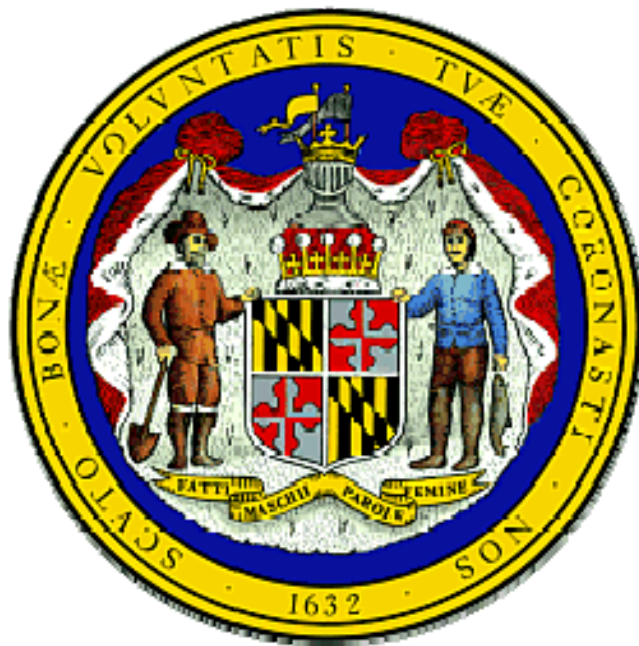


EXECUTIVE ORDERS

2008



STATE OF MARYLAND

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EXECUTIVE ORDER OF JANUARY 9, 2008

01.01.2008.01

Rosewood Center

- WHEREAS, The Rosewood Center has a rich history of meeting the needs of its residents. It was founded in 1888, at a time when the prevailing treatment service model for individuals with developmental disabilities was institutionalization;
- WHEREAS, Over its century of being a residential facility for individuals with developmental disabilities its role and mission have changed;
- WHEREAS, The residents of the Rosewood Center have family members in the surrounding community who are engaged in the development of their plan of care;
- WHEREAS, Today, the Rosewood Center serves 166 residents with a broad range of service needs, including 30 who are in the Department of Health and Mental Hygiene's care due to their involvement with the criminal justice system;
- WHEREAS, Over decades, the conditions at the Rosewood Center have deteriorated to unacceptable conditions as identified through a series of audits conducted by the Office of Health Care Quality, the most recent of which was concluded in August 2007 with follow up reviews in November 2007;
- WHEREAS, Treatment models have evolved significantly since Rosewood's establishment and studies overwhelmingly demonstrate that individuals with developmental disabilities thrive and do better living with home and community-based supports;
- WHEREAS, The policy of the State, expressed in the Developmental Disabilities Law, Health – General Article, Section 7–102, is to support and provide resources to operate community services to sustain individuals with developmental disability in the community, rather than in institutions;
- WHEREAS, The U.S. Supreme Court concluded in the 1999 case of *Olmstead v. L.C.* that, subject to certain conditions, individuals with disabilities residing in institutions have a right to live in the most integrated setting appropriate to the individual's needs, and states should endeavor to facilitate such placements as available resources permit;

- WHEREAS, This Administration seeks to ensure that individuals with developmental disabilities are included in all aspects of community living and seeks to continue Maryland's ongoing efforts to increase community placement options for residents of the State's mental health and developmental disability facilities;
- WHEREAS, Analysis conducted by the Department of Health and Mental Hygiene as directed by Chapter 445 of the Acts of 2007 concludes that 153 of the current 166 Rosewood residents could be adequately served in the community;
- WHEREAS, The Rosewood Center: Plan for Services to Residents Report acknowledges that community capacity will need to be expanded to accommodate 153 Rosewood residents; and
- WHEREAS, The Maryland State Disabilities Plan calls for Maryland citizens with long-term care needs to be served in the most integrated setting appropriate to their needs.

