergency.

7 14–108.

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

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

11 (ii) filed promptly with:

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

13 2. the State Archives; and

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

17 14–109.

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

22 14–110.

23 (a) (1) Each county shall:

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

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

30 (2) Each county shall submit its Emergency Preparedness Plan to the

1 [Director] **SECRETARY** on or before October 1, 1998.

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

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

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

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

12 14-112.

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

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

21 14-115.

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

23 14-116.

24 (b) (1) Each principal department shall:

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

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

28 (iii) submit the continuity of operations plan and updates to [MEMA]
29 **THE DEPARTMENT.**

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

- 1 (i) the delineation of essential functions;
- 2 (ii) the delegation of authority;
- 3 (iii) the safekeeping of and access to essential records, including
4 electronic records;
- 5 (iv) continuity locations;
- 6 (v) continuity communications;
- 7 (vi) human resources planning;
- 8 (vii) devolution of essential functions;
- 9 (viii) reconstitution; and
- 10 (ix) program validation through testing, training, and exercises.

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

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

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

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

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

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

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

27 **Article – State Government**

28 8–201.

29 (a) The Executive Branch of the State government shall have not more than 21

1 principal departments, each of which shall embrace a broad, functional area of that Branch.

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

4 (1) Aging;

5 (2) Agriculture;

6 (3) Budget and Management;

7 (4) Commerce;

8 (5) Disabilities;

9 (6) **EMERGENCY MANAGEMENT;**

10 (7) the Environment;

11 ~~[(7)]~~ (8) General Services;

12 ~~[(8)]~~ (9) Health;

13 ~~[(9)]~~ (10) Housing and Community Development;

14 ~~[(10)]~~ (11) Human Services;

15 ~~[(11)]~~ (12) Information Technology;

16 ~~[(12)]~~ (13) Juvenile Services;

17 ~~[(13)]~~ (14) Labor;

18 ~~[(14)]~~ (15) Natural Resources;

19 ~~[(15)]~~ (16) Planning;

20 ~~[(16)]~~ (17) Public Safety and Correctional Services;

21 ~~[(17)]~~ (18) State Police;

22 ~~[(18)]~~ (19) Transportation; and

23 ~~[(19)]~~ (20) Veterans Affairs.

24 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read

1 as follows:

2 **Article – Environment**

3 5–803.

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

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

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

12 **Article – General Provisions**

13 4–314.1.

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

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

18 **Article – Health – General**

19 17–602.

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

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

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

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

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

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

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

8 17–701.

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

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

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

16 Article – Labor and Employment

17 9–232.

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

21 Article – Natural Resources

22 3–1005.

23 (a) The Coast Smart Council shall include:

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

26 3–1015.

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

Article – Public Safety

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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:

1 (i) salaries, workers' compensation, fringe benefits, or other
2 personnel costs;

3 (ii) administrative costs;

4 (iii) capital expenditures; or

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

10 **[(j)] (I)** "Fund" means the Senator William H. Amoss Fire, Rescue, and
11 Ambulance Fund.

12 **[(k)] (J)** "Legal obligation" includes:

13 (1) a purchase order;

14 (2) a written agreement for the purchase of goods and services;

15 (3) a written agreement between a county and a volunteer fire, rescue, or
16 ambulance company; and

17 (4) a written agreement between a county and a vendor.

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

21 (2) "Qualified municipal corporation" does not include Baltimore City.

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

24 **[(n)] (M)** "Routine maintenance costs" means expenditures for activities that are:

25 (1) normally established by a manufacturer or an industry trade
26 association;

27 (2) planned and performed at regular intervals; and

28 (3) necessary to extend the useful life or to prevent the premature failure
29 of building components or equipment.

1 (N) "SECRETARY" MEANS THE SECRETARY OF EMERGENCY MANAGEMENT.

2 8-102.

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

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

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

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

12 8-103.

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

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

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

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

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

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

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

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

1 8–104.

2 (a) (2) (i) If a county does not comply with the requirements of paragraph
3 (1) of this subsection, the [Director] **SECRETARY** may withhold money allocated to the
4 county for the fiscal year that begins after the submission of the report required under §
5 8–105 of this subtitle.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

13 8–105.

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

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

22 8–106.

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

25 13–501.

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

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

32 14–201.

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

5 14-603.

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

21 14-803.

22 (1) Article 1. Purpose.

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

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

27 (2) Article 2. Requests for Assistance.

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

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

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

35 (4) If verbal, the request shall be confirmed in writing at the earliest

1 possible date, but no later than 10 calendar days following the verbal request.

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

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

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

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

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

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

19 (3) Article 3. Limitations.

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

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

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

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

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

1 (6) The provisions of this article shall only:

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

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

8 (4) Article 4. Liability.

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

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

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

19 (5) Article 5. Supplementary Agreements.

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

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

23 (ii) Affect any other agreements between jurisdictions.

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

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

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

30 (6) Article 6. Reimbursement.

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

1 own jurisdiction.

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

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

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

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

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

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

17 (7) Article 7. Implementation.

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

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

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

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

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

33 (5) Authenticated copies of this Compact and of such supplementary
34 agreements as may be entered into shall at the time of their approval be retained by each

1 party jurisdiction and with the Maryland **DEPARTMENT OF** Emergency Management
2 **[Agency]**.

3 (8) Article 8. Validity.

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

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

11 **Article – State Government**

12 9–2901.

13 (c) The Council consists of the following members:

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

17 10–1503.

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

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

21 **SECTION 3. AND BE IT FURTHER ENACTED, That:**

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

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

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

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

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

17 SECTION 7. AND BE IT FURTHER ENACTED, That, except as provided in Section
18 11 of this Act:

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

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

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

30 SECTION 9. AND BE IT FURTHER ENACTED, That the publisher of the
31 Annotated Code of Maryland, in consultation with and subject to the approval of the
32 Department of Legislative Services, shall correct, with no further action required by the
33 General Assembly, cross-references and terminology rendered incorrect by this Act. The
34 publisher shall adequately describe any correction made in an editor's note following the
35 section affected.

36
37 SECTION 10. AND BE IT FURTHER ENACTED, That a member of the Maryland
38 9-1-1 Board in the Department of Public Safety and Correctional Services before October
39 1, 2021, shall continue to serve on the Maryland 9-1-1 Board in the Maryland Department
40 of Emergency Management for the remainder of the member's term.

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

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

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

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