

HOUSE BILL 650

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By: **Chair, Health and Government Operations Committee (By Request – Departmental – Military)**

Introduced and read first time: January 29, 2020

Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **State Government – Emergency Management – Governor Declarations**

3 FOR the purpose of requiring the Governor to designate a certain emergency area under
4 certain circumstances during a certain state of emergency; prohibiting a state of
5 emergency to continue for longer than a certain time period under certain
6 circumstances; requiring certain executive orders or proclamations to include certain
7 information; requiring that certain executive orders or proclamations be
8 disseminated and filed promptly with certain entities under certain circumstances;
9 establishing that an executive order or proclamation that declares a state of
10 emergency is authority for the activation of certain State compacts, laws, programs,
11 policies, or regulations; authorizing the Governor to call for a certain enhanced
12 coordination order of emergency services under certain circumstances; establishing
13 the time frame, content, and dissemination and filing of a certain enhanced
14 coordination order; establishing the authority granted to the Governor by a certain
15 enhanced coordination order and a certain proclamation of a state of emergency;
16 authorizing the Governor to use certain resources or suspend the effect of certain
17 statutes, rules, or regulations after a certain proclamation of a state of emergency or
18 if petitioned for assistance under certain circumstances; authorizing the General
19 Assembly to terminate a certain executive order; requiring the Governor to issue a
20 certain executive order or proclamation after the General Assembly terminates a
21 certain executive order; making stylistic changes; and generally relating to State
22 government emergency management and gubernatorial declarations.

23 BY repealing and reenacting, with amendments,
24 Article – Public Safety
25 Section 14–107, 14–108, and 14–303
26 Annotated Code of Maryland
27 (2018 Replacement Volume and 2019 Supplement)

28 BY adding to

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Article – Public Safety
2 Section 14–107.1
3 Annotated Code of Maryland
4 (2018 Replacement Volume and 2019 Supplement)

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

7 **Article – Public Safety**

8 14–107.

9 (a) (1) If the Governor finds that an emergency has developed or is impending
10 [due to any cause], the Governor shall declare a state of emergency by executive order or
11 proclamation.

12 **(2) DURING A STATE OF EMERGENCY, THE GOVERNOR SHALL**
13 **DESIGNATE THE EMERGENCY AREA WHERE PUBLIC SAFETY IS IN DANGER OR, ON**
14 **THE GOVERNOR’S REASONABLE DETERMINATION, THAT PUBLIC SAFETY IS IN**
15 **IMMEDIATE DANGER BY:**

16 **(I) THE GOVERNOR’S OWN INITIATIVE; OR**

17 **(II) THE APPLICATION TO THE GOVERNOR BY:**

18 **1. THE SENIOR ELECTED OFFICIAL OR GOVERNING BODY**
19 **OF A JURISDICTION; OR**

20 **2. THE EXECUTIVE DIRECTOR OF MEMA.**

21 **[(2)] (3)** The state of emergency continues until the Governor:

22 (i) finds that the [threat or danger] **EMERGENCY** has passed or the
23 emergency has been dealt with to the extent that emergency conditions no longer exist; and

24 (ii) terminates the state of emergency by executive order or
25 proclamation.

26 **[(3)] (4)** A state of emergency may not continue for longer than 30 days
27 unless the Governor renews the state of emergency **THROUGH EXECUTIVE ORDER OR**
28 **PROCLAMATION.**

29 **[(4)] (5)** (i) The General Assembly by joint resolution may terminate
30 a state of emergency at any time.

1 (ii) After the General Assembly terminates a state of emergency, the
2 Governor shall issue an executive order or proclamation that terminates the state of
3 emergency.

4 (b) (1) Each executive order or proclamation that declares or terminates a
5 state of emergency shall indicate:

6 (i) the nature of the emergency;

7 (ii) the area threatened; [and]

8 (iii) the conditions that have brought about the state of emergency or
9 that make possible the termination of the state of emergency; **AND**

10 **(IV) THE EFFECTIVE DATE.**

11 (2) Each executive order or proclamation shall be:

12 (i) disseminated promptly by means calculated to publicize its
13 contents; and

14 (ii) unless prevented or impeded by the circumstances of the
15 emergency, filed promptly with:

16 1. MEMA;

17 2. **THE SECRETARY OF STATE;**

18 3. the State Archives; and

19 [3.] 4. the chief local [~~records-keeping~~] **RECORD-KEEPING**
20 agency in the area to which the executive order or proclamation applies.