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

- A. The Department shall develop and implement a plan to close the Rosewood Center by Fiscal Year 2010.
- B. The plan shall provide for the transition, on or before June 30, 2009, of all residents of the Rosewood Center to services and settings appropriate to their needs.
- C. Residents of the Rosewood Center shall transition to treatment services and settings, which may include safe home- and community-based services and a secure residential facility, in accordance with an individualized assessment.
- D. The plan shall include a strategy for identifying the needs of the forensic population and creating a safe, long-term residential setting with appropriate services and supports as identified in The Rosewood Center: Plan for Services Report.
- E. The Department shall:
- (1) Develop an individualized plan for each resident, with input from the resident, family members, the interdisciplinary team and others identified as important by the resident in the

planning process, to ensure development and implementation of an appropriate transition where all residents are assured continuous appropriate services and settings;

(2) Implement service models that comply with best practices in evaluating and supporting residents;

(3) Aggressively implement changes to address the deficiencies identified at the Rosewood Center and to operate with appropriate programs to serve the needs of its residents until the right placement can be found;

(4) Provide assistance to State employees of the Rosewood Center during the transition, identifying vacant positions within the Department or other State agencies, and offering retraining if necessary and desired; and

(5) Work collaboratively with the provider community to create more options in the community with different types of programs designed to meet the needs of Rosewood residents.

F. The Department shall complete implementation of the plan on or before June 30, 2009.

G. On or before April 1, 2008, January 1, 2009, and January 1, 2010, the Department shall report to the Governor and, in accordance with Section 2-1246 of the State Government Article, the General Assembly on its progress in implementing the plan.

H. In determining whether to sell or find an alternative use for the property, the State shall seek input from legislators and local county officials, community representatives, and other stakeholders, as appropriate.

EXECUTIVE ORDER OF JANUARY 14, 2008

01.01.2008.02

Designation of Agency Representatives for Mid-Contract Negotiations

WHEREAS, The citizens of Maryland are best served by strong labor-management relationships between the Executive Branch and Executive Branch employees;

- WHEREAS, In furtherance of the public interest, this Administration seeks to establish ongoing constructive and cooperative relationships between employees, employee organizations, and management;
- WHEREAS, The continuance of productive and cooperative relationships between labor and management require ongoing communication and timely dispute resolution;
- WHEREAS, To ensure productive labor–management relationships, an identified designee in each of the principal departments within the Executive Branch of State Government must be accessible to designated and duly certified exclusive employee representatives for the purposes of administering the negotiated memoranda of understanding and effectuating the provisions thereof regarding negotiations during the periods between Statewide negotiations (mid–contract negotiations);
- WHEREAS, State law authorizes the Governor to designate one or more representatives to participate as parties in mid–contract negotiations with duly elected employee organizations on behalf of the State;
- WHEREAS, This Executive Order is intended to identify designated representatives for the purpose of representing the State of Maryland during mid–contract negotiations.

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

A. State law establishes a collective bargaining process which results in a written memorandum of understanding. During the time periods between ratified memoranda of understanding, the State maintains the obligation to negotiate changes that will substantially affect the working conditions of bargaining unit employees. Those issues are resolved through mid–contract negotiations pursuant to provisions in the negotiated memoranda of understanding.

B. Each Secretary or other agency head in the Executive Branch of State Government subject to collective bargaining pursuant to the Annotated Code of Maryland, State Personnel and Pensions Article, Section 3–102, or their respective designees, are hereby authorized in accordance with the Annotated Code of

Maryland, State Personnel and Pensions Article, Section 3-501, to participate as parties during mid-contract negotiations regarding agency specific issues with the certified exclusive employee representatives.

C. Issues that may impact more than one agency and are not specific to an individual department or agency must be submitted to the Executive Director of the Office of Personnel Services and Benefits, Department of Budget and Management (Executive Director) for resolution with the certified exclusive employee representatives.

D. Any agreement arising from mid-contract negotiations that may result in a cost to the State or require the appropriation of funds is subject to the approval of the Secretary of Budget and Management.

E. Within 30 days of the effective date of this Order, the Secretaries of the principal departments and the heads of independent agencies in the Executive Branch of State Government shall forward the contact information for their designee, or, if they choose not to delegate this function, their own contact information, to the Executive Director. Within ten days of receiving that information, the Executive Director shall send the designee contact information to the head of any certified exclusive employee organization representing employees of that department or agency.

F. Designees shall serve as the representative of a principal department or agency for mid-contract negotiations at the pleasure of the Secretary or agency head. Should the Secretary or agency head revoke the designation, or if the designee leaves employment with the agency or department, the Secretary or agency head shall serve as the Department or agency representative until a new designee is identified to the Executive Director.

