

Executive Orders 2013

STATE OF MARYLAND

The Executive Orders are published under "Title 3. Governor and Lieutenant Governor" in the State Government Article of the Annotated Code of Maryland.

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EXECUTIVE ORDER OF APRIL 1, 2013

01.01.2013.01

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 2013 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 2013 REGULAR SESSION OF THE MARYLAND GENERAL ASSEMBLY IS HEREBY EXTENDED, COMMENCING AT MIDNIGHT ON MONDAY, APRIL 8, 2013 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.

EXECUTIVE ORDER OF JULY 23, 2013

01.01.2013.02

Governor's Commission on Service and Volunteerism
(Rescinds Executive Order 01.01.2004.58)

WHEREAS, The Governor's Commission on Service was first established by Executive Order 01.01.1994.01 pursuant to the National and Community Service Trust Act of 1993, Public Law 103-82;

WHEREAS, Under the provisions of Executive Order 01.01.1998.08, the Commission was renamed the Governor's Commission on Service and Volunteerism to reflect an expansion in the scope of its duties and responsibilities;

WHEREAS, The Administration finds that the Commission performs a necessary and valuable function in marshaling volunteer resources to meet community needs, and in encouraging a sense of stewardship with one's community and fostering a more responsible and enterprising citizenry; and

WHEREAS, Technical changes to Executive Order 01.01.2004.58 are needed.

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 01.01.2004.58 AND PROCLAIM THE FOLLOWING EXECUTIVE ORDER, EFFECTIVE IMMEDIATELY:

A. Definitions. In this Executive Order, the following terms have the meanings indicated:

(1) "Commission" means the Governor's Commission on Service and Volunteerism.

(2) "Office" means the Governor's Office of Community Initiatives, as established in Executive Order 01.01.2007.25.

(3) "Act" means the National and Community Service Trust Act of 1993, as amended.

(4) "Executive Director" means the Executive Director of the Governor's Office of Community Initiatives.

B. Established. There is a Governor's Commission on Service and Volunteerism within the Executive Branch. The Commission shall report to the Executive Director.

C. Membership and Procedures.

(1) Voting Members. The Commission shall be comprised of the following voting members:

(a) The State Superintendent of Schools, or a designee;

(b) 14 to 24 voting members appointed by the Governor to include:

(i) A representative of community-based agencies or organizations within the State;

(ii) A representative of local government;

(iii) A representative of business;

(iv) A representative of labor;

(v) A representative of a national service program;

(vi) An individual between the ages of 16 and 25 who is a participant or supervisor in a volunteer service program;

(vii) An individual with expertise in the educational, training and development needs of youth, particularly disadvantaged youth;

(viii) An individual with experience in promoting the involvement of older adults in service and volunteerism;

(ix) A representative of the volunteer sector;
and

(x) Members of the general public with interest, knowledge and experience in service and volunteerism.

(2) Nonvoting Members. The Executive Director of the Office shall serve as a nonvoting member of the Commission. The Commission may also include nonvoting representatives of State agencies.

(3) The Corporation for National and Community Service shall designate one of its employees to serve as an ex-officio nonvoting representative on the Commission.

(4) In accordance with the requirements of the Act, no more than 50 percent plus one of the voting members may be from the same political party, and no more than 25 percent of the voting members may be comprised of officers or employees of the State.

(5) In accordance with the requirements of the Act, the Chairperson will be elected annually from among the Commission members and may be re-elected. In the event of a vacancy between elections, the Governor shall designate an interim chairperson who shall serve until a successor has been duly elected.

(6) Members appointed by the Governor shall serve at his pleasure for a term of three years. A member may be reappointed, but may not serve more than two complete consecutive terms. The terms of the members shall be staggered from initial appointment.

(7) A member of the Commission shall serve without compensation, but may be reimbursed for reasonable and necessary travel expenses incurred while performing approved Commission duties, in accordance with the Standard State Travel Regulations and as provided in the State budget.

D. Scope of the Commission. The Commission shall have the following duties and responsibilities:

(1) To direct the State's participation in the implementation of the National and Community Service Trust Act of 1993, and appropriate successor acts, including approving the State's application for funding of service positions under the Act;

(2) To encourage the recognition of outstanding volunteer service and civic participation by individuals, schools, and organizations, with the goal of promoting greater participation in the community; and

(3) To advise the Governor, Executive Director, and State agencies on issues related to volunteerism and service among the citizens of the State.

