

# Executive Orders 2011



STATE OF MARYLAND

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**EXECUTIVE ORDER OF MARCH 7, 2011**

01.01.2011.01

State Coordination of State Small Business Credit Initiative

WHEREAS, On September 27, 2010, President Obama signed into law H.R. 5297, the Small Business Jobs Act of 2010 (the Jobs Act) to help increase credit availability for small businesses;

WHEREAS, The Jobs Act created the State Small Business Credit Initiative (SSBCI) and appropriated \$1.5 billion to be used by the U.S. Department of the Treasury (the Treasury) to provide direct support to states for use in programs designed to increase access to credit for small businesses which have found it increasingly difficult to get new loans to keep their businesses operating and to retain existing loans as credit standards are being tightened by banks;

WHEREAS, The Treasury will generally allocate funds to all fifty states and territories pursuant to the Jobs Act according to a statutory formula that takes into account a state's job losses in proportion to the aggregate job losses of all states and guarantees each state or territory a minimum allocation of .9% of the \$1.5 billion total allocation;

WHEREAS, The State of Maryland is being considered for an allocation of \$23,025,709 if its application is approved;

WHEREAS, Before a state is approved for participation in the SSBCI, the state must demonstrate that all actions required under state law have been taken to delegate administrative responsibility to a specific department, agency or political subdivision of the state; and

WHEREAS, There is a need for the State of Maryland to have a central administrative function to facilitate the application and administration of the funds received by the State pursuant to the SSBCI in order to maximize the economic development potential of the SSBCI to the residents of the State.

NOW, THEREFORE, I, MARTIN O'MALLEY, GOVERNOR OF THE STATE OF MARYLAND BY VIRTUE OF THE AUTHORITY VESTED IN ME BY THE CONSTITUTION AND LAWS OF MARYLAND,

HEREBY PROCLAIM THE FOLLOWING EXECUTIVE ORDER,  
EFFECTIVE IMMEDIATELY:

A. The State's Department of Business and Economic Development is designated as the entity responsible for the administration of the State Small Business Credit Initiative (SSBCI) in the State.

B. The Secretary of Business and Economic Development is designated as the official responsible for signing the application and any agreements required to be signed by the State in connection with the application, approval and administration of the SSBCI, including any requests to modify the application and agreements after execution.

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**EXECUTIVE ORDER OF MARCH 10, 2011**

01.01.2011.02

Declaration of Emergency due to Flooding

WHEREAS, Maryland is subject to a great variety of hazard events, including but not limited to naturally occurring human disasters and needs (including flooding, winter storms);

WHEREAS, Having been advised and informed by the Maryland Emergency Management Agency that there is the anticipation of the need for resources and use of State staff to assist with disaster response and relief efforts including but not limited to protective actions – evacuation and shelter – for impacted citizens;

WHEREAS, In order to facilitate the deployment and use of requisite resources within provisions of Maryland law;

WHEREAS, Use of resources of the Maryland National Guard may be required; and

WHEREAS, In order to implement the emergency powers of the Governor, an Executive Order of the Governor is appropriate.

NOW, THEREFORE, I, MARTIN O'MALLEY, GOVERNOR OF THE STATE OF MARYLAND, BY VIRTUE OF THE AUTHORITY VESTED IN

ME BY THE CONSTITUTION AND THE LAWS OF MARYLAND, INCLUDING BUT NOT LIMITED TO TITLE 14 OF THE PUBLIC SAFETY ARTICLE OF THE ANNOTATED CODE OF MARYLAND, DECLARE THAT A STATE OF EMERGENCY EXISTS IN MARYLAND. I CALL THE MARYLAND NATIONAL GUARD INTO STATE SERVICE AND HEREBY AUTHORIZE THE MARYLAND EMERGENCY MANAGEMENT AGENCY OR OTHER APPROPRIATE STATE AUTHORITY, DURING THIS EMERGENCY PERIOD, TO ENGAGE, DEPLOY AND COORDINATE AVAILABLE RESOURCES.

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**EXECUTIVE ORDER OF MARCH 14, 2011**

01.01.2011.03

Rescission of Executive Order 01.01.2011.02

WHEREAS, I, Martin O'Malley, Governor of the State of Maryland, having declared a State of Emergency by Executive Order 01.01.2011.02 due to the threat to the public health and safety caused by the impact of severe weather; and

WHEREAS, The emergency conditions caused by the storm no longer exist.

NOW, THEREFORE, I, MARTIN O'MALLEY, GOVERNOR OF THE STATE OF MARYLAND, BY VIRTUE OF THE AUTHORITY VESTED IN ME BY THE CONSTITUTION AND THE LAWS OF MARYLAND, DO HEREBY PROCLAIM THAT THE STATE OF EMERGENCY IN THE STATE OF MARYLAND WAS HEREBY TERMINATED EFFECTIVE AT 1800 HOURS ON THE 12TH DAY OF MARCH, 2011.

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**EXECUTIVE ORDER OF APRIL 4, 2011**

01.01.2011.04

Proclaiming an Extended Session of the Maryland General Assembly

- WHEREAS, I, Martin O'Malley, Governor of the State of Maryland, being advised that the Budget Bill has not been finally acted upon by the General Assembly seven days before the expiration of the 2011 regular Session of the General Assembly;
- WHEREAS, Article III, Section 52 (10) of the Maryland Constitution provides that under these circumstances the Governor shall issue a proclamation extending the Session for a period as may, in the Governor's judgment, be necessary to allow for the passage of the Budget Bill; and
- WHEREAS, Other matters may not be considered during such extended Session except a provision for the cost thereof.
- NOW, THEREFORE, I, MARTIN O'MALLEY, GOVERNOR OF THE STATE OF MARYLAND, BY VIRTUE OF THE AUTHORITY VESTED IN ME BY THE CONSTITUTION AND THE LAWS OF MARYLAND, DO HEREBY PROCLAIM THAT THE 2011 REGULAR SESSION OF THE MARYLAND GENERAL ASSEMBLY IS HEREBY EXTENDED, COMMENCING AT MIDNIGHT ON MONDAY, APRIL 11, 2011 IN THE STATE CAPITAL IN THE CITY OF ANNAPOLIS FOR THE PURPOSE OF PASSING THE STATE BUDGET BILL. THIS EXTENSION MAY NOT EXCEED TEN DAYS, OR SUCH OTHER PERIOD AS SPECIFIED BY AMENDMENT TO THIS EXECUTIVE ORDER.

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**EXECUTIVE ORDER OF APRIL 18, 2011**

01.01.2011.05

Task Force on Sustainable Growth and Wastewater Disposal

- WHEREAS, Maryland has approximately 426,000 on-site sewage disposal systems, commonly known as "septic systems", on developed parcels and roughly 411,000 of these are on residential parcels;
- WHEREAS, On-site sewage disposal systems release pollutants such as nitrogen into ground water that feed surface waters, ultimately polluting the Chesapeake and Coastal Bays;

- WHEREAS, Maryland is expected to grow by approximately 500,000 new households in the next 25 years and how that development occurs is critical for our existing communities, farms, other resource lands, and waters, including the Chesapeake Bay;
- WHEREAS, The Maryland Department of Planning estimates the addition of 120,000 new on-site sewage disposal systems over the next 25 years, resulting in a 36% increase in the State's total nitrogen load from on-site sewage disposal systems;
- WHEREAS, The number of new households projected to use public sewerage systems is almost three times the number projected to use on-site sewage disposal systems; however, the nitrogen load from new development of on-site sewage disposal systems is likely to be more than three times that from new development using public sewerage systems;
- WHEREAS, In 2010 the U.S. Environmental Protection Agency (EPA) set limits on the amount of nutrient and sediment pollution that can enter the Chesapeake Bay, known as Total Maximum Daily Loads (TMDLs);
- WHEREAS, As required by EPA, Maryland submitted and EPA approved "Phase I" Watershed Implementation Plans (WIP) which allocate the allowable load among different sources and identify strategies for reducing nutrients and sediments that harm the Chesapeake Bay;
- WHEREAS, Maryland is in the process of developing the Phase II WIP, which will refine the Phase I plan to include more details about where and how nutrient and sediment loads will be reduced to clean up the Bay and will further divide the responsibility for reducing loads among smaller geographic areas and types of sources;
- WHEREAS, The Phase II WIP will also identify a set of specific actions that can be implemented to achieve the reductions necessary to meet the interim nutrient and sediment limits by 2020;
- WHEREAS, Without action to reduce the nitrogen loads from new development on-site sewage disposal systems, the Phase II WIP plan will force other sources, such as wastewater treatment plants, urban stormwater, and various agricultural sources to reduce their loads even further, which could severely limit the amount of growth in the State and place additional burdens on the agricultural community;

WHEREAS, The use of on-site sewage disposal systems has other land use impacts such as increasing land consumption outside of the State's growth areas, and fragmenting agricultural and forest lands;

WHEREAS, On-site sewage disposal systems can lead to increased public costs for extending sewer service to failing septic systems and providing additional roads, schools, and other public services; and

WHEREAS, The Maryland Sustainable Growth Commission has been statutorily charged with addressing and recommending initiatives to implement the State's land use policies which are impacted by the use of on-site sewage disposal systems.

NOW, THEREFORE, I, MARTIN O'MALLEY, GOVERNOR OF THE STATE OF MARYLAND, BY VIRTUE OF THE AUTHORITY VESTED IN ME BY THE CONSTITUTION AND THE LAWS OF MARYLAND, HEREBY PROCLAIM THE FOLLOWING EXECUTIVE ORDER, EFFECTIVE IMMEDIATELY:

A. Established. There is a Task Force on Sustainable Growth and Wastewater Disposal (Task Force).

B. Membership. The Task Force consists of the following members:

(1) Two members of the Senate of Maryland, designated by the President of the Senate;

(2) Two members of the House of Delegates, designated by the Speaker of the House;

(3) As members:

(a) The Secretary of Planning, or the Secretary's designee;

(b) The Secretary of the Environment, or the Secretary's designee;

(c) The Secretary of Agriculture, or the Secretary's designee; and

(d) The Secretary of Natural Resources, or the Secretary's designee; and

(e) The Chair of the Critical Area Commission or the Chair's designee.

(4) Four representatives of local government:

(a) Two designated by the Maryland Municipal League; and

(b) Two designated by the Maryland Association of Counties.

(5) The Chair of the Sustainable Growth Commission.

