

SENATE BILL 1187

E4

EMERGENCY BILL

4lr3557

By: **Senators Simonaire and Salling**

Constitutional Requirements Complied with for Introduction in the last 35 Days of Session

Introduced and read first time: March 13, 2024

Assigned to: Education, Energy, and the Environment

A BILL ENTITLED

1 AN ACT concerning

2 **State of Emergency – Restoration, Repair, or Replacement of Critical**
3 **Infrastructure – Suspension of State or Local Law**

4 FOR the purpose of authorizing the Governor to suspend certain State or local law if
5 necessary for the restoration, repair, or replacement of certain critical infrastructure
6 related to a state of emergency, for a certain period of time; authorizing the Governor
7 to extend a suspension of State or local law under this Act under certain
8 circumstances; authorizing the General Assembly to terminate the suspension of
9 State and local law under this Act; applying this Act retroactively; and generally
10 relating to a state of emergency and critical infrastructure.

11 BY repealing and reenacting, without amendments,
12 Article – Public Safety
13 Section 14–107(a)
14 Annotated Code of Maryland
15 (2022 Replacement Volume and 2023 Supplement)

16 BY repealing and reenacting, with amendments,
17 Article – Public Safety
18 Section 14–107(d)
19 Annotated Code of Maryland
20 (2022 Replacement Volume and 2023 Supplement)

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

23 **Article – Public Safety**

24 14–107.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

4 (2) The state of emergency continues until the Governor:

5 (i) finds that the threat or danger has passed or the emergency has
6 been dealt with to the extent that emergency conditions no longer exist; and

7 (ii) terminates the state of emergency by executive order or
8 proclamation.

9 (3) A state of emergency may not continue for longer than 30 days unless
10 the Governor renews the state of emergency.

11 (4) (i) The General Assembly by joint resolution may terminate a state
12 of emergency at any time.

13 (ii) After the General Assembly terminates a state of emergency, the
14 Governor shall issue an executive order or proclamation that terminates the state of
15 emergency.

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

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

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

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

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

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

28 (vi) provide for temporary housing; and

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

30 (2) **(I) SUBJECT TO SUBPARAGRAPHS (II) AND (III) OF THIS**
31 **PARAGRAPH, IF THE GOVERNOR FINDS IT NECESSARY TO RESTORE, REPAIR, OR**
32 **REPLACE CRITICAL INFRASTRUCTURE RELATED TO A STATE OF EMERGENCY, THE**

1 GOVERNOR MAY SUSPEND THE EFFECT OF ANY STATE OR LOCAL LAW IN ORDER TO
2 FACILITATE THE RESTORATION, REPAIR, OR REPLACEMENT OF THE CRITICAL
3 INFRASTRUCTURE FOR NOT MORE THAN 1 YEAR AFTER THE DATE THE GOVERNOR
4 DECLARED THE STATE OF EMERGENCY.

5 (II) NOTWITHSTANDING THE TERMINATION OF A STATE OF
6 EMERGENCY, THE GOVERNOR MAY EXTEND THE SUSPENSION OF STATE OR LOCAL
7 LAW AUTHORIZED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH ANNUALLY
8 UNTIL THE RESTORATION, REPAIR, OR REPLACEMENT OF CRITICAL
9 INFRASTRUCTURE RELATED TO THE STATE OF EMERGENCY IS COMPLETED.

10 (III) THE GENERAL ASSEMBLY BY JOINT RESOLUTION MAY
11 TERMINATE THE SUSPENSION OF STATE OR LOCAL LAW UNDER SUBPARAGRAPH (I)
12 OF THIS PARAGRAPH AT ANY TIME.

13 (3) The powers of the Governor under this subsection are in addition to any
14 other authority vested in the Governor by law.

15 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed to
16 apply retroactively and shall be interpreted to authorize the suspension of State or local
17 law necessary for the restoration, repair, or replacement of critical infrastructure related
18 to a state of emergency declared by the Governor on or after March 26, 2024.

19 SECTION 3. AND BE IT FURTHER ENACTED, That this Act is an emergency
20 measure, is necessary for the immediate preservation of the public health or safety, has
21 been passed by a ye and nay vote supported by three-fifths of all the members elected to
22 each of the two Houses of the General Assembly, and shall take effect from the date it is
23 enacted.