

SENATE BILL 81

E4

0lr0119

(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 **State Government – Emergency Management – Continuity Planning**

3 FOR the purpose of requiring certain principal departments of the Executive Branch to
4 develop, update, and submit to the Maryland Emergency Management Agency
5 (MEMA) certain continuity of operations plans; requiring certain continuity of
6 operations plans to include certain information; requiring MEMA to develop certain
7 guidelines and to serve as a coordinating agency under certain circumstances;
8 authorizing MEMA to resolve certain conflicts between certain continuity of
9 operations plans; requiring MEMA to work with certain principal departments of the
10 Executive Branch to develop and maintain a certain continuity of government plan;
11 requiring a certain continuity of government plan to include certain information;
12 requiring MEMA to present a certain continuity of government plan to the Governor
13 and the General Assembly by a certain time; requiring MEMA to review for revision
14 a certain continuity of government plan at certain intervals; defining a certain term;
15 stating that it is the intent of the General Assembly that MEMA shall implement
16 certain provisions of law with existing personnel and resources; and generally
17 relating to State government emergency management.

18 BY adding to

19 Article – Public Safety

20 Section 14–116

21 Annotated Code of Maryland

22 (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.



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

3 **Article – Public Safety**

4 **14-116.**

5 (A) IN THIS SECTION, “PRINCIPAL DEPARTMENT” MEANS A PRINCIPAL
6 DEPARTMENT OF THE EXECUTIVE BRANCH OF STATE GOVERNMENT ESTABLISHED
7 IN § 8-201 OF THE STATE GOVERNMENT ARTICLE.

8 (B) (1) EACH PRINCIPAL DEPARTMENT SHALL:

9 (I) DEVELOP A CONTINUITY OF OPERATIONS PLAN TO
10 MAINTAIN DEPARTMENT OPERATIONS IF AN EMERGENCY OR OTHER CRISIS
11 DISRUPTS NORMAL OPERATIONS;

12 (II) ANNUALLY UPDATE THE CONTINUITY OF OPERATIONS
13 PLAN; AND

14 (III) SUBMIT THE CONTINUITY OF OPERATIONS PLAN AND
15 UPDATES TO MEMA.

16 (2) EACH CONTINUITY OF OPERATIONS PLAN SHALL INCLUDE
17 INFORMATION REGARDING:

18 (I) THE DELINEATION OF ESSENTIAL FUNCTIONS;

19 (II) THE DELEGATION OF AUTHORITY;

20 (III) THE SAFEKEEPING OF AND ACCESS TO ESSENTIAL
21 RECORDS, INCLUDING ELECTRONIC RECORDS;

22 (IV) CONTINUITY LOCATIONS;

23 (V) CONTINUITY COMMUNICATIONS;

24 (VI) HUMAN RESOURCES PLANNING;

25 (VII) DEVOLUTION OF ESSENTIAL FUNCTIONS;

26 (VIII) RECONSTITUTION; AND

1 (IX) PROGRAM VALIDATION THROUGH TESTING, TRAINING, AND
2 EXERCISES.

3 (3) MEMA SHALL DEVELOP GUIDELINES AND SERVE AS THE
4 COORDINATING AGENCY TO ASSIST EACH PRINCIPAL DEPARTMENT TO WRITE AND
5 MAINTAIN A CONTINUITY OF OPERATIONS PLAN.

6 (4) MEMA MAY RESOLVE CONFLICTS BETWEEN PRINCIPAL
7 DEPARTMENT CONTINUITY OF OPERATIONS PLANS.

8 (C) (1) TO ENSURE THE STATE CAN CONTINUE TO PROVIDE ESSENTIAL
9 GOVERNMENT FUNCTIONS DURING AND AFTER AN EMERGENCY, MEMA SHALL
10 WORK WITH EACH PRINCIPAL DEPARTMENT TO DEVELOP AND MAINTAIN A
11 CONTINUITY OF GOVERNMENT PLAN.

12 (2) THE CONTINUITY OF GOVERNMENT PLAN SHALL INCLUDE THE
13 CONTINUITY OF OPERATIONS FOR ESSENTIAL GOVERNMENT FUNCTIONS AS
14 IDENTIFIED BY THE PRINCIPAL DEPARTMENTS.

15 (3) MEMA SHALL:

16 (I) PRESENT THE CONTINUITY OF GOVERNMENT PLAN TO THE
17 GOVERNOR AND, IN ACCORDANCE WITH § 2-1257 OF THE STATE GOVERNMENT
18 ARTICLE, THE GENERAL ASSEMBLY BY THE END OF THE FIRST CALENDAR YEAR OF
19 EACH GUBERNATORIAL TERM; AND

20 (II) REVIEW FOR REVISION THE CONTINUITY OF GOVERNMENT
21 PLAN AT LEAST ONCE EVERY 4 YEARS.

22 SECTION 2. AND BE IT FURTHER ENACTED, That it is the intent of the General
23 Assembly that the Maryland Emergency Management Agency shall implement § 14-116 of
24 the Public Safety Article, as enacted by Section 1 of this Act, with existing personnel and
25 resources.

26 SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
27 October 1, 2020.