(6) A representative of the Center for Agro-Ecology.

(7) Thirteen members appointed by the Governor, of which at least eleven shall represent the following groups:

(a) Two representatives of the environmental community;

(b) One representative of a local health department responsible for the regulation of on-site sewage disposal systems;

(c) Two representatives from the development and real estate community;

(d) One representative from the smart growth community;

(e) Two representatives of the agricultural community;

(f) One representative of a non-agricultural resource based industry;

(g) One representative of the on-site sewage system business community; and

(h) One representative of the scientific community.

C. Chair. The Governor shall designate the Chair and Vice-Chair of the Task Force from among the members.

D. Staff. The Departments of Planning and Environment shall provide staff to the Task Force.

E. Duties of the Task Force. The Task Force shall:

(1) Review, study, and make findings on the following issues:

(a) The current and future impacts of septic systems and shared community systems on water quality and land use patterns in light of the Watershed Implementation Plan and smart growth policies, highlighting any related barriers to smart growth;

(b) The ability of existing growth areas with central sewage to accommodate projected septic system growth in terms of development capacity, increased flow to wastewater treatment plants, and associated costs for upgrades to these plants;

(c) The costs and benefits of serving future growth with septic systems compared to central sewerage;

(d) Local government practices that have managed large lot residential development served by septic systems built on rural resource lands, addressing any land value effects, and identifying those with statewide applicability;

(e) Applicable past proposals to address the impacts of major septic system developments; and

(f) The current policies and practices of connecting failed septic systems to wastewater treatment plants and the smart growth, environmental, and fiscal implications.

(2) Recommend regulatory, statutory, or other actions to address the impact of major developments on septic systems and their effects on nutrient pollution, land preservation, agri-business, and smart growth.

F. Maryland Sustainable Growth Commission Coordination.

(1) The Chair of the Task Force shall regularly coordinate and communicate between the Maryland Sustainable Growth Commission (Commission) and the Task Force.

(2) To coordinate on issues of mutual interest, the Task Force shall meet jointly with the Commission at least twice before reporting its findings.



G. Reporting. On or before December 1, 2011, the Task Force shall report its findings and recommendations to the Governor, the Speaker of the House, and the President of the Senate in accordance with Section 2–1246 of the State Government Article.

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**EXECUTIVE ORDER OF APRIL 26, 2011**

01.01.2011.06

Governor's Commission on Maryland Military Monuments  
(Amends Executive Order 01.01.2008.17)

- WHEREAS, The Military Monuments Commission was created in 1989 to identify, restore, and publicize Maryland's military monuments;
- WHEREAS, By Executive Order 01.01.2008.17, the Maryland Military Commission was transferred from the Office of the Secretary of State to the Department of Veterans Affairs;
- WHEREAS, The Baltimore Community Foundation, Inc. was designated as the depository for monetary contributions received by the Commission;
- WHEREAS, Under State Government Article, Sections 9–912 and 9–913 of the Annotated Code of Maryland, there was established in 2009 the Maryland Veterans Trust Fund within the Department of Veterans Affairs for the deposit of gifts and grants that the Department accepts; and
- WHEREAS, Transfer of the funds contributed to the Military Monuments Commission from the Baltimore Community Foundation, Inc. to the Maryland Veterans Trust Fund in the Department of Veterans Affairs will provide for greater efficiency and effectiveness in performing the duties of the Commission.
- NOW, THEREFORE, I, MARTIN O'MALLEY, GOVERNOR OF THE STATE OF MARYLAND, BY VIRTUE OF THE AUTHORITY VESTED IN ME BY THE CONSTITUTION AND LAWS OF MARYLAND, HEREBY AMEND EXECUTIVE ORDER 01.01.2008.17, AND PROCLAIM THE FOLLOWING EXECUTIVE ORDER, EFFECTIVE IMMEDIATELY:

A. There is a Governor's Commission on Maryland Military Monuments.

B. Membership and Procedures.

(1) The Governor's Commission consists of up to 21 members appointed by the Governor.

(2) The Chairperson shall be the Maryland Secretary of Veterans Affairs.

(3) The Secretary of Veterans Affairs may appoint subcommittees to carry out the work of the commission.

(4) The Governor may remove any member of the Commission for any cause adversely affecting the member's ability or willingness to perform his or her duties.

(5) The Secretary of Veterans Affairs may remove any member of a subcommittee for any cause adversely affecting the member's ability or willingness to perform his or her duties.

(6) In the event of a vacancy on the Commission, the Governor shall appoint a successor for the remainder of the life of the Commission.

(7) In the event of a vacancy on a subcommittee, the Secretary of Veterans Affairs shall appoint a successor for the remainder of the life of the subcommittee.

(8) A majority of the Commission shall constitute a quorum for the transaction of any Commission business. In any subcommittee, a majority shall constitute a quorum for the transaction of any subcommittee business. The Commission and the subcommittees may adopt such other procedures necessary to ensure the orderly transaction of business.

(9) The members of the Commission and the subcommittees may not receive compensation for their services.

C. Scope.

(1) The Commission shall undertake an inventory of Maryland military monuments, which shall include the following information:

(a) Name, date of construction, location and means of access, and the original sponsorship of each monument;

(b) Current ownership of each monument and of monument land;

(c) Complete description of each monument including construction materials, condition, theme, and inscriptions, if any; and

(d) Responsibility for maintenance of monument.

(2) The Commission shall make a determination as to the cost of restoration of each monument which is in need of repairs.

(3) The Commission shall assign responsibility for ongoing maintenance of each monument.

(4) The Commission shall procure sufficient funds for the restoration of the monuments.

(5) The Commission shall prepare education and tourism materials for public distribution.

D. Fundraising. Contributions received by the Commission shall be deposited with the Maryland Military Monument Commission Fund of the [Baltimore Community Foundation, Inc.] MARYLAND VETERANS TRUST FUND within the Department of Veterans Affairs, and disbursed at the direction of the Commission.

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**EXECUTIVE ORDER OF MAY 4, 2011**

01.01.2011.07

Maryland War of 1812 Bicentennial Commission  
(Amends Executive Order 01.01.2010.02)

WHEREAS,

The Maryland War of 1812 Commission was established to provide for appropriate activities to commemorate and maximize the understanding of residents and visitors about the meaning of the War of 1812 and the role of Marylanders; and

WHEREAS, It is in the interest of the Commission to strengthen and increase its membership with additional interested and expert individuals.

NOW, THEREFORE, I, MARTIN O'MALLEY, GOVERNOR OF THE STATE OF MARYLAND, BY VIRTUE OF THE AUTHORITY VESTED IN ME BY THE CONSTITUTION AND THE LAWS OF MARYLAND, HEREBY AMEND EXECUTIVE ORDER 01.01.2010.02 AND PROCLAIM THE FOLLOWING EXECUTIVE ORDER, EFFECTIVE IMMEDIATELY:

A. Established. There is a Maryland War of 1812 Bicentennial Commission, hereafter referred to as "the Commission".

B. Tasks. The Commission is charged with the following duties:

(1) Provide coordination among public and private interpretive institutions, sites, museums, and other organizations to plan and implement an appropriate series of events and activities to commemorate the bicentennial for residents and visitors statewide;

(2) Promote the identification and documentation of historic and cultural resources, including landscapes, sites, buildings, structures, objects, and archives related to the War of 1812, and encourage their preservation;

(3) Assist with efforts to protect, improve, and develop existing educational and interpretive institutions, sites, and museums related to the War of 1812 for educational, recreational, and tourism purposes;

(4) Ensure the development of a model social studies curriculum specifically on the War of 1812, its impact on Maryland and the diverse people who fought, supported, and participated in the defense of the State and nation;

(5) Promote Maryland's War of 1812 bicentennial celebration nationally and internationally;

(6) Provide leadership for, and coordinate Maryland's efforts with other states and international entities engaged in activities related to the commemoration of the War of 1812, including but not limited to the federal Star-Spangled Banner and War of 1812 Bicentennial Commission;

(7) Secure support and financial resources to implement the events and activities planned and assisted by the Commission including the formation of an appropriate legal entity, and entering into contracts and making or receiving grants to the extent funds are available in the budget;

(8) Ensure that the activities undertaken or assisted by the Commission result in products that will have lasting value and public benefit beyond the bicentennial, especially leading to the protection of historical and cultural resources associated with the War of 1812; and

(9) Perform other actions necessary to carry out the duties of the Commission.

C. Membership. The Commission shall consist of up to [14] 25 members including:

(1) The President of the Senate;

(2) The Speaker of the House;

(3) The Secretary of Budget and Management;

(4) The Secretary of Natural Resources;

(5) The Secretary of Planning;

(6) The Secretary of Transportation;

(7) The Secretary of Business and Economic Development; and

(8) Up to [seven] 18 members with relevant interest or expertise appointed by the Governor who serve at the pleasure of the Governor.

D. Chair. The Governor shall designate a Chair from among the members of the Commission.

E. Advisory Committees. The Commission shall be supported by Advisory Committees, to be established by the Chair, as follows:

(1) Development and Sponsor Relations;

(2) Resource Stewardship and Visitor Experience;

- (3) Education and Curriculum;
- (4) Programs and Events;
- (5) Transportation and Capital Infrastructure;
- (6) Communications and Marketing;
- (7) Operations and Management; and

(8) Additional Advisory Committees may be created, as necessary, to accomplish the Commission Tasks.

F. Advisory Committee Appointments. The Chair of the Commission shall appoint Advisory Committee members who broadly represent public and private interests who can make significant contributions to accomplish the Commission tasks. Advisory Committee members serve at the pleasure of the Chair of the Commission.

G. Diversity. To the extent possible, the Commission and its Advisory Committees shall be representative of the diverse communities and regions within the State.

H. Vacancies. In the event of a Commission vacancy, the Governor shall appoint a successor.

I. Staff Coordination. The Governor shall appoint an Executive Director within the Division of Tourism, Film and the Arts to provide and coordinate staff for the Commission. The Maryland Historical Trust, the Maryland State Archives and other agencies shall assist when requested by the Commission.

J. Procedures.

(1) The Commission shall meet at least semi-annually at times and places to be determined by the Chair and Executive Director.

(2) The Commission shall adopt procedures for the transaction of business.

(3) The Commission may establish a non-profit organization to receive funds for the Commission.