21 (c) (1) After the Governor declares a state of emergency, the **EXECUTIVE**
22 Director shall coordinate the activities of the agencies of the State and of those [political
23 subdivisions] **JURISDICTIONS** included in the declaration in all actions that serve to
24 prevent or alleviate the ill effects of the imminent or actual emergency.

25 (2) An executive order or proclamation that declares a state of emergency:

26 (i) activates the emergency response and recovery aspects of the
27 State and local emergency plans applicable to the [political subdivision] **JURISDICTION** or
28 area covered by the declaration; and

29 (ii) is authority for:

1 1. **THE ACTIVATION OF STATE COMPACTS, LAWS,**
2 **PROGRAMS, POLICIES, OR REGULATIONS THAT REQUIRE A DECLARED STATE OF**
3 **EMERGENCY.**

4 2. the deployment and use of resources to which the State or
5 local **EMERGENCY MANAGEMENT** plans apply; and

6 [2.] 3. the use or distribution of supplies, equipment, materials,
7 and facilities assembled, stockpiled, or arranged to be made available in accordance with
8 this subtitle or any other law that relates to emergencies.

9 [(d) (1) After declaring a state of emergency, the Governor, if the Governor
10 finds it necessary in order to protect the public health, welfare, or safety, may:

11 (i) suspend the effect of any statute or rule or regulation of an
12 agency of the State or a political subdivision;

13 (ii) direct and compel the evacuation of all or part of the population
14 from a stricken or threatened area in the State;

15 (iii) set evacuation routes and the modes of transportation to be used
16 during an emergency;

17 (iv) direct the control of ingress to and egress from an emergency
18 area, the movement of individuals in the area, and the occupancy of premises in the area;

19 (v) authorize the use of private property, in which event the owner
20 of the property shall be compensated for its use and for any damage to the property;

21 (vi) provide for temporary housing; and

22 (vii) authorize the clearance and removal of debris and wreckage.

23 (2) The powers of the Governor under this subsection are in addition to any
24 other authority vested in the Governor by law.]

25 **14-107.1.**

26 **(A) (1) IF THE GOVERNOR DETERMINES THAT THERE IS A HEIGHTENED**
27 **RISK OF AN EMERGENCY WITHIN ALL OR PART OF THE STATE, THE GOVERNOR MAY**
28 **CALL FOR AN ENHANCED COORDINATION ORDER OF EMERGENCY SERVICES IN**
29 **PREPARATION FOR A POTENTIAL EMERGENCY.**

30 **(2) AN ENHANCED COORDINATION ORDER CONTINUES UNTIL THE**
31 **GOVERNOR:**

1 **(I) FINDS THAT AN EMERGENCY HAS DEVELOPED OR IS**
2 **IMPENDING AND DECLARES A STATE OF EMERGENCY, UNDER § 14-107 OF THIS**
3 **SUBTITLE; OR**

4 **(II) FINDS THAT THE HEIGHTENED RISK OF AN EMERGENCY NO**
5 **LONGER EXISTS AND TERMINATES THE ENHANCED COORDINATION ORDER BY**
6 **EXECUTIVE ORDER OR PROCLAMATION.**

7 **(3) UNLESS THE GOVERNOR RENEWS AN ENHANCED COORDINATION**
8 **ORDER, THE ENHANCED COORDINATION ORDER MAY NOT CONTINUE FOR MORE**
9 **THAN 7 DAYS.**

10 **(4) (I) THE GENERAL ASSEMBLY MAY TERMINATE AN ENHANCED**
11 **COORDINATION ORDER UNDER THIS SECTION BY JOINT RESOLUTION AT ANY TIME.**

12 **(II) AFTER THE GENERAL ASSEMBLY TERMINATES AN**
13 **ENHANCED COORDINATION ORDER, THE GOVERNOR SHALL ISSUE AN EXECUTIVE**
14 **ORDER OR PROCLAMATION THAT TERMINATES THE ENHANCED COORDINATION**
15 **ORDER.**