E. Staff Support. The Office shall provide support to the Commission in carrying out its duties, including:

(1) Performing grant administration functions, including preparation of an annual comprehensive plan and State application for funding, and monitoring and evaluating funded programs;

(2) Serving as the State's principal liaison to the Corporation for National and Community Service;

(3) Providing technical assistance, education, information, and other support to organizations and institutions to encourage community service and volunteer participation; and

(4) Working with individuals, communities and organizations to promote innovative programs and initiatives that address Maryland's educational, public safety, human service, and environmental needs.

F. Reports. By December 31 of each year, the Commission shall make an annual report to the Executive Director concerning its activities, and any recommendations it may have for further promoting community service and volunteerism in the State.

EXECUTIVE ORDER OF AUGUST 5, 2013

01.01.2013.03

Public-Private Partnerships – Oversight

- WHEREAS, The O'Malley-Brown Administration is committed to building and expanding private investment in public infrastructure to improve Maryland's economy, strengthen its social and environmental well-being, and create jobs;
- WHEREAS, The Joint Legislative and Executive Commission on Oversight of Public-Private Partnerships, created by Chapters 640 and 641 of the General Assembly of 2010, recommended the Executive Branch establish by Executive Order a process to improve the management and coordination of future public-private partnerships;
- WHEREAS, Initial estimates by Maryland departments that oversee capital projects have found that additional public-private partnerships could comprise between six and ten percent of Maryland's annual capital budget while creating as many as 4,000 jobs;
- WHEREAS, For Maryland to achieve the greatest benefits from public-private partnerships, the process needs to be transparent and predictable;

WHEREAS, For public–private partnerships to be successful, the State must retain ultimate control of its assets and create a process that combines the strengths of the private sector with those of the public sector;

WHEREAS, The State will comply with all applicable federal, State, and local laws as they relate to public–private partnerships; and

WHEREAS, In accordance with State Finance and Procurement Article, Section 10A–105(c), State employees shall retain all of the protections in State law, regulations, and policies that are in effect at the time the public–private partnership agreement is approved by the Board of Public Works.

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. Maryland Subcabinet for Public–Private Partnerships.

(1) Established. This is a Maryland Subcabinet for Public–Private Partnerships. The Subcabinet shall consist of the following members:

(a) The Executive Director of the Maryland Subcabinet for Public–Private Partnerships, who is appointed by the Governor;

(b) The Lt. Governor, or the Lt. Governor's designee, who serves as Chair of Subcabinet;

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

(d) The Secretary of General Services, or the Secretary's designee;

(e) The Secretary of Transportation, or the Secretary's designee;

(f) The Special Secretary of the Governor's Office of Minority Affairs, or the Special Secretary's designee;

(g) The Executive Secretary of the Maryland Transportation Authority, or the Executive Secretary's designee;

(h) The Chancellor of the University System of Maryland, or the Chancellor's designee;

(i) The Executive Director of the Maryland Stadium Authority, or the Executive Director's designee;

(j) The Executive Director of the Maryland Economic Development Corporation, or the Executive Director's designee; and

(k) The Executive Director of the Interagency Committee on School Construction, or the Executive Director's designee.

(2) The Maryland Subcabinet for Public-Private Partnerships shall establish a Public-Private Partnership Advisory Board to seek advice on future public-private partnership policy and opportunities. The membership of the Advisory Board is at the sole discretion of the Subcabinet. The Board shall be diverse and representative of the various groups and stakeholders that have experience and interest in public-private partnerships. Its membership may include persons from the private and public sector, the labor community, the environmental community, historically black colleges and universities, minority communities, women, local and county government officials, the Maryland Senate, the Maryland House of Delegates and any other affected groups or businesses.