(4) The members of the Commission and Advisory Committees may not receive compensation for their services. The members may be reimbursed for reasonable expenses incurred in the performance of their duties, in accordance with the Standard State Travel Regulations as provided in the State budget.

K. Reporting. By November 1 of each year, the Commission shall submit a report to the Governor and General Assembly including an update on the Plan of Action, implementation timetables and benchmarks, and recommendations for any legislative, administrative, or other action the Commission deems necessary to further its mission.

L. Termination. This Executive Order shall terminate and be of no effect after June 30, 2015.

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### EXECUTIVE ORDER OF MAY 20, 2011

01.01.2011.08

Fiscal Years 2012, 2013 and 2014 State Employees' Reduction Recovery Plan  
(Rescinds Executive Order 01.01.2010.11)

- WHEREAS, In recent years, the State of Maryland faced a significant fiscal crisis, exacerbated by a national recession and declining revenues, all of which necessitated reductions in the budgets for Fiscal Years 2009, 2010, and 2011;
- WHEREAS, To address the revenue shortfalls during this period, the O'Malley-Brown Administration has reduced planned spending by \$6.8 billion since taking office and has eliminated over 5,300 State positions, while avoiding significant layoffs;
- WHEREAS, As a significant part of the State's cost-containment efforts, State employees have been required to participate in carefully managed furlough and salary reduction plans, pursuant to Executive Orders 01.01.2008.20, 01.01.2009.11 and 01.01.2010.11;
- WHEREAS, Additional savings have been achieved as a result of the service reduction days implemented in conjunction with the aforementioned Executive Orders;

WHEREAS, Maryland State employees and their exclusive bargaining representatives have partnered with the State in an effort to ameliorate the impact of the fiscal crisis on the State; and

WHEREAS, In consideration of the past sacrifices made by State employees for the greater good of the citizens of Maryland, furloughs, salary reductions, and increased health and retirement costs, it is in the interest of the State to afford employees with some manner of relief.

NOW, THEREFORE, I, MARTIN O'MALLEY, GOVERNOR OF THE STATE OF MARYLAND, BY VIRTUE OF THE AUTHORITY VESTED IN ME BY THE CONSTITUTION AND LAWS OF MARYLAND, HEREBY, EFFECTIVE JULY 1, 2011, PROCLAIM THE FOLLOWING EXECUTIVE ORDER AND RESCIND EXECUTIVE ORDER 01.01.2010.11:

A. Except as provided in paragraph E, this Executive Order applies to all non-contractual employees of the State of Maryland, including employees of agencies with independent salary setting authority or independent personnel systems, employees of the Maryland Food Center Authority, the Maryland Port Administration, and the Maryland Stadium Authority.

B. "Employees of 24/7 operations" means direct care employees in health, juvenile services, and correctional facilities; police officers employed by the State at the rank of first sergeant or below, except those in administrative or clerical positions; and other employees designated by the Secretary of Budget and Management who work on a shift schedule providing services as part of a 24-hour operation.

C. (1) For Fiscal Year 2012, Fiscal Year 2013, and Fiscal Year 2014, routine State government operations shall be significantly curtailed on the following days: the Friday before Labor Day; the day before Thanksgiving; the work day before the Christmas holiday; the work day before the New Year's holiday; and the Friday before Memorial Day. The only exception to this list will be that the Maryland Department of Transportation employees will have a service reduction day on the day after Thanksgiving instead of the day before Thanksgiving.

The Secretary of Budget and Management shall authorize paid administrative leave for the aforementioned five days for non-contractual, non-24/7 State employees.



(2) Except for employees in Bargaining Unit I, employees of 24/7 operations will receive five days of Administrative Leave at the beginning of Fiscal Year 2012, Fiscal Year 2013, and Fiscal Year 2014. The use of such Administrative Leave shall require supervisor approval and shall be authorized in a manner that minimizes the use of overtime at each affected agency. The Administrative Leave may be used at any time prior to the employee's separation from State employment. Employees are not entitled to compensation for unused Administrative Leave.

(3) Bargaining Unit I employees who were affected by the Fiscal Year 2011 State Employees' Furlough and Temporary Salary Reduction Plan will be credited with Administrative Leave Days effective on June 30, 2011, as follows:

(a) Members who were earning less than \$40,000 in Fiscal Year 2010 will receive three Administrative Leave Days.

(b) Members who were earning \$40,000 or more in Fiscal year 2010 will receive five Administrative Leave Days.

Use of Administrative Leave shall require prior supervisory approval. The Administrative Leave may be used at any time prior to the employee's separation from employment with the State, but employees are not entitled to compensation for unused Administrative Leave.

D. The Secretary of Budget and Management, the heads of every other personnel system, and the appointing authorities shall take all action as necessary or desirable to implement this plan.

E. This Executive Order does not apply to:

(1) The Legislative Branch;

(2) The Judicial Branch;

(3) Officers whose compensation may not lawfully be reduced under Article III, § 35 of the Maryland Constitution;

(4) Employees designated as entirely or partially exempt from any provision of this Executive Order by the Secretary of Budget and Management;

(5) Employees of the Maryland Automobile Insurance Fund and the Injured Workers' Insurance Fund; and

(6) Employees of the University System of Maryland, St. Mary's College of Maryland, Morgan State University and Baltimore City Community College.

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**EXECUTIVE ORDER OF MAY 26, 2011**

01.01.2011.09

Maryland Health Quality and Cost Council  
(Rescinds Executive Order 01.01.2007.24)

- WHEREAS, Maryland is committed to being a national leader in the delivery of quality health care for its citizens;
- WHEREAS, Maryland had undertaken a serious and collaborative effort to enhance the quality of health care and reduce its cost through the work of the Health Quality and Cost Council established in 2007 by Governor Martin O'Malley's Executive Order 01.01.2007.24;
- WHEREAS, Since its inception, the Council has brought together private and public partners to build on existing quality and cost control efforts underway in the private sector, to leverage grant opportunities from the federal government, and to launch new initiatives;
- WHEREAS, Through these efforts Maryland has become a national leader in advancing evidence-based medicine, patient-centered medical homes, strategies to encourage wellness, prevention, and chronic care management, the reduction of healthcare-associated infections, the reduction and elimination of racial and ethnic health disparities, and other efforts to improve quality and control costs;
- WHEREAS, The federal Patient Protection and Affordable Care Act (ACA) offers an additional opportunity for states to address the urgent need to improve quality and rein in the runaway costs that threaten the long-term viability of our health care system;
- WHEREAS, Health economists and other experts agree that current health care spending in the United States is unsustainable; in fact, in 2009, the country spent on health care an estimated \$2.5 trillion,

or 17.3% of gross domestic product, with this amount likely to increase to 19.6% by 2019;

WHEREAS, In the United Health Foundation's annual assessment of the health of state populations, Maryland is above average, ranking 21st overall and 20th in health determinants; the State performs even better in some specific indicators, placing 6th in smoking prevalence, 10th in immunization coverage, 2nd in per capita number of primary care physicians, 5th in percentage of children in poverty, 16th in self-reported health status, and 17th in cardiovascular disease;

WHEREAS, While Maryland's health and quality rankings show significant strengths, they also suggest the need for improvement; for example, the State ranks 33rd in health outcomes overall, 32nd in early prenatal care, 25th in obesity prevalence, 34th in diabetes, 32nd in cardiovascular and cancer deaths, 31st in premature deaths, 39th in indicators measuring the degree to which residents enjoy long and healthy lives, 35th in geographic disparities, 41st in infant mortality, and 50th in infectious diseases. With respect to treatment of these conditions, Maryland ranks 34th in avoidable hospital use and costs;

WHEREAS, Racial and ethnic health disparities also persist in the State, with rates of diabetes, infant mortality, obesity, and other indicators showing disparities for ten of the fourteen leading causes of death;

WHEREAS, Maryland in recent years also has made significant gains in certain areas, with rates of preventable hospitalizations, smoking prevalence, and cardiovascular and cancer deaths all decreasing markedly;

WHEREAS, Maryland's implementation of the ACA is projected to save the State \$850 million over the next ten years and reduce the number of the State's uninsured by half;

WHEREAS, These substantial savings will begin to reverse themselves at the end of the decade unless the State succeeds in bending the cost curve and significantly reducing growth in health care spending;

WHEREAS, This coverage expansion will fall short of its potential to improve health without a dual focus on improvements in the quality of care afforded to both the current and newly insured;

WHEREAS, In Maryland, the private health care sector has begun to advance efforts to improve health care quality by reducing mistakes, waste

and inefficiency, and by increasing accountability and quality through the provision of comparative provider performance data to consumers; and

WHEREAS,

This Administration seeks to facilitate, support, and supplement these efforts by providing coordination, leadership, and innovation between the private and public health care sectors toward their shared goal of promoting both better health and better health care value.

NOW, THEREFORE, I, MARTIN O'MALLEY, GOVERNOR OF THE STATE OF MARYLAND, BY VIRTUE OF THE AUTHORITY VESTED IN ME BY THE CONSTITUTION AND LAWS OF MARYLAND, HEREBY RESCIND EXECUTIVE ORDER 01.01.2007.24 AND PROCLAIM THE FOLLOWING EXECUTIVE ORDER, EFFECTIVE IMMEDIATELY:

A. There shall be a Maryland Health Quality and Cost Council (Council).

B. The Council shall consist of the following members:

(1) The Secretary of Health and Mental Hygiene (Secretary); and

(2) Fourteen additional members, to be appointed by the Governor, of which at least twelve shall be representative of the following groups:

(a) Health insurance carriers;

(b) Employers;

(c) Health care providers;

(d) Health care consumers;

(e) Public health experts on the elimination of racial and ethnic disparities; and

(f) Experts in health care quality and cost containment.

C. To the extent practicable, the Council's composition shall reflect:

(1) The gender, racial, and ethnic diversity of the State;  
and

(2) The geographic regions of the State.

D. The Governor shall appoint the chair of the Council. If the Secretary is not the chair of the Council, the Governor shall appoint the Secretary as the co-chair or the vice-chair.

E. With the exception of the Secretary (who shall be a permanent member of the Council):

(1) The term of a member of the Council shall be three years;

(2) The terms of members appointed by the Governor are staggered, as provided in subsection L;

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

F. A Member:

(1) May not serve more than two consecutive full terms;  
and

(2) Serves at the pleasure of the Governor.

G. The Council shall determine the times, places, and frequency of its meetings but shall meet at least four times each year.

