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Senate Bill 68

Maryland Department of Emergency Management - Establishment

MACo Position: **SUPPORT**

To: Education, Health, and Environmental
Affairs and Budget and Taxation Committees

Date: January 28, 2021

From: Kevin Kinnally

The Maryland Association of Counties (MACo) SUPPORTS SB 68. By designating the Maryland Emergency Management Agency (MEMA) as a forward-facing, Cabinet-level entity, this bill would bolster and enhance collaboration, communication, and coordination between the State and county governments in times of crisis.

Emergency management is a year-round process, a constant loop of preparation, training, testing, and revision that strengthens community preparedness and resilience. A strong partnership among state and local partners is vital to emergency preparedness and response.

COVID-19 has underscored the importance of a strong, well-defined, and seamless intergovernmental emergency management system. The necessary preparedness, mitigation, response, and recovery must be a rigorous and coordinated intergovernmental, interagency, and interdisciplinary effort with regards to planning, training, exercising, technology, and standards.

As a Cabinet-level entity, MEMA will be in a strong position to work directly with county emergency management offices to develop scalable, flexible, and adaptable concepts and to better align key roles and responsibilities when disasters strike. This partnership will ensure the continuity of government in the face of an innumerable number of catastrophic events.

SB 68 would strengthen and streamline collaboration in planning, response, and recovery efforts. Accordingly, MACo urges a **FAVORABLE** report for SB 68.

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THE SENATE OF MARYLAND
ANNAPOLIS, MARYLAND 21401

Support SB 68 - Maryland Department of Emergency Management - Establishment

What SB 68 Does?

- Establishes the Maryland Department of Emergency Management as a principal department of state government, separate from the Military Department
- Requires that the Secretary of the Department be appointed by the Governor and confirmed by the Senate

Why is SB 68 Needed?

- Confusing jurisdictional authority over emergency management necessitates investment in the restructuring of MEMA
- Enhance leadership and administration of MEMA and state emergency response
- Increase accessibility to the Governor who maintains ultimate authority over emergency management
- Affirm the civilian authority to emergency management to solidify trust and partnership with the public

States with Similar Legislation

- 7 other states have similarly structured emergency management agencies with senate confirmed directors, including New York and California.
- As many as 18 states operate independently established emergency management departments

Future Considerations

- The Next Generation 9-1-1 Commission has signaled support for the establishment of MEMA as a principal department where they desire to move the Commission
- SB 69 - Establishment of a Cybersecurity Operations unit within MEMA
- SB 62 - Creation of a MEMA Chief Resilience Officer

Maryland Legal Authorities and Statutes

Emergency Management and Preparedness Legal Framework

Maryland law places the responsibility and authority for coordinating a response to a natural or man-made emergency primarily with the Maryland Emergency Management Agency (MEMA), the Adjutant General, and the Governor's Office of Homeland Security (OHS). Maryland State government is currently organized with MEMA located under the Maryland Military Department. By statute, the Director of MEMA is responsible both to the Adjutant General and the Governor. During a declared state of emergency, the Governor may assume direct operational control over emergency management functions.

In 2003, the Maryland Governor's Office of Homeland Security (OHS) was created in order to support Federal homeland security initiatives and establish a State liaison for homeland security funding. OHS was authorized with the responsibility to "direct" and "coordinate" "homeland security activities" within the State. The OHS was organized as a coordinating office that supports the Office of the Governor, and by authority of Executive Order, the Director of OHS serves at the will of the Governor.

At the county level, emergency management directors are appointed by the Governor to operate the counties' local organizations for emergency management. Maryland law provides that "[e]ach director of a local organization for emergency management is subject to the direction and control of the mayor, executive, or governing body of the political subdivision, under the general power of the Governor." Maryland law authorizes the "principal executive officer" of a "political subdivision" (e.g., a county executive or municipal mayor) to declare a "local state of emergency." The effect of the declaration of a local state of emergency is that it "activates the response and recovery aspects of any applicable local state of emergency plan" and "authorizes the provision of aid and assistance under the applicable plan."

Under current law, there is potential ambiguity regarding the relative roles and responsibilities of MEMA and OHS; this could lead to confusion within agencies and among local jurisdictions. In addition, feedback from local emergency managers indicates that there might be confusion regarding who has the authority to declare local states of emergency, and regarding the chain of command that local emergency managers must follow. Further clarification within the applicable legal authorities, or further training, should be considered to prevent conflicts or confusion about command structure when managing the response to and recovery from an emergency or disaster.

JLWA's assessment of the relevant emergency management and preparedness laws in Maryland follows below in three sections. The first section provides a brief description of the Maryland legal authorities and statutes referenced in our assessment. In the second section, an

analysis of the relevant emergency management and preparedness legal authorities and statutes provides the background and justification for our conclusions. The third and final section provides the findings and recommendations for a clearly defined and effective emergency management and preparedness legal framework in Maryland.

Executive Orders

- ***Executive Order 01.01.1991.02.*** An Executive Order signed in 1991 grants to the Maryland Emergency Management Agency the “primary responsibility and authority” for the “planning and execution of emergency preparedness, response and recovery” and the “coordination of disaster and emergency response between State agencies and political subdivisions.”⁶ It also states that the “Adjutant General, through the MEMA Director, is responsible for the operations of the Agency” except when the Governor, under certain circumstances, requires the MEMA Director to report directly to him.⁷
- ***Executive Order 01.01.2003.18.*** An Executive Order signed in 2003 defines the duties and jurisdiction of the Director of Office of Homeland Security. The Director of OHS is responsible for advising the Governor and directing policy regarding “man-made emergencies or disasters, including terrorist attacks.”⁸ In addition to the primary responsibility of the Director of OHS to direct and coordinate homeland security activities throughout Maryland, the OHS serves as the principal interface with local, regional, and Federal counterparts. The Director of OHS also serves as the principal liaison to the White House Office of Homeland Security and the U.S. Department of Homeland Security as well as other Federal entities within Maryland responsible for homeland security and emergency preparedness.