16 **(B) (1) EACH ENHANCED COORDINATION ORDER SHALL STATE:**

17 **(I) THE GOVERNOR'S REASON TO BELIEVE THERE IS A**
18 **HEIGHTENED RISK OF EMERGENCY;**

19 **(II) THE AREA WITH A HEIGHTENED RISK OF EMERGENCY; AND**

20 **(III) THE EFFECTIVE DATE.**

21 **(2) EACH ENHANCED COORDINATION ORDER SHALL BE:**

22 **(I) DISSEMINATED PROMPTLY BY MEANS CALCULATED TO**
23 **PUBLICIZE ITS CONTENTS; AND**

24 **(II) FILED PROMPTLY WITH:**

25 1. **MEMA;**

26 2. **THE SECRETARY OF STATE;**

27 3. **THE STATE ARCHIVES; AND**

28 4. **THE CHIEF LOCAL RECORD-KEEPING AGENCY IN THE**
29 **AREA TO WHICH THE ENHANCED COORDINATION ORDER APPLIES.**

1 **(C) (1) AFTER THE GOVERNOR DECLARES AN ENHANCED COORDINATION**
2 **ORDER, THE EXECUTIVE DIRECTOR SHALL COORDINATE THE ACTIVITIES OF THE**
3 **AGENCIES OF THE STATE AND OF THOSE JURISDICTIONS INCLUDED IN THE**
4 **DECLARATION IN ALL ACTIONS THAT SERVE TO PREPARE FOR THE EFFECTS OF THE**
5 **POTENTIAL EMERGENCY.**

6 **(2) AN ENHANCED COORDINATION ORDER BY THE GOVERNOR**
7 **AUTHORIZES THE STATE TO:**

8 **(I) COORDINATE THE MOVEMENT OR EVACUATION OF**
9 **INDIVIDUALS OR VEHICLES INTO, IN, OR FROM THE DESIGNATED AREA;**

10 **(II) COORDINATE THE DEPLOYMENT OF RESOURCES,**
11 **INCLUDING SUPPLIES, EQUIPMENT, AND PERSONNEL, IN ANTICIPATION OF AN**
12 **EMERGENCY;**

13 **(III) PRE-POSITION RESOURCES IN THE DESIGNATED AREA; AND**

14 **(IV) AUTHORIZE THE USE OF ALTERNATE CARE SITES.**

15 **(3) AN ENHANCED COORDINATION ORDER ISSUED BY THE**
16 **GOVERNOR IS AUTHORITY FOR:**

17 **(I) THE ACTIVATION OF STATE COMPACTS, LAWS, POLICIES,**
18 **PROGRAMS, OR REGULATIONS THAT REQUIRE A DECLARED STATE OF EMERGENCY;**

19 **(II) THE DEPLOYMENT AND USE OF RESOURCES TO WHICH THE**
20 **STATE OR LOCAL EMERGENCY MANAGEMENT PLANS APPLY; AND**

21 **(III) THE USE OR DISTRIBUTION OF SUPPLIES, EQUIPMENT,**
22 **MATERIALS, AND FACILITIES ASSEMBLED, STOCKPILED, OR ARRANGED TO BE MADE**
23 **AVAILABLE IN ACCORDANCE WITH THIS SUBTITLE OR ANY OTHER LAW THAT**
24 **RELATES TO EMERGENCIES.**

25 **(4) THE ENHANCED COORDINATION ORDER HAS THE SAME EFFECT**
26 **AS A DECLARATION OF EMERGENCY FOR THE PURPOSES OF THE EMERGENCY**
27 **MANAGEMENT ASSISTANCE COMPACT UNDER § 14-701 OF THIS TITLE.**

28 14-108.

29 **(A) (1) IF THE GOVERNOR IS PETITIONED FOR ASSISTANCE BY WRITTEN**
30 **REQUEST FROM THE EXECUTIVE AUTHORITY, OR THE EXECUTIVE AUTHORITY'S**
31 **EQUIVALENT, OF A STATE THAT HAS DECLARED A STATE OF EMERGENCY, THE**

1 GOVERNOR MAY ISSUE AN EXECUTIVE ORDER AUTHORIZING THE USE OF
2 RESOURCES OR THE SUSPENSION OF THE EFFECT OF ANY STATUTE, RULE, OR
3 REGULATION UNDER THIS SECTION.

4 (2) THIS SECTION DOES NOT APPLY TO REQUESTS PLACED THROUGH
5 THE EMERGENCY MANAGEMENT ASSISTANCE COMPACT UNDER SUBTITLE 7 OF
6 THIS TITLE.

