

SENATE BILL 242  
EMERGENCY BILL

Unofficial Copy  
P1

2002 Regular Session  
2lr0173  
CF 2lr0174

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By: **The President (Administration)**

Introduced and read first time: January 18, 2002

Assigned to: Education, Health, and Environmental Affairs

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Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 19, 2002

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CHAPTER \_\_\_\_\_

1 AN ACT concerning

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

12 BY adding to

13 Article - State Government

14 Section 9-2501 through 9-2509, inclusive, to be under the new subtitle "Subtitle  
15 25. Maryland Security Council"

16 Annotated Code of Maryland

17 (1999 Replacement Volume and 2001 Supplement)

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

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**Article - State Government**

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## 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)~~ (C) "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)~~ (D) (1) "GOVERNMENTAL UNIT" MEANS A PERMANENT  
19 INSTRUMENTALITY IN THE EXECUTIVE, LEGISLATIVE, OR JUDICIAL BRANCH OF  
20 STATE GOVERNMENT.

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

24 9-2502.

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

27 9-2503.

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

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

30 (II) THE SECRETARY OF THE STATE POLICE;

31 (III) THE ADJUTANT GENERAL OF MARYLAND;

32 (IV) THE SECRETARY OF TRANSPORTATION;

- 1 (V) THE SECRETARY OF THE ENVIRONMENT;
- 2 (VI) THE SECRETARY OF HEALTH AND MENTAL HYGIENE;
- 3 (VII) THE SECRETARY OF GENERAL SERVICES; AND
- 4 (VIII) THE EXECUTIVE DIRECTOR OF THE MARYLAND INSTITUTE  
5 FOR EMERGENCY MEDICAL SERVICES SYSTEMS; AND

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

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

17 (B) A MEMBER OF THE COUNCIL:

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

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

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

23 (2) THE TERMS OF MEMBERS APPOINTED BY THE GOVERNOR ARE  
24 STAGGERED AS REQUIRED BY THE TERMS PROVIDED FOR INITIAL MEMBERS OF THE  
25 BOARD.

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

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

31 ~~(4)~~ (5) THE GOVERNOR MAY REMOVE AN APPOINTED MEMBER FOR  
32 NEGLECT 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 members of the Maryland Security Council who are appointed by the Governor shall  
22 expire as follows:

23 (1) 2 members in 2003;

24 (2) 2 members in 2004; and

25 (3) 3 members in 2005.

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