H. A majority of the full authorized membership of the Council is a quorum.

I. The Council may act upon any matter with the authorization of a majority of the quorum present and voting.

J. A member of the Council may not receive compensation, but is entitled to reimbursement for expenses under the Standard State Travel Regulations as provided in the State budget.

K. The Secretary shall designate the staff necessary to provide support for the Council.

L. The terms of the initial appointed members of the Maryland Health Quality and Cost Council shall expire as follows:

- (1) Four members in 2012;
- (2) Five members in 2013; and
- (3) Five members in 2014.

M. The Council shall:

(1) Coordinate and facilitate collaboration on health care quality improvement and cost containment initiatives among:

- (a) Medical groups, hospitals, and other health care providers;
- (b) Health insurance carriers and other health care purchasers;
- (c) Health insurance exchanges;
- (d) State and local governmental entities;
- (e) Health care professional boards;
- (f) Health advocacy groups; and
- (g) Academic experts in health care.

(2) Develop and implement strategies that will improve the quality and cost-effectiveness of care for individuals with chronic illnesses and at risk of chronic illness, and that are workable and effective for minority communities, recognizing cultural and linguistic differences;

(3) Provide updates on health care quality and cost containment initiatives and priorities to the Governor and General Assembly, the Health Care Reform Coordinating Council, State and local governmental entities, professional boards, industry groups, consumers, and other public and private stakeholders;

(4) Appoint a workgroup to explore and develop health care strategies and initiatives, including financial, performance-based incentives, to reduce and eliminate health disparities, and make recommendations regarding the development and implementation of those strategies. The initiatives should seek to:

- (a) Improve quality and reduce costs;
  - (b) Build on existing efforts to address known disparities; and
  - (c) Identify best practice disparity programs in Maryland and across the country to determine if and how they should be implemented in Maryland.
- (5) Support ongoing efforts to expand the use of health information technology in health care systems;
- (6) Seek to leverage opportunities for demonstration and ongoing projects, federal grant funding, and other initiatives to improve quality and contain costs made available by the Affordable Care Act;
- (7) Assess options and make recommendations regarding strategies for collecting and disseminating patient-centered outcomes research to develop and promote evidence-based practices among health care providers in the State;
- (8) Examine and make recommendations on other issues relating generally to the mission of the Council to improve health care quality and contain health care costs; and
- (9) Consider and recommend State public policy strategies for improving health and reducing cost.

N. The Council shall avoid duplication of existing health care quality improvement and cost containment efforts in the State.

O. The Council may:

- (1) Adopt bylaws, rules, policies, or procedures to conduct business and carry out the purposes of the Council;
- (2) Establish workgroups, committees, or task forces;
- (3) Designate additional individuals with relevant expertise to serve on the workgroups, committees, or task forces; and
- (4) Consult with other units of State and local government to carry out the duties of the Council.

P. On or before January 1 of each year, the Council shall submit a report to the Governor and the General Assembly, in accordance with Section 2–1246 of the State Government Article, Annotated Code of Maryland, describing:

(1) The activities of the Council during the year, including performance data where applicable; and

(2) Findings and recommendations for improving health care quality, increasing health equity, and reducing health care costs in the State.

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### EXECUTIVE ORDER OF MAY 26, 2011

01.01.2011.10

Maryland Implementation of Federal Health Care Reform  
(Rescinds Executive Order 01.01.2010.07)

- WHEREAS, The Maryland Health Care Reform Coordinating Council (HCRCC) was established on March 24, 2010, under Executive Order 01.01.2010.07 to provide a comprehensive evaluation of the federal Health Care Reform legislation, to develop a blueprint for the State's implementation of the Affordable Care Act, and to identify critical decision points that must be considered;
- WHEREAS, In its final report delivered on January 1, 2011, the HCRCC set forth this blueprint, which included 16 short- and long-term recommendations on how the State can implement federal reform most effectively;
- WHEREAS, Recognizing that effective implementation will require continued leadership, oversight, and coordination, the HCRCC included in its recommendations the establishment of a Governor's Office of Health Care Reform; and
- WHEREAS, The HCRCC recommended further that its membership be expanded to include two additional legislative members, the Chair of the new Health Benefit Exchange, and the Secretary of the Department of Labor, Licensing and Regulation because of the valuable insight these representatives will be able to provide regarding implementation of key provisions of the Affordable Care Act.



NOW, THEREFORE, I, MARTIN O'MALLEY, GOVERNOR OF THE STATE OF MARYLAND, BY VIRTUE OF THE AUTHORITY VESTED IN ME BY THE CONSTITUTION AND THE LAWS OF MARYLAND, HEREBY RESCIND EXECUTIVE ORDER 01.01.2010.07 AND PROCLAIM THE FOLLOWING EXECUTIVE ORDER, EFFECTIVE IMMEDIATELY:

A. Established. There is a Governor's Office of Health Care Reform (Office). The Office shall be managed by an Executive Director, who shall be appointed by and serve at the pleasure of the Governor.

(1) Responsibilities. The Office shall:

(a) Maintain a consolidated cross-agency timeline for the implementation of the various components of the Affordable Care Act,

(b) Identify the specific implementation decisions required, and the deadline and responsible agency for each such decision;

(c) Provide updates and produce written reports on the status of the implementation of the Health Care Reform Coordinating Council's (HCRCC) recommendations to the Governor, to the HCRCC, and to the executive agencies and legislative committees as requested. Such briefings will reflect information obtained through regular meetings with executive agencies responsible for components of Affordable Care Act implementation, with such meetings held on a monthly basis across State government to review relevant timelines and to obtain updates on progress; and

(d) Coordinate a statewide public education and outreach strategy on health care reform implementation. This effort shall include but not be limited to the following activities:

(i) Hold periodic public briefings and communicate progress at public venues on implementation efforts;

(ii) Develop standard educational materials which can be used by State agencies and stakeholders to inform residents and businesses about reform;

(iii) Provide primary staffing to the HCRCC;  
and

(iv) On or before January 1 of each year, submit a report to the Governor and General Assembly highlighting progress on key implementation recommendations.

(2) The Office may undertake activities necessary to carry out these responsibilities.

(3) All State departments, agencies, commissions and boards are directed to cooperate with the Office in implementing the provisions of this Executive Order.

B. There is a Maryland Health Care Reform Coordinating Council (HCRCC).

(1) Membership. The HCRCC consists of the following members:

- (a) The Governor, or the Governor's designee;
- (b) The Secretary of Health and Mental Hygiene;
- (c) The Secretary of Budget and Management;
- (d) The Secretary of Human Resources;
- (e) The Secretary of Labor, Licensing and Regulation;
- (f) The Insurance Commissioner;
- (g) The Attorney General, or the Attorney General's designee;
- (h) The Chair of the Health Services Cost Review Commission, or the Chair's designee;
- (i) The Chair of the Maryland Health Care Commission, or the Chair's designee;
- (j) The Chair of the Maryland Health Benefit Exchange, or the Chair's designee;
- (k) Three members of the Maryland Senate, appointed by the President of the Senate; and

(l) Three members of the Maryland House of Delegates, appointed by the Speaker of the House.

C. Co-Chairs. The Secretary of Health and Mental Hygiene and Governor or the Governor's designee shall co-chair the HCRCC.

D. Staffing.

(1) The Governor's Office of Health Care Reform shall provide staff support for the administrative functions of the HCRCC.

(2) The participating government agencies and the Department of Legislative Services shall provide appropriate staffing for substantive issues in their areas of responsibility, as determined by the Co-Chairs.

E. Members of the HCRCC may not receive compensation for their services but may be reimbursed for reasonable expenses incurred in the performance of their duties, in accordance with the Standard State Travel Regulations, as provided in the State budget.

F. Responsibilities.

(1) Meet at least quarterly to monitor progress on implementation recommendations and provide input on implementation activities;

(2) Advise the Governor's Office of Health Care Reform on fundamental decisions critical to the successful implementation of Health Care Reform and provide oversight and direction for the implementation of reform;

(3) Identify challenges to implementing reform;

(4) Coordinate and receive briefings from existing State entities working on reform, including the Maryland Health Quality and Cost Council; and

(5) Continue to engage public and private stakeholders on issues impacting reform.

G. In carrying out responsibilities under this section, the HCRCC may:

- (1) Invite academic experts and other witnesses to submit testimony;
- (2) Hold hearings; and
- (3) Appoint advisory committees including representatives of State and local agencies, providers, payers, consumers, and other interested parties.

H. The Office of Health Care Reform and the Health Care Reform Coordinating Council shall terminate on December 31, 2015.

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**EXECUTIVE ORDER OF JUNE 6, 2011**

01.01.2011.11

The Marcellus Shale Safe Drilling Initiative

- WHEREAS, The Marcellus shale formation underlies portions of Western Maryland and may contain significant amounts of natural gas;
- WHEREAS, The production of natural gas could advance the cause of energy independence for the United States;
- WHEREAS, When burned to produce electricity, natural gas produces lower greenhouse gas emissions than oil and coal, helping to reduce the impact of energy usage as we transition to more renewable energy sources;
- WHEREAS, The exploration for and production of natural gas could boost economic development in Maryland, particularly in Garrett and Allegany Counties;
- WHEREAS, The production of natural gas from the Marcellus shale involves very deep wells with long horizontal sections and a process called hydraulic fracturing;
- WHEREAS, Advances in technology, along with economic and energy policy developments, have spurred a dramatic growth in the use of hydraulic fracturing across a wide range of geographic regions and geologic formations in the United States;

