

HOUSE BILL 305  
EMERGENCY BILL

Unofficial Copy  
P1

2002 Regular Session  
(2r0174)

**ENROLLED BILL**

-- Commerce and Government Matters/Education, Health, and Environmental Affairs --

Introduced by **The Speaker (Administration)**

Read and Examined by Proofreaders:

\_\_\_\_\_  
Proofreader.

\_\_\_\_\_  
Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this  
\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_ o'clock, \_\_\_\_ M.

\_\_\_\_\_  
Speaker.

CHAPTER \_\_\_\_\_

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 members of the  
5 Council; specifying the terms of certain initial members of the Council;  
6 providing for the compensation of Council members; ~~providing for a Director of~~  
7 ~~the Council and staff support for the Council; requiring the Council to meet at~~  
8 ~~certain times;~~ specifying the duties of the Council; requiring certain personnel to  
9 cooperate with the Council under certain circumstances; requiring the Council  
10 to submit a certain report; defining certain terms; making this Act an  
11 emergency measure; and generally relating to the establishment of ~~a~~ the  
12 Maryland Security Council.

13 BY adding to

14 Article - State Government

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

16 25. Maryland Security Council"

1 Annotated Code of Maryland  
2 (1999 Replacement Volume and 2001 Supplement)

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

5 **Article - State Government**

6 SUBTITLE 25. MARYLAND SECURITY COUNCIL.

7 9-2501.

8 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS  
9 INDICATED.

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

11 (C) ~~"DIRECTOR" MEANS THE DIRECTOR OF THE MARYLAND SECURITY~~  
12 ~~COUNCIL.~~

13 ~~(D)~~ "EMERGENCY" MEANS:

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

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

22 ~~(E)~~ (D) (1) "GOVERNMENTAL UNIT" MEANS A PERMANENT  
23 INSTRUMENTALITY IN THE EXECUTIVE, LEGISLATIVE, OR JUDICIAL BRANCH OF  
24 STATE GOVERNMENT.

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

28 9-2502.

29 THERE IS A MARYLAND SECURITY COUNCIL WITHIN THE EXECUTIVE  
30 DEPARTMENT.

31 9-2503.

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

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

- 1 (II) THE SECRETARY OF THE STATE POLICE;
- 2 (III) THE ADJUTANT GENERAL OF MARYLAND;
- 3 (IV) THE SECRETARY OF TRANSPORTATION;
- 4 (V) THE SECRETARY OF THE ENVIRONMENT;
- 5 (VI) THE SECRETARY OF HEALTH AND MENTAL HYGIENE;
- 6 (VII) THE SECRETARY OF GENERAL SERVICES; AND
- 7 (VIII) THE EXECUTIVE DIRECTOR OF THE MARYLAND INSTITUTE
- 8 FOR EMERGENCY MEDICAL SERVICES SYSTEMS; AND

9 (2) SEVEN INDIVIDUALS APPOINTED BY THE GOVERNOR, WITH

10 EXPERTISE AND EXPERIENCE IN EMERGENCY PREVENTION, PREPAREDNESS, AND

11 RESPONSE, INCLUDING REPRESENTATIVES OF COUNTY GOVERNMENT, MUNICIPAL

12 GOVERNMENT, FEDERAL GOVERNMENT, THE BUSINESS COMMUNITY, AND MEMBERS

13 OF THE GENERAL PUBLIC OF:

- 14 (I) THE MARYLAND STATE FIREMEN'S ASSOCIATION;
- 15 (II) COUNTY GOVERNMENT;
- 16 (III) MUNICIPAL GOVERNMENT;
- 17 (IV) THE FEDERAL GOVERNMENT;
- 18 (V) THE BUSINESS COMMUNITY; AND
- 19 (VI) THE GENERAL PUBLIC.