7 [(a)] (B) After [a state of emergency is declared in another state and the
8 Governor receives a written request for assistance from the executive authority of that
9 state,] the Governor ISSUES AN EXECUTIVE ORDER UNDER THIS SECTION, THE
10 GOVERNOR may:

11 (1) authorize use in the other state of personnel, equipment, supplies, or
12 materials of this State, or of a [political subdivision] JURISDICTION with the consent of
13 the [executive officer] SENIOR ELECTED OFFICIAL or governing body of the [political
14 subdivision] JURISDICTION; and

15 (2) suspend the effect of any statute or rule or regulation of an agency of
16 the State or, after consulting with the [executive officer] SENIOR ELECTED OFFICIAL or
17 governing body of a [political subdivision] JURISDICTION, a rule or regulation of an agency
18 of a [political subdivision] JURISDICTION, if the Governor finds that the suspension is
19 necessary to aid the other state with its emergency management functions.

20 [(b)] (1) The Governor shall authorize the use of resources or the suspension of
21 the effect of any statute, rule, or regulation under subsection (a) of this section by executive
22 order.]

23 [(2)] (C) An executive order issued under this section may not continue for
24 longer than 30 days unless the Governor renews the executive order.

25 (D) (1) THE GENERAL ASSEMBLY BY JOINT RESOLUTION MAY
26 TERMINATE AN EXECUTIVE ORDER UNDER THIS SECTION AT ANY TIME.

27 (2) AFTER THE GENERAL ASSEMBLY TERMINATES AN EXECUTIVE
28 ORDER ISSUED UNDER THIS SECTION, THE GOVERNOR SHALL ISSUE AN EXECUTIVE
29 ORDER OR PROCLAMATION THAT TERMINATES THE EXECUTIVE ORDER.

30 [(3)] (E) Each executive order issued under this section shall indicate:

31 (i) the nature of the emergency in the other state; [and]

32 (ii) any circumstances that make suspension of a statute, rule, or
33 regulation necessary to aid the other state with its emergency management functions; AND

1 **(III) THE EFFECTIVE DATE.**

2 **[(4)] (F)** Each executive order shall be:

3 **[(i)] (1)** disseminated promptly by means calculated to publicize
4 its contents; and

5 **[(ii)] (2)** filed promptly with:

6 **[1.] (I)** MEMA;

7 **[2.] (II)** **THE SECRETARY OF STATE;**

8 **(III)** the State Archives; and

9 **[3.] (IV)** each agency of the State or a [political subdivision]
10 **JURISDICTION** that is authorized by the order to use resources in the other state or
11 responsible for the enforcement of any provisions that are suspended by the executive order.

12 14–303.

13 **[(a)** During a public emergency in the State, the Governor may proclaim a state of
14 emergency and designate the emergency area:

15 (1) if public safety is endangered or on reasonable apprehension of
16 immediate danger to public safety; and

17 (2) on:

18 (i) the Governor’s own initiative; or

19 (ii) the application of:

20 1. the chief executive officer or governing body of a county or
21 municipal corporation; or

22 2. the Secretary of State Police.]

23 **(A) THE POWERS OF THE GOVERNOR UNDER THIS SECTION ARE IN**
24 **ADDITION TO ANY OTHER AUTHORITY VESTED IN THE GOVERNOR BY LAW.**

25 (b) After [proclaiming] **ISSUING AN OFFICIAL PROCLAMATION OF** a state of
26 emergency **IN ACCORDANCE WITH § 14–107 OF THIS TITLE**, the Governor may
27 promulgate reasonable orders, rules, or regulations that the Governor considers necessary
28 to protect life and property or calculated effectively to control and terminate the [public]
29 emergency in the emergency area, including orders, rules, or regulations to:

1 **(1) SUSPEND THE EFFECT OF ANY STATUTE, RULE, OR REGULATION**
2 **OF AN AGENCY OF THE STATE OR A JURISDICTION;**

3 **(2) DIRECT AND COMPEL THE EVACUATION OF ALL OR PART OF THE**
4 **POPULATION FROM AN EMERGENCY AREA IN THE STATE;**

5 **(3) SET EVACUATION ROUTES AND THE AUTHORIZED MODES OF**
6 **TRANSPORTATION;**

7 **(4) DIRECT THE CONTROL OF INGRESS TO AND EGRESS FROM AN**
8 **EMERGENCY AREA, THE MOVEMENT OF INDIVIDUALS IN THE AREA, AND THE**
9 **OCCUPANCY OF PREMISES IN THE AREA;**