G. This Executive Order is not intended to and will not alter in any way the rights and obligations of the State collective bargaining process as established in State Personnel and Pensions Article, Section 3-501 and Section 3-502.

EXECUTIVE ORDER OF FEBRUARY 15, 2008

01.01.2008.03

State Employee Risk Management Administration

(Rescinds Executive Order 01.01.2003.51)

WHEREAS, The State of Maryland honors and is committed to the health and safety of our employees and understands the value of an accident free, safe and healthy work environment. Further, there is evidence that implementing effective safety, risk management and loss control programs reduces or eliminates occupational injuries and illnesses;

WHEREAS, All Executive Branch appointing authorities and managers are expected to assume personal responsibility and leadership in ensuring a safe, and healthy environment for all employees;

WHEREAS, Due to the escalating costs of workers' compensation, economic loss to employees and the State, and operational impact on State services, State leadership shall develop exemplary employee safety, health, and risk management loss control programs; and

WHEREAS, The Federal Occupational Safety and Health Act of 1970 (OSHA) and the Maryland Occupational Safety and Health Act of 1973 (MOSHA) provide job safety and health protection for workers through the promotion of safe and healthful working conditions throughout the workplace.

NOW, THEREFORE, I, MARTIN O'MALLEY, GOVERNOR OF THE STATE OF MARYLAND, BY VIRTUE OF THE AUTHORITY VESTED IN ME BY THE CONSTITUTION AND LAWS OF MARYLAND HEREBY RESCIND EXECUTIVE ORDER 01.01.2003.51 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 oversight of 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 and provide reporting to support StateStat initiatives.

(4) IWIF shall house a unit of SERMA Risk Management Consultants, dedicated to the State to provide occupational and safety consultative services as described in Section C.

B. Responsibilities. Each State department or designated State agency shall, working with SERMA Risk Management Consultants:

(1) Establish and maintain a proactive employee safety and health risk management program that is effective, efficient, and measurable; that has the support and endorsement of the agency head with a policy statement, and written policy and procedure directives that are communicated to all employees.

(2) Maintain the designation or appointment of a Risk Manager 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 safety and health committees to review agencies' safety and health safety programs, review injury trends and advise the agency leadership on corrective measures needed.

(4) Establish annual goals, objectives and performance measures to address work place safety and health, reductions in work place illnesses, accidents, and injuries. Key measurements will be claims frequency, accident frequency, accident leave, cost analysis and reporting time frame to IWIF.

(5) Annually conduct an agency-wide safety and health risk assessment and program evaluation in accordance with guidelines established by the SERMA program.

(6) Conduct annual health and safety inspections of all facilities documenting the findings and corrective measures needed. These inspections will evaluate the use of personal

protective equipment, preventive maintenance, unsafe work place behaviors, emergency evacuation procedures, and housekeeping issues.

(7) Conduct safety and health training for all employees that is focused and directed towards all known work place health and safety hazards and establish appropriate preventive procedural guidelines to protect the health and safety of employees.

(8) Promote occupational health and safety, within their organization, through the distribution of employee health and safety informational resources such as posters, pay roll stuffers, handouts, and Intra-agency Intranet.

(9) Conduct thorough and complete accident investigations that are timely and contain the highest level of detail possible. All investigations will be fact-driven and contain a root-cause analysis. Maintain all first reports of injuries, investigative reports and documents in accordance with OSHA, MOSHA, and the Maryland Workers' Compensation Act.

(10) Establish and communicate policy and procedures that enable all of its organizational units to be prepared for a variety of predictable and unpredictable emergencies.

C. Responsibilities of the SERMA program and the SERMA Risk Management Consultants, 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;

(5) Communicate and coordinate as needed with the Maryland State Employee Risk Management Committee; and

(6) Provide an annual report (fiscal year basis) to the office of the Governor and the Secretaries of the Maryland State Employee Risk Management Committee agencies.

