

Chapter 516

(Senate Bill 81)

AN ACT concerning

State Government – Emergency Management – Continuity Planning

FOR the purpose of requiring certain principal departments of the Executive Branch to develop, update, and submit to the Maryland Emergency Management Agency (MEMA) certain continuity of operations plans; requiring certain continuity of operations plans to include certain information; requiring MEMA to develop certain guidelines and to serve as a coordinating agency under certain circumstances; authorizing MEMA to resolve certain conflicts between certain continuity of operations plans; requiring MEMA to work with certain principal departments of the Executive Branch to develop and maintain a certain continuity of government plan; requiring a certain continuity of government plan to include certain information; requiring MEMA to present a certain continuity of government plan to the Governor and the General Assembly by a certain time; requiring MEMA to review for revision a certain continuity of government plan at certain intervals; defining a certain term; stating that it is the intent of the General Assembly that MEMA shall implement certain provisions of law with existing personnel and resources; and generally relating to State government emergency management.

BY adding to

Article – Public Safety

Section 14–116

Annotated Code of Maryland

(2018 Replacement Volume and 2019 Supplement)

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

Article – Public Safety**14–116.**

(A) IN THIS SECTION, “PRINCIPAL DEPARTMENT” MEANS A PRINCIPAL DEPARTMENT OF THE EXECUTIVE BRANCH OF STATE GOVERNMENT ESTABLISHED IN § 8–201 OF THE STATE GOVERNMENT ARTICLE.

(B) (1) EACH PRINCIPAL DEPARTMENT SHALL:

(i) DEVELOP A CONTINUITY OF OPERATIONS PLAN TO MAINTAIN DEPARTMENT OPERATIONS IF AN EMERGENCY OR OTHER CRISIS DISRUPTS NORMAL OPERATIONS;

(II) ANNUALLY UPDATE THE CONTINUITY OF OPERATIONS PLAN; AND

(III) SUBMIT THE CONTINUITY OF OPERATIONS PLAN AND UPDATES TO MEMA.

(2) EACH CONTINUITY OF OPERATIONS PLAN SHALL INCLUDE INFORMATION REGARDING:

(I) THE DELINEATION OF ESSENTIAL FUNCTIONS;

(II) THE DELEGATION OF AUTHORITY;

(III) THE SAFEKEEPING OF AND ACCESS TO ESSENTIAL RECORDS, INCLUDING ELECTRONIC RECORDS;

(IV) CONTINUITY LOCATIONS;

(V) CONTINUITY COMMUNICATIONS;

(VI) HUMAN RESOURCES PLANNING;

(VII) DEVOLUTION OF ESSENTIAL FUNCTIONS;

(VIII) RECONSTITUTION; AND

(IX) PROGRAM VALIDATION THROUGH TESTING, TRAINING, AND EXERCISES.

(3) MEMA SHALL DEVELOP GUIDELINES AND SERVE AS THE COORDINATING AGENCY TO ASSIST EACH PRINCIPAL DEPARTMENT TO WRITE AND MAINTAIN A CONTINUITY OF OPERATIONS PLAN.

(4) MEMA MAY RESOLVE CONFLICTS BETWEEN PRINCIPAL DEPARTMENT CONTINUITY OF OPERATIONS PLANS.

(C) (1) TO ENSURE THE STATE CAN CONTINUE TO PROVIDE ESSENTIAL GOVERNMENT FUNCTIONS DURING AND AFTER AN EMERGENCY, MEMA SHALL WORK WITH EACH PRINCIPAL DEPARTMENT TO DEVELOP AND MAINTAIN A CONTINUITY OF GOVERNMENT PLAN.

(2) THE CONTINUITY OF GOVERNMENT PLAN SHALL INCLUDE THE CONTINUITY OF OPERATIONS FOR ESSENTIAL GOVERNMENT FUNCTIONS AS IDENTIFIED BY THE PRINCIPAL DEPARTMENTS.

(3) MEMA SHALL:

(I) PRESENT THE CONTINUITY OF GOVERNMENT PLAN TO THE GOVERNOR AND, IN ACCORDANCE WITH § 2-1257 OF THE STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY BY THE END OF THE FIRST CALENDAR YEAR OF EACH GUBERNATORIAL TERM; AND

(II) REVIEW FOR REVISION THE CONTINUITY OF GOVERNMENT PLAN AT LEAST ONCE EVERY 4 YEARS.

SECTION 2. AND BE IT FURTHER ENACTED, That it is the intent of the General Assembly that the Maryland Emergency Management Agency shall implement § 14-116 of the Public Safety Article, as enacted by Section 1 of this Act, with existing personnel and resources.

SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2020.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 8, 2020.