

HOUSE BILL 305
EMERGENCY BILL

Unofficial Copy
P1

2002 Regular Session
2lr0174
CF 2lr0173

By: The Speaker (Administration)
Introduced and read first time: January 23, 2002
Assigned to: Commerce and Government Matters

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.