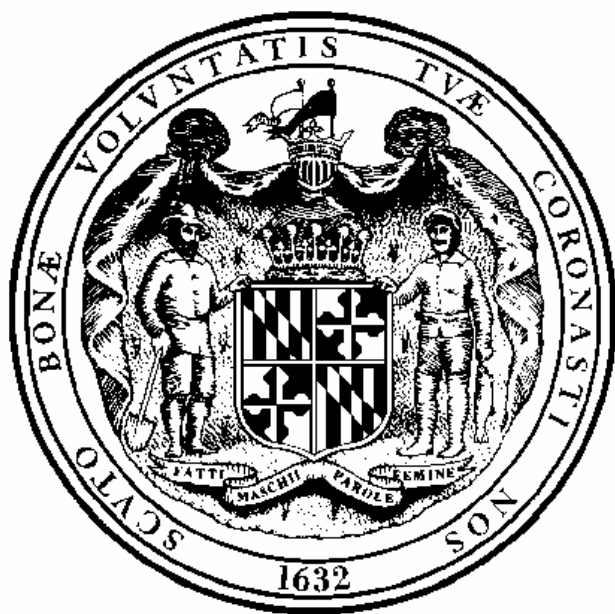


EXECUTIVE ORDERS

2003



STATE OF MARYLAND

**EXECUTIVE ORDERS
2003**

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 JANUARY 17, 2003

01.01.2003.01

Standards of Conduct for Executive Branch Employees

WHEREAS, Everyone who enters into public service for the State of Maryland has a duty to maintain the highest standards of integrity in Government;

WHEREAS, Public service is a public trust, requiring employees to place loyalty to the Constitution, the laws and ethical principles above private gain;

WHEREAS, Employees shall not hold financial interests that conflict with the conscientious performance of duty; and

WHEREAS, Employees shall not engage in financial transactions using nonpublic Government information or allow the improper use of such information to further any private interest.

NOW, THEREFORE, I, ROBERT L. EHRLICH, JR., GOVERNOR OF THE STATE OF MARYLAND, BY VIRTUE OF THE AUTHORITY VESTED IN ME BY THE CONSTITUTION AND THE LAWS OF MARYLAND, HEREBY PROCLAIM THE FOLLOWING EXECUTIVE ORDER, EFFECTIVE IMMEDIATELY:

- A. An employee shall not, except as permitted by applicable law or regulation, solicit or accept any gift or other item of monetary value from any person or entity seeking official action from, doing business with, or conducting activities regulated by the employee's agency, or whose interests may be substantially affected by the performance or nonperformance of the employee's duties.
- B. Employees shall exhibit exemplary conduct and use honest efforts in the performance of their duties.
- C. Employees shall not knowingly make unauthorized commitments or promises of any kind purporting to bind the Government.
- D. Employees shall act impartially and not give preferential treatment to any private organization or individual.
- E. Employees shall protect and conserve State property and shall not use it for other than authorized activities.
- F. Employees shall not engage in outside employment or activities, including seeking or negotiating for employment, that conflict with official Government duties and responsibilities.
- G. Employees shall disclose waste, fraud, abuse, and corruption to appropriate authorities.

- H. Employees shall satisfy in good faith their obligations as citizens, including all just financial obligations, including federal, State, or local taxes that are imposed by law.
- I. Employees shall adhere to all laws and regulations that provide equal opportunity for all Americans regardless of race, color, religion, sex, national origin, age, or handicap.
- J. Employees shall endeavor to avoid any actions creating the appearance that they are violating applicable law or the ethical standards in applicable regulations.
- K. Employees shall conduct intra-agency and interagency relations predicated upon civility, collaboration, and cooperation for the sake of budgetary concerns, dignity and to achieve the goals of this Administration.
- L. Upon leaving state service, executive branch employees shall be bound by the restrictions of the Annotated Code of Maryland, State Government Article § 15-504 with respect to lobbying and other forms of representation.

EXECUTIVE ORDER OF JANUARY 17, 2003

01.01.2003.02

Custody Relinquishment and Access to Services for Children

WHEREAS, The Administration finds it imperative to identify alternatives to the practice of requiring parents to relinquish the custody of their children, who have significant and complex mental health needs and/or developmental disabilities, in order to access needed services;

WHEREAS, The Administration recognizes that families must be supported and assisted as they seek to locate and access necessary services for their children; and

WHEREAS, There are necessary steps to be undertaken toward developing long-term solutions to this complicated issue.

NOW, THEREFORE, I, ROBERT L. EHRLICH, JR., GOVERNOR OF THE STATE OF MARYLAND, BY VIRTUE OF THE AUTHORITY VESTED IN ME BY THE CONSTITUTION AND THE LAWS OF MARYLAND, HEREBY PROCLAIM THE FOLLOWING EXECUTIVE ORDER, EFFECTIVE IMMEDIATELY:

- A. The Department of Human Resources, through its local Departments of Social Services, shall designate a special unit or staff person from existing staff to be responsible for handling situations involving children with significant and complex mental health needs and/or developmental disabilities separate and distinct from abuse or neglect situations.

- B. Established. There is a Council on Parental Relinquishment of Custody to Obtain Health Care Services.
- C. Membership.
- (1) The Council shall be comprised of up to seventeen (17) members, including:
 - (a) The Special Secretary for Children, Youth, and Families who shall serve as Chair;
 - (b) The Secretary of Health and Mental Hygiene or the Secretary's designee;
 - (c) The Director of the Mental Hygiene Administration or the Director's designee;
 - (d) The Director of the Developmental Disabilities Administration or the Director's designee;
 - (e) The Director of the State Medicaid Administration or the Director's designee;
 - (f) The Secretary of Human Resources or the Secretary's designee;
 - (g) The Secretary of Juvenile Services or the Secretary's designee;
 - (h) The State Superintendent of Education or Superintendent's designee;
 - (i) The Secretary of Budget and Management or the Secretary's designee;
 - (j) The Maryland Insurance Commissioner or the Commissioner's designee;
 - (k) The Director of the Governor's Office for Individuals with Disabilities or the Director's designee; and
 - (l) Six (6) members with interest and expertise appointed by the Governor, including but not limited to, a representative from the Maryland Coalition of Families for Children's Mental Health and the ARC of Maryland.
 - (2) Members of the Council shall serve at the pleasure of the Governor until the submission of a final report.
 - (3) Members appointed by the Governor may not receive any compensation for their services, but may be reimbursed for reasonable expenses incurred in the performance of duties, in accordance with the Standard State Travel Regulations, and as provided in the State budget.

- D. Duties. The Council shall perform the following duties:
- (1) Review the procedures and practices currently in place at both the State and local levels regarding child custody relinquishment;
 - (2) Identify and analyze possible long-term alternatives to forced child custody relinquishment; and
 - (3) Identify and provide a summary of costs and benefits of federal resources available to Maryland.
- E. Staffing. The Governor's Office for Children, Youth, and Families shall provide primary staff support to the Council and any sub-committees established by the Council. The Council may seek additional and expert staff support as appropriate from the Maryland Health Care Commission, the Maryland Insurance Administration and other State agencies or institutions, which have a role or expertise in custody relinquishment issues.
- F. Procedures.
- (1) The Council shall meet at the times and places to be determined by the Chair.
 - (2) A majority of members shall constitute a quorum for the transaction of any business before the Council.
- G. Reports. The Council shall submit a report of its findings and recommendations to the Governor on or before September 1, 2003, at which time the Council established by this Executive Order is terminated.

EXECUTIVE ORDER OF FEBRUARY 16, 2003

01.01.2003.03

Winter Storm Declaration – Motor Vehicles

WHEREAS, A severe winter storm, involving ice and predicted accumulations of more than two feet of snow, with higher depths where drifting takes place, has already begun across the State of Maryland; and

WHEREAS, These weather conditions will likely create life-threatening conditions and treacherous roads in Maryland;

NOW, THEREFORE, I, ROBERT L. EHRlich, GOVERNOR OF THE STATE OF MARYLAND, BY VIRTUE OF THE AUTHORITY VESTED IN ME BY THE CONSTITUTION AND LAWS OF MARYLAND, INCLUDING BUT NOT LIMITED TO ARTICLE 16A AND ARTICLE 41 OF THE ANNOTATED CODE OF MARYLAND, THAT A STATE OF EMERGENCY EXISTS AND THEREFORE ISSUE THE FOLLOWING EXECUTIVE DIRECTIVE, EFFECTIVE IMMEDIATELY:

1. Until 4:00 a.m. on February 17, 2003, no motor vehicles are to be operated on any State owned or maintained roadways in Maryland unless such vehicle are emergency vehicles, vehicles providing essential services responding to the state of emergency, or individuals with medical or related emergencies;
2. State officials are directed to remove immediately abandoned vehicles from State owned or maintained roadways in Maryland at the owners' expense.

EXECUTIVE ORDER OF FEBRUARY 16, 2003

01.01.2003.04

Declaration of Storm Emergency

WHEREAS, I, Robert L. Ehrlich, Governor of the State of Maryland having been advised and informed by the Emergency Management Agency that, as a result of continuing severe winter weather, the normal activities in the State have been considerably disrupted; and

WHEREAS, The winter weather continues and presents an impeding threat to the public safety and health in the entire State of Maryland

WHEREAS, In order to authorize the emergency powers of the Governor a declaration of the Governor is necessary

WHEREAS, This response requires the calling of the Maryland Army National Guard into limited State active duty

NOW, THEREFORE, I do proclaim pursuant to the authority vested in me by the constitution and laws of the State of Maryland, including but not limited to Article 16A, Article 41 and Article 65 of the Annotated Code of Maryland, I, ROBERT L. EHRLICH, GOVERNOR OF MARYLAND, HEREBY PROCLAIM THAT A STATE OF EMERGENCY EXISTS IN THE STATE OF MARYLAND.

EXECUTIVE ORDER OF FEBRUARY 18, 2003

01.01.2003.05

Continuing State of Emergency
Relief of Hours-of-Service Limitations

WHEREAS, I, Robert L. Ehrlich, Jr., Governor of the State of Maryland, have been advised and informed by the Maryland Emergency Management Agency in coordination with the Maryland Department of Transportation, Maryland Energy Administration and the Public Service Commission, that a continuing state of emergency exists resultant from the President's Day winter storm;

WHEREAS, These conditions have created road closures and have limited access on

roads, streets and highways. This situation requires a prolonged response from utility, energy and transportation workers and has the potential to endanger the lives and property of the citizens;

WHEREAS, Provisions of State and Federal law impose Hours of Service limitations on utility company transportation employees, home heating and other fuel distributors, state and local transportation workers and their contractors, which impair the ability to provide the needed services in a timely manner consistent with public health and safety; and

WHEREAS, An effective response to this situation will require a waiver of the Hours of Service limitations for utility company transportation employees, home heating and other fuel distributors, state and local transportation workers and their contractors.

NOW, THEREFORE, Pursuant to the authority vested in me by the Constitution and Laws of the State of Maryland, including but not limited to Article 16A and Section 25–111 of the Transportation Article of the Annotated Code of Maryland, I, ROBERT L. EHRLICH, JR., GOVERNOR OF MARYLAND, NOW HEREBY PROCLAIM THE FOLLOWING EXECUTIVE ORDER:

Effective February 19, 2003 at 12 Noon, I direct and authorize the Secretary of Transportation to waive the maximum Hours of Service time limits contained in Section 25–111 and in regulations promulgated pursuant thereto for utility company transportation employees, home heating and other fuel distributors, state and local transportation workers and their contractors providing emergency services in 24–hour increments as the Secretary determines are required because of the President’s Day winter storm for the provision of services, supplies and materials necessary for the health and safety of the citizens of Maryland.

EXECUTIVE ORDER OF FEBRUARY 20, 2003

01.01.2003.06

Drought Emergency Status and Water Use Restrictions – February 20, 2003

WHEREAS, Extremely low precipitation between September 2001 and August 2002 resulted in a severe drought in Maryland and surrounding states, resulting in record low levels of groundwater, streamflow and reservoir storage throughout the central and eastern regions of the State;

WHEREAS, A drought emergency for central Maryland was declared on April 5, 2002 and mandatory water use restrictions were imposed in order to preserve water supplies;

WHEREAS, On August 27, 2002, the drought emergency and mandatory water use restrictions were extended to include the central region, the Baltimore City water service area and eastern region of the State; and

WHEREAS, The Maryland Department of Environment has advised me that the

rainfall, stream flows and ground water levels throughout Maryland have returned to normal levels, but the City of Baltimore's reservoir system remains below normal levels and at this time is less than 70 percent of capacity;

NOW, THEREFORE, Pursuant to the authority vested in me by the Constitution and laws of the State of Maryland, including but not limited to Article 16A and Article 41 of the Annotated Code of Maryland, I, ROBERT L. EHRLICH, JR., GOVERNOR OF THE STATE OF MARYLAND, HEREBY ORDER THE FOLLOWING:

- A. I proclaim that a State of Emergency no longer exists in the State of Maryland, except for areas served by the City of Baltimore's water system;
- B. I proclaim that a State of Emergency continues to exist in Baltimore City and its service area, which includes portions of Anne Arundel County, Baltimore County and Howard County served by the City of Baltimore's water system;
- C. Level One Mandatory Water Use Restrictions will be in effect for all above named areas in a State of Emergency;
- D. The procedures for initial consideration of exemptions or variances from the mandatory water use restrictions outlined in Executive Order 01.01.2002.18 shall continue;
- E. The Water Use Exemption/Variance Appeal Panel created in Executive Order 01.01.2002.18 to hear appeals from individuals and entities denied an exemption or variance from the Maryland Department of the Environment shall continue;
- F. The Secretary of the Department of Natural Resources may continue to exercise the authority granted by sections 5-209 and 604 of the Natural Resources Article and impose a statewide ban on open air burning and take whatever additional actions may be necessary to minimize the risk of forest or wildfires;
- G. The authority of water suppliers to enforce water use restrictions is not preempted by this Executive Order to the extent the restrictions exceed those outlined in Level One Mandatory Water Use Restrictions; local governments may adopt and enforce stricter water use restrictions using any mechanism available by law, including local permit and code enforcement personnel; and
- H. State and local law enforcement personnel shall enforce the water use restrictions imposed by this Executive Order pursuant to Articles 16A and 41 of the Annotated Code of Maryland.

EXECUTIVE ORDER OF FEBRUARY 23, 2003

01.01.2003.07

Termination of Emergency in the State of Maryland

WHEREAS, I, Robert L. Ehrlich, Jr., Governor of the State of Maryland, having declared a Public Emergency on the 16th day of February due to severe winter weather;

WHEREAS, Having been advised and informed by the Maryland Emergency Management Agency that severe winter storm conditions have moderated;

WHEREAS, That these conditions no longer require the use of State resources; and

WHEREAS, That this response no longer requires the use of the Maryland Army National Guard in limited State active duty.

NOW, THEREFORE, I, ROBERT L. EHRLICH, JR., GOVERNOR OF MARYLAND, BY VIRTUE OF THE AUTHORITY VESTED IN ME BY THE CONSTITUTION AND LAWS OF THE STATE OF MARYLAND, HEREBY PROCLAIM THAT THE STATE OF EMERGENCY IN THE STATE OF MARYLAND IS HEREBY TERMINATED AT 6 PM ON FEBRUARY 23, 2003.

EXECUTIVE ORDER OF MARCH 7, 2003

01.01.2003.08

Advisory Committee on the Management and Protection of the State's Water Resources

(Amends Executive Order 01.01.2002.05)

WHEREAS, The Water Resources Management Advisory Committee was established by Executive Order on April 5, 2002 to provide advice to the State on policies and programs relating to the management, development, conservation and protection of the State's water resources;

WHEREAS, Executive Order 01.01.2002.05 currently provides for the Advisory Committee to complete its assessment and report its findings to the Governor by May 31, 2003;

WHEREAS, The Advisory Committee was first constituted in December, 2002 and, as a consequence, has been significantly delayed in initiating the required study activities;

WHEREAS, The Administration finds the work of the Advisory Committee to be of continued importance in ensuring safe and secure water resources for the citizens of Maryland, such that additional time should be granted to the Committee to complete its review and report to the Governor; and

WHEREAS, The Administration also finds the need to change representation on the Advisory Committee.

NOW, THEREFORE, I, ROBERT L. EHRLICH, JR., GOVERNOR OF THE STATE OF MARYLAND, BY VIRTUE OF THE AUTHORITY VESTED IN ME BY THE CONSTITUTION AND THE LAWS OF MARYLAND, HEREBY PROCLAIM THE FOLLOWING EXECUTIVE ORDER AMENDING EXECUTIVE ORDER 01.01.2002.05, EFFECTIVE IMMEDIATELY:

- A. Established. An Advisory Committee on the Management and Protection of the State's Water Resources is established to advise and assist the State in implementing programs and policies relating to the management, development, conservation and protection of the State's water resources.
- B. Membership and Procedures.
- (1) Membership. The Advisory Committee shall consist of up to 21 members, including:
- (a) A member of the House of Delegates, appointed by the Speaker of the House;
 - (b) A member of the Senate of Maryland, appointed by the President of the Senate;
 - (c) The Secretary of the Department of the Environment or a designee;
 - (d) The Secretary of the Department of Health and Mental Hygiene or a designee;
 - (e) The Secretary of the Department of Agriculture or a designee;
 - (f) The Secretary of the Department of Natural Resources or a designee;
 - (g) [The Special Secretary of the Office of Smart Growth or a designee] THE SECRETARY OF THE DEPARTMENT OF PLANNING OR A DESIGNEE; and
 - (h) Up to 14 members appointed by the Governor to include representatives of county and municipal government, environmental interest organizations, the agricultural and business community, research institutions and other individuals from the general public with relevant interest or expertise.
- (2) MEMBERS APPOINTED BY THE GOVERNOR SHALL SERVE AT HIS PLEASURE.
- [(2)] (3) The Governor shall designate the chairperson of the Advisory Committee.

[(3)] (4) A member may not receive compensation for serving on the Advisory Committee, but is entitled to reimbursement for expenses under the Standard State Travel Regulations as provided in the State budget.

C. Duties. The Committee shall perform the following duties:

- (1) Review the latest information from State, local and federal agencies concerning assessments of the quality and quantity management and protection of the State's ground and surface water resources;
- (2) Review the results of ongoing scientific research regarding climate change and its regional impacts on aquifer depletion and recharging models;
- (3) Review local, State and federal laws and regulations and policies related to the management, development, conservation and protection of ground and surface water resources;
- (4) Assess the adequacy of existing governmental resources, regulatory enforcement and monitoring programs that are available for the management, development, conservation and protection of the State's ground and surface water resources;
- (5) Develop models to assess trends regarding the State's major aquifers; and
- (6) Recommend additional actions, studies, policies, regulations or laws necessary to assure that the management and protection of the State's surface and ground water resources is conducted in a manner consistent with their long-term sustainable use and protection. The Advisory Committee shall provide a cost estimate and funding alternatives for implementation of each recommendation.

D. Staffing. Staff support to the Advisory Committee shall be provided by the Maryland Department of the Environment.

E. Report. The Advisory Committee shall report its findings and recommendations to the Governor by May 31, [2003] 2004.

EXECUTIVE ORDER OF MARCH 14, 2003

01.01.2003.09

Judicial Nominating Commissions

(Rescinds Executive Orders 01.01.1995.10, 01.01.1995.13, and 01.01.1999.08)

WHEREAS, The appointment of eminently qualified persons to the Judicial Branch is of paramount importance to the Governor and the people of Maryland;

WHEREAS, The process from which a judicial appointment is made by the Governor must be respected, be free from political influence, and be beyond reproach;

WHEREAS, By Executive Order 01.01.1974.23, the Governor of the State of Maryland created the Judicial Nominating Commission System for the purpose of recommending to the Governor the names of persons for appointment to the appellate and trial courts of Maryland, and providing for the composition and general functions and procedures of the Judicial Nominating Commissions;

WHEREAS, The Executive Order has been revised to provide a system that is effective in assuring the appointment of qualified persons in the Judiciary of Maryland; and

WHEREAS, The interests of the people and the State of Maryland will be best served by the continued existence and application of the Judicial Nominating Commission System.

NOW, THEREFORE, I, ROBERT L. EHRLICH, JR., GOVERNOR OF THE STATE OF MARYLAND, BY VIRTUE OF THE AUTHORITY VESTED IN ME BY THE CONSTITUTION AND LAWS OF MARYLAND, HEREBY RESCIND EXECUTIVE ORDER 01.01.1995.10, 01.01.1995.13, AND 01.01.1999.08, AND PROCLAIM THE FOLLOWING EXECUTIVE ORDER, EFFECTIVE IMMEDIATELY:

A. Definitions.

- (1) In this Executive Order the following words have the meanings indicated.
- (2) "Appellate Court" means the Court of Appeals of Maryland and the Court of Special Appeals of Maryland.
- (3) "Trial Court" means the District Court of Maryland and the Circuit Court of a county or Baltimore City.
- (4) "Secretariat" means the Administrative Office of the Courts.