D. Risk Management Committee Established. There is a Maryland State Employee Risk Management Committee (Committee).

(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) The supervisor of the SERMA Risk Management Consultants;

(d) A representative from the Office of the Treasurer;

(e) 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 of Maryland, College Park;
- (xiv) University System of Maryland;
- (xv) Maryland Occupational Safety and Health Administration;
- (xvi) Department of General Services, Real Estate Office; and
- (xvii) 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 Governor's Office;

(d) Recommend initiatives to the Governor's Office 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 Governor's Office and State agencies in addressing workplace safety and loss control issues.

(4) Meetings. The Committee shall meet at least quarterly.

E. This Executive Order on managing occupational injuries and illnesses in Maryland State Government shall be interpreted and implemented in a manner consistent with the efforts of established State health and safety regulations. Department and agency heads shall utilize existing management functions and programs to expand and improve management of risks within their respective units.

EXECUTIVE ORDER OF MARCH 13, 2008

01.01.2008.04

Judicial Nominating Commissions

(Rescinds Executive Orders 01.01.2007.08 and 01.01.2007.11)

WHEREAS, The appointment of highly qualified persons to the appellate and trial courts of the State of Maryland is of paramount importance to the people of the State;

WHEREAS, The appointment of persons to the judiciary from a diversity of backgrounds enhances the quality of justice dispensed by the State's courts and encourages respect for the law and the courts;

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

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

NOW, THEREFORE, I, MARTIN O'MALLEY, GOVERNOR OF THE STATE OF MARYLAND, BY VIRTUE OF THE AUTHORITY VESTED IN ME BY THE CONSTITUTION AND LAWS OF MARYLAND, HEREBY RESCIND EXECUTIVE ORDERS 01.01.2007.08 AND 01.01.2007.11, AND PROCLAIM THE FOLLOWING EXECUTIVE ORDER, EFFECTIVE IMMEDIATELY:

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

(1) "Appellate Court" means the Court of Appeals of Maryland or the Court of Special Appeals of Maryland.

(2) "Trial Court" means the District Court of Maryland or the Circuit Court for a county or Baltimore City.

B. Appellate Courts Judicial Nominating Commission.

(1) Creation and Composition. The Appellate Courts Judicial Nominating Commission is hereby established as part of the Executive Department. It consists of seventeen persons chosen as follows:

(a) Twelve persons appointed by the Governor; and

(b) Five persons submitted for appointment by the President of the Maryland State Bar Association. However, if the President of the Maryland State Bar Association does not submit five persons for appointment within 60 days of the date of this Executive Order, or submits fewer than five persons, additional members will be appointed by the Governor.

(c) No more than one lawyer from the same firm or legal office may serve on the Commission at the same time.

(d) No person may serve on the Appellate Courts Judicial Nominating Commission while simultaneously serving on a Trial Courts Nominating Commission.

(e) No person may serve on the Appellate Courts Judicial Nominating Commission who holds an elected office in local, State, or federal government; who hears cases as an active

or senior member of the State or federal judiciary; or who holds an office in a political party.

(2) Chair. The Chair of the Commission will be designated by the Governor.

(3) Terms. The terms of the members of the Commission shall extend to the date of the qualification of the Governor at the next quadrennial election, and until their successors are duly chosen. However, if the Commission meets on two or more occasions during any calendar year, and if, during that year, a Commission member fails to attend at least half of the meetings in which that member is not otherwise disqualified from participating, the term of the member shall automatically be terminated.

(4) Vacancies. If a vacancy occurs on the Commission by reason of the death, resignation, removal, or disqualification of a member, a successor will be appointed by the Governor.

(5) Ineligibility for Judicial Appointment. A person who serves on the Commission will not be appointed to an Appellate Court during the term for which the person was appointed to the Commission.

C. Trial Courts Judicial Nominating Commissions.

(1) Creation. A Trial Courts Judicial Nominating Commission is hereby established as part of the Executive Department for each of the Commission Districts set forth below:

(a) Commission District 1 – Somerset, Wicomico, and Worcester Counties;

(b) Commission District 2 – Cecil, Kent, and Queen Anne's Counties;

(c) Commission District 3 – Baltimore County;

(d) Commission District 4 – Harford County;

(e) Commission District 5 – Allegany and Garrett Counties;

(f) Commission District 6 – Washington County;

(g) Commission District 7 – Anne Arundel County;

- (h) Commission District 8 – Carroll County;
- (i) Commission District 9 – Howard County;
- (j) Commission District 10 – Frederick County;
- (k) Commission District 11 – Montgomery County;
- (l) Commission District 12 – Calvert and St. Mary’s Counties;
- (m) Commission District 13 – Prince George’s County;
- (n) Commission District 14 – Baltimore City;
- (o) Commission District 15 – Charles County; and
- (p) Commission District 16 – Caroline, Dorchester, and Talbot Counties.