10 **[(1)] (5)** control traffic, including public and private transportation, in the
11 emergency area;

12 **[(2)] (6)** designate specific zones in the emergency area in which the
13 occupancy and use of buildings and vehicles may be controlled;

14 **[(3)] (7)** control the movement of individuals or vehicles into, in, or from
15 the designated zones;

16 **[(4)] (8)** control places of amusement and places of assembly;

17 **[(5)] (9)** control individuals on public streets;

18 **[(6)] (10)** establish curfews;

19 **[(7)] (11)** control the sale, transportation, and use of alcoholic beverages;

20 **[(8)] (12)** control the possession, sale, carrying, and use of firearms, other
21 dangerous weapons, and ammunition;

22 **[(9)] (13)** control the storage, use, and transportation of explosives or
23 flammable materials or liquids considered to be dangerous to public safety, including
24 “Molotov cocktails”; [and]

25 **[(10)] (14)** authorize the use of alternate care sites;

26 **(15) COMPEL USE OR DISCLOSURE OF PROTECTED HEALTH**
27 **INFORMATION TO APPROPRIATE STATE AGENCIES;**

28 **(16) AUTHORIZE THE USE OF PRIVATE PROPERTY, FOR WHICH THE**
29 **OWNER OF THE PROPERTY SHALL BE COMPENSATED FOR ITS USE AND FOR ANY**

1 **DAMAGE TO THE PROPERTY;**

2 **(17) SEIZE, TAKE, OR CONDEMN PRIVATE PROPERTY, IN WHICH EVENT**
3 **THE OWNER OF THE PROPERTY SHALL BE COMPENSATED, IF, AND ONLY TO THE**
4 **EXTENT THAT, THE GOVERNOR DETERMINES THAT THE PROPERTY IS NEEDED FOR**
5 **THE PROTECTION OF THE PUBLIC, INCLUDING:**

6 **(I) TRANSPORTATION AND COMMUNICATION EQUIPMENT,**
7 **EXCEPT NEWSPAPERS AND NEWS SERVICES;**

8 **(II) FUEL OR ANY OTHER ENERGY SOURCE;**

9 **(III) FOOD, CLOTHING, EQUIPMENT, MATERIALS, MEDICINES,**
10 **AND SUPPLIES; AND**

11 **(IV) FACILITIES INCLUDING BUILDINGS AND PLANTS;**

12 **(18) PROVIDE FOR TEMPORARY HOUSING;**

13 **(19) AUTHORIZE THE CLEARANCE AND REMOVAL OF DEBRIS AND**
14 **WRECKAGE; AND**

15 **(20) UTILIZE ALL RESOURCES AVAILABLE TO STATE GOVERNMENT TO**
16 **ADDRESS THE EMERGENCY.**

17 (c) Before an order, rule, or regulation promulgated under subsection (b) of this
18 section takes effect, the Governor shall give reasonable notice of the order, rule, or
19 regulation:

20 (1) **(I) THROUGH THE OFFICIAL WEBSITE OF THE GOVERNOR IN**
21 **THE AREA BELOW THE HEADER OF THE HOMEPAGE; OR**

22 **(II) THROUGH THE GOVERNOR'S SOCIAL MEDIA ACCOUNTS;**
23 **AND**

24 **(2) (I) in a newspaper of general circulation in the emergency area;**

25 **[(2)] (II) through television or radio serving the emergency area; or,**

26 **[(3)] (III) by circulating notices or posting signs at conspicuous places in**
27 **the emergency area.**

28 (d) An order, rule, or regulation promulgated under subsection (b) of this section:

29 (1) takes effect from the time and in the manner specified in the order, rule,

1 or regulation;

2 (2) may be amended or rescinded, in the same manner as the original order,
3 by the Governor at any time during the state of emergency; and

4 (3) terminates when the Governor [declares that the state of emergency no
5 longer exists] **ISSUES AN EXECUTIVE ORDER OR A PROCLAMATION THAT TERMINATES**
6 **THE STATE OF EMERGENCY.**

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