B. Appellate Judicial Nominating Commission.

- (1) Creation and Composition. The Appellate Judicial Nominating Commission is created as part of the Executive Department. It consists of 17 persons chosen as follows:

- (a) Six members of the Maryland Bar appointed by the Governor and who shall be chosen as follows:
 - (i) Each member shall be a resident and qualified voter selected from the State at large; and
 - (ii) Such members may not hold offices of profit or trust under the Constitution or laws of this State or offices in any political party, or be full-time employees of the State.
- (b) Four members appointed by the Governor who may not be lawyers and who shall be chosen as follows:
 - (i) Each member shall be a resident and qualified voter selected from the State at large; and
 - (ii) Such members may not hold offices of profit or trust under the Constitution or laws of this State or offices in any political party, or be full-time employees of the State.
- (c) Seven members of the Maryland Bar who shall be selected as follows:
 - (i) One member shall be selected by the members of the Maryland Bar in each of the seven appellate judicial circuits;
 - (ii) Each such member shall be a qualified voter of the State, and shall reside or maintain a principal office for the practice of law in the appellate judicial circuit from which elected;
 - (iii) These persons shall be elected by members of the Maryland Bar who are qualified voters of the State and who maintain their principal offices for the practice of law in the appropriate appellate judicial circuit;
 - (iv) Such members may not hold offices of profit or trust under the Constitution or laws of this State or offices in any political party, or be full-time employees of the State;
 - (v) The elections in each circuit shall be conducted by the Secretariat pursuant to rules promulgated by the Court of Appeals of Maryland; and
 - (vi) Each candidate for an elected lawyer position shall submit a petition signed by 15 lawyers.
- (d) No more than one lawyer from the same firm or legal office may serve on the Commission.

- (e) To the fullest extent possible, the composition of the members appointed by the Governor and the members elected by the members of the Maryland Bar shall fairly and appropriately reflect the minority and female population of the area from which appointed or elected.
 - (2) Chairperson. The Governor shall designate one of his appointees as the Chairperson.
 - (3) Vice Chairperson. The Commission, by a vote of a majority of its full authorized membership, shall select from among the members a Vice Chairperson. The Vice Chairperson may perform any duty of the Chairperson during his/her absence, unavailability or inability to act.
 - (4) Terms. The terms of the members of the Commission extend to the date of qualification of the Governor elected at each quadrennial election, and until their successors are duly chosen. However, if the Commission meets not less than twice in any 12-month period and a Commission member who is not disqualified from participating fails to attend at least 50 percent of the Commission meetings held in that period, the term of the member is terminated automatically at the end of the period and another member shall be promptly selected.
 - (5) Vacancies. If a vacancy occurs on the Commission by reason of the death, resignation, removal, or disqualification of a member appointed by the Governor, a successor shall be appointed by the Governor, in accordance with Section B(1)(a), (b), or (c). If the vacancy occurs by reason of the death, resignation, removal, or disqualification of a member elected by the members of the Maryland Bar, a successor shall be selected pursuant to rules promulgated by the Court of Appeals of Maryland.
 - (6) Ineligibility for Judicial Appointment. The Governor may not appoint a member of the Commission to a vacancy that occurs on an Appellate Court during the term for which the member was chosen.
 - (7) Number of Recommendations. The Commission shall submit to the Governor a list of not less than five nor more than seven nominees for each vacancy on an Appellate Court.
- C. Trial Courts Judicial Nominating Commissions.
- (1) Creation.
 - (a) The Trial Courts Judicial Nominating Commissions are created as part of the Executive Department. For the purposes of operation and administration of the Commissions, the State shall be divided into Commission districts as follows:
 - (i) Commission District 1 – Somerset, Wicomico and Worcester Counties;

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- (ii) Commission District 2 – Cecil, Kent and Queen Anne’s Counties;
 - (iii) Commission District 3 – Baltimore County;
 - (iv) Commission District 4 – Harford County;
 - (v) Commission District 5 – Allegany and Garret Counties;
 - (vi) Commission District 6 – Washington County;
 - (vii) Commission District 7 – Anne Arundel County;
 - (viii) Commission District 8 – Carroll County;
 - (ix) Commission District 9 – Howard County;
 - (x) Commission District 10 – Frederick County;
 - (xi) Commission District 11 – Montgomery County;
 - (xii) Commission District 12 – Calvert and St. Mary’s Counties;
 - (xiii) Commission District 13 – Prince George’s County;
 - (xiv) Commission District 14 – Baltimore City;
 - (xv) Commission District 15 – Charles County; and
 - (xvi) Commission District 16 – Caroline, Dorchester, and Talbot Counties.
- (b) After January 15, 2002, if any county in a multi-county Commission District achieves a population of 100,000 or more as of July 1 of each quadrennial election year, based on the figures reported periodically by the U. S. Bureau of the Census, Population Division, that county shall be entitled to be a separate Commission District and to have a separate Commission without further action by law or otherwise.
- (2) Composition. Each Commission shall consist of 13 persons chosen as follows:
- (a) Five members of the Maryland Bar appointed by the Governor and who shall be chosen as follows:
 - (i) Each member shall be a qualified voter of the State and shall reside or maintain a principal office for the practice of law in the Commission District from which appointed;
 - (ii) At least one member shall be a resident of the Commission District from which appointed;

- (iii) In each multi-county Commission District, there shall be at least one such member who maintains a principal office for the practice of law in each county in the Commission District; and
 - (iv) Such members may not hold offices of profit or trust under the Constitution or laws of this State or offices in any political party, or be full-time employees of the State.
- (b) Four members appointed by the Governor who may not be lawyers and who shall be chosen as follows:
 - (i) Each shall be a resident and qualified voter of the Commission District from which appointed;
 - (ii) Such members may not hold offices of profit or trust under the Constitution or laws of this State or offices in any political party, or be full-time employees of the State; and
 - (iii) In each multi-county Commission District, there shall be at least one such member who resides in each county in the Commission.
- (c) Four members of the Maryland Bar who shall be selected as follows:
 - (i) Such members shall be selected by the members of the Maryland Bar who are qualified voters of the State and who maintain principal offices for the practice of law in the Commission District;
 - (ii) Each member shall be a qualified voter of the State and shall reside or maintain a principal office for the practice of law in the Commission District from which elected;
 - (iii) At least one member shall be a resident of the Commission District from which elected;
 - (iv) In each multi-county Commission District, there shall be at least one such member who maintains a principal office for the practice of law in each county in the Commission District;
 - (v) Such members may not hold offices of profit or trust under the Constitution or laws of this State or offices in any political party, or be full-time employees of the State;
 - (vi) The elections in each Commission District shall be conducted by the Secretariat pursuant to rules promulgated by the Court of Appeals of Maryland; and

- (vii) Each candidate for an elected lawyer position shall submit a petition signed by 15 lawyers.
 - (d) No more than one lawyer from the same law firm or legal office may serve on the same trial court judicial nominating commission.
 - (e) To the fullest extent possible, the composition of the members of a Commission appointed by the Governor and the members elected by the members of the Maryland Bar shall fairly and appropriately reflect the minority and female population of the Commission District.
- (3) Chairperson. The Governor shall designate one of his appointees to each Commission as the Chairperson of the Commission.
 - (4) Terms. The Terms of the members of each Commission extend to the date of qualification of the Governor elected at each quadrennial election and until their successors are duly chosen. However, if a Commission meets not less than twice in any 12-month period and a Commission member who is not disqualified from participating fails to attend at least 50 percent of such Commission meetings held in that period, the term of the member is terminated automatically at the end of the period, and another member shall be promptly selected.
 - (5) Vacancies. If a vacancy occurs on a Commission by reason of the creation of a new Commission District or by reason of the death, resignation, removal, or disqualification of a member appointed by the Governor, a successor shall be appointed by the Governor in accordance with Section C(2)(a), (b) or (c). If the vacancy occurs by reason of the death, resignation, removal, or disqualification of a member elected by the members of the Maryland Bar, a successor shall be selected pursuant to rules promulgated by the Court of Appeals of Maryland.
 - (6) Ineligibility for Judicial Appointment. The Governor may not appoint a member of these Commissions to a vacancy that occurs on a Trial Court during the term for which the member was chosen.
 - (7) Number of Recommendations. A Commission shall submit to the Governor a list of not more than seven nominees for each vacancy on a Trial Court within its Commission District. The Commission shall submit a minimum number of nominees so that the number of nominees for each vacancy, including any eligible nominee on a list previously submitted as provided by Section G(2), is no less than the number specified in the following table:

| Number of Lawyers Contributing to Clients' Security Trust Fund in the County | Minimum Number of Nominees Per Vacancy |
|---|--|
|---|--|

| | |
|-------------------|---|
| (a) More than 750 | 5 |
| (b) 201–750 | 4 |
| (c) 31–200 | 3 |
| (d) 30 or less | 2 |

D. Recommending Less Than Minimum Number.

- (1) A Commission may recommend less than the minimum number of nominees required by Sections B(7) and C(7) under the following conditions:
 - (a) If multiple vacancies exist for which recommendations must be made, a Commission may submit a list containing the required minimum number of nominees for one vacancy plus two additional names for each vacancy in excess of one; or
 - (b) If it concludes that there is less than the required minimum number of persons willing to accept appointment who are legally and fully professionally qualified. However, a Commission shall obtain the prior approval of the Governor in order to recommend fewer than four names under Section B(7) or fewer than three names under Section C(7)(a) or (b) or fewer than two names under Section C(7)(c).
- (2) If any person recommended for appointment is unwilling to accept appointment, or is disqualified, or is otherwise unavailable for appointment, a Commission may, upon request of the Governor, submit an additional nominee if needed to increase the list to the prescribed minimum number of names.
- (3) If the position to be filled is then held by an incumbent judge who is eligible for and desires reappointment, the Commission, with the prior approval of the Governor, may submit a list containing less than the prescribed number of names.

E. Commission Procedures.

- (1) Each Commission shall operate under procedures specified in rules adopted by the Chief Judge of the Court of Appeals of Maryland consistent with this Executive Order. The Secretariat and the Governor shall provide for the training of Commission members in effectively evaluating judicial candidates and in screening for sensitivity to diversity issues.

- (2) Upon notification by the Secretariat that a vacancy exists or is about to occur in a judicial office for which a Commission is to make nominations, the Commission shall seek and review applications of proposed nominees for the judicial office. Application shall be made on the form prescribed by the Secretariat. The Commission shall notify the Maryland State Bar Association, Inc. and other appropriate bar associations of the vacancy and shall request recommendations from them. The Commission may also seek recommendations from interested citizens and from among its own members.
- (3) The Commission shall evaluate each proposed nominee. In the course of its evaluation, the Commission may seek information beyond that contained in the personal data questionnaire submitted by a candidate. The Commission may obtain pertinent information from knowledgeable persons known to Commission members, the Attorney Grievance Commission, judges, personal references given by the candidate, criminal justice agencies, or other sources. The Commission shall place public notices in at least one newspaper read by members of the general public inviting written and signed comments to the Commission regarding the named applicants for judicial appointment. A criminal justice agency, including the Central Repository, may release criminal history record information, including conviction and nonconviction data, to a Commission upon request of its chairman, for the purpose of evaluating a candidate.
- (4) No fewer than 9 members shall be present at a voting session of a trial court judicial nominating commission. No fewer than 11 members shall be present at a voting session of the Appellate Judicial Nominating Commission.
- (5) A Commission shall select and nominate to the Governor persons found by the Commission to be legally and most fully professionally qualified to fill a vacancy. The Commissions shall evaluate the extent to which candidates have the following qualifications for judicial office: integrity, maturity, health, if job related, judicial temperament, diligence, legal knowledge, ability and experience, and community service. Commission members shall be sensitive to gender and diversity issues in the evaluation of judicial candidates. No person's name may be submitted unless the person has been found legally and most fully professionally qualified by a vote of a majority of the members present at a voting session, as taken by secret ballot, and unless the person has been interviewed by the Commission. The secret ballots shall be sealed and delivered to the Secretariat and may be opened only by demand of the Governor or by court order.
- (6) The Commission shall report in writing to the Governor the names of the persons found by the Commission to be legally and most fully professionally qualified to fill a vacancy. The names of persons shall

be listed in alphabetical order. The report shall be submitted within 85 days following notification by the Secretariat that a vacancy exists or is about to occur. The Commission shall release its report to the public concurrently with submission of its report to the Governor.

- (7) Each Commission shall, through the Secretariat, distribute informational and educational materials concerning judicial vacancies and the functions of the Commission in order to inform the public of the judicial selection process of the State.
- F. Confidentiality. The name of an individual who submits a personal data questionnaire to a Commission may not be made public by the Commission until after the closing date for the submission of questionnaires. The Secretariat may submit the names of those individuals to a bar association, on receiving satisfactory assurances that no committee or officer of the bar association will release or permit the release to the public of any ranking of the individuals by, or the results of any ballots returned from the members of, the Bar association. A Personal data questionnaire submitted to a Commission is confidential and may not be released by anyone other than the applicant, except that the Secretariat shall forward to the Governor the personal data questionnaires of those individuals actually nominated to the Governor by a Commission. The evaluation of candidates by a Commission, including interviews, deliberations and voting, is confidential and may not be disclosed to anyone other than the Governor.
- G. Appointment.
- (1) The Governor shall fill a judicial vacancy by selecting a person from the list of nominees submitted by the appropriate Commission.
 - (2) With respect to any judicial vacancy, the Governor may also fill the most recent judicial vacancy by selecting a person from any list previously submitted by the appropriate Commission for a judicial vacancy on the same court for which the current list is submitted, if the previous list was submitted within a two-year period of the occurrence of the most recent vacancy and information on the nominees is updated, as necessary.
- H. Effective Date. For purposes of the election and appointment of individuals to serve on the Appellate and Trial Court Judicial Nominating Commissions, this Executive Order is effective immediately. Notwithstanding the provisions of Sections B(4) and C(4) of this Order, existing judicial nominating commissions are hereby terminated and seventeen new judicial nominating commissions are created in accordance with provisions of this Executive Order.

EXECUTIVE ORDER OF MARCH 20, 2003

01.01.2003.10

Governor's Commission on Housing Policy

WHEREAS, Housing is the largest expense most Marylanders face, and decent, accessible, and affordable housing has a demonstrable impact on family stability and the life outcomes of children;

WHEREAS, Safe, decent, accessible, and affordable housing choices for working families, individuals with disabilities, children, and the elderly are indispensable building blocks for healthy neighborhoods;

WHEREAS, State policies and planning activities should foster the development of a range of housing options in all communities, from rental to home ownership, at a variety of income levels; and

WHEREAS, The Administration recognizes that Maryland presently lacks a comprehensive housing policy and a strategic plan for addressing the housing needs of Marylanders.

NOW, THEREFORE, I, ROBERT L. EHRLICH, JR., GOVERNOR OF THE STATE OF MARYLAND, BY VIRTUE OF THE AUTHORITY VESTED IN ME BY THE CONSTITUTION AND THE LAWS OF MARYLAND, HEREBY PROCLAIM THE FOLLOWING EXECUTIVE ORDER, EFFECTIVE IMMEDIATELY:

- A. Established. There is a Governor's Commission on Housing Policy.
- B. Purpose. The Commission shall make recommendations to the Governor for specific and measurable actions that can be taken to increase and preserve quality affordable housing in all Maryland communities to meet the needs, as well as the dreams, of working families, individuals with disabilities, the homeless, and the elderly. These recommendations shall take into account the differing needs throughout the State and be responsive to local and community concerns and systems.
- C. Membership.
 - (1) The Commission shall be comprised of up to twenty-one members, including:
 - (a) The Secretary of Housing and Community Development who shall serve as Chairperson;
 - (b) A member of the Senate of Maryland, appointed by the President of the Senate;
 - (c) A member of the House of Delegates, appointed by the Speaker of the House;

- (d) Up to 18 members, appointed by the Governor. These members shall include representatives of:
 - (i) County and municipal government;
 - (ii) Agencies which implement or manage local housing programs;
 - (iii) Community development organizations and/or financial institutions;
 - (iv) Advocacy organizations with interest in affordable housing and/or which represent senior citizens and individuals with disabilities;
 - (v) The housing industry, including but not limited to, representatives of the Home Builders Association of Maryland, the Maryland Association of Realtors, banking or lending institutions, and rental property owner organizations; and
 - (vi) The public at large.
- (2) To the extent possible, Commission members shall be representative of the major geographic areas of the State, including rural, suburban, and urban communities.
- (3) Members of the Commission shall serve at the pleasure of the Governor until the submission of a final report by the Commission.
- (4) Members appointed by the Governor may not receive any compensation for their services, but may be reimbursed for reasonable expenses incurred in the performance of duties, in accordance with the Standard State Travel Regulations, and as provided in the State budget.

D. Duties. The Commission shall have the following duties:

- (1) Review the procedures and practices currently used in the State administration of housing and community development policies;
- (2) Utilize existing studies, reports, and census data to examine the state of affordable housing in Maryland, including:
 - (i) The need for preservation and production of rental housing and special needs housing, including transitional housing and shelters for the homeless;
 - (ii) Homeownership opportunities;

- (iii) Barriers including, economic factors, local government regulations and procedures, and community support and perceptions;
 - (iv) Successful, working initiatives in place at the State and local levels, as well as national initiatives replicable in Maryland;
 - (v) Challenges facing healthy, at-risk, distressed, and blighted communities, as well as urban, suburban, and rural areas;
 - (vi) The need for and impact of housing choice vouchers and other forms of housing assistance; and
 - (vii) The impact Priority Funding Area designations have on rural communities in the State;
- (3) Examine industry trends in the location, production, and rehabilitation of single-family and multi-family housing;
 - (4) Review the methodology and recommendations of the federal Millennial Housing Commission; and
 - (5) Develop a statewide typology, or set of categories of different types of communities, for the application and allocation of State housing and community development programs and resources to reflect the diverse range of conditions and needs across the State and ensure that the appropriate resources are available and used to address the problems identified by the Commission.
- E. Staffing. The Maryland Department of Housing and Community Development shall provide primary staff support to the Commission and any subcommittees established by the Commission. The Commission may seek additional staff support from other State agencies or institutions which have a role or expertise in housing and community development issues.
- F. Procedures.
- (1) A majority of members shall constitute a quorum for the transaction of any business before the Commission.
 - (2) The Commission may hold hearings around the State to receive public testimony on Maryland's housing and community development needs and the effectiveness of current policies and programs.
- G. Reports. The Commission shall submit an interim report to the Governor by September 30, 2004. A final report with recommendations shall be submitted to the Governor on or before December 31, 2004, at which time the Commission established by this Executive Order is terminated.

EXECUTIVE ORDER OF MARCH 31, 2003

01.01.2003.11

Proclaiming an Extended Session of the Maryland General Assembly

WHEREAS, I, Robert L. Ehrlich, Jr., 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 2003 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, ROBERT L. EHRLICH, JR., 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 2003 REGULAR SESSION OF THE MARYLAND GENERAL ASSEMBLY IS HEREBY EXTENDED, COMMENCING AT MIDNIGHT ON MONDAY, APRIL 7, 2003, 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 APRIL 7, 2003

01.01.2003.12

Judicial Nominating Commissions

(Amends Executive Order 01.01.2003.09)

WHEREAS, The appointment of eminently qualified persons to the Judicial Branch is of paramount importance to the Governor and the people of Maryland;

WHEREAS, The process from which a judicial appointment is made by the Governor must be respected, be free from political influence, and be beyond reproach;

WHEREAS, In 1970, the Governor of the State of Maryland created the Judicial Nominating Commission System for the purpose of recommending to the Governor the names of persons for appointment to the appellate and trial courts of Maryland, and providing for the composition and general functions and procedures of the Judicial Nominating Commissions;

WHEREAS, The System has been continued with revisions in order to retain effectiveness in ensuring the the appointment of qualified persons to the

Judiciary of Maryland, most recently by Executive Order 01.01.2003.09; and
WHEREAS, Technical corrections to Executive Order 01.01.2003.09 are appropriate.

NOW, THEREFORE, I, ROBERT L. EHRLICH, JR., GOVERNOR OF THE STATE OF MARYLAND, BY VIRTUE OF THE AUTHORITY VESTED IN ME BY THE CONSTITUTION AND LAWS OF MARYLAND, HEREBY AMEND EXECUTIVE ORDER 01.01.2003.09 AND PROCLAIM THE FOLLOWING EXECUTIVE ORDER, EFFECTIVE IMMEDIATELY:

A. Definitions.

- (1) In this Executive Order the following words have the meanings indicated.
- (2) “Appellate Court” means the Court of Appeals of Maryland [and] OR the Court of Special Appeals of Maryland.
- (3) “Trial Court” means the District Court of Maryland [and] OR the Circuit Court [of] FOR a county or Baltimore City.
- (4) “Secretariat” means the Administrative Office of the Courts.