(2) Composition. Each Commission shall consist of thirteen persons chosen as follows:

(a) Nine persons appointed by the Governor;
and

(b) Four persons submitted for appointment by the presidents of the Bar Associations in the political subdivisions for which the Commission is responsible. In selecting persons to submit for appointment, the Bar Association presidents shall consult with the presidents of other bar organizations in the Commission District, including, in Baltimore City, the Monumental City Bar Association, in Howard County, the Waring Mitchell Law Society, and, in Prince George’s County, the J. Franklyn Bourne Bar Association. If the presidents of the Bar Associations do not submit persons for appointment to a Commission within 60 days of the date of this Executive Order, or submit fewer than three persons, additional members of the Commission will be appointed by the Governor.

(c) No more than one lawyer from the same firm or legal office may serve on the same Commission at the same time.

(d) No person may serve on a Trial Courts Judicial Nominating Commission while simultaneously serving on the

Appellate Courts Judicial Nominating Commission or on another Trial Courts Nominating Commission.

(e) No person may serve on a Trial Courts Judicial Nominating Commission who holds an elected office in local, State, or federal government; who hears cases as an active or senior member of the State or federal judiciary; or who holds an office in a political party.

(3) Chair. The Chair of each Commission will be designated by the Governor.

(4) Terms. The terms of the members of each Commission shall extend to the date of the qualification of the Governor at the next quadrennial election, and until their successors are duly chosen. However, if a Commission meets on two or more occasions during any calendar year, and if, during that year, a Commission member fails to attend at least half of the meetings in which that member is not otherwise disqualified from participating, the term of the member shall automatically be terminated.

(5) Vacancies. If a vacancy occurs on a Commission by reason of the death, resignation, removal, or disqualification of a member, a successor will be appointed by the Governor.

(6) Ineligibility for Judicial Appointment. A person who serves on a Trial Courts Judicial Nominating Commission will not be appointed to a Trial Court during the term for which the person was appointed to the Commission.

D. Responsibilities of the Commissions.

(1) For each vacancy on an Appellate Court, the Appellate Courts Judicial Nominating Commission shall recommend to the Governor, from among those persons who apply for appointment to fill the vacancy, the candidates legally and most fully professionally qualified to fill the vacancy, unless the Governor appoints a person to fill the vacancy from any list of candidates submitted to the Governor by the Commission during the preceding two years, or by the Appellate Courts Judicial Nominating Commission established under prior Executive Orders, for a prior vacancy on that Court.

(2) For each vacancy on a Trial Court, the Trial Courts Judicial Nominating Commission for the appropriate Commission District shall recommend to the Governor, from among those

persons who apply for appointment to fill the vacancy, the candidates legally and most fully professionally qualified to fill the vacancy, unless the Governor (a) reappoints an incumbent judge to fill the vacancy, or (b) appoints a person to fill the vacancy from any list of candidates submitted to the Governor by the Commission during the preceding two years, or by the appropriate Commission established under prior Executive Orders, for a prior vacancy on that Court.

(3) Each Commission shall encourage qualified candidates, from a diversity of backgrounds, to apply for judicial appointment.

E. Request for Assistance from the Administrative Office of the Courts. The chair of each Commission shall request the assistance of the Administrative Office of the Courts in providing training to Commission members; in notifying the appropriate Commission when a vacancy occurs; and in developing a form or forms for submission by applicants.

F. Commission Procedures.

(1) Upon notification that a vacancy exists or is about to occur in a Court to which a Commission has responsibility to recommend candidates for appointment, the Commission shall seek out qualified applicants from a diversity of backgrounds to fill the vacancy and shall review all applications submitted, unless the Governor (a) reappoints an incumbent judge to fill the vacancy, or (b) appoints a person to fill the vacancy from any list of candidates submitted during the preceding two years by the Commission, or by a predecessor Commission established under prior Executive Orders, for a prior vacancy on that Court. The Commission shall notify the Maryland State Bar Association 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 its own members.

