

HOUSE BILL 305
EMERGENCY BILL

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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

Committee Report: Favorable with amendments
House action: Adopted
Read second time: March 13, 2002

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"
17 Annotated Code of Maryland
18 (1999 Replacement Volume and 2001 Supplement)

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

1

Article - State Government

2

SUBTITLE 25. MARYLAND SECURITY COUNCIL.

3 9-2501.

4 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
5 INDICATED.

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

7 (C) "DIRECTOR" MEANS THE DIRECTOR OF THE MARYLAND SECURITY
8 COUNCIL.

9 (D) "EMERGENCY" MEANS:

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

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

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

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

23 9-2502.

24 THERE IS A MARYLAND SECURITY COUNCIL WITHIN THE EXECUTIVE
25 DEPARTMENT.

26 9-2503.

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

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

29 (II) THE SECRETARY OF THE STATE POLICE;

30 (III) THE ADJUTANT GENERAL OF MARYLAND;

31 (IV) THE SECRETARY OF TRANSPORTATION;

32 (V) THE SECRETARY OF THE ENVIRONMENT;

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

2 (VII) THE SECRETARY OF GENERAL SERVICES; AND

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

5 (2) SEVEN INDIVIDUALS APPOINTED BY THE GOVERNOR, WITH
6 EXPERTISE AND EXPERIENCE IN EMERGENCY PREVENTION, PREPAREDNESS, AND
7 RESPONSE, INCLUDING REPRESENTATIVES ~~OF COUNTY GOVERNMENT, MUNICIPAL~~
8 ~~GOVERNMENT, FEDERAL GOVERNMENT, THE BUSINESS COMMUNITY, AND MEMBERS~~
9 ~~OF THE GENERAL PUBLIC OF:~~

10 (I) THE MARYLAND STATE FIREMEN'S ASSOCIATION;

11 (II) COUNTY GOVERNMENT;

12 (III) MUNICIPAL GOVERNMENT;

13 (IV) THE FEDERAL GOVERNMENT;

14 (V) THE BUSINESS COMMUNITY; AND

15 (VI) THE GENERAL PUBLIC.

16 (B) A MEMBER OF THE COUNCIL:

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

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

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

22 (2) THE TERMS OF APPOINTED MEMBERS ARE STAGGERED AS
23 REQUIRED BY THE TERMS PROVIDED FOR APPOINTED MEMBERS OF THE BOARD AT
24 THE TIME OF APPOINTMENT.

25 ~~(2)~~ (3) AT THE END OF A TERM, THE APPOINTED MEMBER CONTINUES
26 TO SERVE UNTIL A SUCCESSOR IS APPOINTED AND QUALIFIES.

27 ~~(3)~~ (4) A MEMBER WHO IS APPOINTED AFTER A TERM HAS BEGUN
28 SERVES ONLY FOR THE REST OF THE TERM AND UNTIL A SUCCESSOR IS APPOINTED
29 AND QUALIFIES.

30 ~~(4)~~ (5) THE GOVERNOR MAY REMOVE AN APPOINTED MEMBER FOR
31 NEGLIGENCE OF DUTY, INCOMPETENCE, OR MISCONDUCT.

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

4 9-2504.

5 (A) THE GOVERNOR SHALL DESIGNATE A CHAIRMAN FROM AMONG THE
6 MEMBERS OF THE COUNCIL WHO SHALL SERVE AT THE PLEASURE OF THE
7 GOVERNOR.

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

9 (2) THE DIRECTOR IS ENTITLED TO THE SALARY PROVIDED IN THE
10 STATE BUDGET.

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

13 (C) THE COUNCIL SHALL EMPLOY A STAFF IN ACCORDANCE WITH THE STATE
14 BUDGET AND SUPPLEMENTED, AS NECESSARY, WITH STAFF FROM THE APPROPRIATE
15 STATE AGENCIES.

16 9-2505.

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

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

20 9-2506.

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

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

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

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

32 (3) RECOMMEND CHANGES TO ANY EMERGENCY MANAGEMENT PLAN
33 AND COORDINATE REVISIONS TO ANY EMERGENCY MANAGEMENT PLAN SUBMITTED
34 TO THE COUNCIL; AND

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

4 9-2507.

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

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

10 9-2508.

11 ALL PERSONNEL IN ANY GOVERNMENTAL UNIT SHALL COOPERATE WITH THE
12 COUNCIL IN THE DISCHARGE OF THE FUNCTIONS OF THE COUNCIL AND WITH
13 REGARD TO ANY REASONABLE REQUEST THAT THE COUNCIL MAKES FOR
14 INFORMATION ASSOCIATED WITH ITS PURPOSE UNDER THIS SUBTITLE.

15 9-2509.

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

20 SECTION 2. AND BE IT FURTHER ENACTED. That the terms of the initial
21 appointed members of the Maryland Security Council shall expire as follows:

22 (1) two members in 2003;

23 (2) two members in 2004; and

24 (3) three members in 2005.

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