Maryland Statutory Law

- ***Maryland Emergency Management Agency Act (Annotated Code of Maryland, Public Safety Article, Title 14).*** The Maryland Emergency Management Agency Act assigns management responsibility of both man-made disasters and natural disasters to MEMA and grants the MEMA Director the power to “...coordinate the activities of all organizations for emergency management operations in the State.” Title 14 also includes an “act of terrorism” in its definition of an “emergency” and assigns the Director of MEMA the authority to coordinate a response to this type of man-made disaster. The Act also sets forth the role of local emergency managers, who are appointed by the Governor but subject to the control of the local subdivision. The Act

⁶ State of Maryland Executive Order No. 01.01.1991.02 (18:3 Md. R. 258) January 10, 1991.

⁷ The circumstances under which the Governor may require the MEMA Director to report directly to him are not defined. The Executive Order states, “In such instances, the MEMA Director shall advise the Adjutant General of all actions taken or contemplated.

⁸ The 2003 Executive Order does not define man-made emergencies or disasters.

provides that only the “principal executive officer” of a political subdivision may declare a “local state of emergency.”

Analysis of Legal Authorities and Statutes

Taken as a whole, the Executive Orders of 1991 and 2003 and Title 14 of the Annotated Code of Maryland do not clearly and consistently delineate the relationship, roles, and responsibilities of MEMA and OHS. These legal authorities also do not provide a clear “command and control” authority in the event of a declared emergency or disaster by the Governor of the State of Maryland. In addition, there is potential ambiguity under the law regarding the role of local emergency managers in responding to emergencies.

The legal authorities are unclear and inconsistent in four main respects. First, it is unclear whether MEMA or OHS is primarily responsible for directing and carrying out emergency response efforts. The Maryland Emergency Management Agency Act provides that the Director of MEMA must “coordinate the activities of all organizations for emergency management operations” in the event of a declared emergency. In addition, the 1991 Executive Order provides that MEMA is responsible for the “planning and execution” of disaster and emergency “response and recovery”. The 2003 Executive Order, on the other hand, provides that OHS must “direct” and “coordinate” all “homeland security activities” within the State. The term “homeland security” is not defined, but the 2003 Order could be read to mean that the Director of OHS – rather than the Director of MEMA – directs and carries out emergency response efforts.

Second, the 2003 Executive Order and the 1991 Executive Order do not use terms in a consistent manner. The 2003 Order uses the term “homeland security activities,” but does not specify the scope of those activities. The 1991 Order uses the terms “disaster” and “emergency”, but does not define those terms. It is unclear the extent to which the “homeland security activities” that OHS is supposed to “direct” and “coordinate” overlap with the “disaster and emergency response” activities that MEMA is supposed to “coordinate”.

Third, the 1991 Executive Order setting forth MEMA’s responsibilities is not necessarily consistent with Title 14 of the Annotated Code. Under Title 14, the emergency management operations tasked to the Director of MEMA specifically include a list of natural disasters for which the definition of emergency applies. Title 14 also includes an “act of terrorism” in its definition of an “emergency” and assigns the Director of MEMA the authority to coordinate a response to this man-made disaster. The Executive Order of 1991 provides for the role of MEMA as “planning and execution of disaster and emergency preparedness...,” but it omits specific reference to man-made disasters, natural disasters, or terrorist attacks.

Fourth, there is potential for confusion regarding the chain of command that applies to local emergency managers. Local emergency managers are appointed by the Governor, yet they are “subject to the direction and control of the mayor, executive, or governing body of the political subdivision, under the general power of the Governor.” Based on the feedback of local

emergency management, it is possible that some are confused regarding whether they report to the local government or the State during a State-declared emergency. Feedback from the local managers also indicates that some of them might be confused regarding whether they may declare local states of emergency, although it is clear under the law that they may not do so. Only “principal executive officer[s]” of counties or municipalities may declare local states of emergency.

Though the Governor retains authority over all State actors to direct and coordinate all emergency management and homeland security operations in Maryland, it is not clear whether the Director of MEMA or the Director of OHS would be the executive in charge of directing and coordinating a response to a declared man-made disaster or emergency in the State of Maryland. Consequently, in the event of an emergency in Maryland, whether the incident is a man-made disaster, a natural disaster, or an undefined crisis, both OHS and MEMA require adequate clarity of legal authority to assure the State’s ability to effectively respond. In addition, local emergency managers require clarity regarding their chain of command during emergencies.

Findings and Recommendations

Finding: Information obtained from individual interviews with State, county and municipal emergency managers and from focus group meetings indicates that there is confusion with respect to who is in charge of matters relating to emergency management and homeland security response and recovery. There is a perception in the emergency management community that the Governor’s Homeland Security Advisor is the ultimate authority for all homeland security and emergency management issues, and both State and local emergency management staff expressed concerns with unity of command in response to a major event or declaration of emergency by the Governor. Our analysis of the relevant Executive Orders and Title 14 of the Annotated Code indicates that there is some basis for the confusion. As discussed above, the legal authorities contain some inconsistencies and lack of clarity regarding the respective roles and responsibilities of OHS and MEMA.

“The homeland security structure should have sufficient budget oversight and authority to allocate funds based on the overarching strategy, and the state homeland security advisor should understand and be able to manage the diversity of related disciplines, including public safety, the National Guard, and emergency management.”

Governor’s Guide to Homeland Security, 2007
National Governor’s Association

Recommendation #1

Consideration should be given to the creation of a new Executive Order or Orders that will provide explicit language clarifying the roles and responsibilities for both emergency management and homeland security executive leadership -- specifically with respect to managing the response to, and recovery from, both natural and man-made disasters. In particular, consideration should be given to: (1) clarifying the respective roles of OHS and MEMA; and (2) ensuring consistency between the relevant Executive Orders and the Maryland Emergency Management Agency Act. These clarifications would help eliminate any confusion over command and control and unity of command issues that exist, and would improve support from State, county, and municipal agency leadership and stakeholders.