B. Appellate Judicial Nominating Commission.

- (1) Creation and Composition. The Appellate Judicial Nominating Commission is created as part of the Executive Department. It consists of 17 persons chosen as follows:
 - (a) Six members of the Maryland Bar appointed by the Governor and who shall be chosen as follows:
 - (i) Each member shall be a resident and qualified voter selected from the State at large; and
 - (ii) Such members may not hold offices of profit or trust under the Constitution or laws of this State or offices in any political party, or be full-time employees of the State.
 - (b) Four members appointed by the Governor who may not be lawyers and who shall be chosen as follows:
 - (i) Each member shall be a resident and qualified voter selected from the State at large; and
 - (ii) Such members may not hold offices of profit or trust under the Constitution or laws of this State or offices in any political party, or be full-time employees of the State.
 - (c) Seven members of the Maryland Bar who shall be selected as follows:

- (i) One member shall be selected by the members of the Maryland Bar in each of the seven appellate judicial circuits;
 - (ii) Each such member shall be a qualified voter of the State, and shall reside or maintain a principal office for the practice of law in the appellate judicial circuit from which elected;
 - (iii) These persons shall be elected by members of the Maryland Bar who are qualified voters of the State and who maintain their principal offices for the practice of law in the appropriate appellate judicial circuit;
 - (iv) Such members may not hold offices of profit or trust under the Constitution or laws of this State or offices in any political party, or be full-time employees of the State;
 - (v) The elections in each circuit shall be conducted by the Secretariat pursuant to rules promulgated by the Court of Appeals of Maryland; and
 - (vi) Each candidate for an elected lawyer position shall submit a petition signed by 15 lawyers.
- (d) No more than one lawyer from the same firm or legal office may serve on the Commission.
 - (e) To the fullest extent possible, the composition of the members appointed by the Governor and the members elected by the members of the Maryland Bar shall fairly and appropriately reflect the minority and female population of the area from which appointed or elected.
- (2) Chairperson. The Governor shall designate one of his appointees as the Chairperson.
 - (3) Vice Chairperson. The Commission, by a vote of a majority of its full authorized membership, shall select from among the members a Vice Chairperson. The Vice Chairperson may perform any duty of the Chairperson during his/her absence, unavailability or inability to act.
 - (4) Terms. The terms of the members of the Commission extend to the date of qualification of the Governor elected at each quadrennial election, and until their successors are duly chosen. However, if the Commission meets not less than twice in any 12-month period and a Commission member who is not disqualified from participating fails to attend at least 50 percent of the Commission meetings held in that period, the term of the member is terminated automatically at the end of the period and another member shall be promptly selected.

- (5) Vacancies. If a vacancy occurs on the Commission by reason of the death, resignation, removal, or disqualification of a member appointed by the Governor, a successor shall be appointed by the Governor, in accordance with Section B(1)(a)[,] OR (b)[, or (c)]. If the vacancy occurs by reason of the death, resignation, removal, or disqualification of a member elected by the members of the Maryland Bar, a successor shall be selected pursuant to rules promulgated by the Court of Appeals of Maryland.
- (6) Ineligibility for Judicial Appointment. The Governor may not appoint a member of the Commission to a vacancy that occurs on an Appellate Court during the term for which the member was chosen.
- (7) Number of Recommendations. The Commission shall submit to the Governor a list of not less than five nor more than seven nominees for each vacancy on an Appellate Court.

C. Trial Courts Judicial Nominating Commissions.

- (1) Creation.
 - (a) The Trial Courts Judicial Nominating Commissions are created as part of the Executive Department. For the purposes of operation and administration of the Commissions, the State shall be divided into Commission Districts as follows:
 - (i) Commission District 1 – Somerset, Wicomico and Worcester Counties;
 - (ii) Commission District 2 – Cecil, Kent and Queen Anne’s Counties;
 - (iii) Commission District 3 – Baltimore County;
 - (iv) Commission District 4 – Harford County;
 - (v) Commission District 5 – Allegany and [Garret] GARRETT Counties;
 - (vi) Commission District 6 – Washington County;
 - (vii) Commission District 7 – Anne Arundel County;
 - (viii) Commission District 8 – Carroll County;
 - (ix) Commission District 9 – Howard County;
 - (x) Commission District 10 – Frederick County;
 - (xi) Commission District 11 – Montgomery County;
 - (xii) Commission District 12 – Calvert and St. Mary’s Counties;
 - (xiii) Commission District 13 – Prince George’s County;

- (xiv) Commission District 14 – Baltimore City;
 - (xv) Commission District 15 – Charles County; and
 - (xvi) Commission District 16 – Caroline, Dorchester, and Talbot Counties.
- (b) After January 15, 2002, if any county in a multi-county Commission District achieves a population of 100,000 or more as of July 1 of each quadrennial election year, based on the figures reported periodically by the U. S. Bureau of the Census, Population Division, that county shall be entitled to be a separate Commission District and to have a separate Commission without further action by law or otherwise.
- (2) Composition. Each Commission shall consist of 13 persons chosen as follows:
- (a) Five members of the Maryland Bar appointed by the Governor and who shall be chosen as follows:
 - (i) Each member shall be a qualified voter of the State and shall reside or maintain a principal office for the practice of law in the Commission District from which appointed;
 - (ii) At least one member shall be a resident of the Commission District from which appointed;
 - (iii) In each multi-county Commission District, there shall be at least one such member who maintains a principal office for the practice of law in each county in the Commission District; and
 - (iv) Such members may not hold offices of profit or trust under the Constitution or laws of this State or offices in any political party, or be full-time employees of the State.
 - (b) Four members appointed by the Governor who may not be lawyers and who shall be chosen as follows:
 - (i) Each shall be a resident and qualified voter of the Commission District from which appointed;
 - (ii) Such members may not hold offices of profit or trust under the Constitution or laws of this State or offices in any political party, or be full-time employees of the State; and
 - (iii) In each multi-county Commission District, there shall be at least one such member who resides in each county in the Commission.

- (c) Four members of the Maryland Bar who shall be selected as follows:
 - (i) Such members shall be selected by the members of the Maryland Bar who are qualified voters of the State and who maintain principal offices for the practice of law in the Commission District;
 - (ii) Each member shall be a qualified voter of the State and shall reside or maintain a principal office for the practice of law in the Commission District from which elected;
 - (iii) At least one member shall be a resident of the Commission District from which elected;
 - (iv) In each multi-county Commission District, there shall be at least one such member who maintains a principal office for the practice of law in each county in the Commission District;
 - (v) Such members may not hold offices of profit or trust under the Constitution or laws of this State or offices in any political party, or be full-time employees of the State;
 - (vi) The elections in each Commission District shall be conducted by the Secretariat pursuant to rules promulgated by the Court of Appeals of Maryland; and
 - (vii) Each candidate for an elected lawyer position shall submit a petition signed by 15 lawyers.
- (d) No more than one lawyer from the same law firm or legal office may serve on the same trial [court] COURTS judicial nominating commission.
- (e) To the fullest extent possible, the composition of the members of a Commission appointed by the Governor and the members elected by the members of the Maryland Bar shall fairly and appropriately reflect the minority and female population of the Commission District.
- (3) Chairperson. The Governor shall designate one of his appointees to each Commission as the Chairperson of the Commission.
- (4) Terms. The terms of the members of each Commission extend to the date of qualification of the Governor elected at each quadrennial election and until their successors are duly chosen. However, if a Commission meets not less than twice in any 12-month period and a Commission member who is not disqualified from participating fails

to attend at least 50 percent of such Commission meetings held in that period, the term of the member is terminated automatically at the end of the period, and another member shall be promptly selected.

- (5) Vacancies. If a vacancy occurs on a Commission by reason of the creation of a new Commission District or by reason of the death, resignation, removal, or disqualification of a member appointed by the Governor, a successor shall be appointed by the Governor in accordance with Section C(2)(a)[,] OR (b) [or (c)]. If the vacancy occurs by reason of the death, resignation, removal, or disqualification of a member elected by the members of the Maryland Bar, a successor shall be selected pursuant to rules promulgated by the Court of Appeals of Maryland.
- (6) Ineligibility for Judicial Appointment. The Governor may not appoint a member of these Commissions to a vacancy that occurs on a Trial Court during the term for which the member was chosen.
- (7) Number of Recommendations. A Commission shall submit to the Governor a list of not more than seven nominees for each vacancy on a Trial Court within its Commission District. The Commission shall submit a minimum number of nominees so that the number of nominees for each vacancy, including any eligible nominee on a list previously submitted as provided by Section G(2), is no less than the number specified in the following table:

| Number of Lawyers Contributing to [Clients' Security Trust] CLIENT PROTECTION Fund in the County | Minimum Number of Nominees Per Vacancy |
|--|--|
| (a) More than 750 | 5 |
| (b) 201–750 | 4 |
| (c) 31–200 | 3 |
| (d) 30 or less | 2 |

D. Recommending Less Than Minimum Number.

- (1) A Commission may recommend less than the minimum number of nominees required by Sections B(7) [and] OR C(7) under the following conditions:
 - (a) If multiple vacancies exist for which recommendations must be made, a Commission may submit a list containing the required minimum number of nominees for one vacancy plus two additional names for each vacancy in excess of one; or

- (b) If it concludes that there is less than the required minimum number of persons willing to accept appointment who are legally and fully professionally qualified. However, a Commission shall obtain the prior approval of the Governor in order to recommend fewer than four names under Section B(7) or fewer than three names under Section C(7)(a) or (b) or fewer than two names under Section C(7)(c).
- (2) If any person recommended for appointment is unwilling to accept appointment, or is disqualified, or is otherwise unavailable for appointment, a Commission may, upon request of the Governor, submit an additional nominee if needed to increase the list to the prescribed minimum number of names.
- (3) If the position to be filled is then held by an incumbent judge who is eligible for and desires reappointment, the Commission, with the prior approval of the Governor, may submit a list containing less than the prescribed number of names.

E. Commission Procedures.

- (1) Each Commission shall operate under procedures specified in rules adopted by the Chief Judge of the Court of Appeals of Maryland consistent with this Executive Order. The Secretariat and the Governor shall provide for the training of Commission members in effectively evaluating judicial candidates and in screening for sensitivity to diversity issues.
- (2) Upon notification by the Secretariat that a vacancy exists or is about to occur in a judicial office for which a Commission is to make nominations, the Commission shall seek and review applications of proposed nominees for the judicial office. Application shall be made on the form prescribed by the Secretariat. The Commission shall notify the Maryland State Bar Association, Inc. and other appropriate bar associations of the vacancy and shall request recommendations from them. The Commission may also seek recommendations from interested citizens and from among its own members.
- (3) The Commission shall evaluate each proposed nominee. In the course of its evaluation, the Commission may seek information beyond that contained in the personal data questionnaire submitted by a candidate. The Commission may obtain pertinent information from knowledgeable persons known to Commission members, the Attorney Grievance Commission, judges, personal references given by the candidate, criminal justice agencies, or other sources. The Commission shall place public notices in at least one newspaper read by members of the general public inviting written and signed comments to the Commission regarding the named applicants for judicial appointment. A criminal justice agency, including the Central

Repository, may release criminal history record information, including conviction and nonconviction data, to a Commission upon request of its chairman, for the purpose of evaluating a candidate.

- (4) No fewer than 9 members shall be present at a voting session of a trial court judicial nominating commission. No fewer than 11 members shall be present at a voting session of the Appellate Judicial Nominating Commission.
 - (5) A Commission shall select and nominate to the Governor persons found by the Commission to be legally and most fully professionally qualified to fill a vacancy. The Commissions shall evaluate the extent to which candidates have the following qualifications for judicial office: integrity, maturity, health, if job related, judicial temperament, diligence, legal knowledge, ability and experience, and community service. Commission members shall be sensitive to gender and diversity issues in the evaluation of judicial candidates. No person's name may be submitted unless the person has been found legally and most fully professionally qualified by a vote of a majority of the members present at a voting session, as taken by secret ballot, and unless the person has been interviewed by the Commission. The secret ballots shall be sealed [and delivered to] BY the Secretariat and may be opened only by demand of the Governor or by court order.
 - (6) The Commission shall report in writing to the Governor the names of the persons found by the Commission to be legally and most fully professionally qualified to fill a vacancy. The names of persons shall be listed in alphabetical order. The report shall be submitted within 85 days following notification by the Secretariat that a vacancy exists or is about to occur. The Commission shall release its report to the public concurrently with submission of its report to the Governor.
 - (7) Each Commission shall, through the Secretariat, distribute informational and educational materials concerning judicial vacancies and the functions of the Commission in order to inform the public of the judicial selection process of the State.
- F. Confidentiality. The name of an individual who submits a personal data questionnaire to a Commission may not be made public by the Commission until after the closing date for the submission of questionnaires. The Secretariat may submit the names of those individuals to a bar association, on receiving satisfactory assurances that no committee or officer of the bar association will release or permit the release to the public of any ranking of the individuals by, or the results of any ballots returned from the members of, the Bar association. A personal data questionnaire submitted to a Commission is confidential and may not be released by anyone other than the applicant, except that the Secretariat shall forward to the Governor the personal data questionnaires of those individuals

actually nominated to the Governor by a Commission. The evaluation of candidates by a Commission, including interviews, deliberations and voting, is confidential and may not be disclosed to anyone other than the Governor.

G. Appointment.

- (1) The Governor shall fill a judicial vacancy by selecting a person from the list of nominees submitted by the appropriate Commission.
- (2) With respect to any judicial vacancy, the Governor may also fill the most recent judicial vacancy by selecting a person from any list previously submitted by the appropriate Commission for a judicial vacancy on the same court for which the current list is submitted, if the previous list was submitted within a two-year period of the occurrence of the most recent vacancy and information on the nominees is updated, as necessary.

H. Effective Date. For purposes of the election and appointment of individuals to serve on the Appellate and Trial Court Judicial Nominating Commissions, this Executive Order is effective immediately. Notwithstanding the provisions of Sections B(4) and C(4) of this Order, existing judicial nominating commissions are hereby terminated and seventeen new judicial nominating commissions are created in accordance with provisions of this Executive Order.

EXECUTIVE ORDER OF APRIL 28, 2003

01.01.2003.13

Public Corruption and Misconduct

WHEREAS, Honest and honorable conduct in the performance of State business, free of the existence or perception of any corruption or other misconduct, is the primary goal of this Administration;

WHEREAS, Instances of prior questionable conduct, identified during transition, and thereafter, have arisen and continue to appear to arise, even to the present time;

WHEREAS, While the vast majority of Maryland State employees and contractors are entirely honest, upright and forthright in the conduct of State business, all departments and agencies must be vigilant to detect and deter any criminal or unethical conduct; and

WHEREAS, A clear and responsible path for investigation of possible criminal or unethical conduct must be established.

NOW, THEREFORE, I, ROBERT L. EHRLICH, JR., 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. All departments and agencies of this State shall promptly inform Chief Counsel to the Governor and the Assistant Attorney General of the Department or Agency, or, if none, the Deputy Attorney General in charge of the Criminal Investigations Division of the Office of the Attorney General, of any instance of possible criminal or unethical conduct by any employee or contractor of this State. Agencies with special internal investigative units shall proceed with their internal investigations and report as required herein at the close of the particular investigation.
- B. Chief Counsel to the Governor and the Deputy Attorney General in charge of the Attorney General's Criminal Investigations Division shall promptly confer and jointly determine whether the matter should be referred for criminal investigation and prosecution, and, if so, to which law enforcement agency: the State's Attorney of the particular subdivision, the State Prosecutor, the Criminal Investigations Division, or the United States Attorney.
- C. If Chief Counsel to the Governor and the Deputy Attorney General in charge of the Attorney General's Criminal Investigations Division determine that a referral to a designated law enforcement agency is appropriate, they shall promptly undertake such action and then monitor the course of the matter on a periodic basis.
- D. All departments and agencies shall require each employee to report to the Secretary or Director of such department or agency as to any arrest of such employee, as to each legal proceeding in which such employee is involved as a party, and as to such other legal process in which such employee is involved as the Secretary or Director of the particular department or agency shall designate.
- E. Chief Counsel to the Governor shall report periodically to the Governor on the subject matter of this Executive Order.
- F. This Executive Order succeeds and supplants prior policies on the subject matter of this Executive Order.

EXECUTIVE ORDER OF MAY 15, 2003

01.01.2003.14

Commutation of Sentence – Venson Horsey

WHEREAS, On May 16, 1998, Venson Horsey, Inmate # 276819, Grantee, then 49 years of age, was convicted of First Degree Burglary and Possession of a Controlled Dangerous Substance (CDS);

WHEREAS, Venson Horsey was sentenced to two years concurrent from May 16,

1998, for Possession of CDS and 12 years concurrent for First Degree Burglary from May 16, 1998;

WHEREAS, Venson Horsey's mandatory release date is December 5, 2004;

WHEREAS, Venson Horsey suffers from advanced terminal lung cancer that has spread throughout his body. He has a Karnofsky score of 30%, which means that he spends most of his time in bed, and he cannot walk without assistance;

WHEREAS, Grantee's treating physician has estimated his life expectancy is less than six months;

WHEREAS, The Director of Social Work and Addiction Services for the Division of Corrections, Venson Horsey's treating physician, and the Regional Medical Director for the Division of Corrections recommend commutation of sentence;

WHEREAS, The Maryland Parole Commission has concluded that Venson Horsey, suffering from terminal lung cancer, presently appears to constitute no threat to the safety of society; and

WHEREAS, The interests of the State of Maryland and of the Grantee will best be served by commutation of the sentence.

NOW, THEREFORE, I, ROBERT L. EHRLICH, JR., GOVERNOR OF THE STATE OF MARYLAND, BY VIRTUE OF THE AUTHORITY VESTED IN ME BY THE CONSTITUTION AND LAWS OF MARYLAND, HEREBY ORDER THAT THE ORIGINAL SENTENCE OF VENSON HORSEY TO THE CUSTODY OF THE DIVISION OF CORRECTION BE AND IS HEREBY COMMUTED AS FOLLOWS:

Venson Horsey shall be released from the custody of the Division of Correction, subject to supervision as if on parole for the balance of his sentence to the Division of Correction, on such conditions as the Parole Commission shall designate as reasonable and appropriate as well as the following conditions:

- (1) The Parole Commission shall receive a report on any significant change in the Grantee's medical condition or in any event no later than 30 days from the date of this letter and every 60 days thereafter; and
- (2) Should the Grantee's medical condition improve to the extent that he no longer requires the provision of long term care, Grantee shall be returned to the custody of the Maryland Division of Correction to resume service of his sentence.

EXECUTIVE ORDER OF MAY 21, 2003

01.01.2003.15

Commutation of Sentence – Robert Hettche

WHEREAS, On September 11, 2000, Robert Hettche, Inmate # 300132, Grantee, then 49 years of age, was convicted of Possession with the Intent to Distribute, and Theft–300 Plus Value;

WHEREAS, Robert Hettche was sentenced to eight years concurrent from September 11, 2000, for Possession with Intent to Distribute Heroin, eight years consecutive for Theft–\$300 Plus Value, and 18 months concurrent dating from July 31, 2001 for Theft Under \$300;

WHEREAS, Robert Hettche’s mandatory release date is July 25, 2013;

WHEREAS, Robert Hettche suffers from colorectal cancer that has metastasized and Hepatitis C. He has a Karnofsky score of 10%, which means that his condition is classified as moribund, fatal processes progressing rapidly, he is bedbound;

WHEREAS, Grantee’s treating physician has estimated his life expectancy is less than six months;

WHEREAS, The Director of Social Work and Addiction Services for the Division of Corrections, Robert Hettche’s treating physician, and the Regional Medical Director for the Division of Corrections recommend commutation of sentence;

WHEREAS, The Maryland Parole Commission has concluded that Robert Hettche, suffering from terminal rectal cancer, presently appears to constitute no threat to the safety of society; and

WHEREAS, The interests of the State of Maryland and of the Grantee will best be served by commutation of the sentence.

NOW, THEREFORE, I, ROBERT L. EHRLICH, JR., GOVERNOR OF THE STATE OF MARYLAND, BY VIRTUE OF THE AUTHORITY VESTED IN ME BY THE CONSTITUTION AND LAWS OF MARYLAND, HEREBY ORDER THAT THE ORIGINAL SENTENCE OF ROBERT HETTCHÉ TO THE CUSTODY OF THE DIVISION OF CORRECTION BE AND IS HEREBY COMMUTED AS FOLLOWS:

Robert Hettche shall be released from the custody of the Division of Correction, subject to supervision as if on parole for the balance of his sentence to the Division of Correction, on such conditions as the Parole Commission shall designate as reasonable and appropriate as well as the following conditions:

- (1) The Parole Commission shall receive a report on any significant change in the Grantee’s medical condition or in any event no later than 30 days from the date of this letter and every 60 days thereafter; and

- (2) Should the Grantee's medical condition improve to the extent that he no longer requires the provision of long term care, Grantee shall be returned to the custody of the Maryland Division of Correction to resume service of his sentence.

