

HOUSE BILL 648

E4

0lr0116

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

Introduced and read first time: January 29, 2020

Assigned to: Health and Government Operations

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 10, 2020

CHAPTER _____

1 AN ACT concerning

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

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

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

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

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



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

Article – Public Safety

14–101.

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

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

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

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

(2) an enemy attack, act of terrorism, or public health catastrophe] **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 [preparation for and carrying out of functions in an emergency in order to save lives and to minimize and repair injury and damage that result from emergencies beyond the capabilities of local authorities] **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) “MEMA” means the Maryland Emergency Management Agency.

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

(F) “SENIOR ELECTED OFFICIAL” MEANS:

(1) THE MAYOR;

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

(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 [that are beyond the capabilities of local authorities, to provide for the common defense], to protect the public peace, health, and safety IN THE STATE, [and] 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 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 [executive heads] SENIOR ELECTED OFFICIALS or governing bodies of the political subdivisions the emergency powers provided in this subtitle; [and]

(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.

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

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

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

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

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

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

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

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

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

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

14–103.

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

(b) MEMA is a unit of State government.

(C) MEMA 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) MEMA 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.

14–801.

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

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

(c) “Compact” means the Maryland Emergency Management Assistance Compact.

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

(2) “Emergency responder” includes a:

(i) career or volunteer firefighter within this State;

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

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

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

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

(e) “Jurisdictions” means the 23 counties within Maryland, Baltimore City, the City of Annapolis, and Ocean City.

[(f) “Senior elected official” means:

(1) the mayor;

(2) the county executive; or

(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.]

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