20 (B) A MEMBER OF THE COUNCIL:

21 (1) MAY NOT RECEIVE COMPENSATION FOR DUTIES PERFORMED AS A

22 MEMBER OF THE COUNCIL; BUT

23 (2) IS ENTITLED TO REIMBURSEMENT FOR EXPENSES UNDER THE

24 STANDARD STATE TRAVEL REGULATIONS, AS PROVIDED IN THE STATE BUDGET.

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

26 (2) THE TERMS OF APPOINTED MEMBERS APPOINTED BY THE

27 GOVERNOR ARE STAGGERED AS REQUIRED BY THE TERMS PROVIDED FOR

28 APPOINTED INITIAL MEMBERS OF THE BOARD AT THE TIME OF APPOINTMENT.

29 (2) (3) AT THE END OF A TERM, THE APPOINTED MEMBER CONTINUES

30 TO SERVE UNTIL A SUCCESSOR IS APPOINTED AND QUALIFIES.

1           ~~(3)~~    (4)     A MEMBER WHO IS APPOINTED AFTER A TERM HAS BEGUN  
2 SERVES ONLY FOR THE REST OF THE TERM AND UNTIL A SUCCESSOR IS APPOINTED  
3 AND QUALIFIES.

4           ~~(4)~~    (5)     THE GOVERNOR MAY REMOVE AN APPOINTED MEMBER FOR  
5 NEGLECT OF DUTY, INCOMPETENCE, OR MISCONDUCT.

6       (D)     TO THE EXTENT PRACTICABLE, WHEN APPOINTING MEMBERS OF THE  
7 COUNCIL, THE GOVERNOR SHALL ASSURE GEOGRAPHIC BALANCE AND PROMOTE  
8 RACIAL AND GENDER DIVERSITY IN THE COUNCIL'S MEMBERSHIP.

9 9-2504.

10   ~~(A)~~     THE GOVERNOR SHALL DESIGNATE A CHAIRMAN FROM AMONG THE  
11 MEMBERS OF THE COUNCIL WHO SHALL SERVE AT THE PLEASURE OF THE  
12 GOVERNOR.

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

14           ~~(2)~~     ~~THE DIRECTOR IS ENTITLED TO THE SALARY PROVIDED IN THE~~  
15 ~~STATE BUDGET.~~

16           ~~(3)~~     ~~UNDER THE DIRECTION OF THE COUNCIL, THE DIRECTOR SHALL~~  
17 ~~PERFORM ANY DUTY OR FUNCTION THAT THE COUNCIL REQUIRES.~~

18   ~~(C)~~     ~~THE COUNCIL SHALL EMPLOY A STAFF IN ACCORDANCE WITH THE STATE~~  
19 ~~BUDGET AND SUPPLEMENTED, AS NECESSARY, WITH STAFF FROM THE APPROPRIATE~~  
20 ~~STATE AGENCIES.~~

21 9-2505.

22   ~~(A)~~     ~~THE COUNCIL SHALL MEET AT LEAST FOUR TIMES A YEAR OR AT THE~~  
23 ~~DIRECTION OF THE CHAIRMAN.~~

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

25 9-2506.

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

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

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

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

4 (3) RECOMMEND CHANGES TO ANY EMERGENCY MANAGEMENT PLAN  
5 AND COORDINATE REVISIONS TO ANY EMERGENCY MANAGEMENT PLAN SUBMITTED  
6 TO THE COUNCIL; AND

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

10 9-2507.

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

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

16 9-2508.

17 ALL PERSONNEL IN ANY GOVERNMENTAL UNIT SHALL COOPERATE WITH THE  
18 COUNCIL IN THE DISCHARGE OF THE FUNCTIONS OF THE COUNCIL AND WITH  
19 REGARD TO ANY REASONABLE REQUEST THAT THE COUNCIL MAKES FOR  
20 INFORMATION ASSOCIATED WITH ITS PURPOSE UNDER THIS SUBTITLE.

21 9-2509.

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

26 SECTION 2. AND BE IT FURTHER ENACTED, That the terms of the initial  
27 ~~appointed~~ members of the Maryland Security Council who are appointed by the  
28 Governor shall expire as follows:

29 (1) ~~two~~ 2 members in 2003;

30 (2) ~~two~~ 2 members in 2004; and

31 (3) ~~three~~ 3 members in 2005.

32 SECTION 2-3. AND BE IT FURTHER ENACTED, That this Act is an  
33 emergency measure, is necessary for the immediate preservation of the public health  
34 or safety, has been passed by a yea and nay vote supported by three-fifths of all the  
35 members elected to each of the two Houses of the General Assembly, and shall take  
36 effect from the date it is enacted.