(3) Responsibilities. The Maryland Subcabinet for Public-Private Partnerships and the Executive Director of the Subcabinet shall:

(a) Coordinate the activities of the Subcabinet, execute the responsibilities enumerated in this Executive Order, and act as the State's liaison to groups and individuals who are interested in learning about or pursuing public-private partnerships in Maryland;

(b) Meet at least quarterly to review statewide public-private partnership projects, policies, and related issues;

(c) Provide assistance, information, or advice to any reporting agency seeking assistance, information, or support for potential public-private partnerships;

(d) As necessary, and in coordination with a reporting agency and the Department of Budget and Management provide the Board of Public Works, the General Assembly, the Department of Legislative Services, the Office of the Comptroller and Office of the Treasurer with updates on any ongoing or future public-private partnerships;

(e) Assist, as needed, with the continued development and improvement of the State's public-private partnership framework, including agency regulations and the criteria for project selection;

(f) Review, as needed, Maryland's existing public-private partnership legislation or regulations that may constrain reporting agencies or Maryland's ability to consider or execute public-private partnerships effectively, and recommend potential changes;

(g) Analyze how to maximize the State's use of public-private partnerships;

(h) Conduct additional research into best practices for public-private partnerships within the United States and internationally;

(i) Invite subject-matter experts, both from within and outside State government, to present to the Subcabinet;

(j) Hold forums and similar educational or information-gathering events;

(k) Ensure that the repository for public-private partnership information established under Section B of this Executive Order is updated on a timely basis, including:

(i) Key aspects and documents related to all State public-private partnerships that have reached final Agreement;

(ii) Details about each reporting agency's pipeline of future public-private partnerships; and

(iii) Any other pertinent information related to public-private partnerships.

(l) Commission the development of studies and reports including, but not limited to, a report submitted by

December 1, 2013 to the Governor, Senate President and House Speaker that includes:

(i) An analysis of the State's two capital improvement plans – including the Consolidated Transportation Program and Capital Improvement Program – to assist reporting agencies in determining which capital projects should be considered as a public-private partnership and their respective priority. Consideration may also be given to capital projects that have been requested, but are not included in either of the State's current capital improvement plans;

(ii) The advantages and disadvantages of establishing a formal Office of Public-Private Partnerships and/or Innovative Financing Office to oversee and manage future tax increment financing, public-private partnerships, smart growth investment funds, or other types of innovative financing, as well as the potential composition, location, staffing, and responsibilities of such an office or offices; and

(iii) A description of possible uses of availability payments and their applicability in Maryland.

(4) Staff support. Staff support for the Maryland Subcabinet for Public-Private Partnerships will be provided by the Executive Director with support from:

(a) The Department of Transportation;

(b) The Department of Budget and Management;

(c) The Department of General Services;

(d) The University System of Maryland; and

(e) Contractual assistance or experts in the field of public-private partnerships or other areas as needed.

B. Repository for Public-Private Partnership Information.

(1) The Executive Director in coordination with the subcabinet will create a centralized website to highlight information on the State's knowledge and experience with public-private partnership policies, processes, projects and other best practices.

(2) The website will be maintained jointly by:

(a) The Maryland Subcabinet for Public–Private Partnerships;

(b) The Department of Transportation; and

(c) The Department of General Services.

(3) The website may include:

(a) Key aspects and documents of all public–private partnerships undertaken by the State or a reporting agency;

(b) The pre–solicitation report of all future public–private partnerships, minus the information deemed confidential, proprietary, or otherwise exempt from disclosure, in accordance with 10A–201(c)(1)(v) of the State Finance and Procurement Article;

(c) Solicitation documents and the final public–private partnership agreement, minus the information deemed confidential, proprietary, or otherwise exempt from disclosure, in accordance with 10A–203(b)(1)(i) of the State Finance and Procurement Article;

(d) The contact information of the main public–private partnership point of contact for each reporting agency;

(e) Report of the Joint Legislative and Executive Commission on Public–Private Partnerships;

(f) Regulations relating to public–private partnerships for each of the reporting agencies;

(g) The process for submitting unsolicited proposals to the reporting agencies;

(h) Information regarding recent public–private partnership activities, forums, meetings, and initiatives throughout the State;

(i) Additional materials developed by the Maryland Subcabinet for Public–Private Partnerships; and

(j) Details about each Reporting Agency's pipeline of potential future public-private partnerships, including:

(i) Potential project delivery methods under consideration; and

(ii) Estimated pre-solicitation and solicitation schedules for each potential public-private partnership.

C. Public-Private Partnership Processes.

(1) In accordance with the public-private partnership law, each reporting agency shall establish public-private partnership regulations for the development, solicitation, evaluation, award, and delivery of public-private partnerships.

(2) For the development of regulations, reporting agencies may:

(a) Use internal resources;

(b) Use the report of the Joint Legislative and Executive Commission on Public-Private Partnerships;

(c) Seek guidance from the Maryland Subcabinet for Public-Private Partnerships; or

(d) Seek guidance from experts in the field of public-private partnerships.