Finding: Feedback from local stakeholders also indicates that there is potential confusion regarding who has the authority to declare local states of emergency, and regarding the chain of command that local emergency managers must follow during declared emergencies. It is important for local emergency managers and local governments to have a meaningful and substantial role in operating and directing local emergency response. It also is essential that local emergency managers have clarity regarding their powers, function, and chain of command.

Recommendation #2

The Office of the Governor should consider how best to provide local emergency managers with clarity regarding who they report to during an emergency, and regarding their ability to declare local states of emergency. The clarifications could be achieved through one or more of the following: (1) training and education of the local managers; (2) an executive order; or (3) legislation.

Maryland Emergency Management Agency

The Maryland Emergency Management Agency has been part of the Military Department since its inception in 1989 as the organization responsible for disaster preparedness, response, and recovery in the State of Maryland. Although it is organized within the Military Department, the Agency may report directly to the Governor in emergency situations.

Since 1981, the Governor has been responsible for emergency management in Maryland. The Governor has emergency powers to suspend State statutes temporarily, direct evacuations, control access, clear debris, and use private property if necessary. When the Governor declares a state of emergency, the Agency Director coordinates the emergency acts of State government and those local governments included in the declaration. The Agency plans and executes the disaster and emergency preparedness response between State and local agencies. It also coordinates emergency services with the Federal Emergency Management Agency (FEMA), other state emergency management agencies, and public utilities.

The Governor is also supported by the Emergency Management Advisory Council and the Maryland State Emergency Response Commission. The Governor's Emergency Management Advisory Council advises the Governor on matters of State emergency management and civil defense. The Council is appointed by the Governor and includes representatives from State and local government, and volunteer organizations such as firefighters and rescue squads. The Maryland State Emergency Response Commission serves to protect people and the environment from hazardous chemical material. The Commission has worked to establish emergency response planning districts and local emergency planning committees.

The Maryland Emergency Management Agency has three directorates: operations, technical support, and administration. "The Operations Division includes exercise and training, strategic analysis, regional programs, mitigation and recovery and the domestic preparedness program. The Technical Support Division includes the Maryland Joint Operations Center, interoperability, information technology and communications. The administration directorate handles logistics, personnel, supplies and fiscal services."⁹

Structure and Organization

Although the Governor's Office of Homeland Security (OHS) was created by Executive Order in 2003 "to provide emergency management and terrorism prevention services to the citizens of Maryland through an all-hazards approach," the Maryland Emergency Management Agency still

⁹ Maryland Emergency Management Agency, "About MEMA." Available at: http://www.mema.state.md.us/MEMA/content_page.jsp?TOPICID=about.

considers itself “responsible for coordinating the State response in any major emergency or disaster.” Consequently, there is significant potential for confusion between the roles and responsibilities of MEMA, the National Guard, and the Office of Homeland Security during an emergency or catastrophic disaster.

During day-to-day operations, MEMA is technically under the authority of the Adjutant General. The Adjutant General, with the approval of the Governor, appoints a Director of MEMA. Since MEMA’s duties are not officially delineated with that of the National Guard, it seems that the MEMA Director’s role in emergency management is only strengthened during an emergency when he/she is required to report directly to the Governor and advise the Adjutant General of all actions that are considered or executed.

Furthermore, current statutes addressing emergency management in Maryland do not offer much detail on the role of the Department of the Military or the National Guard. The National Guard is not mentioned in the Maryland Emergency Management Act of 1989 or the Executive Orders of 1991 and 2003. The Adjutant General is discussed together with the MEMA Director in the Emergency Management Act, but the Act makes clear that it is the Director who is responsible for carrying out MEMA’s duties, while the Adjutant General provides “approval” for this responsibility. There is no specific mention of military assistance to emergency management activities in neither the statutes nor the orders.

In terms of homeland security, the delineation of MEMA’s roles and responsibilities vis-à-vis the Office of Homeland Security is also unclear. The language included in existing legal authorities and statutes does not explicitly give one organization authority over the other so both entities could consider themselves either partly or entirely responsible for the State of Maryland’s emergency management efforts.

“It is important to develop a state structure that coordinates all functions.... Considerations that should go into establishing a vision include the following: develop an all-hazards approach; establish and coordinate interstate regions; share interstate resources; create a statewide focus; and make sure it is sustainable over the long term.”

Governor’s Guide to Homeland Security, 2007
National Governor’s Association

The current organizational chart for MEMA¹⁰ does not include any persons detailed to or designated as liaison with the Office of the Homeland Security or the existing Governor’s Homeland Security Advisor. Therefore, regardless of whether the current statutes position MEMA in a supervisory, equal or supporting role to OHS, MEMA’s current structure could potentially prohibit dialogue, cooperation, and resolutions in questions of jurisdiction that may arise in either day-to-day operations or in the event of an emergency.

¹⁰ The current organizational charts for the Maryland Emergency Management Agency are available at: http://www.mema.state.md.us/MEMA/content_page.jsp?TOPICID=orgChart.

Findings and Recommendations

Finding: The current structure and organization of the Maryland Emergency Management Agency does not officially delineate the lines of responsibility between the military, homeland security, and emergency management. Such delineation is necessary to allow for increased productivity, sustainability, and overall effectiveness.

Recommendation #3

The Office of the Governor and elected leadership in the State of Maryland need to emphasize the important role of both emergency management and homeland security in protecting against, preparing for, responding to, and recovering from all-hazards emergencies and disasters. Consideration should be given to making the Maryland Emergency Management Agency a Cabinet Level Agency that would report directly to an existing Deputy Chief of Staff and allow for a more direct line of reporting to the Governor and clarifying the emergency management and homeland security functions of MEMA and GOHS. The proposed organizational structure is presented in *Attachment A*.