- WHEREAS, As the use of hydraulic fracturing has increased, so have concerns about its potential impact on public health, safety, the environment and natural resources;
- WHEREAS, Exploration for and production of natural gas from the Marcellus shale in nearby states have resulted in injuries, well blowouts, releases of fracturing fluids, releases of methane, spills, fires, forest fragmentation, damage to roads, and evidence of contamination of ground water and surface water;
- WHEREAS, Applications have been filed for permits to produce gas from the Marcellus shale in Maryland using horizontal drilling and hydraulic fracturing, but no permits have yet been issued;
- WHEREAS, Section 14–110 of the Environment Article of the Maryland Code permits the Department of the Environment to place in a permit conditions that the Department deems reasonable and appropriate to assure that the operation shall not only fully comply with the requirements of the law, but also provide for public safety and the protection of the State's natural resources;
- WHEREAS, Other states have or are in the process of reevaluating their regulatory programs for gas production or assessing the environmental impacts of gas development from the Marcellus shale;
- WHEREAS, Congress directed the United States Environmental Protection Agency (EPA) to conduct research to examine the relationship between hydraulic fracturing and drinking water resources;
- WHEREAS, EPA expects to publish an interim report of results from the EPA Study in December 2012 and provide additional results in a 2014 report;
- WHEREAS, The plan for the EPA Study does not address air quality concerns, greenhouse gas emissions from gas wells, seismic risks, public safety concerns or impacts to terrestrial and aquatic ecosystems;
- WHEREAS, Other federal agencies, including the Department of the Interior and the Department of Energy, have been investigating hydraulic fracturing;
- WHEREAS, Research on Marcellus Shale, both academic and applied, is currently underway across the Mid–Atlantic region focused on natural resources, wildlife, community and economic implications and production technologies; and

WHEREAS, There is a need for sound scientific knowledge about the effects of gas exploration and production in the Marcellus shale;

NOW, THEREFORE, I, MARTIN O'MALLEY, GOVERNOR OF THE STATE OF MARYLAND, BY VIRTUE OF THE AUTHORITY VESTED IN ME BY THE CONSTITUTION AND LAWS OF MARYLAND, HEREBY PROCLAIM THE FOLLOWING EXECUTIVE ORDER, EFFECTIVE IMMEDIATELY:

A. Established. There is a Marcellus Shale Safe Drilling Initiative. The initiative will be administered jointly by the Maryland Department of the Environment and the Department of Natural Resources.

B. Definitions. For the purpose of this Executive Order:

1. "Best practices" means methods and techniques that have consistently shown results superior to those achieved by other means, and which are used as benchmarks.

2. "Departments" means the Department of the Environment and the Department of Natural Resources.

3. "EPA Hydraulic Fracturing Research Study" or "EPA Study" means the study by the Office of Research and Development at the U.S. Environmental Protection Agency on the relationship between hydraulic fracturing and drinking water that may be developed and implemented beginning in 2011, with initial research products available by the end of 2012 with an additional report in 2014.

4. "Flow Back" means the fracturing fluids that return to the surface after a hydraulic fracture is completed.

5. "Fracturing Fluids" means a mixture of water or other fluid, proppant, and additives used to hydraulically induce cracks in a geologic formation.

6. "Hydraulic Fracturing" means injecting fracturing fluids into a target formation at a force exceeding the parting pressure of the rock, inducing fractures through which oil or natural gas can flow to the wellbore.

7. "Marcellus shale" means a Middle Devonian-age black, low density, carbonaceous shale that occurs in the subsurface beneath much of Ohio, West Virginia, Pennsylvania

and New York. Small areas of Maryland, Kentucky, Tennessee, and Virginia are also underlain by the Marcellus shale. In Maryland, the Marcellus shale underlies parts of Garrett, Allegany and Washington Counties.

C. Purpose. The Marcellus Shale Safe Drilling Initiative will assist State policymakers and regulators in determining whether and how gas production from the Marcellus shale in Maryland can be accomplished without unacceptable risks of adverse impacts to public health, safety, the environment and natural resources.

D. The Advisory Commission.

1. The Secretaries of the Departments shall designate members of an Advisory Commission that shall include:

a. two representatives from local government in the western Maryland region;

b. an expert on geology or natural gas production from a college or university;

c. a representative of a company in the gas industry;

d. a representative of an environmental organization;

e. a representative of a business in the western Maryland region;

f. a private citizen who resides in the western Maryland region, and

g. any other governmental agency representatives or other persons the Secretaries of the Departments jointly determine to be necessary.

2. The Secretaries of the Departments shall jointly designate a Chair of the Advisory Commission.

3. The Departments shall provide staff support to the Advisory Commission.

4. The Advisory Commission shall meet within 60 days of the effective date of this Executive Order.

5. The Advisory Committee shall terminate on May 1, 2015.

E. Initial Task.

1. The Departments, in consultation with the Advisory Commission, shall initially investigate the desirability of enacting State legislation to establish:

a. one or more sources of revenue, such as a State-level severance tax or other assessment, to fund State activities relating to hydraulic fracturing, including impact assessments, research, broad-area monitoring, remediation where no liable entity can be identified, and other State purposes; and

b. standards of liability for damages caused by gas exploration and production.

2. On or before December 31, 2011, the Departments, in consultation with the Advisory Commission, shall report their findings and recommendations on this initial task to the Governor, the Speaker of the House, and the President of the Senate in accordance with Section 2-1246 of the State Government Article.

F. The Study.

1. The Departments, in consultation with the Advisory Commission, shall undertake a study of the extraction of natural gas from shale formations in the State, including the Marcellus shale formation (the Study).

2. In planning and conducting the Study, the Departments shall consult with the Advisory Commission and, as appropriate, other State agencies, other states in the region, and federal agencies.

3. The Study shall include a review of the results, to the extent they are available, of the EPA Study, environmental impact statements of the state of New York, the Delaware River Basin Commission, and other studies of potential impacts to the public health, safety, the environment, or natural resources.

4. The Study shall address the short-term, long-term and cumulative effects of natural gas exploration and production



in the Marcellus shale, best practices, and appropriate changes, if any, to the laws or regulations concerning oil and gas; including the following:

- a. the risk of contamination of groundwater and surface water by fracturing fluids and gas.
- b. the risks of contamination of, or negative impacts to, water and other natural resources from the transportation, storage, and handling of liquids, including fracturing fluids;
- c. the risks of contamination or negative impacts to water and other natural resources from the handling and disposal of flow back and other wastewater and wastes;
- d. the water resources required to support hydraulic fracturing activities and the availability of water resources to meet that need;
- e. forest and habitat fragmentation and other environmental impacts due to the construction of drilling platforms, gathering lines, transmission pipelines, and other necessary infrastructure;
- f. well spacing;
- g. greenhouse gas emissions from exploration wells, production wells and transmission lines;
- h. the risks of traffic accidents and damage to roads and bridges from truck traffic related to drilling operations;
- i. impacts to local land use patterns and the character of rural areas and towns;
- j. the capabilities of local emergency response agencies and the need for additional training;
- k. impacts to state resource and recreation lands;
- l. the projected positive and negative economic impact of hydraulic fracturing activities to the region and the State;
- m. methods for disposal of flow back and other wastewater and wastes containing radioactive materials;

- n. the appropriate type and amount of insurance and bonding;
- o. the appropriate scope of the environmental assessment required before permit issuance;
- p. best practices for all aspects of gas exploration and production in the Marcellus shale in Maryland;
- q. appropriate changes, if any, to the laws or regulations concerning oil and gas; and
- r. any other issues jointly agreed upon by the Secretaries of the Departments.

5. The Departments, in consultation with the Advisory Commission, shall prepare draft reports, solicit public comment, and issue final reports on the Study as follows:

- a. No later than August 1, 2012, the Department shall issue a report addressing, at a minimum, best practices for all aspects of gas exploration and production in the Marcellus shale in Maryland.
- b. No later than August 1, 2014, the Department shall issue a report addressing the remainder of the Study topics.

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**EXECUTIVE ORDER OF JUNE 30, 2011**

01.01.2011.12

Governor's Economic Development and Job Creation  
Fast Track

WHEREAS, The State of Maryland and Maryland families are not immune from the global recession, and business and economic development projects can help to create new jobs and the conditions for economic growth;

WHEREAS, Even as there are signs of economic recovery, the prolonged nature of the recession has had a disproportionate impact on the

construction and development sectors and the skilled workers they employ;

WHEREAS, State and local policies and procedures regarding business and economic development projects are complex, and their implementation requires close coordination among State and local agencies;

WHEREAS, Businesses need continued predictability and efficiency in government regulations, and there is a need to expedite project review, permitting, and implementation;

WHEREAS, Communication and information sharing among State and local officials and those contemplating business and economic development projects are critical components of project implementation;

WHEREAS, Communication and information regarding expedited review includes pre-development review, feedback on permitting issues and on-going concurrent review, coordination, and monitoring; and

WHEREAS, A Governor's Economic Development and Job Creation Fast Track, implemented by the Office of the Governor and State agencies, will promote the efficient and expedited review and permitting of selected economic and business development projects within the State.

NOW, THEREFORE, I, MARTIN O'MALLEY, GOVERNOR OF THE STATE OF MARYLAND, BY VIRTUE OF THE AUTHORITY VESTED IN ME BY THE CONSTITUTION AND LAWS OF MARYLAND, HEREBY PROCLAIM THE FOLLOWING EXECUTIVE ORDER, EFFECTIVE IMMEDIATELY:

A. In this Executive Order the following words have the meanings indicated.

(1) "Coordinating Committee" means the committee designated by the Governor's Chief of Staff under Section D(2) of this Order to assist in the implementation of this Executive Order.

(2) "Priority Funding Area" has the meaning stated in Title 5, Subtitle 7B of the State Finance and Procurement Article of the Annotated Code of Maryland.

(3) “Priority Funding Area Exception” means an exception provided for State funding under Sections 5–7B–05(a) or 5–7B–06(a) of the State Finance and Procurement Article of the Annotated Code of Maryland.

B. Established.

(1) There is a Governor’s Economic Development and Job Creation Fast Track (Fast Track) to provide more coordinated, efficient, and expedited review of business and economic development projects with significant State, regional or local impact.

(2) Fast Track is a coordinated review process by State agencies including, but not limited to, the Departments of Business and Economic Development, Transportation, the Environment, Planning, Housing and Community Development, and Natural Resources.

C. Oversight. The Lieutenant Governor will Chair Fast Track.

D. Operational Support.

(1) The Governor’s Chief of Staff or the Chief of Staff’s designee shall identify staff to provide operational and other support as needed to implement this Executive Order.

(2) The Governor’s Chief of Staff or the Chief of Staff’s designee shall appoint a project coordinating committee of staff from State agencies or select an existing coordinating committee to assist in the implementation of this Executive Order.

E. The eligibility criteria for Fast Track are as follows:

(1) The project will produce jobs or economic development that significantly impacts the State, region, county, or municipality;

(2) The project requires the issuance of one or more State permits or approvals; and

(3) (a) The project is located in targeted areas typified by commercial main streets, revitalization and redevelopment areas, and commercial job centers within a Priority Funding Area; or

(b) The project is not located within a Priority Funding Area, but the project meets the criteria for a Priority Funding Area exception.