EXECUTIVE ORDER OF SEPTEMBER 17, 2013

01.01.2013.04

Governor's Commission for Effective Community Inclusion of Individuals with Intellectual and Developmental Disabilities

WHEREAS,

Over 90,000 Marylanders are individuals with intellectual and developmental disabilities;

- WHEREAS, Individuals with intellectual and developmental disabilities, like all Marylanders, have the right to full, meaningful, and equal participation in all aspects of community life;
- WHEREAS, Although individuals with intellectual and developmental disabilities may have cognitive challenges, they have skills, capabilities, and experiences that, when supported and encouraged, enable them to make meaningful contributions to their families and communities; however, these abilities are often unrecognized, underestimated, or misunderstood by others;
- WHEREAS, Robert Ethan Saylor was a 26-year-old Marylander who happened to have an intellectual disability, namely Down syndrome;
- WHEREAS, Mr. Saylor died on January 12, 2013, in Frederick County in his local community's movie theater;
- WHEREAS, Many officials in positions of authority, including law enforcement officials, paramedics, and other first responders, receive limited training about responding to situations involving individuals with intellectual and developmental disabilities;
- WHEREAS, Maryland would benefit from statewide policies, guidelines, and best practices on standards for law enforcement officials, paramedics, and other first responders' responses to situations involving individuals with intellectual and developmental disabilities;
- WHEREAS, Maryland would benefit from statewide training standards that educate individuals in positions of authority, particularly those in public sector positions such as law enforcement officials, paramedics, and other first responders, about the best approaches for safely managing situations involving individuals with intellectual and developmental disabilities;
- WHEREAS, Maryland would benefit from the development of a coordinated, collaborative, and comprehensive strategy to ensure enhanced responses to situations involving individuals with intellectual and developmental disabilities;
- WHEREAS, The United Nations recognizes December 3rd as the International Day of People With Disabilities to promote an understanding of people with disabilities and encourage support for their dignity, rights, and well-being; and

WHEREAS,

A Governor's Commission for Effective Community Inclusion of Individuals with Intellectual and Developmental Disabilities would address issues concerning statewide policies, guidelines, or best practices; statewide training standards; a comprehensive strategy; and other related matters to improve the lives of all Marylanders, including those with intellectual and developmental disabilities.

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. There is a Maryland Commission for Effective Community Inclusion of Individuals with Intellectual and Developmental Disabilities.

B. Membership. The Commission consists of the following voting members:

(1) One member appointed by the President of the Senate;

(2) One member appointed by the Speaker of the House of Delegates;

(3) The Secretary of the Department of Disabilities, or the Secretary's designee;

(4) The Superintendent of the Maryland State Police, or the Superintendent's designee;

(5) The Secretary of the Department of Health and Mental Hygiene, or the Secretary's designee;

(6) The Executive Director of the Maryland Institute for Emergency Medical Services Systems, or the Executive Director's designee;

(7) The Secretary of the Department of Juvenile Services, or the Secretary's designee;

(8) The Secretary of the Department of Public Safety and Correctional Services, or the Secretary's designee;

(9) The Executive Director of the Governor's Office of Crime Control and Prevention, or the Executive Director's designee;

(10) The Executive Director of the Police and Correctional Training Commissions, or the Executive Director's designee;

(11) One representative from a State's Attorney's office;

(12) One representative from a city or county police department;

(13) One representative from a sheriff's department;

(14) One representative of a Maryland organization that advocates for individuals with intellectual and developmental disabilities;

(15) One representative of a national organization that advocates for individuals with intellectual and developmental disabilities;

(16) One individual, a self-advocate, with an intellectual or developmental disability; and

(17) Up to five members, no more than three of whom shall be full-time State employees, as appointed by the Governor.

C. The members identified in Sections B(11) through (17) shall be appointed by the Governor and shall serve at the pleasure of the Governor.

D. Members appointed by the Governor may serve up to two consecutive, three-year terms.

E. The Governor shall designate the Chair from among the members.

F. In the event of a vacancy on the Commission, the Governor shall appoint a successor to fill the remainder of the term.

G. Procedures.

(1) Members of the Commission may not receive any 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, and as provided in the State budget.

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

(3) The Commission may adopt such other procedures as may be necessary to ensure the orderly transaction of business, including the creation of committees or task forces.