EXECUTIVE ORDER OF JUNE 12, 2003

01.01.2003.16

Governor's Commission on Minority Business Enterprise Reform

WHEREAS, Small businesses, including minority owned businesses, comprise a significant percentage of all Maryland companies;

WHEREAS, Minority firms operate in every community of the State, providing a valuable outlet for entrepreneurship that fuels the State's economy;

WHEREAS, The State of Maryland has long been committed to the inclusion of businesses owned by minorities and women in its contracting and procurement activities;

WHEREAS, Disparity in access to capital, lack of information, and the intricacies of the certification process continue to pose a challenge to the success of the Maryland Business Enterprise (MBE) program;

WHEREAS, A well-defined and effective MBE program is essential to pass legal scrutiny; and

WHEREAS, The Administration recognizes that Maryland's current MBE program lacks comprehensive direction and fails to enforce the policies, regulations and statutes that are currently in place.

NOW, THEREFORE, I, ROBERT L. EHRLICH, JR., GOVERNOR OF THE STATE MARYLAND, BY VIRTUE OF THE AUTHORITY VESTED IN ME BY THE CONSTITUTION AND THE LAWS OF MARYLAND, HEREBY PROCLAIM THE FOLLOWING EXECUTIVE ORDER, EFFECTIVE IMMEDIATELY.

- A. Established. There is a Governor's Commission on Minority Business Enterprise Reform.
- B. Purpose. The Commission shall make recommendations to the Governor for specific and measurable actions that should be taken to reform the current Minority Business Enterprise program.
- C. Membership.
- (1) The Commission shall be comprised of seventeen members including:
- (a) The Lieutenant Governor of the State of Maryland who shall serve as Chairperson;

- (b) Two members of the Senate of Maryland, appointed by the President of the Senate;
 - (c) Two members of the House of Delegates, appointed by the Speaker of the House;
 - (d) Twelve members appointed by the Governor. These members shall include representatives of advocacy organizations with an interest in small, minority and women-owned businesses.
- (2) To the extent possible, Commission members shall represent the major geographic areas of the State, including rural, suburban, and urban communities.
 - (3) Members of the Commission shall serve at the pleasure of the Governor.
 - (4) Members appointed by the Governor may not receive any compensation for their services, but may be reimbursed for reasonable expenses incurred in the performance of duties, in accordance with the Standard State Travel Regulations, and as provided in the State budget.
- D. Duties. The Commission shall have the following duties.
- (1) To review the minority business enterprise procedures and practices currently used in State agencies;
 - (2) To utilize existing studies, reports, and data to examine minority business practices including:
 - (a) Barriers to certification;
 - (b) Access to capital;
 - (c) Current procurement practices;
 - (d) MBE program operation, including reporting, monitoring, and compliance;
 - (e) Challenges facing State agencies and the business community;
 - (f) Consolidation of similar services and programs;
 - (g) Issues reported by the Legislative Auditors; and
 - (h) Frequency and method for reporting MBE awards/payments to the Governor's Office of Minority Affairs by State agencies.
 - (3) To explore the role of the Governor's Office of Minority Affairs and proposals to increase its effectiveness;
 - (4) To examine industry best practices; and

- (5) To develop a statewide minority business reform implementation plan including critical success factors, budget and required resources.
- E. Staffing. The Governor's Office of Minority Affairs and the Lieutenant Governor's Office shall provide primary staff support to the Commission and any subcommittees established by the Commission. The Commission may seek additional staff support from other State agencies or organizations that have a role or expertise in minority business development issues.
- F. Procedures.
- (1) A majority of members shall constitute a quorum for the transaction of any business before the Commission.
- (2) The Commission will hold hearings around the State to receive public testimony on Maryland's minority business development needs, the effectiveness of current policies and programs, and MBE best practices.
- G. Reports. The Commission shall submit a final to the Governor on or before December 31, 2003.

EXECUTIVE ORDER OF JUNE 23, 2003

01.01.2003.17

Poultry Issues Action Team

WHEREAS, The poultry industry is the leading sector in Maryland's agricultural industry, making up 37 percent, or \$600 million, of the State's \$1.6 billion in farm cash receipts;

WHEREAS, Maryland by itself ranks seventh in the nation in broiler production; and the Delmarva Peninsula, if it were itself a state, would rank sixth in the Union;

WHEREAS, Last year, 15,000 people worked in the Delmarva processing and broiler sectors, earning \$360 million in labor income;

WHEREAS, Corn and soybeans together account for \$173 million or 11 percent of farm income, and 60 percent of all land in crops, the majority of which go directly into the poultry industry as feed;

WHEREAS, There are 1,824 poultry farms generating \$136 million in contract payments on the Delmarva Peninsula;

WHEREAS, A 1998 study by Price Waterhouse indicates that each job in poultry processing creates 7.2 indirect jobs; and

WHEREAS, The planned closing of the Tyson processing facility in Berlin, Maryland will affect 650 employees and 155 local poultry growers.

NOW, THEREFORE, I ROBERT L. EHRLICH, JR., GOVERNOR OF THE STATE OF MARYLAND, BY VIRTUE OF THE AUTHORITY VESTED IN ME BY THE CONSTITUTION AND THE LAWS OF MARYLAND, HEREBY PROCLAIM THE FOLLOWING EXECUTIVE ORDER, EFFECTIVE IMMEDIATELY:

- A. Established. There is an Poultry Issues Action Team to assess the condition of the poultry industry in Maryland.
- B. Membership.
- (1) The Action Team shall be comprised of up to nine members, including:
 - (a) The Secretary of the Maryland Department of Agriculture, or a designee;
 - (b) One member of the Senate, appointed by the President of the Senate;
 - (c) One member of the House of Delegates, appointed by the Speaker of the House;
 - (d) The Governor shall appoint up to six members with interest and expertise. These members shall include representatives of:
 - (i) Local government;
 - (ii) The banking/finance community; and
 - (iii) The Delmarva poultry industry, including at least one grower.
 - (e) The Governor shall designate a Chairperson from among the Action Team members.
 - (2) Members of the Action Team shall serve at the pleasure of the Governor.
 - (3) Members appointed to the Action Team may not receive any compensation for their services, but may be reimbursed for reasonable expenses incurred in the performance of duties, in accordance with the Standard State Travel Regulations, and as provided in the State budget.
- C. Staffing. The Action Team will be staffed by and receive logistical support from the Maryland Department of Agriculture.
- D. Duties. The Action Team shall have the following duties:
- (1) Assess the economic condition of and trends within the poultry industry;

- (2) Identify its vulnerabilities including markets, trade, business and environmental regulations, and others;
 - (3) Evaluate solutions to identified vulnerabilities;
 - (4) Recommend specific ways the State of Maryland can help the poultry industry grow; and
 - (5) Report findings to the Governor through the Secretary of the Maryland Department of Agriculture.
- D. Procedures.
- (1) A majority of members shall constitute a quorum for the transaction of any business before the Action Team.
 - (2) The Action Team may hold hearings around the State to receive public testimony on Maryland's poultry industry.
- F. The Action Team shall submit a report of its findings to the Governor through the Secretary of the Maryland Department of Agriculture on or before November 1, 2003 at which time the Action Team created by this Executive Order is terminated.

EXECUTIVE ORDER OF JULY 1, 2003

01.01.2003.18

Establishment of the Governor's Office Of Homeland Security

WHEREAS, It is the responsibility of Government to plan and provide for public safety, protection of public and private institutions and infrastructure, and continuity of governance;

WHEREAS, On September 11, 2001, terrorists with the intent of weakening our national infrastructure attacked the United States of America and its institutions and compromised the peace and security of our nation;

WHEREAS, In the wake of the September 11, 2001 attacks upon our nation, the President, Congress, and our intelligence communities predict continuing terrorist activities against American interests, citizens, and symbols; it is thus clear that Maryland must be vigilant and focused in addressing the threat that terrorism poses to the safety and health of our populace and visitors;

WHEREAS, Maryland's proximity to the U.S. capital, our many points of entry into the United States, and the high-profile targets within the Washington-Baltimore region mandate that homeland security be a top priority for the Governor of Maryland;

WHEREAS, There is a continuing need to assess the homeland security of the State of Maryland, to direct and coordinate policy and actions relating to the security of

the State, and to coordinate the activities of the various State agencies and political subdivisions relating to homeland security; and

WHEREAS, There is an ongoing need to identify funding for state and local homeland security and to advise the Governor on measures to detect, prepare for, prevent, protect against, respond to, and recover from man-made emergencies or disasters including terrorist attacks.

NOW, THEREFORE, I, ROBERT L. EHRLICH, JR., GOVERNOR OF THE STATE OF MARYLAND, BY VIRTUE OF THE AUTHORITY VESTED IN ME BY THE CONSTITUTION AND THE LAWS OF MARYLAND, HEREBY PROCLAIM THE FOLLOWING EXECUTIVE ORDER, EFFECTIVE IMMEDIATELY:

- A. **Establishment.** The Governor's Office of Homeland Security is hereby established. The Office shall be managed by a Director, who shall be primarily responsible for directing and coordinating homeland security activities throughout the State, and will be the State's principal interface with local, regional, and federal counterpart organizations. The Director will advise the Governor on homeland security issues, and shall represent the Governor on boards, forums, and councils as appropriate. The Director shall serve at the will of the Governor.
- B. **Authority.** The Director of the Governor's Office of Homeland Security will direct homeland security efforts across State Government and coordinate with federal and local government, private sector, academia, and the public to find solutions that ensure public safety which protecting individual freedoms; the Director will ensure that Maryland is a full and active partner in federal homeland security and will work to leverage federal initiatives and innovations to enhance public safety and security within the State and its subdivisions.
- C. **Staffing.** The Governor's Office of Homeland Security shall be comprised of limited professional staff appointed by the Governor and by professional staff on rotational assignment from State agencies. The Maryland Emergency Management Administration (MEMA) shall provide logistical and infrastructure support. Contract employees may also be used to augment the office staff as required.
- D. **Duties.** The Director shall be responsible for the following activities:
 - (1) Direct and coordinate homeland security activities within the State, paying special attention to key linkages between federal, State, regional, subdivision, metropolitan, and purely local activities;
 - (2) Advise the Governor on policies, strategies, and measures to enhance and improve the ability to detect, prevent, prepare for, protect against, respond to, and recover from, man-made emergencies or disasters, including terrorist attacks;

- (3) Assess the homeland security of the State of Maryland on a continuing basis and ensure the development and updating of plans as appropriate;
 - (4) Serve 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;
 - (5) Direct and coordinate policy and actions relating to homeland security across State agencies and political subdivisions; emphasize communication and cooperation with subdivision agencies and their first responders on all homeland security concerns; provide executive and legislative recommendations to streamline existing committees, commissions, agencies or departments to prevent redundancy or enhance efficiency; and
 - (6) Coordinate investment decisions to avoid conflicts, redundancies and misallocation of resources; work to obtain and allocate federal funds for State and subdivision homeland security activities.
- E. All departments, commissions, boards, agencies, and officers of the State, or any political subdivision thereof are authorized and directed to cooperate with the Director of the Governor's Office of Homeland Security in implementing the provisions of this Order.
- F. This Executive Order shall not be construed to alter the existing authorities of any executive agency or department, except that all executive departments and agencies are directed to assist the Maryland Director of the Governor's Office of Homeland Security in carrying out the purposes of this Order.
- G. This Executive Order is effective upon signature and shall continue in effect until amended, modified, terminated, or rescinded by the Governor or terminated by operation of law.

EXECUTIVE ORDER OF JULY 31, 2003

01.01.2003.19

Governor's Commission on Hispanic Affairs

(Rescinds Executive Order 01.01.1978.14)

WHEREAS, The Commission on the Concerns of Spanish-speaking People was first established by Executive Order in 1971, in recognition of the growing Spanish-speaking population of Maryland, and the State's interests in helping to maximize the potential of its constituent citizenry;

WHEREAS, The Commission was formed as a specific, identifiable agency of State

government responsible for planning and evaluating programs, policy, and legislation that related to the Spanish-speaking population;

WHEREAS, The Commission has operated under its original charge for over twenty years and endeavored to remain responsive to the needs and concerns of the Hispanic population in Maryland;

WHEREAS, The Governor and the Ehrlich-Steele Administration are committed to a stronger program of outreach that will engage individuals and organizations in the Hispanic community in partnerships with State government in promoting their social, cultural, and business interests; and

WHEREAS, In accomplishing this goal, the Administration finds it beneficial to articulate its commitment to the Hispanic people of Maryland by reauthorizing the Commission, and reconstituting its membership.

NOW, THEREFORE, I, ROBERT L. EHRLICH, JR., GOVERNOR OF THE STATE OF MARYLAND, BY VIRTUE OF THE AUTHORITY VESTED IN ME BY THE CONSTITUTION AND LAWS OF MARYLAND, HEREBY RESCIND EXECUTIVE ORDER 01.01.1978.14 AND PROCLAIM THE FOLLOWING EXECUTIVE ORDER EFFECTIVE IMMEDIATELY:

- A. There is a Governor's Commission on Hispanic Affairs in the Department of Human Resources.
- B. The Commission shall consist of the following members:
 - (1) Seventeen voting members appointed by the Governor with the advice of the Secretary of the Department of Human Resources. The members appointed by the Governor shall reflect the diverse ancestry and national origins of the Hispanic Community of Maryland and provide representation from different geographic regions in the State.
 - (2) As ex-officio, nonvoting members:
 - (a) A representative of the Office of the Governor;
 - (b) The Secretary of the Department of Human Resources or a designee;
 - (c) The Secretary of the Department of Health and Mental Hygiene or a designee;
 - (d) The Secretary of the Department of Housing and Community Development or a designee; and
 - (e) The Secretary of the Department of Business and Economic Development or a designee.

- (3) An appointed member may not serve more than two full consecutive terms. At the end of a term, a member continues to serve until a successor is appointed.
 - (4) Appointed members shall serve at the pleasure of the Governor for up to two consecutive four year terms. The terms of members shall be staggered on appointment pursuant to this Executive Order. All other members of the Commission shall serve so long as they hold the office or designation specified in this Executive Order.
 - (5) The Chairperson of the Commission shall be designated by the Governor from among the members of the Commission, with advice of the Secretary of the Department of Human Resources. The Chairperson shall serve at the pleasure of the Governor.
 - (6) The Governor may remove any member of the Commission for any cause.
 - (7) In the event of a vacancy, the Governor shall appoint a successor.
 - (8) The Commission shall meet at the call of the Chairperson, but at least six times each year. Notice of meetings shall be published to encourage public attendance.
 - (9) The Commission may adopt its own bylaws.
 - (10) A member of the Commission may not receive compensation, but is entitled to reimbursement for expenses under the Standard State Travel Regulations as provided in the State budget.
 - (11) The Department of Human Resources shall provide staff assistance to the Commission.
- C. Scope. The Commission shall have the following duties and responsibilities:
- (1) Serve as the advisory body to the Governor, the General Assembly, and agencies within the Executive Department on matters relating to the Hispanic population of Maryland;
 - (2) Assist the Hispanic population of Maryland, community leaders, private groups, and agencies of State and local government for the purpose of serving and representing the Hispanic population of Maryland;
 - (3) Promote the coordination of and, to the degree feasible, participate in the evaluation of programs and services that the State, federal government and private agencies provide and which affect the Hispanic population of Maryland;

- (4) Cooperate with federal, State, and local government agencies and private groups concerning matters that affect the Hispanic population of Maryland;
 - (5) Review and comment on any proposed federal, State, or local legislation, regulations, policies, or programs that affect the Hispanic population of Maryland; and
 - (6) Generally comment and make appropriate recommendations on matters affecting the health, safety, and welfare of the Hispanic population of Maryland.
- D. Reports. By June 30 of each year, the Commission shall submit an annual report to the Governor and the Secretary of the Department of Human Resources detailing its activities in the preceding calendar year, along with any appropriate recommendations to promote the status of the Hispanic Community in Maryland.
- E. The Commission is entitled to the full cooperation of all State departments and agencies.

EXECUTIVE ORDER OF AUGUST 18, 2003

01.01.2003.20

Implementation of the Regulatory Review and Evaluation Act

(Rescinds Executive Orders 01.01.1986.01, 01.01.1991.06, and 01.01.1996.04)

WHEREAS, During the 2001 session of the General Assembly, the Regulatory Review and Evaluation Act (the Act) was amended;

WHEREAS, The Act requires the Governor to issue an Executive Order to implement the Act and to schedule the review process required by the Act; and

WHEREAS, As a result of the 2001 changes to the Act, certain provisions of Executive Order 01.01.1996.04 are obsolete or otherwise in need of revision.

NOW, THEREFORE, I, ROBERT L. EHRLICH, JR., GOVERNOR OF THE STATE OF MARYLAND, BY VIRTUE OF THE AUTHORITY VESTED IN ME BY THE CONSTITUTION AND LAWS OF MARYLAND, HEREBY RESCIND EXECUTIVE ORDERS 01.01.1986.01, 01.01.1991.06 and 01.01.1996.04 AND PROCLAIM THE FOLLOWING EXECUTIVE ORDER, EFFECTIVE IMMEDIATELY:

A. Purpose.

- (1) This Executive Order implements the Regulatory Review and Evaluation Act (the Act) and is issued pursuant to State Government Article, Section 10–133, Annotated Code of Maryland.

- (2) The Act requires each unit in the Executive Branch of State government that is authorized by law to adopt regulations to:
 - (a) propose a schedule for review of existing regulations;
 - (b) unless exempt, review its existing regulations in accordance with criteria set forth in the Act; and
 - (c) submit a report to the Administrative, Executive, and Legislative Review (AELR) Committee of the Maryland General Assembly.

B. Work Plan.

- (1) The first step in the review process is the development by each unit of a work plan that will describe the regulatory review process to be followed for each set of regulations to be reviewed. The work plan shall be developed and submitted in accordance with State Government Article, Section 10–134.
- (2) The work plan shall be submitted to the AELR Committee and the Governor well in advance of the evaluation report due date, but not later than one year before the evaluation report. The Division of State Documents shall receive and maintain the work plan on behalf of the Governor.
- (3) The work plan should be appropriate for the regulations to be reviewed in accordance with the evaluation criteria as discussed in Section E of this Executive Order. Adequate resources should be devoted to the review considering the length, complexity, technical aspects, and importance of the regulations. The contents of the work plan shall be as specified in the State Government Article, Section 10–134(b).

C. Evaluation Schedule.

- (1) The evaluation report review schedule adopted under Executive Order 01.01.1996.04 remains in effect for evaluation reports due through July 1, 2003. As of August 2003, evaluations are due as shown in Attachment A of this Executive Order.
- (2) The deadline set forth in Attachment A may be altered by applying, in writing, to the Governor before the due date, citing justification for the alteration and suggesting a date by which the unit will submit the evaluation report. If approved, the unit shall publish notice of the new due date in the Maryland Register. A request for a deadline alteration under this section shall be filed with the Division of State Documents, which shall advise the Governor as to whether to approve or deny the deadline alteration request. The Governor shall approve or deny the deadline alteration request.

- (3) Regulatory review is an on-going process and shall continue for subsequent eight year periods beginning July 1, 2011. The schedule in Attachment A will apply, commencing July 2012, unless the schedule is revised by subsequent executive order. Adjustments to the schedule granted under Subsection C(2), above, do not change the deadlines for subsequent eight year periods.

D. Certificate of Exemption and Written Justification.

- (1) Under State Government Article, Section 10-132.1(b), at the time a unit's regulations are scheduled for review, an adopting authority may certify to the AELR Committee and to the Governor that the review of certain regulations would not be effective or cost-effective because the regulations were adopted to implement a federally mandated or federally approved program, or initially adopted or comprehensively amended during the preceding eight years.
- (2) The adopting authority claiming exemption shall provide the Governor and the AELR Committee with written justification for a certificate of exemption.
- (3) A certificate of exemption and written justification required to be filed with the Governor shall be filed with the Division of State Documents, which shall receive them and maintain them for the Governor.

E. Evaluation Report.

- (1) The evaluation report shall be developed in accordance with State Government Article, Section 10-135(a).
- (2) In addition to the criteria for review under State Government Article, Sections 10-132(1)(i) and 10-135(a)(2), a unit should consider whether its regulations are effective in accomplishing the intended purpose of the regulations.
- (3) Units are also encouraged to study existing policy statements, guidelines, or standards being applied or enforced by the unit which have not been promulgated as regulations, but which fall under the definition of regulation found in State Government Article, Section 10-101, and which should be promulgated as regulations under the Administrative Procedure Act. Additionally, units should determine whether all regulations required by recently enacted legislation have been promulgated. The results of this study may appear in the unit's evaluation report.
- (4) The evaluation report shall contain the items required by State Government Article, Section 10-135(a)(2), and also shall include the dates each chapter of regulations reviewed was originally adopted or last amended.

