

**SENATE BILL 242**  
**EMERGENCY BILL**

Unofficial Copy  
P1

2002 Regular Session  
2lr0173  
CF 2lr0174

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By: **The President (Administration)**

Introduced and read first time: January 18, 2002

Assigned to: Education, Health, and Environmental Affairs

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A BILL ENTITLED

1 AN ACT concerning

2 **Maryland Security Council**

3 FOR the purpose of establishing the Maryland Security Council within the Executive  
4 Department; specifying the membership and terms of the Council; providing for  
5 the compensation of Council members; providing for a Director of the Council  
6 and staff support for the Council; requiring the Council to meet at certain times;  
7 specifying the duties of the Council; requiring certain personnel to cooperate  
8 with the Council; requiring the Council to submit a certain report; defining  
9 certain terms; making this Act an emergency measure; and generally relating to  
10 the establishment of a Maryland Security Council.

11 BY adding to

12 Article - State Government

13 Section 9-2501 through 9-2509, inclusive, to be under the new subtitle "Subtitle

14 25. Maryland Security Council"

15 Annotated Code of Maryland

16 (1999 Replacement Volume and 2001 Supplement)

17 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF

18 MARYLAND, That the Laws of Maryland read as follows:

19 **Article - State Government**

20 **SUBTITLE 25. MARYLAND SECURITY COUNCIL.**

21 9-2501.

22 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS  
23 INDICATED.

24 (B) "COUNCIL" MEANS THE MARYLAND SECURITY COUNCIL.

25 (C) "DIRECTOR" MEANS THE DIRECTOR OF THE MARYLAND SECURITY  
26 COUNCIL.

1 (D) "EMERGENCY" MEANS:

2 (1) THE THREAT OR OCCURRENCE OF ANY HURRICANE, TORNADO,  
3 STORM, FLOOD, HIGH WATER, WIND-DRIVEN WATER, TIDAL WAVE, EARTHQUAKE,  
4 LANDSLIDE, MUDSLIDE, SNOWSTORM, DROUGHT, FIRE, EXPLOSION, OR OTHER  
5 CATASTROPHE IN ANY PART OF THE STATE WHICH REQUIRES STATE EMERGENCY  
6 ASSISTANCE TO SUPPLEMENT LOCAL EFFORTS IN ORDER TO SAVE LIVES AND  
7 PROTECT PUBLIC HEALTH, SAFETY, AND WELFARE; OR

8 (2) THE THREAT OR OCCURRENCE OF ANY ENEMY ATTACK, ACT OF  
9 TERRORISM, OR PUBLIC HEALTH CATASTROPHE.

10 (E) (1) "GOVERNMENTAL UNIT" MEANS A PERMANENT INSTRUMENTALITY  
11 IN THE EXECUTIVE, LEGISLATIVE, OR JUDICIAL BRANCH OF STATE GOVERNMENT.

12 (2) "GOVERNMENTAL UNIT" INCLUDES A DEPARTMENT, BOARD,  
13 COMMISSION, AGENCY, OR SUBUNIT IN THE EXECUTIVE, LEGISLATIVE, OR JUDICIAL  
14 BRANCH OF STATE GOVERNMENT.

15 9-2502.

16 THERE IS A MARYLAND SECURITY COUNCIL WITHIN THE EXECUTIVE  
17 DEPARTMENT.

18 9-2503.

19 (A) THE COUNCIL CONSISTS OF THE FOLLOWING 15 MEMBERS:

20 (1) (I) A REPRESENTATIVE OF THE GOVERNOR'S OFFICE;

21 (II) THE SECRETARY OF THE STATE POLICE;

22 (III) THE ADJUTANT GENERAL OF MARYLAND;

23 (IV) THE SECRETARY OF TRANSPORTATION;

24 (V) THE SECRETARY OF THE ENVIRONMENT;

25 (VI) THE SECRETARY OF HEALTH AND MENTAL HYGIENE;

26 (VII) THE SECRETARY OF GENERAL SERVICES; AND

27 (VIII) THE EXECUTIVE DIRECTOR OF THE MARYLAND INSTITUTE  
28 FOR EMERGENCY MEDICAL SERVICES SYSTEMS; AND

29 (2) SEVEN INDIVIDUALS APPOINTED BY THE GOVERNOR, WITH  
30 EXPERTISE AND EXPERIENCE IN EMERGENCY PREVENTION, PREPAREDNESS, AND  
31 RESPONSE, INCLUDING REPRESENTATIVES OF COUNTY GOVERNMENT, MUNICIPAL  
32 GOVERNMENT, FEDERAL GOVERNMENT, THE BUSINESS COMMUNITY, AND MEMBERS  
33 OF THE GENERAL PUBLIC.

1 (B) A MEMBER OF THE COUNCIL:

2 (1) MAY NOT RECEIVE COMPENSATION FOR DUTIES PERFORMED AS A  
3 MEMBER OF THE COUNCIL; BUT

4 (2) IS ENTITLED TO REIMBURSEMENT FOR EXPENSES UNDER THE  
5 STANDARD STATE TRAVEL REGULATIONS, AS PROVIDED IN THE STATE BUDGET.

6 (C) (1) THE TERM OF AN APPOINTED MEMBER IS 3 YEARS.

7 (2) AT THE END OF A TERM, THE APPOINTED MEMBER CONTINUES TO  
8 SERVE UNTIL A SUCCESSOR IS APPOINTED AND QUALIFIES.

9 (3) A MEMBER WHO IS APPOINTED AFTER A TERM HAS BEGUN SERVES  
10 ONLY FOR THE REST OF THE TERM AND UNTIL A SUCCESSOR IS APPOINTED AND  
11 QUALIFIES.