(4) The Chair may, with the consent of the Commission, designate additional individuals, including interested citizens, elected officials, educators, or specialists with relevant expertise, to serve on any committee or task force.

(5) The Commission may consult with State agencies to obtain such technical assistance and advice as it deems necessary to complete its duties. All Executive Department agencies shall cooperate with and assist the Commission in carrying out its responsibilities.

(6) The Commission shall meet at least four times per year.

H. Purposes. The Commission shall have the following objectives:

(1) Develop and issue recommendations about the types of policies, guidelines, or best practices that Maryland should adopt regarding law enforcement officials, paramedics, and other first responders' responses to situations involving individuals with intellectual and developmental disabilities;

(2) Develop and issue recommendations about the types of statewide training standards that Maryland should adopt to educate individuals in positions of authority, particularly those in public sector positions such as law enforcement officials, paramedics, and other first responders, about the best approaches for safely managing situations involving individuals with intellectual and developmental disabilities. If appropriate, the recommendations should include the method by which the standards would be implemented;

(3) Develop a coordinated, collaborative, and comprehensive strategy for State and local officials, disability advocates, and other interested parties to ensure enhanced

responses to situations involving individuals with intellectual and developmental disabilities;

(4) In developing the strategy in paragraph (3), consider all available types of assistance that would be helpful, including the expansion of Crisis Intervention Teams and Mobile Crisis Teams; and

(5) To consider other related matters as the Commission deems necessary.

I. Reports and Recommendations.

(1) The Commission shall issue an initial report addressing the purposes listed in Section H.

(2) The Commission may provide recommendations in the initial report as appropriate.

(3) The initial report on the work of the Commission shall be submitted to the Governor, the President of the Senate, and the Speaker of the House of Delegates, on January 9, 2014.

(4) The Commission shall issue an annual report addressing the purposes listed in Section H to the Governor, the President of the Senate, and the Speaker of the House of Delegates, on December 3rd of each year starting in 2014, and it may issue additional reports and recommendations as appropriate.

EXECUTIVE ORDER OF SEPTEMBER 20, 2013

01.01.2013.05

Procurement Guidelines – Authorization of Project Labor Agreements, Authorization of Apprenticeship Agreements, and Community Hiring

WHEREAS,

Strategic investments in public works projects and public-private partnerships in the State of Maryland are critical to building sound infrastructure necessary for essential government operations, including in our transportation, education, energy, and technology sectors;

WHEREAS, When investing significant public resources, the State of Maryland has a compelling interest in taking steps to ensure the timely, safe, and economical completion of public works projects and public-private partnerships, including steps to guarantee a reliable and secure supply of properly skilled labor personnel through the promotion of apprenticeship programs and, in some cases, project labor agreements;

WHEREAS, When investing significant public resources, the State of Maryland also has a compelling interest in considering the impact on the development of critical job skills needed in construction, the expansion of employment opportunities for residents, and the overall economic benefits to the State of Maryland and its economy;

WHEREAS, Under existing law, State agencies are encouraged to maximize the benefits of State purchasing to the Maryland economy by considering, among other things, the number of jobs expected to be generated for Maryland residents; and

WHEREAS, Encouraging the growth of apprenticeship training programs in the Maryland construction industry and employment in local communities where projects are located, particularly in areas with high unemployment, will help protect the State's interest in successful project delivery, promote critically needed workforce development in construction, and combat long-term unemployment by expanding opportunities for individuals to develop their skills and compete for jobs in a rapidly changing economy.

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, DO HEREBY PROCLAIM THE FOLLOWING EXECUTIVE ORDER, EFFECTIVE IMMEDIATELY:

Promotion of Apprenticeships

A. On a project-by-project basis, a State department, agency, authority, board, or instrumentality that is under the control of the Governor, shall consider whether the use of contractors who participate in registered apprenticeship programs and offer a reliable plan for labor staffing on a public project or public-private partnership is in the best interests of the State after considering the totality of the circumstances, including the following factors:

- (1) The benefits to the public relative to cost, efficiency, timeliness, quality, health, safety, employment of a skilled labor force, and labor stability;
- (2) The number of trades and crafts anticipated to be used on the project;
- (3) The need and urgency of the project and the harm to the public if completion of the project is delayed;
- (4) The size, complexity, and cost of the project;
- (5) The impact on project costs, if any, and the State's obligation to encourage maximum practicable competition during the procurement process;
- (6) The impact on workforce development in construction and the potential for generating skills training and employment opportunities for State residents; and
- (7) The impact on the State's socioeconomic policies, including the policy to advance women-owned and minority-owned businesses.