(2) The Commission shall evaluate each applicant. In the course of its evaluation, the Commission may seek information beyond that contained in the materials submitted by an applicant. 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 notices in at least one newspaper read by members of the general public identifying the applicants

and inviting written and signed comments to the Commission regarding the applicants. A criminal justice agency, including the Central Repository, may release the criminal history record information, including conviction and nonconviction data, to a Commission upon request of its chair, for the purpose of evaluating a candidate.

(3) No fewer than ten members shall be present at a voting session of the Appellate Courts Judicial Nominating Commission, and no fewer than nine members shall be present at a voting session of any Trial Courts Judicial Nominating Commission.

(4) A Commission shall interview each applicant for each vacancy for which it is responsible for recommending candidates. The interview shall be in person unless, due to extraordinary circumstances, a candidate is unable to appear in person. In cases of extraordinary circumstances, and upon prior approval of the Governor, an interview may be held via video teleconference. An example of an extraordinary circumstance is unavailability in person due to military service to the country. An example of a circumstance that is not extraordinary is a vacation. In considering a person's application for appointment to fill a vacancy, a Commission shall consider the applicant's integrity, maturity, temperament, diligence, legal knowledge, intellectual ability, professional experience, community service, and any other qualifications that the Commission deems important for judicial service, as well as the importance of having a diverse judiciary.

(5) In evaluating applications to fill a vacancy on a trial court, the Trial Courts Judicial Nominating Commission shall give the same consideration to eligible applicants whose legal practices are located outside the political subdivision in which the court sits as it gives to those whose practices are located within the political subdivision.

(6) No applicant may be recommended to the Governor for appointment unless by vote of a majority of members present at a voting session of the appropriate Commission, as taken by secret ballot. A Commission may conduct more than one round of balloting during its deliberations, in order to achieve the number of candidates required under this Order.

(7) The Commissions shall submit to the Governor a list of at least three qualified candidates for appointment to fill each vacancy. If there are multiple vacancies on the same court, a

Commission shall submit to the Governor a list of at least three qualified persons for each individual vacancy.

(8) If fewer than three candidates apply, then the vacancy shall be automatically readvertised. If, after readvertisement, there remain fewer than three applicants, then the Commission shall send the Governor the list of fewer than three applicants.

(9) 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 these persons shall be listed in alphabetical order. The report shall be submitted within 85 days following notification that a vacancy exists or is about to occur. The Commission shall release this list to the public concurrently with submission of its report to the Governor.

(10) Upon request of the Governor, a Commission shall reconvene for further deliberations, or readvertise a vacancy to new applicants.

G. Confidentiality.

(1) A Commission shall not disclose to the public the names of individuals who have submitted applications to fill a vacancy until after the closing date for submission of applications.

(2) Materials submitted by an applicant, or gathered from other sources in connection with the evaluation of an applicant, are confidential and may not be released to the public.

(3) Each Commission member shall maintain the confidentiality of the Commission's evaluation of candidates, including its interviews, deliberations, and voting, and, except as provided in Section F(9), shall not disclose the Commission's evaluation of candidates to the public.

EXECUTIVE ORDER OF MARCH 31, 2008

01.01.2008.05

Proclaiming an Extended Session of the Maryland General Assembly

WHEREAS, I, Martin O'Malley, Governor of the State of Maryland, being advised that the Budget Bill has not been finally acted upon by the General Assembly seven days before the expiration of the 2008 regular Session of the General Assembly;

WHEREAS, Article III, Section 52 (10) of the Maryland Constitution provides that under these circumstances the Governor shall issue a proclamation extending the Session for a period as may, in the Governor's judgment, be necessary to allow for the passage of the Budget Bill; and

WHEREAS, Other matters may not be considered during such extended Session except a provision for the cost thereof.