- The Department of Emergency Management would be headed by a Secretary. In the short term, it is recommended that the Office of the Governor develop an Executive Order establishing a Governor's Office of Emergency Management. This would allow for the transition to move quickly while still taking into consideration the possible lengthy legislative process of creating and administratively supporting a new Cabinet Level Agency. The proposed transitional organizational structure is presented in *Attachment B*.
- The newly created Office of Emergency Management should be focused on redefining how homeland security and emergency management functions can strategically work together to strengthen public safety in the State of Maryland. Best practices for emergency management and homeland security structural changes are presented in *Attachment D*.

Finding: While many focus group participants expressed confidence in the leadership at the Maryland Emergency Management Agency, it is important to note that there were a number of concerns raised by several participants that there is neither appropriate guidance nor clear direction from upper-level management. Based on our findings, this is due to the lack of strategic vision for emergency management and an insufficient number of qualified personnel to support this vision.

Recommendation #4

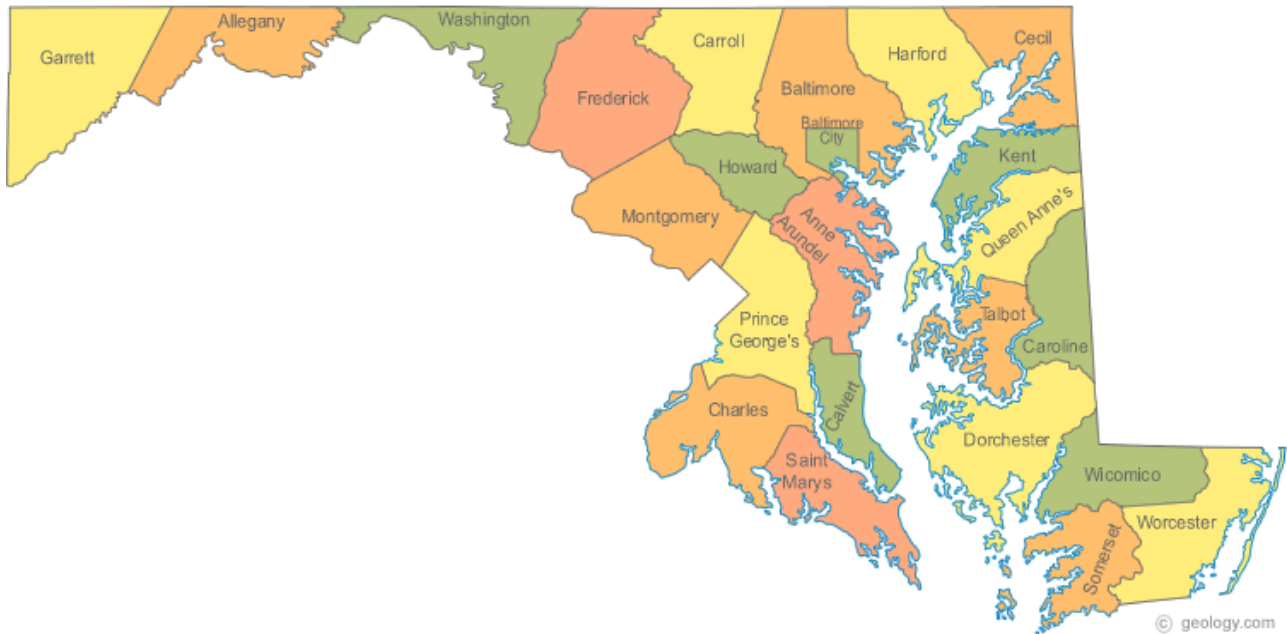
Due to the unique core competencies necessary to assure effective and efficient emergency management operations, consideration should be given to amending the State of Maryland personnel classification system to create a class system specifically for emergency program managers. This will allow MEMA to hire knowledgeable and qualified emergency management professionals that will be adequately compensated for their professional experience and skills. In turn, the agency will have the ability to recruit diversified, experienced leadership that may enable the expansion of services provided by MEMA to the State of Maryland as well as help to strengthen overall emergency preparedness.

- ✦ The Office of the Governor and Director of MEMA should re-evaluate the agency's reliance on the University of Maryland for supplemental emergency response personnel and human resources management. This relationship does not allow for agency sustainability.

Communication and Coordination with Local Government

Maryland has numerous cities and towns, including more than 157 self-governing municipalities. To encourage coordination between so many entities, Maryland law places local emergency management authority in the hands of twenty-six (26) county-level emergency management coordinators (twenty-three counties and the cities of Baltimore, Annapolis and Ocean City).

An additional regional structure exists between the local/county coordinators and the Maryland Emergency Management Agency. Maryland is broken up into six (6) emergency management regions: Western (Garrett, Allegany, and Washington Counties); Capital (Frederick, Montgomery, and Prince George's Counties); Southern (Charles, Calvert, and St. Mary's Counties), Central (Carroll, Baltimore, Harford, Howard, and Anne Arundel Counties plus Baltimore City and Annapolis); and Eastern (Cecil, Kent, Queen Anne, Caroline, Talbot, Dorchester, Wicomico, Somerset, and Worcester Counties plus Ocean City).



The organizational structure of the Maryland Emergency Management Agency, which links emergency management from the municipal to the State levels, can be a great strength for emergency preparedness and response operations. However, this strength needs to be promoted, nurtured, and developed between each level of government or it has the potential to impede an efficient and effective emergency response.

Findings and Recommendations

Finding: Many government officials from larger and more populous municipalities and counties expressed concern that some MEMA personnel are unresponsive to the needs of municipal and county government and are insufficiently informed about critical emergency management issues. There were also comments regarding agency personnel being unfamiliar with specific regulations and authorities.