- (5) In accordance with State Government Article, Section 7–212, a unit proposing in its evaluation report to reorganize its regulations shall submit the reorganization scheme to the Division of State Documents for approval before submission of the evaluation report.
- (6) In addition to the distribution of the evaluation report required by State Government Article, Section, 10–135(b), the unit shall also provide a copy to the Governor and to the Division of State Documents.
- (7) The evaluation report shall be in a format specified by the Division of State Documents.

F. Disputes.

- (1) When an unresolved disagreement between a unit and the AELR Committee is referred to the Governor under State Government Article, Section 10–136, the unit shall submit to the Governor the documentation required by State Government Article, Section 10–136(a).
- (2) If the Governor instructs a unit to modify an evaluation report under State Government Article, Section 10–136(a)(2)(ii), the unit shall prepare a revised evaluation report, in accordance with the Governor’s instructions, for submission to both the AELR Committee and the Governor. The unit shall publish notice of the revised report in the Maryland Register.

See Attachment A next page

EXECUTIVE ORDER OF AUGUST 19, 2003

01.01.2003.21

Governor's Commission on the Structure and Efficiency of State Government

WHEREAS, State government aspires to provide necessary services to all Marylanders as effectively and economically as possible;

WHEREAS, The financial ability of the State to provide such services has been slowly eroding, forcing program and workforce reductions throughout State government agencies;

WHEREAS, The Fiscal Year 2004 general fund appropriation for Maryland State government operations has declined substantially from Fiscal Year 2003 funding levels.

WHEREAS, The number of positions budgeted for Fiscal Year 2004 has been reduced by more than 3,600 from the number in Fiscal Year 2002;

WHEREAS, Despite this downsizing, State government faces a budgetary shortfall of more than \$900 million for Fiscal Year 2005;

WHEREAS, The growth of State government and the proliferation of agencies independent of the 18 State departments established in law has resulted in duplication and operational inefficiencies; and

WHEREAS, The economic climate of the State demands that government operations and efficiencies be explored.

NOW, THEREFORE, I, ROBERT L. EHRLICH, JR., GOVERNOR OF THE STATE OF MARYLAND, BY VIRTUE OF THE AUTHORITY VESTED IN ME BY THE CONSTITUTION AND THE LAWS OF MARYLAND, HEREBY PROCLAIM THE FOLLOWING EXECUTIVE ORDER, EFFECTIVE IMMEDIATELY:

- A. Establishment: There is a Governor's Commission on the Structure and Efficiency of State Government.
- B. Membership and Procedures.
 - (1) The Commission shall consist of up to 25 members appointed by the Governor.
 - (2) The Governor shall designate a Chairperson from the members of the Commission.
 - (3) Members of the Commission shall serve at the pleasure of the Governor.
 - (4) In the event of a vacancy on the Commission, the Governor shall appoint a successor.

- (5) A majority of the members of the Commission shall constitute a quorum for the transaction of any business. The Commission may adopt such other procedures necessary to ensure the orderly transaction of business, including the creation of subcommittees.
 - (6) Members of the Commission may not receive any compensation for their services. Public members of the Commission 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.
- C. Scope of the Commission. The Commission shall examine and make recommendations concerning State government operations and the reorganization of independent agencies and commissions within State government. In completing this task, the Commission shall:
- (1) Conduct a review of independent State programs and agencies and recommend to the Governor the elimination, consolidation, or streamlining of programs and agencies; and
 - (2) Examine and analyze staffing patterns in State agencies and recommend changes which would lead to the elimination of wasteful practices and duplication of services.
- D. Staffing.
- (1) The Department of Budget and Management shall provide principal staff support to the Commission. The Governor may designate additional staff members, as necessary, to assist the Commission.
 - (2) All agencies within the Executive Branch shall cooperate with and provide assistance and support as may be needed by the Commission in completing the duties set forth by this Executive Order.
- E. Report. The Commission shall submit a report of its findings and recommendations on or before December 15, 2003.

EXECUTIVE ORDER OF AUGUST 26, 2003

01.01.2003.22

Pardon – Carolyn Crowder

WHEREAS, Carolyn Crowder, Grantee, was convicted of Theft Value Under \$300 on August 13, 1992, in the Maryland District Court in Baltimore County;

WHEREAS, Carolyn Crowder, following her conviction for said crime and having been sentenced to 18 months probation with counseling;

WHEREAS, The Maryland Parole Commission having recommended that Carolyn Crowder receive a full pardon; and

AND WHEREAS, The interests of the State of Maryland and of the Grantee will best be served by the granting of a pardon to Carolyn Crowder.

NOW THEREFORE, I, ROBERT L. EHRLICH, JR., GOVERNOR OF THE STATE OF MARYLAND, HAVING THOUGHT PROPER THE EXTENSION OF CLEMENCY UNDER THE AUTHORITY VESTED IN ME BY THE CONSTITUTION AND THE LAWS OF MARYLAND, DO HEREBY GRANT UNTO CAROLYN CROWDER, A PARDON WITHOUT FIREARMS RELIEF, ABSOLVING HER FROM THE GUILT OF HER CRIMINAL OFFENSES AND EXEMPTING HER FROM ANY PAINS AND PENALTIES IMPOSED UPON HER THEREFORE BY LAW.

EXECUTIVE ORDER OF AUGUST 26, 2003

01.01.2003.23

Full Pardon – Barry L. Glass

WHEREAS, Barry L. Glass, Grantee, was convicted of Assault and Battery on October 6, 1982, in the Wicomico County District Court;

WHEREAS, Barry L. Glass, following his conviction for said crime and having been sentenced to 90 days suspended sentence;

WHEREAS, The Maryland Parole Commission having recommended that Barry L. Glass receive a full pardon; and

AND WHEREAS, The interests of the State of Maryland and of the Grantee will best be served by the granting of a full pardon to Barry L. Glass.

NOW THEREFORE, I, ROBERT L. EHRLICH, JR., GOVERNOR OF THE STATE OF MARYLAND, HAVING THOUGHT PROPER THE EXTENSION OF CLEMENCY UNDER THE AUTHORITY VESTED IN ME BY THE CONSTITUTION AND THE LAWS OF MARYLAND, DO HEREBY GRANT UNTO BARRY L. GLASS, A FULL PARDON WITH FIREARMS RELIEF, ABSOLVING HIM FROM THE GUILT OF HIS CRIMINAL OFFENSES AND EXEMPTING HIM FROM ANY PAINS AND PENALTIES IMPOSED UPON HIM THEREFORE BY LAW.

EXECUTIVE ORDER OF AUGUST 26, 2003

01.01.2003.24

Pardon – Stephen Ross Hannon

WHEREAS, Stephen Ross Hannon, Grantee, was convicted of Possession with Intent to Distribute Marijuana on May 13, 1974, in the Howard County Circuit Court;

WHEREAS, Stephen Ross Hannon, following his conviction for said crime and having been sentenced to 2 years suspended sentence and 2 years probation;

WHEREAS, The Maryland Parole Commission having recommended that Stephen Ross Hannon receive a full pardon; and

AND WHEREAS, The interests of the State of Maryland and of the Grantee will best be served by the granting of a pardon to Stephen Ross Hannon.

NOW THEREFORE, I, ROBERT L. EHRLICH, JR., GOVERNOR OF THE STATE OF MARYLAND, HAVING THOUGHT PROPER THE EXTENSION OF CLEMENCY UNDER THE AUTHORITY VESTED IN ME BY THE CONSTITUTION AND THE LAWS OF MARYLAND, DO HEREBY GRANT UNTO STEPHEN ROSS HANNON, A PARDON WITHOUT FIREARMS RELIEF, ABSOLVING HIM FROM THE GUILT OF HIS CRIMINAL OFFENSES AND EXEMPTING HIM FROM ANY PAINS AND PENALTIES IMPOSED UPON HIM THEREFORE BY LAW.

EXECUTIVE ORDER OF AUGUST 26, 2003

01.01.2003.25

Full Pardon – John Arnold Witt

WHEREAS, John Arnold Witt, Grantee, was convicted of Theft Value Under \$300 and Receiving Stolen Goods on March 20, 1979, in Anne Arundel County District Court;

WHEREAS, John Arnold Witt, following his conviction for said crimes and having been sentenced to 18 months suspended sentence and 18 months probation and restitution;

WHEREAS, The Maryland Parole Commission having recommended that John Arnold Witt receive a full pardon; and

AND WHEREAS, The interests of the State of Maryland and of the Grantee will best be served by the granting of a full pardon to John Arnold Witt.

NOW THEREFORE, I, ROBERT L. EHRLICH, JR., GOVERNOR OF THE STATE OF MARYLAND, HAVING THOUGHT PROPER THE EXTENSION OF CLEMENCY UNDER THE AUTHORITY VESTED IN ME BY THE CONSTITUTION AND THE LAWS OF MARYLAND, DO HEREBY GRANT UNTO JOHN ARNOLD WITT, A FULL PARDON WITH FIREARMS RELIEF, ABSOLVING HIM FROM THE GUILT OF HIS CRIMINAL OFFENSES AND EXEMPTING HIM FROM ANY PAINS AND PENALTIES IMPOSED UPON HIM THEREFORE BY LAW.

EXECUTIVE ORDER OF AUGUST 28, 2003

01.01.2003.26

Relief of Hours-of-Service Limitations for Utility Company Motor Carriers –
August 28, 2003

WHEREAS, I, Robert L. Ehrlich Jr., Governor of the State of Maryland, having been advised and informed by the Maryland Emergency Management Agency in coordination with the Maryland Department of Transportation that conditions exist as a consequence of the series of thunderstorms of August 26–27, 2003, resulting in heavy rain and high winds;

WHEREAS, These conditions have caused widespread power outages and damage to utilities that have required a prolonged response from utility workers and have the potential to endanger the lives and property of the citizens;

WHEREAS, Provisions of State and federal law impose hours-of-service limitations on utility company motor carriers which impair the ability to provide the needed services in a timely manner consistent with the public health and safety;

WHEREAS, An effective response to this situation will require a waiver of the hours-of-service limitation for utility workers.

NOW, THEREFORE, Pursuant to the authority vested in me by the Constitution and Laws of the State of Maryland, including but not limited to Article 16A and Section 25–111 of the Transportation Article of the Annotated Code of Maryland, I, ROBERT L. EHRLICH JR., GOVERNOR OF THE STATE OF MARYLAND, HEREBY PROCLAIM THAT A LIMITED STATE OF EMERGENCY EXISTS IN THE STATE OF MARYLAND WITH REGARDS TO UTILITIES WORK AND NOW HEREBY ISSUE THE FOLLOWING EXECUTIVE ORDER EFFECTIVE IMMEDIATELY:

Effective August 29, 2003 at 6:00 PM, and continuing through until September 2, 2003 at 8:00 AM, I direct and authorize the Secretary of Transportation to waive the maximum hours of service time limits contained in Section 25–111 and in regulations promulgated pursuant thereto for utility companies providing emergency services in 24-hour increments as the Secretary determines are required because of the August 26–27th storm for the provision of services, supplies, and materials necessary.

EXECUTIVE ORDER OF SEPTEMBER 5, 2003

01.01.2003.27

Governor's Commission on Asian Pacific American Affairs

(Rescinds Executive Orders 01.01.1992.14 and 01.01.1999.21)

WHEREAS, The Governor's Commission on Asian Pacific American Affairs was first established by Executive Order in 1992 to assist the Governor and State agencies in responding more effectively to the needs and concerns of Maryland citizens with ancestral heritage in Asian and Pacific Rim countries;

WHEREAS, The Commission has operated under its original charge for more than ten years and endeavored to represent and promote the interests of Asian Pacific Americans throughout the State;

WHEREAS, The Administration is committed to a stronger program of outreach that will engage individuals and organizations in the Asian Pacific American community in partnerships with State government in promoting their interests; and

WHEREAS, In accomplishing this goal, the Administration finds it beneficial to articulate its commitment to Marylanders of Asian Pacific heritage by reauthorizing the Commission, and reconstituting its membership.

NOW, THEREFORE, I, ROBERT L. EHRLICH, JR., GOVERNOR OF THE STATE OF MARYLAND, BY VIRTUE OF THE AUTHORITY VESTED IN ME BY THE CONSTITUTION AND LAWS OF MARYLAND, HEREBY RESCIND EXECUTIVE ORDERS 01.01.1992.14 AND 01.01.1999.21 AND PROCLAIM THE FOLLOWING EXECUTIVE ORDER EFFECTIVE IMMEDIATELY:

- A. There is a Governor's Commission on Asian Pacific American Affairs.
- B. Within this Executive Order, the term "Asian Pacific American" means persons claiming ancestral heritage in Asian countries inclusive of the Pacific Islands and Asian subcontinent countries.
- C. Membership.
 - (1) The Commission shall consist of up to 17 members appointed by the Governor.
 - (2) The members of the Commission shall be representative of the major Asian Pacific American population groups within the State.
 - (3) Members shall serve at the pleasure of the Governor for up to 2 consecutive 4-year terms. The terms of members shall be staggered on initial appointment pursuant to this Executive Order.

- (4) The Governor shall designate a Chairperson from among the members of the Commission, with advice of the Secretary of Human Resources. The Chairperson shall hold office at the pleasure of the Governor.
 - (5) The Governor may remove any member of the Commission for any cause.
 - (6) In the event of a vacancy, the Governor shall appoint a successor.
- D. Procedures.
- (1) A majority of Commission members shall constitute a quorum for the transaction of any business.
 - (2) The Commission may adopt such other procedures and by-laws as may be necessary to ensure the orderly transaction of business.
 - (3) By June 30 of each year, the Commission shall submit an annual report to the Governor and the Secretary of Human Resources detailing its activities in the preceding calendar year, along with any appropriate recommendations to promote the status of the Asian Pacific American population of Maryland.
- E. Expenses. 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.
- F. Staff Support. The State Office on Asian Pacific American Affairs of the Department of Human Resources shall provide staff support to the Commission.
- G. Duties. The Commission shall have the following duties and responsibilities:
- (1) Serve in an advisory capacity to the Governor and to the State Office on Asian Pacific American Affairs within the Department of Human Resources on issues relating to the social and economic development, and the rights and interests of Asian Pacific Americans in the State;
 - (2) Provide assistance to the State Office in identifying needs or problems affecting Asian Pacific Americans, and in developing appropriate responses and programs;
 - (3) Assist the State Office in maintaining effective liaison and outreach with Asian Pacific American groups and communities in the State, and in communicating information to them concerning public and private programs that are beneficial to their interests;

- (4) Promote the coordination of and, to the degree feasible, participate in the evaluation of programs and services provided by public and private sector agencies that affect the Asian Pacific American population of Maryland;
- (5) Coordinate with the Department of Human Resources and the Office of the Governor in reviewing and commenting on federal, state, or local legislative proposals that affect the Asian Pacific American population of Maryland;
- (6) Coordinate with the Department of Human Resources in making appropriate recommendations on matters affecting the health, safety and welfare of the Asian Pacific American population of Maryland; and
- (7) Perform any other duties that may be requested by the Governor.

EXECUTIVE ORDER OF SEPTEMBER 5, 2003

01.01.2003.28

Governor's Commission on Migratory and Seasonal Farm Labor

(Rescinds Executive Orders 01.01.1981.01, 01.01.1981.07, and 01.01.1984.02)

WHEREAS, The Commission on Migratory Labor was established in March 1959 by House Joint Resolution No. 5 in recognition of the unmet needs of migratory agricultural laborers, particularly in the areas of employment, education and training, housing, sanitation, health, transportation, fair treatment by labor contractors, and community acceptance;

WHEREAS, The General Assembly of Maryland in so resolving affirmed that despite increased governmental responsibility to enhance employment opportunities and improve the life-style of migratory and seasonal farm workers, the Commission was needed to study and monitor migratory labor in Maryland in order to muster all available governmental, private, and legal resources to alleviate the problems and vital concerns that arise in connection with the use of migratory workers;

WHEREAS, By Executive Order 01.01.1971.02, dated January 19, 1971, the Commission was assigned to the Department of Social Services and then by Executive Order 01.01.1976.06, dated August 4, 1976, was assigned to the Department of Human Resources;

WHEREAS, The Administration has determined a continuing need for the Commission as an effective forum to address issues and concerns relative to the migratory workers; and

WHEREAS, In light of changes occurring among major service organizations, the Administration finds it beneficial to reconstitute and revitalize the Commission

to make it more fully representative of involved agencies and organizations.

NOW, THEREFORE, I, ROBERT L. EHRLICH, JR., GOVERNOR OF THE STATE OF MARYLAND, BY VIRTUE OF THE AUTHORITY VESTED IN ME BY THE CONSTITUTION AND LAWS OF MARYLAND, HEREBY RESCIND EXECUTIVE ORDERS 01.01.1981.01, 01.01.1981.07, and 01.01.1984.02, AND PROCLAIM THE FOLLOWING EXECUTIVE ORDER, EFFECTIVE IMMEDIATELY:

- A. There is a Governor's Commission on Migratory and Seasonal Farm Labor in the Department of Human Resources.
- B. Membership.
 - (1) The Commission shall consist of up to 17 members appointed by the Governor, including:
 - (a) The Secretary of the Department of Agriculture, or a designee;
 - (b) The Secretary of the Department of Health and Mental Hygiene, or a designee;
 - (c) The Secretary of the Department of Human Resources, or a designee;
 - (d) The Secretary of the Department of Labor, Licensing and Regulation, or a designee;
 - (e) The State Superintendent of the Department of Education, or a designee;
 - (f) The Director of the University System of Maryland Cooperative Extension Service or a designee; and
 - (g) Up to 11 members with interest or expertise, who are appointed by the Governor. These members may include representatives of farm workers, growers, service agencies, and other organizations concerned with migratory and seasonal farm labor issues.
 - (2) Members appointed by the Governor shall serve at the pleasure of the Governor for up to two consecutive four-year terms. The terms of members shall be staggered on initial appointment pursuant to this Executive Order. All other members of the commission shall serve so long as they hold the designation specified in this Executive Order.
 - (3) The Governor shall designate a Chairperson from among the members of the Commission, with the advice of the Secretary of Human Resources. The Chairperson shall hold office at the pleasure of the Governor.

- (4) The Governor may remove any member of the Commission for any cause.
 - (5) In the event of a vacancy, the Governor shall appoint a successor.
- C. Procedures.
- (1) The Commission shall meet at least four times a year, at the times and places determined by the Chairperson.
 - (2) A majority of Commission members shall constitute a quorum for the transaction of any business.
 - (3) The Commission may adopt such other procedures and by-laws as may be necessary to ensure the orderly transaction of business.
 - (4) By June 30 of each year, the Commission shall submit an annual report to the Governor and the Secretary of Human Resources detailing its activities in the preceding calendar year, along with any appropriate recommendations.
- D. Expenses. Members of the Commission may not receive any compensation for their services. Public members of the Commission 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.
- E. Staff Support. The Department of Human Resources shall provide staff support for the Commission.
- F. Duties. The Commission shall have the following duties and responsibilities:
- (1) Serve as the advisory body to the Governor, the General Assembly, and agencies within the Executive Department on matters relating to the migratory and seasonal farm labor population of Maryland;
 - (2) Serve as a forum for farm laborers, growers, service agencies, and State agencies to share information and concerns, and to cooperate in developing recommendations concerning matters that affect the migratory and seasonal farm population of Maryland;
 - (3) Work with growers, communities in which the workers live, crewleaders, private groups, churches, and agencies of State and local government for the purpose of advancing the welfare of migratory and seasonal farm laborers;
 - (4) Promote the coordination of and, to the degree feasible, participate in the evaluation of farm labor programs and services to this population that are provided by the State and federal government and private agencies;

- (5) Conduct surveys and interview employers, workers, governmental experts, and members of the community whenever, in its judgment, these activities are necessary to assess conditions affecting migratory and seasonal farm laborers;
- (6) Review and make recommendations on existing and proposed federal, State, and local legislation, rules and regulations, policies, and programs that affect or would affect the migratory and seasonal farm labor population in Maryland; and
- (7) Perform any other duties that may be requested by the Governor.

EXECUTIVE ORDER OF SEPTEMBER 5, 2003

01.01.2003.29

Governor's Council On The Status of Girls

(Rescinds Executive Orders 01.01.2000.11 and 01.01.2000.23)

WHEREAS, The Governor's Council on The Status of Girls was originally established by Executive Order in the year 2000 to study and make recommendations concerning legislative, policy, and procedural changes that would help Maryland's girls realize their full potential;

WHEREAS, The Council operates under the general sponsorship and support of the Maryland Commission for Women;

WHEREAS, The Council has made substantial progress in completing its charge;

WHEREAS, In the interest of the Administration's goal to streamline and realize efficiencies in government, it has been determined that there is no necessity to maintain the Council as an independent activity; and

WHEREAS, The Maryland Commission for Women is in a position to continue the work of the Council.