12 (4) THE GOVERNOR MAY REMOVE AN APPOINTED MEMBER FOR  
13 NEGLECT OF DUTY, INCOMPETENCE, OR MISCONDUCT.

14 (D) TO THE EXTENT PRACTICABLE, WHEN APPOINTING MEMBERS OF THE  
15 COUNCIL, THE GOVERNOR SHALL ASSURE GEOGRAPHIC BALANCE AND PROMOTE  
16 RACIAL DIVERSITY IN THE COUNCIL'S MEMBERSHIP.

17 9-2504.

18 (A) THE GOVERNOR SHALL DESIGNATE A CHAIRMAN FROM AMONG THE  
19 MEMBERS OF THE COUNCIL WHO SHALL SERVE AT THE PLEASURE OF THE  
20 GOVERNOR.

21 (B) (1) THE GOVERNOR SHALL APPOINT A DIRECTOR OF THE COUNCIL.

22 (2) THE DIRECTOR IS ENTITLED TO THE SALARY PROVIDED IN THE  
23 STATE BUDGET.

24 (3) UNDER THE DIRECTION OF THE COUNCIL, THE DIRECTOR SHALL  
25 PERFORM ANY DUTY OR FUNCTION THAT THE COUNCIL REQUIRES.

26 (C) THE COUNCIL SHALL EMPLOY A STAFF IN ACCORDANCE WITH THE STATE  
27 BUDGET AND SUPPLEMENTED, AS NECESSARY, WITH STAFF FROM THE APPROPRIATE  
28 STATE AGENCIES.

29 9-2505.

30 (A) THE COUNCIL SHALL MEET AT LEAST FOUR TIMES A YEAR OR AT THE  
31 DIRECTION OF THE CHAIRMAN.

32 (B) THE COUNCIL SHALL MEET AT THE TIMES AND PLACES IT DETERMINES.

1 9-2506.

2 (A) THE PURPOSE OF THE COUNCIL IS TO ASSIST THE GOVERNOR IN  
3 ENSURING THAT THE STATE MAINTAINS AN ADEQUATE AND COORDINATED  
4 STRATEGY FOR DETECTING, PREVENTING, PREPARING FOR, RESPONDING TO, AND  
5 RECOVERING FROM AN EMERGENCY IN THE STATE OR IN A PORTION OF THE STATE.

6 (B) IN FULFILLING ITS PURPOSE, THE COUNCIL SHALL:

7 (1) WORK WITH STATE AGENCIES, OTHER STATE GOVERNMENTS, LOCAL  
8 GOVERNMENTS, FEDERAL AGENCIES, AND PRIVATE ENTITIES IN THE DEVELOPMENT  
9 OF APPROPRIATE AND NECESSARY EMERGENCY MANAGEMENT PLANS;

10 (2) PERIODICALLY REVIEW AND ASSESS THE ADEQUACY OF ALL  
11 EMERGENCY MANAGEMENT PLANS DEVELOPED BY STATE AGENCIES AND, AS  
12 REQUESTED, BY LOCAL GOVERNMENTS AND PRIVATE ENTITIES;

13 (3) RECOMMEND CHANGES TO ANY EMERGENCY MANAGEMENT PLAN  
14 AND COORDINATE REVISIONS TO ANY EMERGENCY MANAGEMENT PLAN SUBMITTED  
15 TO THE COUNCIL; AND

16 (4) ENSURE, TO THE EXTENT POSSIBLE, THAT ALL APPROPRIATE AND  
17 NECESSARY INFORMATION RELATING TO THE STATE'S EMERGENCY MANAGEMENT  
18 STRATEGY IS DISSEMINATED TO AND EXCHANGED AMONG APPROPRIATE ENTITIES.

19 9-2507.

20 (A) THE COUNCIL MAY NOT BE CONSTRUED TO EXERCISE OPERATIONAL  
21 AUTHORITY OVER THE STATE'S EMERGENCY MANAGEMENT RESPONSE, EXCEPT AS  
22 DIRECTED BY THE GOVERNOR.

23 (B) CONSISTENT WITH ITS REPORTING OBLIGATIONS UNDER § 9-2508 OF THIS  
24 SUBTITLE, THE AUTHORITY OF THE COUNCIL IS ADVISORY ONLY.

25 9-2508.

26 ALL PERSONNEL IN ANY GOVERNMENTAL UNIT SHALL COOPERATE WITH THE  
27 COUNCIL IN THE DISCHARGE OF THE FUNCTIONS OF THE COUNCIL AND WITH  
28 REGARD TO ANY REASONABLE REQUEST THAT THE COUNCIL MAKES FOR  
29 INFORMATION ASSOCIATED WITH ITS PURPOSE UNDER THIS SUBTITLE.

30 9-2509.

31 ON OR BEFORE DECEMBER 1, 2002 AND ON OR BEFORE DECEMBER 1 OF EACH  
32 SUBSEQUENT YEAR, THE COUNCIL SHALL SUBMIT A REPORT TO THE GOVERNOR  
33 AND, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, TO THE  
34 GENERAL ASSEMBLY CONCERNING ITS ACTIVITIES AND RECOMMENDATIONS.

35 SECTION 2. AND BE IT FURTHER ENACTED, That this Act is an  
36 emergency measure, is necessary for the immediate preservation of the public health

1 or safety, has been passed by a yea and nay vote supported by three-fifths of all the  
2 members elected to each of the two Houses of the General Assembly, and shall take  
3 effect from the date it is enacted.