F. Application for Expedited Review by Fast Track.

(1) A local government, or project developer may apply to the Fast Track coordinating committee for expedited State review of a project that meets the eligibility criteria by submitting an application form to the committee.

(2) The application form will be located on the Maryland Made Easy website at [www.easy.maryland.gov](http://www.easy.maryland.gov).

(3) In determining whether to recommend an eligible project for review, the Fast Track Coordinating Committee shall consider the following factors:

(a) The significance of the potential economic, job, and business development of the project in relation to the size of the jurisdiction that the project would benefit;

(b) Whether the project is designated as a priority project by a local government;

(c) Whether the project involves infill development or redevelopment;

(d) Whether the project conflicts with an important State policy or goal including whether the project is located in a targeted ecological area or priority agricultural preservation area;

(e) Whether the project furthers an important State policy or goal;

(f) Whether the project is ready to proceed upon issuance of permits and approvals;

(g) Environmental impacts, both positive and negative; and

(h) The capacity of the Fast Track Coordinating Committee to manage projects accepted for review.

(4) After receiving a recommendation on the eligible project from the Fast Track Coordinating Committee, the Chair

shall decide whether to accept eligible projects for expedited review.

(5) The Fast Track Coordinating Committee shall notify an applicant if a project is accepted for expedited review.

G. Fast Track Duties and Activities. The Chair of Fast Track shall:

(1) Determine whether to accept eligible projects for expedited review;

(2) Assign a project coordinator to each accepted project;

(3) Oversee the timeliness of the processing of the requests for approvals and permits and act to eliminate, to the extent possible, delay or inefficiencies; and

(4) Report annually to the Governor on the implementation of this Executive Order including:

(a) The number of projects accepted for expedited review;

(b) The timeliness of the processing of approval and permits of accepted projects; and

(c) Local government participation in Fast Track.

H. Duties of the Project Coordinator. The Project Coordinator, with the assistance of staff from State agencies, shall:

(1) With a representative of the project, assist in determining the approvals and permits that may be required, the types of information that will be required, and an estimated timeline for applications and processing of accepted projects;

(2) Invite the local jurisdiction or jurisdictions that would be processing approvals and permits at the local level to participate in the review of the project;

(3) Construct a consolidated estimated timeline for discussion with the applicant and the Fast Track coordinating committee; and

(4) Report periodically to the Chair on the progress of application and review of the project.

I. This Executive Order does not:

(1) Supplant or alter any review or permitting process that is required by law;

(2) Lessen any standard or criteria for permitting or approvals; or

(3) Apply to any federal or local permits or approval processes.

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**EXECUTIVE ORDER OF AUGUST 9, 2011**

01.01.2011.13

Regional Bomb Squad Readiness and Coordination

WHEREAS, The State of Maryland has seven federally accredited bomb squads, including the Office of the State Fire Marshal (OSFM) Bomb Squad and six locally-operated squads, which are located in Prince George's County, Montgomery County, Baltimore County, Ocean City, Annapolis City and Baltimore City;

WHEREAS, The OSFM Bomb Squad, the accredited local bomb squads, the Maryland Emergency Management Agency, and the Governor's Office of Homeland Security have coordinated to enhance bomb squad readiness and coordination throughout the State;

WHEREAS, Recent accomplishments of State agencies, working together with local bomb squads, include creating a system to track bomb squad response time data, and allocating resources to develop a multi-jurisdictional maritime and underwater bomb response capability; and

WHEREAS, It is essential for State agencies and local bomb squads to continue their collaboration in order to ensure that each region of the State has access to safe and effective bomb squad response.

NOW, THEREFORE, I MARTIN O'MALLEY, GOVERNOR OF THE STATE OF MARYLAND, BY VIRTUE OF THE AUTHORITY VESTED IN ME BY THE CONSTITUTION AND LAWS OF MARYLAND

HEREBY PROCLAIM THE FOLLOWING EXECUTIVE ORDER,  
EFFECTIVE IMMEDIATELY:

A. The Office of the State Fire Marshal (OSFM) within the Maryland Department of State Police, the Maryland Emergency Management Agency (MEMA), and the Governor's Office of Homeland Security (GOHS) shall continue to coordinate with the State's federally accredited local bomb squads in order to provide safe, immediate, and effective responses to bomb threats throughout all regions of the State.

B. In their coordination with the State's accredited local bomb squads, the OSFM, MEMA and GOHS shall focus on establishing and promoting:

(1) Mutual aid among Maryland's accredited bomb squads to ensure effective bomb squad response statewide;

(2) A regional response plan to ensure bomb squad readiness and coordination throughout the State;

(3) Joint training exercises across jurisdictions and disciplines, including law enforcement; and

(4) Mechanisms for sharing and analyzing performance data.

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**EXECUTIVE ORDER OF AUGUST 25, 2011**

01.01.2011.14

Declaration of Emergency

WHEREAS, Maryland is subject to a great variety of hazard events or disasters, including those involving geographic and weather related events;

WHEREAS, Having been advised and informed by the Maryland Emergency Management Agency that as a result of the impending occurrence of Hurricane Irene, there is a need for special preparedness and response for which resources may be requested;



- WHEREAS, Hurricane Irene is currently a category three hurricane moving towards the East Coast of the United States, and the Federal Emergency Management Agency has urged all residents in East Coast states to take steps now to prepare their families and businesses for hurricanes, severe weather, flash floods, and other disasters;
- WHEREAS, Although the precise path of Hurricane Irene is uncertain, the entire State of Maryland must take steps to prepare for potential destruction and minimize the threat to public safety and the lives of all Marylanders who may find themselves in the path of Hurricane Irene;
- WHEREAS, There is a need to take protective actions to protect the lives and property of impacted citizens especially in and around Ocean City and the Lower Eastern Shore of Maryland from the potentially disastrous effects of Hurricane Irene;
- WHEREAS, Use of resources of the Maryland National Guard may be required;
- WHEREAS, In order to facilitate the deployment of requisite resources within provisions of Maryland law; and
- WHEREAS, In order to implement the emergency powers of the Governor, a declaration of emergency by the Governor is necessary.
- NOW, THEREFORE, I, MARTIN O'MALLEY, GOVERNOR OF THE STATE OF MARYLAND, BY VIRTUE OF THE AUTHORITY VESTED IN ME BY THE CONSTITUTION AND THE LAWS OF MARYLAND, INCLUDING BUT NOT LIMITED TO TITLE 14 OF THE PUBLIC SAFETY ARTICLE OF THE ANNOTATED CODE OF MARYLAND, DECLARE THAT A STATE OF EMERGENCY EXISTS IN THE STATE OF MARYLAND, I CALL THE MARYLAND NATIONAL GUARD INTO STATE SERVICE AND HEREBY AUTHORIZE THE MARYLAND EMERGENCY MANAGEMENT AGENCY OR OTHER APPROPRIATE STATE AUTHORITY, DURING THIS EMERGENCY PERIOD, TO ENGAGE, DEPLOY AND COORDINATE AVAILABLE RESOURCES.
-

**EXECUTIVE ORDER OF AUGUST 26, 2011**

01.01.2011.15

Emergency Hurricane Efforts – Vehicle Size and Weight Limits

- WHEREAS, A state of emergency has been declared due to the impending arrival of Hurricane Irene in Maryland;
- WHEREAS, The delivery of supplies and equipment to areas that may be stricken by this storm is vital to the preservation of life and property;
- WHEREAS, The facilitated movement of these supplies and equipment is in the best interest of the citizens of Maryland;
- WHEREAS, Having been advised and informed by the Maryland Emergency Management Agency that there is the anticipation of severe weather, possible flooding and subsequent power outages, that an emergency exists in the State of Maryland and that resources may be requested;

NOW, THEREFORE, I, MARTIN O'MALLEY, GOVERNOR OF THE STATE OF MARYLAND, BY VIRTUE OF THE AUTHORITY VESTED IN ME BY THE CONSTITUTION AND THE LAWS OF MARYLAND, INCLUDING BUT NOT LIMITED TO TITLE 14 OF THE PUBLIC SAFETY ARTICLE OF THE ANNOTATED CODE OF MARYLAND, HEREBY ORDER THE FOLLOWING RELIEF FOR WEIGHT LIMITATIONS FOR VEHICLES TRANSPORTING EQUIPMENT OR SUPPLIES DIRECTLY RELATED TO HURRICANE EMERGENCY RELIEF EFFORTS.

1. Vehicles Transporting equipment or supplies directly related to hurricane emergency relief are allowed a 15% tolerance above any weight limited imposed by statute. Said tolerance shall be the only tolerance applicable to the vehicle. Vehicles exceeding this tolerance and carrying a non-divisible load shall obtain a hauling permit as required. No vehicle shall exceed any tire manufacturer's maximum load capacity rating.

2. The Administrator, Maryland State Highway Administration, or the Administrator's designee may temporarily waive or modify hauling permit restrictions and conditions deemed safe and appropriate to facilitate relief efforts.

3. Carriers and drivers operating under the provisions of this declaration must adhere to all roadway restrictions of the Maryland State Highway Administration, Maryland Transportation Authority and local jurisdictions regarding roadway and bridge size and weight limitations.

4. Pursuant to the Code of Federal Regulations, 49 CFR Part 390.23, carriers and drivers of commercial motor vehicles transporting commodities related to storm relief efforts (e.g. heating oil, propane, gasoline, etc) and drivers of utility vehicles shall be relieved from the Hours of Service (HOS) requirements of 49 CFR part 395, as adopted under Section 25-111, of the Maryland Transportation Article. This waiver does not relieve any carrier or operator from the requirements of 49 CFR part 392.3, relating to operating a commercial motor vehicle while fatigued.

5. Nothing in this declaration relieves the carrier or driver of responsibility for the safe operation of the vehicle.

6. The provisions of this Order are not applicable to any part of the Interstate Highway System. Such relief is strictly under the purview of and must be independently declared by the appropriate federal agency. Any declaration so made and receiving concurrence by the Maryland Secretary of Transportation shall become a part of this Order.