NOW, THEREFORE, I, ROBERT L. EHRLICH, JR., GOVERNOR OF THE STATE OF MARYLAND, BY VIRTUE OF THE AUTHORITY VESTED IN ME BY THE CONSTITUTION AND LAWS OF MARYLAND, HEREBY RESCIND EXECUTIVE ORDERS 01.01.2000.11 AND 01.01.2000.23, EFFECTIVE IMMEDIATELY.

EXECUTIVE ORDER OF SEPTEMBER 16, 2003

01.01.2003.30

Storm Declaration – September 16, 2003

WHEREAS, Having been advised that there is the anticipation of severe storm and hurricane activity from Hurricane Isabel in the State of Maryland, causing a threat to the public health and safety;

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

WHEREAS, In order to authorize the emergency powers of the Governor, a declaration by the Governor is necessary.

NOW, THEREFORE, I, ROBERT L. EHRLICH, GOVERNOR OF THE STATE OF MARYLAND, BY VIRTUE OF THE AUTHORITY VESTED IN ME BY THE CONSTITUTION AND LAWS OF MARYLAND, INCLUDING BUT NOT LIMITED TO ARTICLE 16A AND ARTICLE 41 OF THE ANNOTATED CODE OF MARYLAND, PROCLAIM THAT A STATE OF EMERGENCY EXISTS IN MARYLAND AND I ORDER THE MARYLAND NATIONAL GUARD TO ACTIVE STATE SERVICE.

EXECUTIVE ORDER OF SEPTEMBER 24, 2003

01.01.2003.31

Access to Assistance and Benefits for Maryland Indians

WHEREAS, To date, no American Indian group has established itself as meeting the requirements for State recognition of its status as a Maryland American Indian tribe, band, clan, or group;

WHEREAS, By law, the State has authorized programs to provide various types of assistance and benefits to American Indian groups or American Indian members of those groups who are citizens of the State, and the State in the future may authorize additional programs intended to benefit those groups or their members; and

WHEREAS, American Indian groups and their members should be entitled to identify themselves as American Indians on State forms requiring or permitting identification of racial or ethnic identity, including forms for State vital records, State drivers' license and State identification card applications.

NOW, THEREFORE, I, ROBERT L. EHRLICH, JR., 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. To the extent permitted by existing law, the State shall take reasonable steps to assist American Indian groups and members of those groups that identify themselves as American Indian and as citizens of the State in securing benefits and assistance available under State programs that benefit American Indians.
- B. The Maryland Commission on Indian Affairs shall assist the State in identifying American Indian groups in the State that may benefit from State and Federal government programs, and shall inform those American Indian groups and their members that assistance or benefits may be available to them under certain government programs.
- C. State agencies shall not prohibit American Indian groups and members of those groups who identify themselves as American Indian and as citizens of this State from identifying their heritage as American Indian on any State forms requiring or permitting identification of racial or ethnic identity, including forms for State vital records, State drivers' license and State identification card applications.
- D. Nothing in this Executive Order shall be construed as recognition by the State of a group's status as a Maryland Indian tribe, band, clan, or group.

EXECUTIVE ORDER OF SEPTEMBER 24, 2003

01.01.2003.32

Task Force to Study the Maryland Heritage Structure Rehabilitation Tax Credit Program

WHEREAS, The Heritage Structure Rehabilitation Tax Credit encourages and financially supports the rehabilitation and the restoration of hundreds of historically significant residential and commercial structures within Maryland's historic districts;

WHEREAS, The program ensures that these structures are rehabilitated in a historically appropriate manner that preserves the unique aspects of the building and the character of the neighborhood in which they are located;

WHEREAS, The program has enabled the State to leverage substantial private dollars (cumulative total of approximately \$516 million spent during the life of the program), as well as federal historic tax credits for revitalization projects;

WHEREAS, The refurbishment of these structures has stimulated broad-based redevelopment of both commercial and residential areas in many of Maryland's older, distressed neighborhoods, and industrial areas;

WHEREAS, Refurbished commercial projects bring jobs and retail activity back to vacant buildings and dilapidated industrial areas, while the rehabilitation of these projects creates hundreds of construction job opportunities;

WHEREAS, The program has generated new streams of tax revenue from both commercial and residential rehabilitation projects, and has increased property values within the neighborhoods where the projects are located;

WHEREAS, The relocation of households and employment opportunities to historically rehabilitated properties in historic districts has had a beneficial influence upon the environment, resulting from the changed and diminished driving time of the household residents and workers; and

WHEREAS, The Historic Structure Rehabilitation Tax Credit program has achieved an extraordinary track record in a short time period, but is set to terminate as of June 1, 2004.

NOW, THEREFORE, I, ROBERT L. EHRLICH, JR., GOVERNOR OF THE STATE OF MARYLAND, BY VIRTUE OF THE AUTHORITY VESTED IN ME BY THE CONSTITUTION AND THE LAWS OF MARYLAND, HEREBY PROCLAIM THE FOLLOWING EXECUTIVE ORDER, EFFECTIVE IMMEDIATELY:

- A. Establishment. There is a Task Force to Study the Maryland Heritage Structure Rehabilitation Tax Credit Program.
- B. Membership. The Task Force shall consist of up to seventeen members, including:
 - (1) The Comptroller of Maryland, who shall serve as Task Force Chair.
 - (2) The Secretary of the Department of Housing and Community Development;
 - (3) The Secretary of the Department of Business and Economic Development;
 - (4) The Secretary of the Department of Planning;
 - (5) The Secretary of the Department of Budget and Management;
 - (6) Two members of the Senate appointed by the President of the Senate;
 - (7) Two members of the House of Delegates appointed by the Speaker of the House; and
 - (8) Eight members with subject matter interest or expertise appointed by the Governor to serve at his pleasure. These members may include representatives of local government, historic preservation organizations, and the residential and commercial development community.
- C. The Task Force shall meet at times determined by its members.
- D. Duties of the Task Force. The Task Force shall:
 - (1) Review the implementation and use of the Maryland Heritage Structure Rehabilitation Tax Credit Program;

- (2) Evaluate the anticipated revenue loss under various legislation enacted by the General Assembly relating to the Program and actual revenue loss or projected revenue loss under the Program, including a thorough evaluation of all projects that have received or are eligible to receive a tax credit under the Program, and examine means to reduce anticipated revenue loss;
 - (3) Review and evaluate the direct and indirect economic benefits to the State of the Maryland Heritage Structure Rehabilitation Tax Credit Program, and examine means to increase the economic benefits to the State;
 - (4) Evaluate whether rehabilitations and proposed rehabilitations that are eligible under the Program would have occurred without the tax credits or would have occurred in a different manner;
 - (5) Evaluate whether rehabilitations and proposed rehabilitations under the Program could have proceeded or could proceed under a direct grant program and the value of a tax credit versus a direct grant program to these rehabilitations and proposed rehabilitations;
 - (6) Evaluate the effects of an aggregate cap on total tax credits authorized under the Program each year and whether a tax credit program is a preferable means for providing State assistance to rehabilitation projects under these circumstances;
 - (7) Evaluate the effect of the sale of tax credits under the Program and the effect the sale of tax credit on the total value of the benefit received by the rehabilitation project as compared to a direct grant program; and
 - (8) Make recommendations as to whether or in what form the Maryland Heritage Structure Rehabilitation Tax Credit Program should be continued.
- E. The members of the Task Force may not receive any compensation for their services, but may receive reimbursement 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.
- F. The Department of Housing and Community Development and the Office of the Comptroller shall jointly provide staff support to the Task Force. Additional assistance and support may be requested from the Department of Budget and Management.
- G. Report. The Task Force shall submit a final report to the Governor's Office and the General Assembly on or before December 15, 2003.

EXECUTIVE ORDER OF OCTOBER 8, 2003

01.01.2003.33

Maryland's Priority Places Strategy

WHEREAS, The State of Maryland has long been committed to sound land use policy;

WHEREAS, Priority Places builds on three decades of State and local land use policy promoting sustainable development and maintaining Maryland's high quality of life;

WHEREAS, Sound land use planning policies and planned growth activities contribute to fiscal responsibility of State government by fostering the most efficient and effective use of taxpayer dollars; and

WHEREAS, The Administration finds it imperative that every agency work within a deliberate strategy to implement Priority Funding Areas and planned growth in order to develop long-term solutions to the complicated issues of economic growth, community revitalization, and resource conservation to achieve the best "public return" on State investments.

NOW THEREFORE, I, ROBERT L. EHRLICH, JR., GOVERNOR OF THE STATE OF MARYLAND, BY VIRTUE OF THE AUTHORITY VESTED IN ME BY THE CONSTITUTION AND LAWS OF MARYLAND PROCLAIM THE FOLLOWING EXECUTIVE ORDER, EFFECTIVE IMMEDIATELY:

- A. Established. There shall be a Maryland Priority Places Strategy. The Strategy shall be developed and implemented by the Maryland Department of Planning.
- B. Purpose. The Strategy shall be to identify specific State actions that will be undertaken and definitive procedures that will be instituted to accomplish the following objectives:
 - (1) Achieve the established goals of State planning policy and local comprehensive plans for development, economic growth, community revitalization, and resource conservation;
 - (2) Accomplish these diverse goals through mutually supportive means; and
 - (3) Promote fiscal responsibility of State government to achieve the best "public return" on State investments in these goals.
- C. The Maryland Priority Places Strategy shall be based on:
 - (1) The eight statewide visions of State Planning Policy for Economic Growth, Resource Protection and Planning established in the Economic Growth, Resource Protection and Planning Act of 1992;
 - (2) The Priority Funding Areas Act of 1997; and

- (3) Existing State and local planning requirements, comprehensive plans, regulations, powers, and processes.
- D. The Maryland Department of Planning shall implement the Maryland Priority Places Strategy by developing initiatives to accomplish the following:
- (1) Ensure that State programs, regulations and procedures, and funds are used strategically to achieve the goals of local comprehensive plans and State planning policy and provide for the infrastructure necessary to support planned growth;
 - (2) Better enforce existing laws, regulations and procedures that are designed to ensure mutually supportive public investments and actions;
 - (3) Streamline State regulations and procedures to make quality, well designed growth easier to build inside Priority Funding Areas;
 - (4) Identify key plans and functions of State government that affect growth and development and make appropriate changes to those plans and functions to better support the goals of the Maryland Priority Places Strategy;
 - (5) Encourage resource protection and production outside of the Priority Funding Areas for environmental protection, recreation, tourism, forestry, and agricultural purposes; and
 - (6) Enhance existing brownfield cleanup and redevelopment, transit oriented development, and community revitalization efforts.
- E. Reports. The Maryland Department of Planning shall:
- (1) Submit the Maryland Priority Places Strategy to the Governor by July 1, 2004; and
 - (2) Report annually on the progress of the Maryland Priority Places Strategy to the Governor and General Assembly.
- F. All State departments and agencies represented in State Government Article, § 9-1406(b) shall coordinate their activities in concert with the Maryland Department of Planning to:
- (1) Work with State and local stakeholders to complete and execute the Maryland Priority Places Strategy; and
 - (2) Develop and execute the Maryland Priority Places Strategy through the following activities:

- (a) Use the Priority Funding Area maps provided by the Maryland Department of Planning as a frame of reference for funding, regulatory strategies, and decisions regarding projects that impact land use and development activities;
- (b) Ensure that State department and agency plans, programs, regulatory procedures, and funding decisions provide incentives for development, private investment, and economic growth in Priority Funding Areas;
- (c) Participate in forums that discuss issues related to development and land use, Priority Funding Areas, and the Maryland Priority Places Strategy;
- (d) Encourage federal agencies that provide funding for State and local programs to adopt flexible regulations and standards that are more responsive to State and local policies and that can be used to support Priority Funding Areas and the objectives of State planning policy; and
- (e) Coordinate activities in Priority Funding Areas whenever possible by giving preference to projects in areas that support brownfield cleanup and redevelopment, transit oriented developments, community revitalization efforts, and affordable housing.

G. Established. There is a Development Capacity Task Force.

H. Membership.

- (1) The Task Force shall be composed of up to nine members, including:
 - (a) The Secretary of the Maryland Department of Planning, who shall serve as Chairperson; and
 - (b) Eight members with interest and expertise appointed by the Secretary of the Maryland Department of Planning. These members may include representatives of the land development community, the environmental community, the planning community, and local government.
- (2) Members of the Task Force serve at the pleasure of the Secretary of the Maryland Department of Planning until the submission of a final report by the Task Force.
- (3) Members of the Task Force may not receive any compensation for their services, but may be reimbursed for reasonable expenses incurred in the performance of duties, in accordance with the Standard State Travel Regulations, and as provided in the State budget.

- I. Staffing. The Task Force shall be staffed by the Maryland Department of Planning.
- J. Duties. The Task Force shall complete a Development Capacity Study to complement the Maryland Priority Places Strategy.
 - (1) The Development Capacity Study shall:
 - (a) Provide State government with reliable measures of recent development activity and additional potential development within each jurisdiction;
 - (b) Be developed with direct involvement of local jurisdictions;
 - (c) Be provided to State and local governments and regional agencies as a planning tool;
 - (d) Be conducted in five counties selected with input from the Maryland Association of Counties and five municipalities selected with input from the Maryland Municipal League;
 - (e) Estimate development capacity in and outside of Priority Funding Areas in each of the jurisdictions; and
 - (f) Include the following factors in this analysis:
 - (i) Existing land uses;
 - (ii) Environmental constraints to development (e.g., wetlands);
 - (iii) Preserved lands or lands that otherwise cannot be developed;
 - (iv) The effects of growth policies and laws, such as zoning, subdivision regulations, and Priority Funding Areas;
 - (v) Projected growth in population, employment, and development;
 - (vi) Redevelopment and infill potential; and
 - (vii) Consideration of future changes in development trends and growth policies.
- K. Procedures.
 - (1) A majority of the Task Force shall constitute a quorum for the transaction of any business and may adopt such other procedures necessary to ensure the orderly transaction of business.
 - (2) The Task Force shall hold hearings around the State to receive public testimony on local development capacity and the effectiveness of current policies and programs.

- L. Reports. The Development Capacity Task Force shall submit a final report of the Study to the Governor on July 1, 2004.

EXECUTIVE ORDER OF OCTOBER 14, 2003

01.01.2003.34

Termination of Emergency in the State of Maryland from Hurricane Isabel

WHEREAS, I, Robert L. Ehrlich, Jr., Governor of the State of Maryland, having declared a Public Emergency on the 16th day of September due to severe weather caused by Hurricane Isabel;

WHEREAS, Having been advised and informed by the Maryland Emergency Management Agency that conditions which were caused by the hurricane have been moderated;

WHEREAS, These conditions no longer require the use of State resources; and

WHEREAS, This response no longer requires the use of the Maryland Army National Guard in limited active State service.

NOW, THEREFORE, I, ROBERT L. EHRLICH, JR., GOVERNOR OF MARYLAND, BY VIRTUE OF THE AUTHORITY VESTED IN ME BY THE CONSTITUTION AND LAWS OF THE STATE OF MARYLAND, HEREBY PROCLAIM THAT THE STATE OF EMERGENCY IN THE STATE OF MARYLAND IS HEREBY TERMINATED AT 8:00 AM ON OCTOBER 14, 2003.

EXECUTIVE ORDER OF NOVEMBER 14, 2003

01.01.2003.35

Commutation of Sentence – Karen Lynn Fried

WHEREAS, On September 15, 1978, Karen Lynn Fried, Grantee, then seventeen years of age, was convicted of Murder, and Conspiracy to Commit Murder;

WHEREAS, Karen Lynn Fried was sentenced by the late Judge John E. Raine, Jr. to life imprisonment, with a concurrent term of five years on the charge of Conspiracy to Commit Murder;

WHEREAS, On August 28, 1988, Judge Raine wrote his belief that “Karen Fried has achieved maximum rehabilitation and has reached the point where she should be paroled;”

WHEREAS, On September 8, 1993, a three-judge panel of the Circuit Court of Baltimore County found that Miss Fried’s progress during incarceration had been exemplary. Her achievement in education and apparent rehabilitation had been noteworthy and highly commendable. She appeared to have earned the opportunity to be considered for ultimate release from confinement;

WHEREAS, Karen Lynn Fried, while incarcerated, has earned her GED, and engaged herself in a wide range of self-help programs, including Alcoholics and Narcotics Anonymous, Junction Bridge, Drug Awareness, Decision Making, Alternative to Violence, Soil Sisters, and Jaycees programs;

WHEREAS, Karen Lynn Fried has a comprehensive support network in place upon reentry;

WHEREAS, The Maryland Parole Commission has concluded that Karen Lynn Fried, being contrite and remorseful, presently appears to constitute no threat to the safety of society, and recommends her sentence to be commuted to a term of forty-five years; and

WHEREAS, The interests of the State of Maryland and of the Grantee will best be served by commutation of the sentence.

NOW, THEREFORE, I, ROBERT L. EHRLICH, JR., GOVERNOR OF THE STATE OF MARYLAND, BY VIRTUE OF THE AUTHORITY VESTED IN ME BY THE CONSTITUTION AND LAWS OF MARYLAND, HEREBY ORDER THAT THE ORIGINAL SENTENCE OF KAREN LYNN FRIED TO THE CUSTODY OF THE DIVISION OF CORRECTION BE AND IS HEREBY COMMUTED TO A TERM OF FORTY-FIVE YEARS.

EXECUTIVE ORDER OF NOVEMBER 14, 2003

01.01.2003.36

Full Pardon – Thomas William Huber, Jr.

WHEREAS, Thomas William Huber, Jr., Grantee, was convicted of Narcotics Distribution, Maintaining a Common Nuisance, and two counts of Possession of a Controlled Dangerous Substance on November 22, 1983, in the Circuit Court for Howard County;

WHEREAS, Thomas William Huber, Jr., following his convictions for said crimes and having been sentenced to three and a half years and two years probation and six months and two years probation to be served concurrently;

WHEREAS, The Maryland Parole Commission having recommended that Thomas William Huber, Jr. receive a full pardon; and

WHEREAS, The interests of the State of Maryland and of the Grantee will best be served by the granting of a full pardon to Thomas William Huber, Jr.

NOW THEREFORE, I, ROBERT L. EHRLICH, JR., GOVERNOR OF THE STATE OF MARYLAND, HAVING THOUGHT PROPER THE EXTENSION OF CLEMENCY UNDER THE AUTHORITY VESTED IN ME BY THE CONSTITUTION AND THE LAWS OF MARYLAND, DO HEREBY GRANT UNTO THOMAS WILLIAM HUBER, JR., A FULL PARDON WITH FIREARMS RELIEF, ABSOLVING HIM FROM THE GUILT OF HIS CRIMINAL

OFFENSES AND EXEMPTING HIM FROM ANY PAINS AND PENALTIES IMPOSED UPON HIM THEREFORE BY LAW.

EXECUTIVE ORDER OF NOVEMBER 14, 2003

01.01.2003.37

Pardon – Hope Peyton Carter

WHEREAS, Hope Peyton Carter, Grantee, was convicted of Welfare Fraud on May 23, 1986, in District Court of Maryland;

WHEREAS, Hope Peyton Carter, following her conviction for said crime and having been sentenced to ninety days suspended sentence and two years probation;

WHEREAS, The Maryland Parole Commission having recommended that Hope Peyton Carter receive a pardon; and

WHEREAS, The interests of the State of Maryland and of the Grantee will best be served by the granting of a pardon to Hope Peyton Carter.

NOW THEREFORE, I, ROBERT L. EHRLICH, JR., GOVERNOR OF THE STATE OF MARYLAND, HAVING THOUGHT PROPER THE EXTENSION OF CLEMENCY UNDER THE AUTHORITY VESTED IN ME BY THE CONSTITUTION AND THE LAWS OF MARYLAND, DO HEREBY GRANT UNTO HOPE PEYTON CARTER, A PARDON WITHOUT FIREARMS RELIEF, ABSOLVING HER FROM THE GUILT OF HER CRIMINAL OFFENSES AND EXEMPTING HER FROM ANY PAINS AND PENALTIES IMPOSED UPON HER THEREFORE BY LAW.

EXECUTIVE ORDER OF NOVEMBER 14, 2003

01.01.2003.38

Firearms Relief – John Edward Saunders

WHEREAS, John Edward Saunders, Grantee, was convicted of two counts of Automobile Theft and two counts of Escape in January, 1965, in the Circuit Court of Garrett County;

WHEREAS, John Edward Saunders, having received a Full Pardon on June 10, 1998 from then Governor Parris N. Glendening; and

WHEREAS, The Maryland Parole Commission having recommended that John Edward Saunders be granted Firearms Relief.

NOW THEREFORE, I, ROBERT L. EHRLICH, JR., GOVERNOR OF THE STATE OF MARYLAND, UNDER THE AUTHORITY VESTED IN ME BY THE CONSTITUTION AND THE LAWS OF MARYLAND, DO HEREBY GRANT UNTO JOHN EDWARD SAUNDERS, FIREARMS RELIEF.

