

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

A BILL ENTITLED

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 by a certain time; requiring MEMA to review for revision a certain continuity of
14 government plan at certain intervals; defining a certain term; and generally relating
15 to State government emergency management.

16 BY adding to

17 Article – Public Safety

18 Section 14–116

19 Annotated Code of Maryland

20 (2018 Replacement Volume and 2019 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 **14–116.**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (A) IN THIS SECTION, “PRINCIPAL DEPARTMENT” MEANS A PRINCIPAL
2 DEPARTMENT OF THE EXECUTIVE BRANCH OF STATE GOVERNMENT ESTABLISHED
3 IN § 8–201 OF THE STATE GOVERNMENT ARTICLE.

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

5 (I) DEVELOP A CONTINUITY OF OPERATIONS PLAN TO
6 MAINTAIN DEPARTMENT OPERATIONS IF AN EMERGENCY OR OTHER CRISIS
7 DISRUPTS NORMAL OPERATIONS;

8 (II) ANNUALLY UPDATE THE CONTINUITY OF OPERATIONS
9 PLAN; AND

10 (III) SUBMIT THE CONTINUITY OF OPERATIONS PLAN AND
11 UPDATES TO MEMA.

12 (2) EACH CONTINUITY OF OPERATIONS PLAN SHALL INCLUDE
13 INFORMATION REGARDING:

14 (I) THE DELINEATION OF ESSENTIAL FUNCTIONS;

15 (II) THE DELEGATION OF AUTHORITY;

16 (III) THE SAFEKEEPING OF AND ACCESS TO ESSENTIAL
17 RECORDS;

18 (IV) CONTINUITY LOCATIONS;

19 (V) CONTINUITY COMMUNICATIONS;

20 (VI) HUMAN RESOURCES PLANNING;

21 (VII) DEVOLUTION OF ESSENTIAL FUNCTIONS;

22 (VIII) RECONSTITUTION; AND

23 (IX) PROGRAM VALIDATION THROUGH TESTING, TRAINING, AND
24 EXERCISES.

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

1 **(4) MEMA MAY RESOLVE CONFLICTS BETWEEN PRINCIPAL**
2 **DEPARTMENT CONTINUITY OF OPERATIONS PLANS.**

3 **(c) (1) TO ENSURE THE STATE CAN CONTINUE TO PROVIDE ESSENTIAL**
4 **GOVERNMENT FUNCTIONS DURING AND AFTER AN EMERGENCY, MEMA SHALL**
5 **WORK WITH EACH PRINCIPAL DEPARTMENT TO DEVELOP AND MAINTAIN A**
6 **CONTINUITY OF GOVERNMENT PLAN.**

7 **(2) THE CONTINUITY OF GOVERNMENT PLAN SHALL INCLUDE THE**
8 **CONTINUITY OF OPERATIONS FOR ESSENTIAL GOVERNMENT FUNCTIONS AS**
9 **IDENTIFIED BY THE PRINCIPAL DEPARTMENTS.**

10 **(3) MEMA SHALL:**

11 **(i) PRESENT THE CONTINUITY OF GOVERNMENT PLAN TO THE**
12 **GOVERNOR BY THE END OF THE FIRST CALENDAR YEAR OF EACH GUBERNATORIAL**
13 **TERM; AND**

14 **(ii) REVIEW FOR REVISION THE CONTINUITY OF GOVERNMENT**
15 **PLAN AT LEAST ONCE EVERY 4 YEARS.**

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