
By: **Senator Harris**

Introduced and read first time: February 17, 2005

Assigned to: Rules

A BILL ENTITLED

1 AN ACT concerning

2 **State Government - Maryland Security Council - Abolition**

3 FOR the purpose of repealing certain provisions of law relating to the Maryland
4 Security Council; requiring the Governor's Emergency Management Advisory
5 Council to submit a certain report to the Governor and the General Assembly on
6 or before a certain date; and generally relating to the abolition of the Maryland
7 Security Council and the duties of the Emergency Management Advisory
8 Council.

9 BY repealing and reenacting, with amendments,
10 Article - Public Safety
11 Section 14-105
12 Annotated Code of Maryland
13 (2003 Volume and 2004 Supplement)

14 BY repealing
15 Article - State Government
16 Section 9-2501 through 9-2509 and the subtitle "Subtitle 25. Maryland Security
17 Council"
18 Annotated Code of Maryland
19 (2004 Replacement Volume)

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

22 **Article - Public Safety**

23 14-105.

24 (a) There is an Emergency Management Advisory Council.

25 (b) The Council consists of the members that the Governor designates,
26 including:

27 (1) fair and reasonable representation for local government;

1 (2) representation for organizations that represent volunteer firefighters
2 and rescue squads; and

3 (3) representation from manufacturing, utilities, and communications
4 industries.

5 (c) A member of the Council:

6 (1) may not receive compensation for service on the Council; but

7 (2) is entitled to reimbursement for expenses under the Standard State
8 Travel Regulations, as provided in the State budget.

9 (d) The Council shall advise the Governor on all matters that relate to
10 emergency management.

11 (E) ON OR BEFORE DECEMBER 31, 2005, AND ON OR BEFORE DECEMBER 1 OF
12 EACH YEAR THEREAFTER, THE COUNCIL SHALL SUBMIT A REPORT TO THE
13 GOVERNOR AND, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT
14 ARTICLE, TO THE GENERAL ASSEMBLY CONCERNING ITS ACTIVITIES AND
15 RECOMMENDATIONS.

16 **Article - State Government**

17 [Subtitle 25. Maryland Security Council.]

18 [9-2501.

19 (a) In this subtitle the following words have the meanings indicated.

20 (b) "Council" means the Maryland Security Council.

21 (c) "Emergency" means:

22 (1) the threat or occurrence of any hurricane, tornado, storm, flood, high
23 water, wind-driven water, tidal wave, earthquake, landslide, mudslide, snowstorm,
24 drought, fire, explosion, or other catastrophe in any part of the State which requires
25 State emergency assistance to supplement local efforts in order to save lives and
26 protect public health, safety, and welfare; or

27 (2) the threat or occurrence of any enemy attack, act of terrorism, or
28 public health catastrophe.

29 (d) (1) "Governmental unit" means a permanent instrumentality in the
30 Executive, Legislative, or Judicial Branch of State government.

31 (2) "Governmental unit" includes a department, board, commission,
32 agency, or subunit in the Executive, Legislative, or Judicial Branch of State
33 government.]

1 [9-2502.

2 There is a Maryland Security Council within the Executive Department.]

3 [9-2503.

4 (a) The Council consists of the following 15 members:

5 (1) (i) a representative of the Governor's office;

6 (ii) the Secretary of State Police;

7 (iii) the Adjutant General of Maryland;

8 (iv) the Secretary of Transportation;

9 (v) the Secretary of the Environment;

10 (vi) the Secretary of Health and Mental Hygiene;

11 (vii) the Secretary of General Services; and

12 (viii) the Executive Director of the Maryland Institute for Emergency
13 Medical Services Systems; and

14 (2) seven individuals appointed by the Governor, with expertise and
15 experience in emergency prevention, preparedness, and response, including
16 representatives of:

17 (i) the Maryland State Firemen's Association;

18 (ii) county government;

19 (iii) municipal government;

20 (iv) the federal government;

21 (v) the business community; and

22 (vi) the general public.

23 (b) A member of the Council:

24 (1) may not receive compensation for duties performed as a member of
25 the Council; but

26 (2) is entitled to reimbursement for expenses under the Standard State
27 Travel Regulations, as provided in the State budget.

28 (c) (1) The term of an appointed member is 3 years.

1 (2) The terms of members appointed by the Governor are staggered as
2 required by the terms provided for initial members of the Board.

3 (3) At the end of a term, the appointed member continues to serve until
4 a successor is appointed and qualifies.

5 (4) A member who is appointed after a term has begun serves only for
6 the rest of the term and until a successor is appointed and qualifies.

7 (5) The Governor may remove an appointed member for neglect of duty,
8 incompetence, or misconduct.

9 (d) To the extent practicable, when appointing members of the Council, the
10 Governor shall assure geographic balance and promote racial and gender diversity in
11 the Council's membership.]

12 [9-2504.

13 The Governor shall designate a chairman from among the members of the
14 Council who shall serve at the pleasure of the Governor.]

15 [9-2505.

16 The Council shall meet at the times and places it determines.]

17 [9-2506.

18 (a) The purpose of the Council is to assist the Governor in ensuring that the
19 State maintains an adequate and coordinated strategy for detecting, preventing,
20 preparing for, responding to, and recovering from an emergency in the State or in a
21 portion of the State.

22 (b) In fulfilling its purpose, the Council shall:

23 (1) work with State agencies, other state governments, local
24 governments, federal agencies, and private entities in the development of appropriate
25 and necessary emergency management plans;

26 (2) periodically review and assess the adequacy of all emergency
27 management plans developed by State agencies and, as requested, by local
28 governments and private entities;

29 (3) recommend changes to any emergency management plan and
30 coordinate revisions to any emergency management plan submitted to the Council;
31 and

32 (4) ensure, to the extent possible, that all appropriate and necessary
33 information relating to the State's emergency management strategy is disseminated
34 to and exchanged among appropriate entities.]

1 [9-2507.

2 (a) The Council may not be construed to exercise operational authority over
3 the State's emergency management response, except as directed by the Governor.

4 (b) Consistent with its reporting obligations under § 9-2508 of this subtitle,
5 the authority of the Council is advisory only.]

6 [9-2508.

7 All personnel in any governmental unit shall cooperate with the Council in the
8 discharge of the functions of the Council and with regard to any reasonable request
9 that the Council makes for information associated with its purpose under this
10 subtitle.]

11 [9-2509.

12 On or before December 1, 2002 and on or before December 1 of each subsequent
13 year, the Council shall submit a report to the Governor and, in accordance with §
14 2-1246 of this article, to the General Assembly concerning its activities and
15 recommendations.]

16 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
17 October 1, 2005.