7. This Order shall remain in effect until modified or rescinded by the Governor.

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**EXECUTIVE ORDER OF AUGUST 26, 2011**

01.01.2011.16

Evacuation of McCready Memorial Hospital and Alice B. Tawes Nursing Home

WHEREAS, Hurricane Irene is expected to make landfall in Maryland on August 27 or August 28, 2011;

WHEREAS, McCready Memorial Hospital and Alice B. Tawes Nursing Home, both at 201 Hall Highway is Crisfield, Maryland, are located in

the path that Hurricane Irene is expected to travel and could sustain serious damage in the hurricane;

WHEREAS, the Maryland Institute for Emergency Medical Services Systems (“MIEMSS”) has determined that the potential for damage to McCready Memorial Hospital and Alice B. Tawes Nursing Home puts at serious risk the health and safety of patients and residents in those facilities;

NOW, THEREFORE, I, MARTIN O’MALLEY, GOVERNOR OF THE STATE OF MARYLAND, PURSUANT TO § 14-107(D)(II) OF THE PUBLIC SAFETY ARTICLE OF THE MARYLAND CODE, FINDING IT NECESSARY TO PROTECT PUBLIC HEALTH, WELFARE AND SAFETY, HEREBY ORDER THAT McCREADY MEMORIAL HOSPITAL AND ALICE B. TAWES NURSING HOME, WORKING IN COORDINATION WITH, AND AT THE DIRECTION OF, MIEMSS AND THE SECRETARY OF HEALTH AND MENTAL HYGIENE, SHALL ON THIS DATE ENSURE THE SAFE EVACUATION OF ALL RESIDENTS AND PATIENTS FROM THEIR FACILITIES IN CRISFIELD, MARYLAND. THIS ORDER DOES NOT AFFECT THE ABILITY OF THE HOSPITAL TO OPERATE AN EMERGENCY DEPARTMENT.

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**EXECUTIVE ORDER OF SEPTEMBER 8, 2011**

01.01.2011.17

Continued Declaration of Emergency

WHEREAS, Maryland is subject to a great variety of hazard events or disasters, including those involving geographic and weather related events;

WHEREAS, The heavy rains from Hurricane Irene followed by the heavy rains from Tropical Storm Lee have caused flash flooding and have caused many Maryland waterways to rise to dangerous levels;

WHEREAS, Flooding of these waterways and flash flooding throughout Maryland has resulted in risk to human life and safety, property, and state infrastructure;

WHEREAS, All of the floodgates of the Conowingo Dam in Harford and Cecil counties will be opened by tomorrow;

WHEREAS, Opening the floodgates is necessary but will result in flooding, potential risk to human life and safety, and property damage to many low-lying areas in the path of the releases;

WHEREAS, A mandatory evacuation order has been issued for Port Deposit as a result of the releases from the Conowingo Dam; and

WHEREAS, In order to facilitate the deployment of requisite resources within provisions of Maryland law.

NOW, THEREFORE, I, MARTIN O'MALLEY, GOVERNOR OF THE STATE OF MARYLAND, BY VIRTUE OF THE AUTHORITY VESTED IN ME BY THE CONSTITUTION AND THE LAWS OF MARYLAND, INCLUDING BUT NOT LIMITED TO TITLE 14 OF THE PUBLIC SAFETY ARTICLE OF THE ANNOTATED CODE OF MARYLAND, ORDER AS FOLLOWS:

A. I hereby authorize the Maryland Emergency Management Agency, during this emergency period, to engage, deploy and coordinate available resources.

B. A state of emergency continues to exist in Maryland, and Executive Order 01.01.2011.14 remains in effect.

C. The Maryland National Guard remains activated in state service.

D. State agencies should take all necessary steps in response to the flooding to protect public safety.

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**EXECUTIVE ORDER OF SEPTEMBER 16, 2011**

01.01.2011.18

Rescission of Executive Orders 01.01.2011.14, 01.01.2011.15, and 01.01.2011.17

WHEREAS, I, Martin O'Malley, Governor of the State of Maryland, issued Executive Order 01.01.2011.14, which declared a state of

emergency because of the threat to public health and safety caused by Hurricane Irene, Executive Order 01.01.2011.15 – Emergency Hurricane Efforts – Vehicle Size and Weight Limits – to facilitate the movement of supplies and equipment in response to the state of emergency, and Executive Order 01.01.2011.17, which declared a continued state of emergency because of the threat of flooding from Tropical Storm Lee; and

WHEREAS, The emergency conditions necessitating Executive Orders 01.01.2011.14, 01.01.2011.15, and 01.01.2011.17 no longer exist.

NOW, THEREFORE, I, MARTIN O'MALLEY, GOVERNOR OF THE STATE OF MARYLAND, BY VIRTUE OF THE AUTHORITY VESTED IN ME BY THE CONSTITUTION AND LAWS OF MARYLAND, HEREBY PROCLAIM THAT THE STATE OF EMERGENCY IN THE STATE OF MARYLAND IS TERMINATED AND RESCIND EXECUTIVE ORDERS 01.01.2011.14, 01.01.2011.15, and 01.01.2011.17.

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### EXECUTIVE ORDER OF OCTOBER 12, 2011

01.01.2011.19

Proclamation Convening the General Assembly of Maryland in  
Extraordinary Session at Annapolis, Maryland on October 17, 2011

WHEREAS, Every decade, Maryland and other States must create electoral districts from which representatives to the United States House of Representatives are to be elected based on data from the United States Census Bureau;

WHEREAS, Maryland's Presidential Primary will be held on April 3, 2012, with early voting centers opening on March 24, 2012;

WHEREAS, The passage of the 2009 Military and Overseas Voter Empowerment (MOVE) Act by Congress establishes certain deadlines for States to transmit absentee ballots for federal elections to service members covered by the Uniformed and Overseas Citizens Voting Absentee Act (UOCAVA); and

WHEREAS, Maryland must pass a Congressional redistricting plan prior to the beginning of the 2012 Session of the Maryland General

Assembly in order to conduct the Presidential Primary on April 3, 2012.

NOW, THEREFORE, I, MARTIN O'MALLEY, GOVERNOR OF THE STATE OF MARYLAND, BY VIRTUE OF THE AUTHORITY VESTED IN ME BY ARTICLE II, SECTION 16 OF THE MARYLAND CONSTITUTION AND LAWS OF MARYLAND, HEREBY PROCLAIM AND CONVENE A SPECIAL AND EXTRAORDINARY SESSION OF THE GENERAL ASSEMBLY OF MARYLAND TO COMMENCE ON MONDAY, OCTOBER 17, 2011, IN THE STATE CAPITAL IN THE CITY OF ANNAPOLIS FOR THE PURPOSE OF PASSING LEGISLATION TO ESTABLISH THE STATE OF MARYLAND'S CONGRESSIONAL DISTRICTS.

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**EXECUTIVE ORDER OF OCTOBER 17, 2011**

01.01.2011.20

Governor's Job Creation Through Regulatory Reform Initiative

WHEREAS, The State of Maryland and Maryland families are not immune from the continuing effects of the global recession, and our unemployment rate, though one of the lowest in the United States, shows that we still have far too many Marylanders out of work;

WHEREAS, The State of Maryland has promoted economic development and job creation by making record investments in public school construction, creating a large-scale public venture capital initiative, investing millions in loans to small businesses, providing numerous tax incentives to Maryland businesses, and working to streamline business and economic development projects;

WHEREAS, The private sector plays an essential role in economic development and job creation; and businesses thrive in an economic environment that encourages innovation and investment and provides a predictable and balanced regulatory future;

- WHEREAS, State agencies must balance their core institutional missions, including the protection of public health, welfare, safety, and our environment, with the need to promote economic growth, innovation, competitiveness, and job creation;
- WHEREAS, Many businesses are required to comply with regulations issued by numerous agencies, and many of these regulations impose burdens that are not justified by present facts and circumstances and do not further the institutional missions of State agencies;
- WHEREAS, Unnecessary and onerous regulations waste private and public sector resources and jeopardize investment in the State's economy; and
- WHEREAS, All State agencies must take additional steps to reduce regulatory burdens in order to enable regulated businesses to focus on expansion and job creation and to foster the growth of small businesses and new industries.

NOW, THEREFORE, I, MARTIN O'MALLEY, GOVERNOR OF THE STATE OF MARYLAND, BY VIRTUE OF THE AUTHORITY VESTED IN ME BY THE CONSTITUTION AND LAWS OF MARYLAND, HEREBY PROCLAIM THE FOLLOWING EXECUTIVE ORDER, EFFECTIVE IMMEDIATELY:

A. Each agency shall conduct a comprehensive review of its regulations in order to determine whether any such regulations should be modified, streamlined, or repealed in order to reduce unnecessary regulatory burdens and promote economic growth and job creation.

B. Each agency shall identify circumstances in which businesses are co-regulated by other agencies and identify ways in which rules and regulations can be harmonized to eliminate unnecessary burdens on the private sector.

C. Each agency shall provide a report with the results of its review and a set of recommendations to the Governor's Chief of Staff no later than December 17, 2011.

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**EXECUTIVE ORDER OF NOVEMBER 15, 2011**

01.01.2011.21



Maryland's Virginia I. Jones Commission on Alzheimer's Disease and Related Disorders

- WHEREAS, There are more than 5.4 million Americans now living with Alzheimer's disease and someone new is added to those ranks approximately every 69 seconds;
- WHEREAS, There are an estimated 86,000 individuals in Maryland with Alzheimer's disease, and this number is expected to increase with the general aging of the population;
- WHEREAS, Alzheimer's Disease and Related Disorders (ADRD) are also associated with a number of seriously disabling illnesses which include high blood pressure, high cholesterol and other cardiovascular diseases;
- WHEREAS, Individuals with ADRD live many years after diagnosis and are at increased risk for high health care costs, social isolation and institutionalization;
- WHEREAS, Family members and caregivers of persons with ADRD commonly do not have access to services, or knowledge of the resources and information needed to provide effective and efficient care and treatment of the disease;
- WHEREAS, Family members themselves experience stress related medical problems, depression, social isolation, emotional distress and financial strain;
- WHEREAS, This lack of access to and utilization of information results in less effective treatment of the diseases and increases the burden of care, leading to poorer outcomes for patients and their caregivers;
- WHEREAS, There is a need for more successful collaborative efforts in Maryland, such as the Annual Pythias A. and Virginia I. Jones African-American Community Forum on Memory Loss, created in the memory of Virginia I. Jones, a Marylander committed to public service, who lived with the devastation of Alzheimer's disease for 17 years after diagnosis, and her husband, who was also an ADRD victim and her primary caregiver for many of those 17 years;
- WHEREAS, This Forum brings together a public, private and community collaborative to inform the community and others about ADRD, to support caregivers, to share information on services available,

and to bring the promise of research and opportunities to network with others who share similar concerns;

WHEREAS, Many Maryland agencies, associations and institutions have ADRD expertise; however, there remain gaps in the coordination of services and information relating to these chronic diseases;

WHEREAS, The Maryland General Assembly established a Workgroup in 2010 to examine the prevalence of ADRD in the State. The Workgroup was asked to identify best practices in the treatment of ADRD; to assess existing service and resource capacity; and to make recommendations to address any issues identified by the workgroup as a result of its assessment; and

WHEREAS, The Workgroup recommended the establishment of an Alzheimer's Disease and Related Disorders Commission, coordinated between the public and private sectors, to move forward on the implementation of its other recommendations.

