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By: **Senator Harris**

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Committee Report: Favorable

Senate action: Adopted

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CHAPTER \_\_\_\_\_

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:

1 **Article - Public Safety**

2 14-105.

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

4 (b) The Council consists of the members that the Governor designates,  
5 including:

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

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

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

11 (c) A member of the Council:

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

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

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

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

22 **Article - State Government**

23 [Subtitle 25. Maryland Security Council.]

24 [9-2501.

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

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

27 (c) "Emergency" means:

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

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

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

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

8 [9-2502.

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

10 [9-2503.

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

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

13 (ii) the Secretary of State Police;

14 (iii) the Adjutant General of Maryland;

15 (iv) the Secretary of Transportation;

16 (v) the Secretary of the Environment;

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

18 (vii) the Secretary of General Services; and

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

21 (2) seven individuals appointed by the Governor, with expertise and  
22 experience in emergency prevention, preparedness, and response, including  
23 representatives of:

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

25 (ii) county government;

26 (iii) municipal government;

27 (iv) the federal government;

28 (v) the business community; and

29 (vi) the general public.

30 (b) A member of the Council:

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

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

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

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

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

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

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

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

17 [9-2504.

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

20 [ 9-2505.

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

22 [9-2506.

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

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

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

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

1           (3)     recommend changes to any emergency management plan and  
2 coordinate revisions to any emergency management plan submitted to the Council;  
3 and

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

7 [9-2507.

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

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

12 [9-2508.

13     All personnel in any governmental unit shall cooperate with the Council in the  
14 discharge of the functions of the Council and with regard to any reasonable request  
15 that the Council makes for information associated with its purpose under this  
16 subtitle.]

17 [9-2509.

18     On or before December 1, 2002 and on or before December 1 of each subsequent  
19 year, the Council shall submit a report to the Governor and, in accordance with §  
20 2-1246 of this article, to the General Assembly concerning its activities and  
21 recommendations.]

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