

SENATE BILL 80

E4

0lr0118

(PRE-FILED)

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

Requested: September 24, 2019

Introduced and read first time: January 8, 2020

Assigned to: Education, Health, and Environmental Affairs

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: January 28, 2020

CHAPTER _____

1 AN ACT concerning

2 **Maryland Intrastate Emergency Management Assistance Compact**

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

13 BY repealing and reenacting, with amendments,

14 Article – Public Safety

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

17 Annotated Code of Maryland

18 (2018 Replacement Volume and 2019 Supplement)

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

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



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

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] **COMPACT**.

(c) “Compact” means the Maryland **INTRASTATE** 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] **OF A FIRE, RESCUE, OR EMERGENCY MEDICAL SERVICES ENTITY;**

(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] **OF A FIRE, RESCUE, OR EMERGENCY MEDICAL SERVICES ENTITY;**

(iv) county **OR MUNICIPAL** employee who is performing an emergency support function described in § [14–803(2)(b)(5)(ii)] **14–803(2)(B)(5)(I)** 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) “PARTY JURISDICTION” MEANS A JURISDICTION THAT ENACTS THE COMPACT IN A FORM SUBSTANTIALLY SIMILAR TO THE COMPACT SET FORTH IN THIS SUBTITLE.

[(f)] (G) “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 **OR CHAIRPERSON** of the board of county commissioners or county council or other chief executive officer of the county.

14–802.

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

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 [in managing an emergency].

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

(2) Article 2. Requests for Assistance.

(b) (1) The senior elected official of each jurisdiction shall designate [an] authorized [representative] **REPRESENTATIVES**. [The] **AN** authorized representative of a party jurisdiction may request assistance [of] **FROM** another party jurisdiction by contacting [the] **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) [A description of the emergency support function for which assistance is needed;

(ii) The emergency support function shall include, but not be limited to,] **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;

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

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

(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 Emergency Management Agency and appropriate representatives of the party jurisdictions with [free] **THE UNHINDERED** exchange of information and plans generally relating to emergency [capabilities] **MANAGEMENT**.

(7) [A senior elected official or an] **AN** authorized representative **OF THE REQUESTING PARTY JURISDICTION** will advise the Maryland 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) [(i)] The provisions of this article shall only [take effect]:

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

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

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

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

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

3. Loaned resources remain in the requesting jurisdiction.]

(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 [jurisdiction] **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 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 [local] 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 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.

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