NOW, THEREFORE, I, MARTIN O'MALLEY, GOVERNOR OF THE STATE OF MARYLAND, BY VIRTUE OF THE AUTHORITY VESTED IN ME BY THE CONSTITUTION AND THE LAWS OF MARYLAND, DO HEREBY PROCLAIM THAT THE 2008 REGULAR SESSION OF THE MARYLAND GENERAL ASSEMBLY IS HEREBY EXTENDED, COMMENCING AT MIDNIGHT ON MONDAY, APRIL 7, 2008 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 21, 2008

01.01.2008.06

Maryland Partnership for Children in Nature

WHEREAS, The natural world is a successful model for many values that human communities seek: continuity, stability and sustenance, adaptation, sustained productivity, renewal without exhaustion of resources, and thriving in an environment of diversity;

- WHEREAS, To sustain the natural world in Maryland – including the Chesapeake Bay and hundreds of thousands of acres of diverse land and habitat – requires the stewardship of future generations and business leaders;
- WHEREAS, Stewardship is not possible without a strong sense of connection to the natural world;
- WHEREAS, Maryland’s children are losing their connection with our natural world, an alienation that threatens the future of Maryland’s great natural resources and the quality of life for future citizens, diminishes use of the senses, creates attention difficulties and causes higher rates of physical and emotional illness and obesity;
- WHEREAS, Spending frequent time outdoors in unstructured and structured experiences is the best way to develop a connection to nature and the foundation on which to build an environmental stewardship ethic;
- WHEREAS, There is a need to continue and expand outreach that will engage individuals and organizations in the minority community in partnerships with State government in promoting a high standard of life through the conservation, restoration and preservation of natural resources;
- WHEREAS, Environmental education increases student engagement in science, improves student achievement in core subject areas, and increases student awareness about individual actions they can take to restore the health of the natural environment; and
- WHEREAS, Maryland must renew its efforts to ensure that its children grow to become informed and responsible stewards of the environment and prepared for future environmental challenges and opportunities as individual citizens and as members of the workforce.

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

A. Established. There is a Maryland Partnership for Children in Nature (The Partnership) to promote outdoor experiential activities and environmental education for Maryland’s young people and to build a coalition of ongoing support for these endeavors.

B. Membership. The Partnership shall include the following members:

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

(2) The Superintendent of the State Department of Education, or the Superintendent's designee;

(3) One representative of the Chesapeake Bay Trust;

(4) Two representatives of non-profit organizations dedicated to environmental education;

(5) One representative of the Maryland Association for Environmental and Outdoor Education;

(6) One representative of a Parent-Teacher Organization;

(7) Two representatives of local governments that have demonstrated leadership in sustainable development practices;

(8) One representative (teacher or principal) from a Maryland Green School that has completed a Schoolyard Habitat project;

(9) Two representatives of urban youth-based organizations;

(10) One representative of the Maryland Recreation and Parks Association;

(11) One representative of the pediatric medical field;

(12) A former member of the Task Force on Minority Participation in the Environmental Community;

(13) Two representatives of the business community with demonstrated leadership in supporting children in nature; and

(14) One representative of the National Wildlife Federation.

C. Appointment and Terms. The members identified in B(3) through B(14) of this Executive Order shall be appointed by the

Governor, with the advice of the Secretary of Natural Resources and the Superintendent of Education. Such members shall serve at the pleasure of the Governor for 2-year terms.

D. Meetings. The Partnership shall meet at the call of the Chairs.

E. Procedures. A majority of the Partnership constitutes a quorum for the transaction of any business. The Partnership may adopt any other procedures and by-laws necessary to ensure the orderly transaction of business.

F. Expenses. Members of the Partnership shall serve without compensation for their services, but they 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.

G. Consultation. The Partnership shall consult with and engage leadership and staff from all other Maryland Executive Departments and independent agencies and federal and local government representatives.

H. Chair. The Partnership shall be co-chaired by the Secretary of Natural Resources, or the Secretary's designee, and the Superintendent of Education, or the Superintendent's designee.

I. Staff Coordination. The Department of Natural Resources shall provide staff support for the Partnership in coordination with the State Department of Education and other State agencies and other partners as directed by the Chairs.

J. Working Groups. The Partnership shall be supported by working groups, to be established by the Chairs, to lead the major tasks identified under this Executive Order.