EXECUTIVE ORDER OF NOVEMBER 14, 2003

01.01.2003.39

Full Pardon – Ralph Wesley Knott

WHEREAS, Ralph Wesley Knott, Grantee, was convicted of Battery on October 16, 1979, in the District Court for St. Mary's County;

WHEREAS, Ralph Wesley Knott, following his conviction for said crime and having been fined in the amount of thirty-five dollars and ordered to pay court costs of fifteen dollars;

WHEREAS, The Maryland Parole Commission having recommended that Ralph Wesley Knott receive a full pardon; and

WHEREAS, The interests of the State of Maryland and of the Grantee will best be served by the granting of a full pardon to Ralph Wesley Knott.

NOW THEREFORE, I, ROBERT L. EHRLICH, JR., GOVERNOR OF THE STATE OF MARYLAND, HAVING THOUGHT PROPER THE EXTENSION OF CLEMENCY UNDER THE AUTHORITY VESTED IN ME BY THE CONSTITUTION AND THE LAWS OF MARYLAND, DO HEREBY GRANT UNTO RALPH WESLEY KNOTT, A FULL PARDON WITH FIREARMS RELIEF, ABSOLVING HIM FROM THE GUILT OF HIS CRIMINAL OFFENSES AND EXEMPTING HIM FROM ANY PAINS AND PENALTIES IMPOSED UPON HIM THEREFORE BY LAW.

EXECUTIVE ORDER OF NOVEMBER 14, 2003

01.01.2003.40

Pardon – Veronica Phillips

WHEREAS, Veronica Phillips, Grantee, was convicted of Forged Government Checks on October 1, 1981, in the District Court for Baltimore City;

WHEREAS, Veronica Phillips, following her conviction for said crime and having been sentenced to eighteen months probation;

WHEREAS, The Maryland Parole Commission having recommended that Veronica Phillips receive a pardon; and

WHEREAS, The interests of the State of Maryland and of the Grantee will best be served by the granting of a pardon to Veronica Phillips.

NOW THEREFORE, I, ROBERT L. EHRLICH, JR., GOVERNOR OF THE STATE OF MARYLAND, HAVING THOUGHT PROPER THE EXTENSION OF CLEMENCY UNDER THE AUTHORITY VESTED IN ME BY THE CONSTITUTION AND THE LAWS OF MARYLAND, DO HEREBY GRANT UNTO VERONICA PHILLIPS, A PARDON WITHOUT FIREARMS RELIEF,

ABSOLVING HER FROM THE GUILT OF HER CRIMINAL OFFENSES AND EXEMPTING HER FROM ANY PAINS AND PENALTIES IMPOSED UPON HER THEREFORE BY LAW.

EXECUTIVE ORDER OF NOVEMBER 14, 2003

01.01.2003.41

Pardon – Christopher Wayne Akers

WHEREAS, Christopher Wayne Akers, Grantee, was convicted of Larceny on August 16, 1975, in the District Court for Worcester County;

WHEREAS, Christopher Wayne Akers, following his conviction for said crime and having been sentenced to twelve months unsupervised probation and fined \$90.00;

WHEREAS, The Maryland Parole Commission having recommended that Christopher Wayne Akers receive a pardon; and

WHEREAS, The interests of the State of Maryland and of the Grantee will best be served by the granting of a pardon to Christopher Wayne Akers.

NOW THEREFORE, I, ROBERT L. EHRLICH, JR., GOVERNOR OF THE STATE OF MARYLAND, HAVING THOUGHT PROPER THE EXTENSION OF CLEMENCY UNDER THE AUTHORITY VESTED IN ME BY THE CONSTITUTION AND THE LAWS OF MARYLAND, DO HEREBY GRANT UNTO CHRISTOPHER WAYNE AKERS, A PARDON WITHOUT FIREARMS RELIEF, ABSOLVING HIM FROM THE GUILT OF HIS CRIMINAL OFFENSES AND EXEMPTING HIM FROM ANY PAINS AND PENALTIES IMPOSED UPON HIM THEREFORE BY LAW.

EXECUTIVE ORDER OF NOVEMBER 14, 2003

01.01.2003.42

Full Pardon – Brenda Grace Nickerson

WHEREAS, Brenda Grace Nickerson, Grantee, was convicted of Battery on July 5, 1989, in the District Court for Talbot County;

WHEREAS, Brenda Grace Nickerson, following her conviction for said crime and having been sentenced to one month suspended sentence, one year probation and restitution;

WHEREAS, The Maryland Parole Commission having recommended that Brenda Grace Nickerson receive a full pardon; and

WHEREAS, The interests of the State of Maryland and of the Grantee will best be served by the granting of a full pardon to Brenda Grace Nickerson.

NOW THEREFORE, I, ROBERT L. EHRLICH, JR., GOVERNOR OF THE STATE OF MARYLAND, HAVING THOUGHT PROPER THE EXTENSION OF CLEMENCY UNDER THE AUTHORITY VESTED IN ME BY THE CONSTITUTION AND THE LAWS OF MARYLAND, DO HEREBY GRANT UNTO BRENDA GRACE NICKERSON, A FULL PARTON WITH FIREARMS RELIEF, ABSOLVING HER FROM THE GUILT OF HER CRIMINAL OFFENSES AND EXEMPTING HER FROM ANY PAINS AND PENALTIES IMPOSED UPON HER THEREFORE BY LAW.

EXECUTIVE ORDER OF NOVEMBER 14, 2003

01.01.2003.43

Pardon – Kathleen Marie Divens Griner

WHEREAS, Kathleen Marie Divens Griner, Grantee, was convicted of Possession with Intent to Distribute Phencyclidine on September 26, 1984, in the Circuit Court for Calvert County;

WHEREAS, Kathleen Marie Divens Griner, following her conviction for said crime and having been sentenced to three years, suspended sentence, and three years supervised probation; and

WHEREAS, The interests of the State of Maryland and of the Grantee will best be served by the granting of a pardon to Kathleen Marie Divens Griner.

NOW THEREFORE, I, ROBERT L. EHRLICH, JR., GOVERNOR OF THE STATE OF MARYLAND, HAVING THOUGHT PROPER THE EXTENSION OF CLEMENCY UNDER THE AUTHORITY VESTED IN ME BY THE CONSTITUTION AND THE LAWS OF MARYLAND, DO HEREBY GRANT UNTO KATHLEEN MARIE DIVENS GRINER, A PARDON WITHOUT FIREARMS RELIEF, ABSOLVING HER FROM THE GUILT OF HER CRIMINAL OFFENSES AND EXEMPTING HER FROM ANY PAINS AND PENALTIES IMPOSED UPON HER THEREFORE BY LAW.

EXECUTIVE ORDER OF NOVEMBER 14, 2003

01.01.2003.44

Full Pardon – Michael Austin

WHEREAS, Michael Austin, Grantee, was convicted of Murder in the First Degree, Handgun Violation, and Grand Larceny on March 27, 1975, in the Circuit Court for Baltimore City;

WHEREAS, Michael Austin, following his convictions for said crimes and having been sentenced to life imprisonment, with concurrent terms of fifteen and ten years, did serve more than twenty–six years in prison; and

WHEREAS, On December 27, 2001, Michael Austin was granted a new trial and the State's Attorney for Baltimore City then entered a *nolle prosequi* of the case after new evidence showed conclusively Grantee was convicted in error.

NOW THEREFORE, I, ROBERT L. EHRLICH, JR., GOVERNOR OF THE STATE OF MARYLAND, HAVING THOUGHT PROPER THE EXTENSION OF CLEMENCY UNDER THE AUTHORITY VESTED IN ME BY THE CONSTITUTION AND THE LAWS OF MARYLAND, IT HAVING BEEN SHOWN CONCLUSIVELY THAT MICHAEL AUSTIN'S CONVICTION WAS IN ERROR, DO HEREBY GRANT UNTO MICHAEL AUSTIN, A FULL AND UNCONDITIONAL PARDON, ABSOLVING HIM FROM THE GUILT OF HIS CRIMINAL OFFENSES AND EXEMPTING HIM FROM ANY PAINS AND PENALTIES IMPOSED UPON HIM THEREFORE BY LAW.

EXECUTIVE ORDER OF NOVEMBER 14, 2003

01.01.2003.45

Pardon – Eileen Rebecca Wardrop

WHEREAS, Eileen Rebecca Wardrop, Grantee, was convicted of Obtaining Money Under False Pretense and Welfare Fraud on May 23, 1974, in the Circuit Court for Cecil County;

WHEREAS, Eileen Rebecca Wardrop, following her conviction for said crime and having been sentenced to two years suspended sentence with indeterminate probation;

WHEREAS, The Maryland Parole Commission having recommended that Eileen Rebecca Wardrop receive a pardon; and

WHEREAS, The interests of the State of Maryland and of the Grantee will best be served by the granting of a pardon to Eileen Rebecca Wardrop.

NOW THEREFORE, I, ROBERT L. EHRLICH, JR., GOVERNOR OF THE STATE OF MARYLAND, HAVING THOUGHT PROPER THE EXTENSION OF CLEMENCY UNDER THE AUTHORITY VESTED IN ME BY THE CONSTITUTION AND THE LAWS OF MARYLAND, DO HEREBY GRANT UNTO EILEEN REBECCA WARDROP, A PARDON WITHOUT FIREARMS RELIEF, ABSOLVING HER FROM THE GUILT OF HER CRIMINAL OFFENSES AND EXEMPTING HER FROM ANY PAINS AND PENALTIES IMPOSED UPON HER THEREFORE BY LAW.

EXECUTIVE ORDER OF NOVEMBER 14, 2003

01.01.2003.46

Full Pardon – Kohn Kermit Ellis

WHEREAS, Kohn Kermit Ellis, Grantee, was convicted of Possession of a Deadly Weapon on August 8, 1983, in the Circuit Court for Baltimore City;

WHEREAS, Kohn Kermit Ellis, following his conviction for said crime and having been sentenced to sixty days all suspended and three years probation and required to pay a \$100 fine;

WHEREAS, The Maryland Parole Commission having recommended that Kohn Kermit Ellis receive a full pardon; and

WHEREAS, The interests of the State of Maryland and of the Grantee will best be served by the granting of a full pardon to Kohn Kermit Ellis.

NOW THEREFORE, I, ROBERT L. EHRLICH, JR., GOVERNOR OF THE STATE OF MARYLAND, HAVING THOUGHT PROPER THE EXTENSION OF CLEMENCY UNDER THE AUTHORITY VESTED IN ME BY THE CONSTITUTION AND THE LAWS OF MARYLAND, DO HEREBY GRANT UNTO KOHN KERMIT ELLIS, A FULL PARDON WITH FIREARMS RELIEF, ABSOLVING HIM FROM THE GUILT OF HIS CRIMINAL OFFENSES AND EXEMPTING HIM FROM ANY PAINS AND PENALTIES IMPOSED UPON HIM THEREFORE BY LAW.

EXECUTIVE ORDER OF NOVEMBER 17, 2003

01.01.2003.47

Proclamation on Potomac River Fisheries Commission – Dredging of Oysters and Oyster Repletion Fees

WHEREAS, In establishing the Potomac River Fisheries Commission (Commission), the Maryland–Virginia Potomac River Compact of 1958 stated in Article IV, Section 1(c) that “... leasing, dredging, and patent tonging shall be authorized by the Commission only if such authorization is granted by joint action of the Legislatures of Maryland and Virginia ...”;

WHEREAS, In 1974, the General Assembly of Virginia authorized the Commission to regulate the dredging of oysters with handscrapes and to levy license fees for dredging in the areas of the Potomac River within its geographical jurisdiction;

WHEREAS, In Chapter 403 of the Acts of 1974, the General Assembly of Maryland enacted similar legislation, and, with that concurrence, the Governor of Maryland issued a proclamation to declare the authority of the Commission to be valid and effective in these areas;

WHEREAS, In 1982 the General Assembly of Virginia enacted Chapter 116, which

sought to expand the authority of the Commission so that, in addition to license fees, it could levy oyster repletion fees and regulate all dredging of oysters, not just dredging with handscrapes;

WHEREAS, This 1982 Virginia legislation has not become effective because similar legislation has not yet been enacted in Maryland;

WHEREAS, On the advice of its Oyster Advisory Committee, a panel of citizens and fishing industry representatives, the Commission determined that the regulation of power dredging and the levy of repletion fees would be useful management tools, particularly during this time of critically low oyster harvests, and thus, Maryland's assent to this broader authorization is necessary;

WHEREAS, By Chapter 290 of the Acts of 2003, the General Assembly of Maryland enacted legislation providing that the Potomac Fisheries Commission shall have the power to make, adopt, and publish such rules and regulation as may be necessary or desirable for authorizing and regulating the dredging of oysters in areas of the Potomac River within its geographical jurisdiction and may levy license and repletion fees for same;

WHEREAS, I approved and signed Chapter 290 of the Acts of 2003 on May 13, 2003: and

WHEREAS, Chapter 290 provides "That the Department of Legislative Services shall notify the appropriate officials of the Commonwealth of Virginia of the enactment of this Act; and that the Governor of the State of Maryland shall issue a proclamation declaring this Act valid and effective".

NOW, THEREFORE, I, ROBERT L. EHRLICH, JR., GOVERNOR OF THE STATE OF MARYLAND, BY VIRTUE OF THE AUTHORITY VESTED IN ME BY THE PROVISIONS OF CHAPTER 290 OF ACTS OF THE GENERAL ASSEMBLY OF 2003 HEREBY PROCLAIM THE PROVISIONS OF CHAPTER 290, AS CODIFIED IN THE NATURAL RESOURCE ARTICLE, SECTION 4-307 OF THE ANNOTATED CODE OF MARYLAND TO BE VALID AND EFFECTIVE.

EXECUTIVE ORDER OF NOVEMBER 17, 2003

01.01.2003.48

Governor's Commission on Service and Volunteerism

(Rescinds Executive Order 01.01.1998.08)

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, To affirm its commitment to community service, the Administration deems it beneficial to reauthorize the establishment of the Commission, and provide for a more efficient operating structure.

NOW, THEREFORE, I, ROBERT L. EHRLICH, JR. 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 01.01.1998.08 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 on Service and Volunteerism, as designated in Title 9, Subtitle 13 of the State Government Article, Annotated Code of Maryland.
 - (3) "Act" means the National and Community Service Trust Act of 1993.
- B. Established. There is a Governor's Commission on Service and Volunteerism within the Executive Branch. The Commission shall report to the Governor or his designee.
- 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, who shall serve ex-officio;
 - (b) Up to 14 members appointed by the Governor to include:
 - (i) A representative of community-based agencies or organizations;
 - (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; and
 - (ix) Members of the general public with interest, knowledge and experience in service and volunteerism.
- (2) Nonvoting Members. The Director of the Office shall serve as a nonvoting member of the Commission. The Commission may also include nonvoting representatives of State agencies.
 - (3) 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.
 - (4) From among the members, the Governor shall designate a Chairman, who shall serve at the pleasure of the Governor.
 - (5) 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 consecutive terms. The terms of the members shall be staggered from initial appointment.
 - (6) 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 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 Governor concerning its activities, and any recommendations it may have for further promoting community service and volunteerism in the State.

EXECUTIVE ORDER OF NOVEMBER 17, 2003

01.01.2003.49

Pesticide Advisory Committee

(Rescinds Executive Orders 01.01.1993.21 and 01.01.1997.05)

WHEREAS, Pesticides play an important role in the production of agricultural commodities and in the protection of human and animal health and property;

WHEREAS, Proper pesticide management and an effective pesticide regulatory program are necessary to safeguard human health, protect environmental resources, including the Chesapeake Bay, and promote profitable agricultural production; and

WHEREAS, It is appropriate for the Secretary of Agriculture to receive advice and recommendations, based on sound science, regarding the proper use, management and control of pesticides from a committee that consists of members with expertise in pesticides, pest management, public health, and environmental protection.

NOW, THEREFORE, I, ROBERT L. EHRLICH, JR., GOVERNOR OF THE STATE OF MARYLAND, BY VIRTUE OF THE AUTHORITY VESTED IN ME BY THE CONSTITUTION AND LAWS OF MARYLAND, HEREBY RESCIND EXECUTIVE ORDERS 01.01.1993.21 AND 01.01.1997.05 AND PROCLAIM THE FOLLOWING EXECUTIVE ORDER, EFFECTIVE IMMEDIATELY.

- A. Established. There is a Pesticide Advisory Committee within the Maryland Department of Agriculture.
- B. Membership.
- (1) The Committee shall consist of up to fifteen members, including:
 - (a) The Secretary of the Department of Agriculture or a designee;
 - (b) The Secretary of the Department of Natural Resources or a designee;
 - (c) The Secretary of the Department of the Environment or a designee;
 - (d) The Secretary of the Department of Health and Mental Hygiene or a designee;
 - (e) One representative of the University System of Maryland with expertise in pesticides, designated by the Chancellor;
 - (f) One member of the Senate of Maryland, appointed by the President of the Senate;
 - (g) One member of the House of Delegates, appointed by the Speaker of the House;
 - (h) One member of the Maryland Agricultural Commission, selected by the Secretary of Agriculture; and
 - (i) Seven members with subject matter interest or expertise named by the Secretary of the Department of Agriculture in consultation with the Governor's Office.
 - (2) Members named to the Advisory Committee under Section (B)(1)(h) and (i) shall serve at the pleasure of the Secretary of Agriculture.
 - (3) The Secretary shall designate a Chair from among the members of the Advisory Committee.
 - (4) Members of the Committee may not receive any compensation for their services, but may be reimbursed for reasonable expenses incurred in the performance of duties, in accordance with the Standard State Travel Regulations, and as provided in the State budget.
- C. Procedures.
- (1) A majority of the Advisory Committee shall constitute a quorum for the transaction of any business. The Committee may adopt such other procedures necessary to ensure the orderly transaction of business.

- (2) The Department of Agriculture shall provide principal staff support to the Advisory Committee.
- D. Scope. The Advisory Committee shall have the following duties and responsibilities:
- (1) Make recommendations to the Secretary for changes in law or regulation to improve pesticide management in the State;
 - (2) Provide advice to the Secretary on issues concerning the registration, sales, use, storage and disposal of pesticides, the certification and training of pesticide applicators, the licensing of pest control businesses and the protection of farmworkers, endangered species and water resources;
 - (3) After having consulted with the Secretary, provide advice to other State agencies and local governments concerning their responsibilities in pesticide management and protection human health, natural resources and the environment; and
 - (4) Generally serve in an advisory capacity to the Secretary, Department Officials, and other State agencies on pesticide related matters.
- E. Reports. The Secretary shall report annually to the Governor on the activities of the Committee.

EXECUTIVE ORDER OF DECEMBER 22, 2003

01.01.2003.50

2003 Holiday Commutation of Sentences

WHEREAS, Mark A. Johnson, Jr., Grantee, was convicted of Theft on September 12, 2003, in the District Court for Wicomico County and sentenced to six months in prison;

WHEREAS, Dorothy E. Foreman, Grantee, was convicted of Possession of Controlled Dangerous Substance on October 31, 2003, in the Circuit Court for Wicomico County and sentenced to five months in prison;

WHEREAS, Charles L. Truitt, Grantee, was convicted of Theft Under \$500 on September 20, 2003, in the Circuit Court for Wicomico County and sentenced to five months in prison;

WHEREAS, Grantees are in the custody of Wicomico County Detention Center;

WHEREAS, The Maryland Parole Commission has reviewed and recommended the commutation of sentences for Grantees;

WHEREAS, Assurances have been received from the Warden of the Wicomico County Detention Center and the Maryland Parole Commission that:

- A. No detainees have been filed against Grantees;
- B. Grantees have no disciplinary segregation terms since September 12, 2003; and
- C. Grantees can be released without danger to the public safety; and

WHEREAS, The interests of the State of Maryland and of the Grantees will best be served by commutation of the sentence.

NOW, THEREFORE, I, ROBERT L. EHRLICH, JR., GOVERNOR OF THE STATE OF MARYLAND, HAVING THOUGHT PROPER THE EXTENSION OF CLEMENCY, BY VIRTUE OF THE AUTHORITY VESTED IN ME BY THE CONSTITUTION AND LAWS OF MARYLAND, DO HEREBY GRANT TO:

- A. Mark A. Johnson, Jr., a commutation of the unsuspended remainder of his terms of incarceration for Theft.
- B. Dorothy E. Foreman, a commutation of the unsuspended remainder of her terms of incarceration for Possession of Controlled Dangerous Substance.
- C. Charles L. Truitt, a commutation of the unsuspended remainder of his terms of incarceration for Theft Under \$500.