NOW, THEREFORE, I, MARTIN O'MALLEY, GOVERNOR OF THE STATE OF MARYLAND, BY VIRTUE OF THE AUTHORITY VESTED IN ME BY THE CONSTITUTION AND THE LAWS OF MARYLAND, PROCLAIM THE FOLLOWING EXECUTIVE ORDER, EFFECTIVE IMMEDIATELY:

A. There is a Maryland Alzheimer's Disease and Related Disorders Commission (Commission).

B. Membership.

(1) The Commission shall consist of twenty voting members:

(a) The Secretary of Health and Mental Hygiene or designee;

(b) The Secretary of Aging or designee;

(c) Three members of the Maryland Senate, appointed by the President of the Senate;

(d) Three members of the Maryland House of Delegates, appointed by the Speaker of the House;

(e) Two representatives designated by the Maryland Alzheimer's Association;

(f) One consumer representative, appointed by the Governor;

(g) Two representatives of academic research institutions, appointed by the Governor;

(h) Two family caregivers of persons with Alzheimer's Disease and Related Disorders (ADRD), appointed by the Governor;

(i) Five institutional or individual providers of care for persons with ADRD, appointed by the Governor.

(2) The Governor shall appoint a Chair or Co-Chairs.

C. Procedures.

(1) The Commission shall meet at the call of the Chair or Co-Chairs. Notice of meetings shall be published to encourage public attendance.

(2) A majority of Commission members shall constitute a quorum for the transaction of any business.

(3) The Commission may adopt such other procedures and by-laws as may be necessary to ensure the orderly transaction of business.

(4) By July 15, 2012, the Commission shall submit to the Governor a comprehensive evaluation of ADRD in Maryland and make recommendations for a State plan to address the needs of individuals with ADRD, their families and caregivers.

D. Operational Support.

(1) The Department of Health and Mental Hygiene and the Department of Aging shall provide staff support; and

(2) Commission members shall provide appropriate support for research and substantive issues in their areas of responsibility and expertise, as determined by the Chair or Co-Chairs.

E. Expenses. Members of the Commission may not receive compensation for their services but may be reimbursed for reasonable expenses incurred in the performance of their duties,

in accordance with the Standard State Travel Regulations, as provided in the State budget.

F. Duties. The ADRD Commission shall:

(1) Provide guidance to members of the Executive and Legislative branches as to:

(a) Potential sources of data relating to ADRD; and

(b) Coordination of resources to assist individuals with ADRD and their families.

(2) Increase public awareness about and outreach for ADRD and the need for health care decision making throughout the course and development of ADRD, including at the end of life, giving special attention to outreach efforts in minority and underserved communities.

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**EXECUTIVE ORDER OF DECEMBER 19, 2011**

01.01.2011.22

PlanMaryland Implementation

WHEREAS, The Maryland Department of Planning (MDP) has been required since 1959 by State law to prepare a State Development Plan;

WHEREAS, The General Assembly adopted the 1974 Land Use Act which reaffirmed the requirement that MDP create a State Development Plan;

WHEREAS, Growth and development trends over the past decade in Maryland have been largely unsustainable, which makes the adoption of a State Development Plan necessary;

WHEREAS, The General Assembly in 2007 and in 2010 charged the Task Force on the Future of Growth and Development and then the Maryland Sustainable Growth Commission with advising MDP on the preparation and content of the State Development Plan;

WHEREAS, MDP held three rounds of public meetings in 2008, 2010, and 2011, attended by hundreds of citizens, to solicit public input on the State Development Plan with over 3,000 people at these and other public meetings in addition to hundreds of on-line comments;

WHEREAS, MDP also received the advice of the Smart Growth Subcabinet and the Maryland Sustainable Growth Commission as it prepared the State Development Plan;

WHEREAS, After receiving this input, MDP released the first draft of the State Development Plan, called "PlanMaryland," in April 2011 and established a public comment period, in accordance with Title 5, Subtitle 6 of the State Finance and Procurement Article of the Annotated Code of Maryland, through September 1, 2011;

WHEREAS, Responding to public comments and concerns from local officials, MDP released a revised draft Plan in September 2011 and provided an additional two months for further public comment;

WHEREAS, PlanMaryland seeks to improve coordination between State agencies on Smart Growth because too often the actions of the State have been at cross-purposes to achieve the goals of Smart Growth;

WHEREAS, PlanMaryland is not a substitute for local comprehensive plans and it will not supplant local planning and zoning authority, which has been delegated to local government by the General Assembly; and

WHEREAS, PlanMaryland was adopted in accordance with Title 5, Subtitle 6 of the State Finance and Procurement Article of the Annotated Code of Maryland, when it was filed with the Secretary of State on December 16, 2011.

NOW, THEREFORE, I, MARTIN O'MALLEY GOVERNOR OF THE STATE OF MARYLAND BY VIRTUE OF THE AUTHORITY VESTED IN ME BY THE CONSTITUTION AND LAWS OF MARYLAND, HEREBY PROCLAIM THE FOLLOWING EXECUTIVE ORDER, EFFECTIVELY IMMEDIATELY:

A. Definitions.

(1) "Smart Growth Subcabinet" means the Smart Growth Subcabinet established under § 9-1406 of the State Government Article of the Annotated Code of Maryland.

- (2) “State agencies” includes the following:
- (a) Budget and Management;
  - (b) Business and Economic Development;
  - (c) Housing and Community Development;
  - (d) Environment;
  - (e) General Services;
  - (f) Planning;
  - (g) Transportation;
  - (h) Natural Resources;
  - (i) Agriculture;
  - (j) Health and Mental Hygiene;
  - (k) Labor, Licensing and Regulation;
  - (l) Maryland Energy Administration; and
  - (m) Maryland Higher Education Commission.

B. Purpose of the Plan.

(1) PlanMaryland shall be recognized as the State Development Plan for the State of Maryland and shall serve as a guide to the economic and physical development of the State in order to:

- (a) Spur economic development, redevelopment, revitalization, and infill development;
- (b) Incentivize resource and agricultural based industries; and
- (c) Protect the rural, agricultural, natural, environmental, and cultural lands and resources.

(2) PlanMaryland shall make State policies on development transparent, so local governments can most efficiently access State resources.

(3) State agencies shall review and consider PlanMaryland when making decisions about actions that affect development in the State.

C. Planning Areas.

(1) Maryland Department of Planning (MDP), in coordination with the Smart Growth Subcabinet, the Maryland Sustainable Growth Commission, local governments, and other stakeholders, shall draft Planning Area Guidelines for the State.

(a) The purpose of the Planning Area Guidelines is to establish criteria for identifying appropriate locations for Planning Areas that State agencies will use to direct their resources to achieve the goals and objectives of PlanMaryland.

(b) The draft Planning Area Guidelines shall describe the criteria for each Planning Area and how the criteria should be achieved.

(c) MDP shall distribute the draft Planning Area Guidelines to all local jurisdictions with planning and zoning authority for review and comment.

(d) MDP and other staff from State agencies will be available at various forums and meetings to explain the draft Planning Area Guidelines.

(2) (a) Local jurisdictions are encouraged to identify proposed Planning Areas by reviewing their existing comprehensive plans and regulations to see where and how they align with the Planning Area Guidelines.

(b) A local jurisdiction may provide information and mapping of their own proposed Planning Areas to MDP and the Smart Growth Subcabinet based on the Guidelines.

(c) MDP will coordinate the review of local information and mapping by State agencies and provide comments and feedback.

(d) MDP will develop the Planning Area maps by working collaboratively with State agencies and local governments.

(3) (a) Existing State resources will be directed to achieve the goals and objectives of PlanMaryland as appropriate to these Planning Areas.

(b) Local jurisdictions are encouraged to direct their own local resources to these jointly established Areas as appropriate to achieve the goals and objectives of PlanMaryland and their own local growth goals.

D. Implementation of PlanMaryland.

(1) The Smart Growth Subcabinet shall coordinate the implementation of PlanMaryland among the State agencies and report on the progress of its implementation.

(2) State agencies shall review their plans, programs, and policies to determine how they can best be aligned to support the goals and objectives of PlanMaryland.

(3) State agencies shall modify and align their plans, programs, and policies as appropriate within State Planning Areas in order to:

(a) Spur economic development, redevelopment, revitalization, and infill development;

(b) Incentivize resource and agricultural based industries; and

(c) Protect the rural, agricultural, natural, environmental, and cultural lands and resources.

(4) State agencies shall, within 180 days from the issuance of this Executive Order, report to the Smart Growth Subcabinet on their efforts to implement PlanMaryland consistent with this Executive Order.

(5) The report from each State agency shall propose:

(a) A work plan for implementing PlanMaryland in the agency, including a review of agency plans, programs, and policies in order to align them with PlanMaryland's goals and objectives;

(b) A timeline for the work plan; and



(c) A method of tracking the performance of the work plan and implementation of PlanMaryland.

(6) The Smart Growth Subcabinet shall review the workplan, timeline and tracking method.

(7) (a) The Smart Growth Subcabinet shall prepare a report within 240 days from the issuance of this Executive Order summarizing how each State agency proposes to implement PlanMaryland.

(b) The Subcabinet shall:

(i) Report periodically on the progress of implementing PlanMaryland;

(ii) Coordinate its efforts with the BayStat Subcabinet; and

(iii) Share the reports on the progress of implementing PlanMaryland with the BayStat Subcabinet.

(8) MDP and other State agencies shall provide staff and resource assistance to the Smart Growth Subcabinet in the preparation of this report.



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