B. If the State department, agency, authority, board, or instrumentality determines that it is in the best interests of the State to require or encourage the use of contractors who participate in registered apprenticeship training programs and offer a reliable plan for labor staffing on a particular public project or public-private partnership, the decision shall be supported by a written finding that sets forth the justification.

C. For public projects or public-private partnerships in which the use of such contractors who offer these qualifications and performance capabilities will be required or encouraged, applicable procurement documents clearly shall specify whether such qualifications are mandatory or will be considered as a factor for which credit will be given in awarding the contract. The Secretary of the Department of Labor, Licensing and Regulation shall determine, after consultation with the Apprenticeship and Training Council, whether a proffered apprenticeship program is in compliance with applicable program requirements before the contracting agency makes a decision on credit for that requirement or factor.

D. If the successful bidder participates in a registered apprenticeship program (defined as a program that is registered with the U.S. Department of Labor or the Maryland Apprenticeship and Training Council pursuant to the Labor and Employment Article of the Annotated Code of Maryland), the bidder shall execute either (1) a project labor agreement (see Presidential Executive Order 13502 for typical project labor agreement provisions) or (2) an agreement with an entity that operates a registered apprenticeship program. The agreement must demonstrate that the bidder will have access to a reliable supply of properly trained labor personnel who possess the requisite skill and safety training to ensure successful project delivery. The agreement must be approved by the State entity overseeing the project.

Community Hiring in High Unemployment Areas

E. On public projects or public-private partnerships with projected costs exceeding \$5,000,000, a State department, agency, authority, board, or instrumentality that is under the control of the Governor, shall consider whether all or a substantial part of the project is within an area of higher than average unemployment and, if so, whether it is in the best interests of the State to weigh as a factor in the procurement or public notice of solicitation whether a bidder voluntarily submits a community hiring, training, and/or outreach plan for high unemployment areas.

F. If the State department, agency, authority, board, or instrumentality determines, based on the totality of the circumstances, that it is in the best interests of the State to encourage the voluntary submission of a community hiring, training, and/or outreach plan on a particular public works project or public-private partnership, the decision shall be accompanied by the following:

(1) A written finding that sets forth the substantial reasons supporting the decision;

(2) A definition of "high unemployment area" and delineation of that area for purposes of the procurement or public notice of solicitation; and

(3) An explanation of how the proffer of a community hiring, training, and/or outreach plan will be evaluated and weighed in the procurement or public notice of solicitation.

Limitations

G. All State departments, agencies, authorities, boards, or instrumentalities shall implement this Executive Order in a manner consistent with the important public policy favoring advancement of women-owned and minority-owned businesses as set forth in Title 14, Subtitle 3 of the State Finance and Procurement Article of the Annotated Code of Maryland and Title 21 of the Code of Maryland Regulations.

H. All State departments, agencies, authorities, boards, or instrumentalities shall implement this Executive Order in a manner that is consistent with all applicable statutes and regulations. Nothing in this Executive Order shall be construed to contravene any State or federal law or to jeopardize federal funding. If any provision of this Executive Order or its application to any person or circumstance is held invalid by any court of competent jurisdiction, this invalidity does not affect any other provision or application of this Executive Order that can be given effect without the invalid provision or application. To achieve this purpose, the provisions of this Executive Order are declared to be severable.

EXECUTIVE ORDER OF OCTOBER 29, 2013

01.01.2013.06

Maryland Emergency Preparedness Program
(Rescinds Executive Order 01.01.1991.02)

WHEREAS, State emergency preparedness is measured by the homeland security and emergency management capability of State agencies, as they work together to save lives, protect property, and protect the environment of the State of Maryland;

WHEREAS, The mission of the Maryland Emergency Management Agency, a Center for Preparedness Excellence, is to ensure that Maryland families, communities, and key stakeholders are provided the tools they need to prepare for, mitigate against, respond to, and recover from the consequences of emergency and disaster events;