Recommendation #5

MEMA should make outreach to its constituencies and key stakeholders a top priority. The establishment of Regional Administrators has significantly helped in this effort, but the program needs continued refinement. All of the Regional Administrators should be experienced, trained and qualified professionals that serve as direct liaisons between MEMA leadership and municipal and county government officials. This will increase MEMA's ability to respond directly to the emergency management needs of municipalities and counties as well as efficiently resolve critical issues.

- MEMA should take an active role in developing internal training systems to help establish standards for service delivery for all MEMA staff to include the Regional Administrators.
- MEMA should also continue to adhere to the State of Maryland personnel performance evaluation program to ensure that vital performance measures and established standards are being achieved by its own staff.

Information Technology

The Maryland Emergency Management Agency has designated one information management system to provide a single access point for the collection and dissemination of emergency-related information. This system provides users real-time information in order to improve decision-making. It can be used in all phases of an emergency, from planning to recovery as well as during day-to-day activities to manage routine operations. This system integrates data, video, messaging, and many other types of information. It distributes that information both to individual users and to projection screens before large groups. It also allows for remote internet access for authorized users.

In Maryland, the Emergency Operations Center (EOC) is co-located with MEMA in the National Guard headquarters. In an emergency, the Governor will often be present at the EOC to resolve issues of authority and jurisdiction, to eliminate bureaucratic "red tape," to ensure that the State's emergency leadership is unified and coordinated, and to demonstrate this leadership to emergency management personnel. Each State agency designates a representative to the EOC, and if the emergency requires Federal involvement, the responding Federal agencies provide a representative to the EOC as well. All State resource requests are processed in the EOC, and the proximity of State and Federal entities ensures that there is no duplication of efforts.

Due to the concentration of resources in one physical location, in the event that the EOC is unavailable and access to the one on-line based incident management system is prevented either in part or in full, emergency management operations in Maryland would be severely impaired and could conceivably cease to function.

Findings and Recommendations

Finding: There is too much reliance on one online-based incident management system as the technologically-based system to manage emergencies and disasters as supported by the Maryland Emergency Management Agency. James Lee Wit Associates also found that MEMA does not have a process in place to verify resources (type or kind) that are entered into this on-line incident management system database.

- MEMA does not have an alternate site to perform its mission in the event that the primary Emergency Operations Center (EOC) is unavailable. In this circumstance, the current policy of MEMA is to have staff telecommute and utilize the online-based incident management system from their homes. (We understand that MEMA is currently working to secure an alternate Emergency Operations Center that will include redundant technology and non-technology based systems for emergency management.)

Recommendation #6

The Maryland Emergency Management Agency should make it a priority to develop redundant technologically- and non-technologically-based systems for management of emergencies and for overall communications with municipal, county and State government agencies and departments.

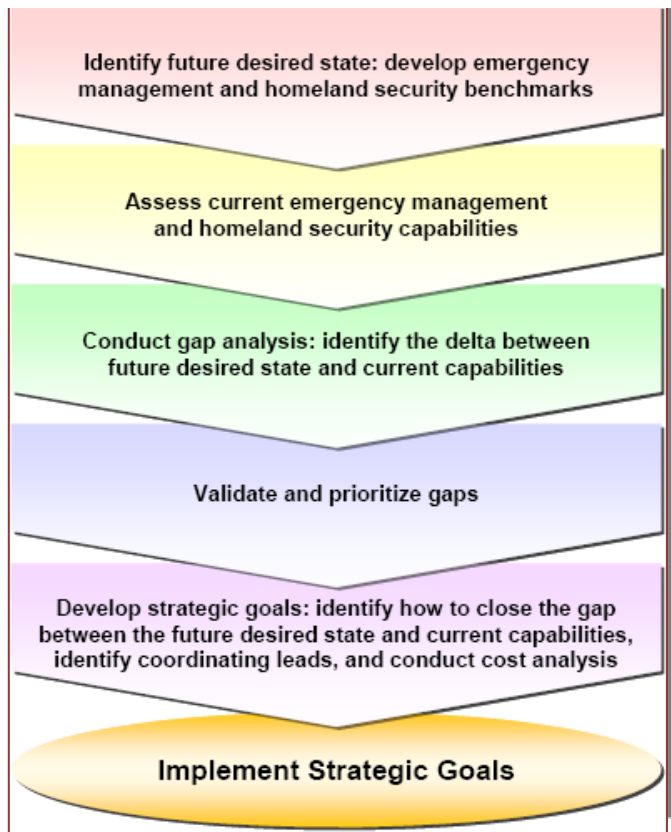
- Resources from the local, county, and State levels need to meet NIMS qualification standards, and MEMA should have an audit process in place to verify that resources entered into their database are verifiable and meet minimum qualifications relative to type and kind. The audit process should also include physically checking resources entered into such a database.
- MEMA needs to designate alternate facilities for the State Emergency Operations Center rather than relying on one software system to link all resources and personnel from multiple locations should the primary EOC location be unavailable.

Strategic Planning for Emergency Management

The State of Maryland Office of the Governor has recently outlined the twelve priorities for homeland security in the State Homeland Security Strategy (SHSS). It states that “the purpose of Maryland homeland security is to provide all-hazards emergency management and anti-terrorism measures to protect citizens and vulnerable infrastructures within Maryland borders by working with citizens, local governments and private sector partnerships to build creative, coordinated response using local, State and Federal assets.” This strategy, therefore, is meant to encompass both emergency management and homeland security. However, the State Homeland Security Strategy has not in turn translated to the development of a strategic plan for emergency management by the Maryland Emergency Management Agency.