I HEREBY DIRECT THE RELEASE FROM CONFINEMENT OF MARK A. JOHNSON, JR., DOROTHY E. FOREMAN AND CHARLES L. TRUITT ON DECEMBER 23, 2003, OR WITHIN A REASONABLE TIME THEREAFTER IF SUBJECT TO ADDITIONAL LEGAL PROCESS. I DO HEREBY FURTHER DIRECT THAT THE COMMUTATIONS OF DOROTHY E. FOREMAN AND CHARLES L. TRUITT ARE SUBJECT TO THE SUPERVISION OF THE DIVISION OF PAROLE AND PROBATION, UPON THE SAME TERMS AND CONDITIONS AS IF ON PAROLE. I DO FURTHER DIRECT THAT THE COMMUTATIONS OF DOROTHY E. FOREMAN AND CHARLES L. TRUITT ARE SUBJECT TO THE FULFILLMENT OF SPECIAL CONDITIONS RECOMMENDED FOR GRANTEES BY THE MARYLAND PAROLE COMMISSION.

EXECUTIVE ORDER OF DECEMBER 23, 2003

01.01.2003.51

State Employee Risk Management Administration

(Rescinds Executive Order 01.01.2002.01)

WHEREAS, There is evidence that implementing effective safety and risk management and loss control programs reduces or eliminates occupational injuries and illnesses; and

WHEREAS, Due to the escalating costs of workers' compensation, State leadership

must support the administration of risk management and loss control functions by the State.

NOW, THEREFORE, I, ROBERT L. EHRLICH, JR., GOVERNOR OF THE STATE OF MARYLAND, BY VIRTUE OF THE AUTHORITY VESTED IN ME BY THE CONSTITUTION AND LAWS OF MARYLAND, HEREBY RESCIND EXECUTIVE ORDER 01.01.2002.01 AND PROCLAIM THE FOLLOWING EXECUTIVE ORDER EFFECTIVE IMMEDIATELY:

- A. Program Established. There is a State Employee Risk Management Administration (SERMA) established that addresses workplace safety and workers' compensation risk management and loss control throughout Maryland State government. It shall have the following structure:
- (1) SERMA is administered by the Injured Workers' Insurance Fund (IWIF), an independent State agency, as required by the Claims Administration Services Agreement between the Board of Commissioners of the Injured Workers' Insurance Fund and the State Board of Public Works.
 - (2) IWIF shall coordinate the administration of the SERMA program with the Office of the Governor, and as needed with the State Treasurer as the Claims Administration Services Agreement administrator.
 - (3) IWIF shall compile, maintain, and make available as allowed by law all claims information on their Workers' Compensation database to carry out the intent of this Executive Order.
- B. Responsibilities. Each State department or designated State agency shall:
- (1) Establish and maintain a proactive employee risk management program that is effective, efficient, and measurable;
 - (2) Maintain the designation or appointment of a Risk Manager to work with management to carry out the intent of this Executive Order; with full-time risk managers having a direct reporting relationship to the office of each department's secretary or agency head;
 - (3) Establish goals, objectives, and performance measures to address work place safety and reductions in work place illnesses, accidents, and injuries; and
 - (4) Periodically conduct a department-wide and agency-wide risk assessment in accordance with guidelines provided by the SERMA program.
- C. Responsibilities of the SERMA program administered by IWIF are to:

- (1) Support State department and agency efforts to establish and maintain a proactive employee risk management program that is effective, efficient, and measurable;
 - (2) Provide guidelines for implementing a model risk management program in all agencies that are based upon best practices in both the public and private sectors;
 - (3) Provide technical assistance, program consultation, education and training, and statistical analyses that support State departments and agencies in meeting their responsibilities under the provisions of this Executive Order and achieving their risk management performance goals;
 - (4) Make recommendations to improve department-specific and agency-specific programs that are not effectively reducing risks and containing workers' compensation costs; and
 - (5) Communicate and coordinate as needed with the Maryland State Employee Risk Management Advisory Council and the Maryland State Employee Risk Management Committee.
- D. SERMA Advisory Council Established. There is a Maryland State Employee Risk Management Advisory Council (Council) within the Executive Office of the Governor.
- (1) Membership. The Council is comprised of the following:
 - (a) A representative of the Governor's Office, who shall serve as Chair;
 - (b) The President of the Injured Workers' Insurance Fund;
 - (c) A representative of the State Employee Risk Management Committee and a representative from the State Claims Administration Division, both appointed by the President of IWIF; and
 - (d) Secretaries or their designees of the following State departments as approved by the Governor:
 - (i) Department of Budget and Management;
 - (ii) Department of the Environment;
 - (iii) Department of General Services;
 - (iv) Department of Health and Mental Hygiene;
 - (v) Department of Human Resources;
 - (vi) Department of Juvenile Services;

- (vii) Department of Labor, Licensing and Regulation;
 - (viii) Department of Natural Resources;
 - (ix) Department of Public Safety and Correctional Services;
 - (x) Department of Maryland State Police;
 - (xi) Department of Transportation;
 - (xii) University System of Maryland; and
 - (xiii) Any other unit designated by the Governor.
- (2) Staffing. The Office of the Governor shall provide staffing to the Council as necessary.
- (3) Duties. The Council shall have the following duties and responsibilities to:
- (a) With input from the State Risk Management Committee, develop the State strategic plan for addressing work place safety and risk management and loss control and communicate the plan to all State departments and agencies;
 - (b) Actively provide support and direction to the State Risk Management Committee and to all State departments and agencies with respect to safety, risk management, and loss control functions;
 - (c) Reinforce the importance of risk management and loss control, and accountability of upper level management in all State departments and agencies;
 - (d) Monitor and report to the Governor's Office the progress of State departments, agencies, and the SERMA program in reducing work place accidents, injuries, illnesses and workers' compensation costs; and
 - (e) Review and resolve issues presented to the Council by the State Employee Risk Management Committee.
- (4) The Council shall meet at least semi-annually.
- E. Risk Management Committee Established. There is a Maryland State Employee Risk Management Committee (Committee) within IWIF.
- (1) Membership. The Committee is comprised of the following:
- (a) A representative from IWIF, appointed by its President, who shall serve as Committee Chair;
 - (b) A representative from the Office of the Governor, appointed by the Governor;

- (c) A representative from the State Employee Risk Management Administration;
- (d) Department Risk Managers of the following State Departments as named by the Department Secretaries:
 - (i) Department of Budget and Management;
 - (ii) Department of the Environment;
 - (iii) Department of General Services;
 - (iv) Department of Health and Mental Hygiene;
 - (v) Department of Human Resources;
 - (vi) Department of Juvenile Services;
 - (vii) Department of Labor, Licensing and Regulation;
 - (viii) Department of Natural Resources;
 - (ix) Department of Public Safety and Correctional Services;
 - (x) Department of Maryland State Police;
 - (xi) Department of Transportation;
 - (xii) Maryland Transit Administration;
 - (xiii) University System of Maryland; and
 - (xiv) Any other unit designated by the Governor.
- (2) Staffing. IWIF shall provide staffing for the Committee as necessary.
- (3) Duties. The Committee shall work in partnership with the SERMA program in IWIF to:
 - (a) Share with other State departments and agencies best practices in the public and private sectors for risk management and loss control;
 - (b) Identify available resources that would assist State departments and agencies to continuously improve their risk management programs;
 - (c) Identify workers' compensation issues, and offer recommendations to the Council;
 - (d) Recommend initiatives to the Council that will improve workplace safety and reduce the costs of workers' compensation;

- (e) Ensure that the SERMA program is responsive to the risk management and loss control needs of State departments and agencies as defined in section C of this Executive Order;
 - (f) Plan and conduct the annual statewide State Employee Risk Management Conference; and
 - (g) Coordinate with and provide support to the Council in addressing workplace safety and loss control issues.
- (4) Meetings. The Committee shall meet at least quarterly.
- F. This Executive Order on managing occupational injuries and illnesses in Maryland State Government shall be interpreted and implemented consistent with the efforts of established State health and safety programs. Department and agency heads shall utilize existing management functions and programs to expand and improve management of risks within their respective units.

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| | | |
|--|---------------|---|
| Management and Protection of the State's Water Resources, Advisory Committee on, membership altered and report deadline extended | 01.01.2003.08 | 8 |
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- O -

Occupational Safety --

SEE ALSO Safety

| | | |
|---|---------------|----|
| State Employee Risk Management Administration, Maryland State Employee Risk Management Advisory Council, and Maryland State Employee Risk Management Committee, established | 01.01.2003.51 | 87 |
|---|---------------|----|

Ordinances SEE Laws and Ordinances

Oysters --

| | | |
|---|---------------|----|
| Potomac River Fisheries Commission, Maryland law establishing the power of the Commission to authorize and regulate oyster dredging in areas of the Potomac River and to levy associated license and repletion fees, proclaimed valid and effective | 01.01.2003.47 | 80 |
|---|---------------|----|

- P -

Parent and Child SEE Family Law

Permits SEE Licenses

Pest Control --

| | | |
|--|---------------|----|
| Pesticide Advisory Committee, established and annual report required; Governor's Pesticide Council, provisions rescinded | 01.01.2003.49 | 84 |
|--|---------------|----|

Pistols SEE Guns

Planning, Department of --

| | | |
|---|---------------|----|
| Maryland Priority Places Strategy, established and annual report required; Development Capacity Task Force, established and report required | 01.01.2003.33 | 69 |
|---|---------------|----|

Planning SEE Zoning and Planning

Poisons SEE Hazardous and Toxic Substances

Potomac River SEE Rivers and Streams

Poultry SEE Meat, Poultry, Seafood

Prisoners --

| | | |
|---|---------------|----|
| Commutation of sentence of Karen Lynn Fried | 01.01.2003.35 | 73 |
| Commutation of sentence of Robert Hettche | 01.01.2003.15 | 35 |

EXECUTIVE ORDERS

| | | |
|--|---------------|----|
| Commutation of sentence of Venson Horsey | 01.01.2003.14 | 33 |
| Commutation of sentences of Mark A. Johnson, Jr., Dorothy E. Foreman, and Charles L. Truitt | 01.01.2003.50 | 86 |
| Pardon granted to Barry L. Glass | 01.01.2003.23 | 56 |
| Pardon granted to Brenda Grace Nickerson | 01.01.2003.42 | 77 |
| Pardon granted to Carolyn Crowder | 01.01.2003.22 | 55 |
| Pardon granted to Christopher Wayne Akers | 01.01.2003.41 | 77 |
| Pardon granted to Eileen Rebecca Wardrop | 01.01.2003.45 | 79 |
| Pardon granted to Hope Peyton Carter | 01.01.2003.37 | 75 |
| Pardon granted to John Arnold Witt | 01.01.2003.25 | 57 |
| Pardon granted to Kohn Kermit Ellis | 01.01.2003.46 | 80 |
| Pardon granted to Kathleen Marie Divens Griner | 01.01.2003.43 | 78 |
| Pardon granted to Michael Austin | 01.01.2003.44 | 78 |
| Pardon granted to Ralph Wesley Knott | 01.01.2003.39 | 76 |
| Pardon granted to Stephen Ross Hannon | 01.01.2003.24 | 56 |
| Pardon granted to Thomas William Huber, Jr. | 01.01.2003.36 | 74 |
| Pardon granted to Veronica Phillips | 01.01.2003.40 | 76 |
| Procurement -- | | |
| Minority Business Enterprise Reform, Governor's Commission on, established; report required | 01.01.2003.16 | 36 |
| Public Employees SEE State Employees | | |
| Public Safety SEE Safety | | |
| Public Utilities SEE Utilities | | |

- R -

| | | |
|--|---------------|----|
| Registration -- | | |
| Pesticide Advisory Committee, established and annual report required; Governor's Pesticide Council, provisions rescinded | 01.01.2003.49 | 84 |
| Regulations SEE Rules and Regulations | | |
| Reports -- | | |
| Asian Pacific American Affairs, Governor's Commission on, reauthorized; annual report required | 01.01.2003.27 | 59 |
| Criminal or unethical conduct of any employee or contractor of the State, reporting and investigation of, requirements added | 01.01.2003.13 | 32 |
| Hispanic Affairs, Governor's Commission on, reauthorized; annual report required | 01.01.2003.19 | 42 |
| Housing Policy, Governor's Commission on, established; reports required | 01.01.2003.10 | 20 |
| Management and Protection of the State's Water Resources, Advisory Committee on, membership altered and report deadline extended | 01.01.2003.08 | 8 |
| Maryland Heritage Structure Rehabilitation Tax Credit Program, Task Force to Study, established; report required | 01.01.2003.32 | 66 |
| Migratory and Seasonal Farm Labor, Governor's Commission on, reconstituted and revitalized; annual report required | 01.01.2003.28 | 61 |
| Minority Business Enterprise Reform, Governor's Commission on, established; report required | 01.01.2003.16 | 36 |

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|---|---------------|----|
| Parental Relinquishment of Custody to Obtain Health Care Services, Council on, established and report required; Human Resources Department required to designate staff to handle situations involving children with special mental health needs or developmental disabilities | 01.01.2003.02 | 2 |
| Regulatory Review and Evaluation Act, revisions implemented | 01.01.2003.20 | 45 |
| Service and Volunteerism, Governor's Commission on, reauthorized and restructured; annual reports required | 01.01.2003.48 | 81 |
| Structure and Efficiency of State Government, Governor's Commission on the, established; report required | 01.01.2003.21 | 54 |
| Rivers and Streams -- | | |
| Potomac River Fisheries Commission, Maryland law establishing the power of the Commission to authorize and regulate oyster dredging in areas of the Potomac River and to levy associated license and repletion fees, proclaimed valid and effective | 01.01.2003.47 | 80 |
| Roads SEE Highways | | |
| Rules and Regulations -- | | |
| Potomac River Fisheries Commission, Maryland law establishing the power of the Commission to authorize and regulate oyster dredging in areas of the Potomac River and to levy associated license and repletion fees, proclaimed valid and effective | 01.01.2003.47 | 80 |
| Regulatory Review and Evaluation Act, revisions implemented | 01.01.2003.20 | 45 |
| - S - | | |
| Safety -- | | |
| SEE ALSO Occupational Safety | | |
| Homeland Security, Governor's Office of, established | 01.01.2003.18 | 40 |
| Hours of service limitations suspended for utility company workers, fuel distributors, and transportation workers providing emergency services required as a result of a winter storm | 01.01.2003.05 | 5 |
| Hours of service limitations suspended for utility company workers providing emergency services required as a result of thunderstorms | 01.01.2003.26 | 58 |
| Scenic Rivers SEE Rivers and Streams | | |
| Seafood SEE Fish and Fishing; Oysters | | |
| Security SEE Safety | | |
| Senate SEE General Assembly | | |
| Sentences -- | | |
| Commutation of sentence of Karen Lynn Fried | 01.01.2003.35 | 73 |
| Commutation of sentence of Robert Hettche | 01.01.2003.15 | 35 |
| Commutation of sentence of Venson Horsey | 01.01.2003.14 | 33 |
| Commutation of sentences of Mark A. Johnson, Jr., Dorothy E. Foreman, and Charles L. Truitt | 01.01.2003.50 | 86 |
| Pardon granted to Barry L. Glass | 01.01.2003.23 | 56 |

EXECUTIVE ORDERS

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|---|---------------|----|
| Pardon granted to Brenda Grace Nickerson | 01.01.2003.42 | 77 |
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| Pardon granted to Christopher Wayne Akers | 01.01.2003.41 | 77 |
| Pardon granted to Eileen Rebecca Wardrop | 01.01.2003.45 | 79 |
| Pardon granted to Hope Peyton Carter | 01.01.2003.37 | 75 |
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| Pardon granted to Kohn Kermit Ellis | 01.01.2003.46 | 80 |
| Pardon granted to Kathleen Marie Divens Griner | 01.01.2003.43 | 78 |
| Pardon granted to Michael Austin | 01.01.2003.44 | 78 |
| Pardon granted to Ralph Wesley Knott | 01.01.2003.39 | 76 |
| Pardon granted to Stephen Ross Hannon | 01.01.2003.24 | 56 |
| Pardon granted to Thomas William Huber, Jr. | 01.01.2003.36 | 74 |
| Pardon granted to Veronica Phillips | 01.01.2003.40 | 76 |
| Small Business -- | | |
| Minority Business Enterprise Reform, Governor's Commission on, established; report required | 01.01.2003.16 | 36 |
| Snow Emergencies SEE Emergencies | | |
| Social Services -- | | |
| Maryland American Indians, access to benefits and assistance under government programs, and permission to give racial or ethnic identity as American Indian on State forms, provisions added | 01.01.2003.31 | 65 |
| State Agencies SEE Administrative Agencies | | |
| State Contracts SEE Procurement | | |
| State Employees -- | | |
| Criminal or unethical conduct of any employee or contractor of the State, reporting and investigation of, requirements added | 01.01.2003.13 | 32 |
| Standards of conduct for executive branch employees, established | 01.01.2003.01 | 1 |
| State Employee Risk Management Administration, Maryland State Employee Risk Management Advisory Council, and Maryland State Employee Risk Management Committee, established | 01.01.2003.51 | 87 |
| State Government SEE Administrative Agencies | | |
| State Roads SEE Highways | | |
| Streams SEE Rivers and Streams | | |
| Streets and Roads SEE Highways | | |
| Subsequent Injuries Fund SEE Workers' Compensation | | |
| Sunset -- | | |
| Regulatory Review and Evaluation Act, revisions implemented | 01.01.2003.20 | 45 |

- T -

Task Forces SEE Committees and Commissions

Tax Credits --

| | | |
|--|---------------|----|
| Maryland Heritage Structure Rehabilitation Tax Credit Program, Task Force to Study, established; report required | 01.01.2003.32 | 66 |
|--|---------------|----|

Telephones SEE Utilities

Terrorism SEE Violence

Towing --

Winter storm emergency, declared; driving on State roads, restricted; removal of abandoned cars on State roads, ordered 01.01.2003.03 4

Toxic Substances SEE Hazardous and Toxic Substances

Trade SEE Commerce and Business

Trucks --

Hours of service limitations suspended for utility company workers, fuel distributors, and transportation workers providing emergency services required as a result of a winter storm 01.01.2003.05 5

Hours of service limitations suspended for utility company workers providing emergency services required as a result of thunderstorms 01.01.2003.26 58

- U -

Urban Renewal --

Maryland Heritage Structure Rehabilitation Tax Credit Program, Task Force to Study, established; report required 01.01.2003.32 66

Utilities --

Hours of service limitations suspended for utility company workers, fuel distributors, and transportation workers providing emergency services required as a result of a winter storm 01.01.2003.05 5

Hours of service limitations suspended for utility company workers providing emergency services required as a result of thunderstorms 01.01.2003.26 58

- V -

Violence --

Homeland Security, Governor's Office of, established 01.01.2003.18 40

Visitation SEE Child Custody

Volunteers --

Service and Volunteerism, Governor's Commission on, reauthorized and restructured 01.01.2003.48 81

- W -

Water --

Drought emergency terminated in all areas of the State except Baltimore City and its service area, where water use restrictions are continued 01.01.2003.06 6

EXECUTIVE ORDERS

| | | |
|---|---------------|----|
| Management and Protection of the State's Water Resources, Advisory Committee on, membership altered and report deadline extended | 01.01.2003.08 | 8 |
| Weapons -- | | |
| Firearms relief granted to John Edward Saunders | 01.01.2003.38 | 75 |
| Weather -- | | |
| Drought emergency terminated in all areas of the State except Baltimore City and its service area, where water use restrictions are continued | 01.01.2003.06 | 6 |
| Hours of service limitations suspended for utility company workers, fuel distributors, and transportation workers providing emergency services required as a result of a winter storm | 01.01.2003.05 | 5 |
| Hours of service limitations suspended for utility company workers providing emergency services required as a result of thunderstorms | 01.01.2003.26 | 58 |
| Hurricane Isabel Emergency - | | |
| State of emergency declared; Maryland National Guard ordered to active State service | 01.01.2003.30 | 65 |
| State of emergency terminated | 01.01.2003.34 | 73 |
| Winter Storm Emergency - | | |
| Declared | 01.01.2003.04 | 5 |
| Driving on State roads, restricted; removal of abandoned cars on State roads, ordered | 01.01.2003.03 | 4 |
| Terminated | 01.01.2003.07 | 8 |
| Women -- | | |
| Status of Girls, Governor's Council on the, abolished | 01.01.2003.29 | 64 |
| Work, Labor and Employment -- | | |
| Criminal or unethical conduct of any employee or contractor of the State, reporting and investigation of, requirements added | 01.01.2003.13 | 32 |
| Migratory and Seasonal Farm Labor, Governor's Commission on, reconstituted and revitalized; annual report required | 01.01.2003.28 | 61 |
| Standards of conduct for executive branch employees, established | 01.01.2003.01 | 1 |
| Workers' Compensation -- | | |
| State Employee Risk Management Administration, Maryland State Employee Risk Management Advisory Council, and Maryland State Employee Risk Management Committee, established | 01.01.2003.51 | 87 |

- Y -

Youth --

Status of Girls, Governor's Council on the, abolished 01.01.2003.29 64

- Z -

Zoning and Planning --

Maryland Priority Places Strategy, established and annual report required; Development Capacity Task Force, established and report required 01.01.2003.33 69