- WHEREAS, To carry out this mission, Maryland's homeland security and emergency management responsibilities are comprised of the four mission areas of prevention and protection, hazard mitigation, incident response, and disaster recovery;
- WHEREAS, The Maryland State Police is the lead agency for carrying out the mission area of prevention and protection from criminal activity and terrorist attacks;
- WHEREAS, The Maryland Emergency Management Agency is the lead agency for carrying out the mission areas of hazard mitigation, incident response, and disaster recovery;
- WHEREAS, It is necessary to update Maryland's program for homeland security and emergency management mission areas within the State of Maryland; and
- WHEREAS, To empower and assign appropriate agencies with the necessary authority to set targets for homeland security and emergency management capabilities; estimate the needs required to use, plan, organize, equip, train, and exercise those capabilities; conduct after-action review of the implementation of the capabilities; and make continuous improvement in each capability area.

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 THE FOLLOWING:

Maryland Emergency Management Agency Responsibilities

A. The Maryland Emergency Management Agency (MEMA) is the agency of State government with primary responsibility and authority for emergency preparedness policy, and for coordinating hazard mitigation, incident response, and disaster recovery. In carrying out these responsibilities, MEMA shall:

- (1) Develop and coordinate preparedness policy through the Maryland Emergency Preparedness Program (MEPP);
- (2) Report periodically to the Governor and the Governor's Office of Homeland Security the status of the MEPP and progress in all mission areas;

- (3) Coordinate activities and operations between State agencies and political subdivisions;
- (4) Coordinate activities and operations with related agencies of the federal government and other states;
- (5) Coordinate activities and operations with private and non-profit agencies;
- (6) Review and update the MEPP bi-annually;
- (7) Ensure each State agency understands its roles and responsibilities, as identified in the MEPP; and
- (8) Develop a leadership group for its mission areas, consistent with the operational concept of coordination for the respective mission areas, and facilitate regular meetings of the leadership group.

Maryland State Police Responsibilities

B. The Maryland State Police (MSP) is the agency of State government with primary responsibility and authority for prevention and protection from criminal activity and terrorist attacks. In carrying out its responsibilities, MSP shall:

- (1) Prepare to conduct prevention and protection operations;
- (2) Execute prevention and protection operations;
- (3) Coordinate prevention and protection preparedness and operations between State agencies and political subdivisions;
- (4) Coordinate prevention and protection preparedness and operations with related agencies of the federal government and other states;
- (5) Coordinate with private and non-profit agencies involved in prevention and protection preparedness and operations;
- (6) Ensure each State agency understands its roles and responsibilities, as identified in the MEPP; and
- (7) Develop a leadership group for its mission area, consistent with the operational concept of coordination for its

mission area, and facilitate regular meetings of the leadership group.

State Agency Responsibilities

C. Each State agency shall:

(1) Have primary or support responsibility within the MEPP, as assigned by MEMA;

(2) Prepare to execute tasks as specified in the MEPP;

(3) Assign a primary or alternate Emergency Services Coordinator (ESC) to carry out responsibility assigned within the MEPP;

(4) Authorize its ESC, or alternate, to act on behalf of the agency in matters relating to prevention/protection, hazard mitigation, incident response, and/or disaster recovery preparedness and operations, including serving on respective mission area leadership groups;

(5) Maintain procedures necessary to assure contact between the ESC and the State agency during prevention/protection, hazard mitigation, incident response, and/or disaster recovery operations;

(6) Develop and maintain documents necessary to support the MEPP, as requested by MEMA and/or MSP, including, at a minimum, Continuity of Operations Plans (COOP) that are updated bi-annually;

(7) Participate in exercises of the various components of the MEPP;

(8) Conduct and participate in the trainings essential to the implementation of its assigned responsibilities in the MEPP;

(9) Ensure that its statewide emergency notification data is current;

(10) Provide personnel to staff Disaster Recovery Centers and to assist in the processing of applications for disaster recovery assistance;

(11) Review responsibilities under the MEPP annually, identify those parts that require an update, and notify MEMA of necessary changes; and

(12) Provide personnel to staff the State Emergency Operations Center (SEOC).

D. All State agencies shall cooperate fully in carrying out the provisions of this Executive Order.

E. All local jurisdictions should make their best efforts to align homeland security and emergency management preparedness activities with the MEPP. MEMA will develop and promulgate common standards and policies applicable to local jurisdictions which clearly delineate how local jurisdictions should align with the MEPP, including checklists for local jurisdictions to use in determining their compliance.

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