MEMA should initiate a strategic planning effort to assist statewide senior leadership in directing programmatic efforts, accomplishing results, ensuring accountability, and properly allocating limited resources over a pre-designated period of time.¹¹ The newly appointed Secretary should lead a strategic planning process, including the development of a new mission statement and a review of current strengths, weaknesses, threats, and opportunities. The plan should be designed to serve as a long-term guide that is able to direct both short- and long-term efforts of the State and non-governmental agencies to accomplish a single emergency management and homeland security vision and mission.

Model Strategic Planning Process



security, but such a statement of strategic focus has not been completed for emergency management.

(Based on subsequent meetings with MEMA's new director, we understand that a strategic vision is now in place at MEMA.)

Findings and Recommendations

Finding: There is currently no strategic planning process for emergency management in the State of Maryland. The Office of the Governor has recently outlined the twelve priorities for homeland

¹¹ The model strategic planning process is provided as a best practice as detailed in the "San Francisco All-Hazards Strategic Plan, 2008" available at: <http://www.sfgov.org/site/uploadedfiles/oes/StrategicPlan2008.pdf>.

Recommendation #7

The Maryland Emergency Management Agency should provide the overall vision and direction for emergency management and homeland security functions to the Office of the Governor in support of established strategic priorities. MEMA should be directed to facilitate a statewide collaborative process for developing a strategic vision and implementation plan for emergency management preparedness and homeland security protection. The planning process should be as comprehensive as possible to ensure that all directives and initiatives are focused on an agreed-upon strategic vision and implementation plan.

- The continued review and updating of the plan should be a formalized process that is executed at least annually, but also as necessary, by the Maryland Emergency Management in coordination and collaboration with the Governor's Office.

Finding: The lack of a long-term strategic planning process is closely tied to the lack of a sustainable funding source for emergency management initiatives. The Maryland Emergency Management Agency and its constituencies are heavily dependent on Federal grants that are unstable and vary in any given fiscal year. This leads to an emphasis on short-term strategies that interferes with MEMA's obligation to develop a long-term planning process.

"Critical steps include making emergency preparedness and homeland security a gubernatorial priority; creating governance structure that reflects the governor's priorities and leadership and management style; and encouraging cooperation among state and local officials who will be expected to play a role in emergency response."

Governor's Guide to Homeland Security, 2007
National Governor's Association

Recommendation #8

MEMA, working with the State of Maryland Executive Branch, should explore and identify direct and sustainable funding sources for emergency management. This will not only emphasize the importance of emergency preparedness, but also allows for the sustainability of the State's emergency management program. The development of direct funding streams to supplement existing budget resources will also help to enhance the strategic planning process. Strategic planning priorities should be developed around a sustainable funding source for efficient and effective implementation.

Training and Exercises

One of the twelve priorities outlined in the State Homeland Security Strategy is “to encourage and assist every jurisdiction to have a fully funded program of annual training and preparedness exercises which address the most likely hazards and threats for that area.” The Maryland Emergency Management Agency helps to organize training for first responders around the State offered by MEMA, the Federal Emergency Management Agency, the Maryland Fire and Rescue Institute, the Maryland Policy Corrections Training Commission, and others. However, there is no statewide mechanism or system in place to ensure that every jurisdiction is participating in the appropriate annual training programs and exercises.

The recommended Department of Emergency Management should expand its Training and Exercise Division to support the development and implementation of a statewide training/educational/exercise curriculum based on the State of Maryland Emergency Operations Plan. Comprehensive training and exercise opportunities will allow homeland security and emergency management personnel to train and practice prevention, protection, response, and recovery capabilities. It also encourages the establishment of key relationships, enhanced coordination and communication, as well as improved operational and policy decision making in advance of an emergency or catastrophic event. Most importantly, workshops and workgroups, as well as joint training and exercise opportunities, help identify gaps in response capabilities, plans, policies, and procedures that can be resolved with corrective actions.

Findings and Recommendations

Finding: The training and exercise function of the Maryland Emergency Management Agency does not equally and adequately support both the needs of smaller, less populous and larger, more populous municipalities and counties in the State of Maryland.

Recommendation #9

MEMA needs to expand its Training and Exercise Division to allow for sustained and comprehensive training and exercise opportunities. MEMA should be more than the central coordination point for information regarding training sessions and exercises. The Agency should instead work to develop training curricula based on a formal task analysis that identifies effective competencies. Staffing and capacity should be sufficient to facilitate these sessions. There is also a specific need to develop and deliver training for elected officials to help them understand their roles, responsibilities, and authority to address crisis in their communities.

- MEMA should also develop a formalized statewide exercise schedule and encourage the participation of statewide leadership. Joint training and exercise opportunities will help identify gaps in integrated response capabilities, plans, policies, and procedures that can be subsequently resolved with corrective actions.

SB 68 - Maryland Department of Emergency Management

Uploaded by: Sierra, Anna

Position: FAV

CAROLINE COUNTY DEPARTMENT OF EMERGENCY SERVICES

WILBUR LEVENGOOD, JR.
COMMISSIONER

COUNTY COMMISSIONERS
LARRY C. PORTER
PRESIDENT

DANIEL J. FRANKLIN
VICE-PRESIDENT

JEREMY GOLDMAN, COUNTY ADMINISTRATOR
ANNA SIERRA, DIRECTOR

SENATE BILL 68

Maryland Department of Emergency Management - Establishment

Position: **SUPPORT**

Date: January 28, 2021

To: Education, Health & Environmental Affairs
Budget and Taxation

I am writing to urge a favorable report on Senate Bill 68, Maryland Department of Emergency Management – Establishment. This bill, if passed, will have a tremendous positive impact on every Marylander by creating a standalone emergency management department whose sole focus is a more prepared, resilient state.

As a local emergency manager, it would be easy for me to point to the coordination of emergency response throughout the state as the reason to create the Maryland Department of Emergency Management. Anyone living through COVID-19 understands the critical role emergency management plays in emergency response, and it is an easy argument to make that the organization responsible for coordinating emergencies like the COVID-19 response should have a direct, unfiltered line to the Governor in order to provide the most salient advice and recommendations for action in the most expeditious manner. This point has been underscored by failures of the Federal Emergency Management Agency, moved from a cabinet level position to one of a myriad of agencies vying for attention and influence within the Department of Homeland Security after the September 11 attacks. Notable failures of this multi-layered approach includes the federal response to Hurricanes Katrina and Sandy, which have been well-documented by disasterologists for over a decade.

Instead, I'm testifying today on the other key roles emergency management plays in everyday life, and why it is important that it be elevated to a cabinet level department outside of its role in emergency response coordination.

Aside from response, emergency management is responsible for the mitigation of, planning and preparing for, and recovering from disasters of all shapes and sizes. Mitigation limits risk to life and property; planning and preparedness makes sure everyone knows their role if response is required; recovery ensures that we find the gaps and build back better, whether from a policy or physical perspective. Each of those areas are **critical** to the health and safety of Marylanders, and without a department-level organization vested with the authority, roles, and responsibilities to coordinate other departments to set strategy and achieve goals, we will not be ready for what the future brings.

As one of the youngest local emergency managers in Maryland, I am requesting this Committee not only consider what is needed today; I ask you to consider what will be necessary to set Maryland up for long-term success in the face of unprecedented threats and hazards. Climate change will bring more extreme weather more frequently, whether it be stronger, more frequent hurricanes or longer, more prolonged

drought. It will also bring rising seas, threatening core areas of Maryland life like downtown Annapolis, the waterman enclaves of the Eastern Shore, and the resort town of Ocean City. Globalization will continue to bring pandemics like COVID-19 to our doors indiscriminately, bringing everything from food production to transportation to schools to a grinding halt - leaving thousands in need. Cyberattacks, whether internal or foreign actors, threaten critical infrastructure and our electronic-based way of life and commerce.

Each of these threats and hazards have something in common: the way in which they will impact Marylanders will be interconnected and complex, and will require strong leadership that can carry out the Governor's direction without hindrance or levels of unnecessary bureaucratic red tape. I don't say all this to be a doomsday sayer; in fact, I'm optimistic that with the right leaders in place Maryland can be in a strong position moving into the future to face these challenges. However, I do not believe our position will be as strong if the current administrative structure is left in place. To meet the challenges of the future, we must have a 21st century department capable of breaking down the silos of our state government and coordinating both traditional and non-traditional partners to ensure the safety and prosperity of Marylanders. According to a [Pew Research Center](#) report released in 2018,

"A declaration can unlock an array of federal assistance from many departments and agencies. More than 300 federal programs across 17 departments—including Homeland Security, which houses FEMA; Defense; Housing and Urban Development; Transportation; and Agriculture—together spent an average of \$25.5 billion a year from 2005 to 2014 on disaster assistance after adjusting for inflation."

The sheer number of federal and private programs that Maryland stands to take advantage of under the right administrative organization and strategy is enough to balance any cost the establishment of a new department may require.

I understand how valuable your time is as a Legislator, so I will end with this: Marylanders deserve a department whose sole focus and purpose is to:

- Mitigate risk to their health and safety by working with various departments to incorporate mitigation strategies and available funding;
- Prepare for and plan for the next disaster to ensure all departments have the ability to carry out the roles and responsibilities required in the event of a response;
- Respond to the next disaster by communicating directly with decision makers and other Department Secretaries to bring the full capability of Maryland's response network to the aid of those who need help
- Recover from disasters by coordinating all possible relief programs and improvement planning to create a more resilient Maryland.

Sincerely,



Anna Sierra, MS

Director

Caroline County Department of Emergency Services

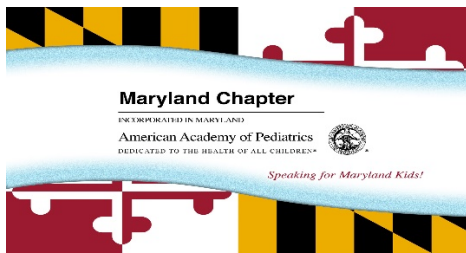
410-310-4196

asierra@carolinemd.org

SB0068_SWA_MDAAP_Dept. of Emergency Management - E

Uploaded by: Kasemeyer, Pam

Position: FWA



TO: The Honorable Paul G. Pinsky, Chair
The Honorable Guy Guzzone, Chair
Members, Senate Education, Health, and Environmental Affairs Committee
Members, Senate Budget and Taxation Committee
The Honorable Clarence K. Lam

FROM: Pamela Metz Kasemeyer
J. Steven Wise
Danna L. Kauffman

DATE: January 28, 2021

RE: **SUPPORT WITH AMENDMENT** – Senate Bill 68 – *Maryland Department of Emergency Management – Establishment*

The Maryland Chapter of the American Academy of Pediatrics (MDAAP) is a statewide association representing more than 1,100 pediatricians and allied pediatric and adolescent healthcare practitioners in the State and is a strong and established advocate promoting the health and safety of all the children we serve. On behalf of MDAAP, we submit this letter of **support with amendment** for Senate Bill 68.

Senate Bill 68 establishes the Maryland Department of Emergency Management. The legislation essentially moves the current Maryland Emergency Management Agency, which resides in the Military Department, and raises its profile and authority by establishing it as an independent Department whose sole purpose is the focus of Emergency Management. Emergency Management is a broad term which includes a wide range of activities, issues, planning frameworks, and response constructs. It is a critical component of the State's ability to ensure a vibrant, strong, and responsive framework for responding to emergencies, whether they be triggered by weather, health, violence, or other contributing factors that require a coordinated and effective response.

MDAAP supports strengthening and prioritizing emergency management and believe the creation of a Department is a notable step in that direction. MDAAP would, however, like to raise an ongoing concern they have about the current emergency management and disaster preparedness framework that should be definitively addressed under the construct of a new Department. Disaster response and emergency management, as it relates to pediatrics, requires specific and focused consideration in all planning and program development initiatives. Currently, there is not a clear directive or framework for ensuring that there is a pediatric component incorporated into all planning efforts. MDAAP would request that Senate Bill 68 be amended to include a specific directive for the creation of a program for pediatric disaster preparedness and emergency management within the Department. This objective could be done through an amendment that creates the Office of Pediatric Emergency Management within the Department or it could be a directive that the newly created Department work with relevant stakeholders to study the creation of a pediatric emergency management office or division within the Department with an obligation to report back its findings and recommendations. With its amendment noted, MDAAP requests a favorable report.

For more information call:

Pamela Metz Kasemeyer
J. Steven Wise
Danna L. Kauffman
410-244-7000

SB68 OPPOSE Jay.pdf

Uploaded by: Elbourn, James

Position: UNF

SB68

OPPOSE

James Elbourn

103 Wiltshire Ln

Severna Park, Md 21146

Please oppose SB68. This does not seem legal or constitutional.

testimony for 2021 SB68.pdf

Uploaded by: Tarsel, Emily

Position: UNF

Emily Tarsell, LCPC, LCPAT

**2314 Benson Mill Road
Sparks, Maryland 21152**

January 26, 2021

Emily Tarsell – Re: SB 68 – MD Emergency Plan – EHEA Committee- UNF

Education, Health and Environmental Affairs Committee Chair and Members,

HB 68 seems to be an attempt to undermine the Maryland Constitution and the legislative process by creating a Department of Emergency Management as an extension of the Executive Branch which would be headed by the Governor who would be given the sole authority of mandating terms which would be obligatory on the state and all Maryland citizens and **“forever faithfully and inviolably observed, and kept by the government of this State and all of its citizens according to the true intent and meaning of the said compact.”** The bill appears to preempt the role of the legislative branch and the participation of citizens in a democratic process as suggested by the excerpt below:

“The Governor is hereby authorized and empowered to enter into and execute, on behalf of the State of Maryland, such emergency management and civil defense compacts with other states, possessions or territories of the United States or with the District of Columbia, substantially in the form herein before set forth, provided that the Board of Public Works, with the concurrence of the [Director of the Maryland Emergency Management Agency] SECRETARY, may approve alterations of the terms, provisions and conditions of the aforesaid proposed emergency management and civil defense compact so long as said alterations are in substantial compliance with the terms, provisions and conditions herein before set forth and when the **Governor, in the exercise of the power as aforesaid, enters into and executes an emergency management and civil defense compact on behalf of the State of Maryland, said compact is hereby approved and ratified and every paragraph, clause, provision, matter and thing in the said compact contained shall be obligatory on this State and the citizens thereof, and shall be forever faithfully and inviolably observed, and kept by the government of this State and all of its citizens according to the true intent and meaning of the said compact.** “

The consequences of this bill are too far reaching across multiple agencies and too consequential with regard to citizens' rights to be rushed through a Congressional session especially at a time when testimony from citizens and agencies combined is limited to 4 people for the whole State and that testimony is online. I strongly urge the Committee, in the interests of reasonable government and rule by, for and of the people, **veto this bill.**

Thank you.

Emily Tarsell

SB68 OPPOSE.pdf

Uploaded by: Williams, Peggy

Position: UNF

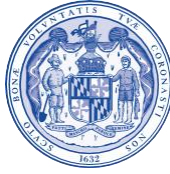
SB68 (OPPOSE)
Peggy Williams
103 Wiltshire Ln
Severna Park, MD 21146

This bill undermines the people's ability to participate in the democratic process. Please VETO.
Thank you.

SB68_State of Md Military Dept_INFO_Kelly

Uploaded by: Kelly, Catherine

Position: INFO



LARRY HOGAN
GOVERNOR
COMMANDER-IN-CHIEF

STATE OF MARYLAND
MILITARY DEPARTMENT
FIFTH REGIMENT ARMORY
BALTIMORE, MARYLAND 21201-2288

TIMOTHY E. GOWEN
MAJOR GENERAL
THE ADJUTANT GENERAL

January 28, 2021

Senator Paul Pinsky, Chair
Senate Education, Health and Environmental Affairs Committee
2 East, Miller Senate Office Building
Annapolis, Maryland 21401

RE: SB 68 — Maryland Department of Emergency Management – Establishment

Dear Chairman Pinsky:

I am writing to share information regarding the above referenced Senate Bill.

Senate Bill 68 would create the Maryland Department of Emergency Management as the successor agency to Maryland Emergency Management Agency (MEMA). The new Department would be a principal Department in the Executive Branch, and the Secretary would be appointed by the Governor, and subject to Senate confirmation. Currently the Maryland Emergency Management agency is housed under the Military Department. The Executive Director of the agency is appointed by the Governor, is not subject to Senate confirmation, and the agency is not a principal department of the Executive Branch.

The bill would provide for a streamlined transition to the new Department of Emergency Management to ensure continuity of operations. All budgeted staff at MEMA would be transferred to the new department, and they would retain the same status and responsibilities.

16 of the 50 States across the country have emergency management departments that are either codified as members of the Governor's cabinet or directly report to the Governor: Alabama, California, Connecticut, Florida, Georgia, Illinois, Iowa, Louisiana, Mississippi, New Mexico, New York, Oklahoma, Pennsylvania, Rhode Island, and Wyoming.

Thank you for your support of the Maryland Military Department. We would be happy to provide additional information if required. Please feel free to reach out by e-mail catherine.a.kelly26.nfg@mail.mil or by phone 410-446-5390.

Sincerely,

Catherine A. Kelly

Catherine Kelly
Director, Legislative and Government Affairs