K. Responsibilities. The Partnership shall promote the well-being of youth by providing opportunities for increased time spent outdoors and environmental literacy through outdoor experiential activities and formal and non-formal environmental education. The Partnership shall:

(1) Develop and implement a plan to provide youth with structured and unstructured opportunities for play, outdoor recreation, learning and scientific study to include:

(a) Strategies that provide increased support for Schoolyard Habitat Programs, which support the conversion of schoolyards to natural habitats for play and outdoor classrooms;

(b) Creation of trails to connect communities, parks and schools via trail systems that encourage walking, biking and increased time outdoors by youth and families;

(c) Greening initiatives that create nature play areas within communities to provide outdoor experiences for children close to home;

(d) A statewide Civic Justice Corps to provide at-risk youth with opportunities to serve in conservation crews in State Parks and other public lands in partnership with the Maryland Department of Juvenile Services and community non-profit organizations;

(e) An outdoor classroom program that provides voluntary curriculum-aligned programming and service learning opportunities on public lands in cooperation with local county school systems, local parks and non-profit organizations;

(f) Increased access to naturalists on State Parks and public lands to provide interpretive activities for children and families to enhance their discovery and enjoyment of Maryland's natural resources; and

(g) Increased opportunities for underserved communities to access Maryland State Parks and public lands through partnerships with organizations that serve minority students;

(2) Develop and implement a State Environmental Literacy Plan to include:

(a) A review of current environmental education efforts in Maryland schools, including the environmental education bylaw, the Chesapeake 2000 commitments, and student environmental literacy levels;

(b) Identification of curriculum necessary to develop environmentally literate students;

(c) Identification of model outdoor field and service learning experiences that can be integrated into the regular school curriculum;

(d) Professional development opportunities for in-service teachers, preservice teachers, and non-formal environmental educators;

(e) Methods to annually measure and report at the State and local level, progress of public school students toward becoming environmentally literate graduates; and

(f) A process for revising or updating the environmental literacy plan every five years, or as needed;

(3) Devise a method of measuring baseline data and increased time spent in nature by children;

(4) Identify opportunities and barriers to support implementation of programs in local school systems and on public lands; and

(5) Present these plans and a status report on their implementation to the Governor by January 1, 2009.

EXECUTIVE ORDER OF JULY 10, 2008

01.01.2008.07

The Maryland Statewide Communications Interoperability Program

- WHEREAS, The interoperability of public safety communications systems is critical to protecting the lives and property of the citizens of Maryland;
- WHEREAS, There is a need to expand and improve public safety communications infrastructure and interoperability throughout the State;
- WHEREAS, The effectiveness of public safety communications depends on the cooperation and coordination of multiple jurisdictions;
- WHEREAS, State agencies, together with their federal, local, and non-governmental partners, must work cooperatively to promote and enhance public safety communications infrastructure and interoperability; and

WHEREAS, Projects to improve the interoperability of public safety communications should be coordinated and implemented through a Maryland Statewide Communications Interoperability Program.

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

A. Maryland Statewide Communications Interoperability Program. There is a Maryland Statewide Communications Interoperability Program (MSCIP) to strengthen public safety communications interoperability throughout the State.

B. State Interoperability Director.

(1) There is a State Interoperability Director.

(2) The Director shall be appointed by, and serve at the pleasure of, the Governor.

(3) The Director shall report to, and be supervised by, the Superintendent of the Maryland State Police.

C. Program Management Office.

(1) There is a Program Management Office (PMO), which shall be managed and supervised by the State Interoperability Director.

(2) The PMO shall direct, coordinate, and implement MSCIP.

(3) The PMO is responsible for projects to improve public safety communications systems within the State. Projects shall include, but not be limited to:

(a) The statewide 700 MHz radio communications system;

(b) The Computer Aided Dispatch/Records Management System (CAD/RMS); and

(c) The Closed Circuit Television (CCTV) coordination/integration system.

D. Staffing.

(1) The PMO shall consist of professional staff appointed by the Director, including but not limited to a Deputy Director.

(2) The PMO also may be staffed by employee representatives of State agencies.

(3) The PMO may consult with outside experts, including but not limited to, experts in the private sector, organized labor, government agencies, non-governmental organizations, and institutions of higher education.

E. Statewide Interoperability Executive Committee.

(1) There is a Statewide Interoperability Executive Committee (SIEC).

(2) The purpose of the SIEC is to provide policy-level advice regarding public safety communications interoperability, and to promote the efficient and effective use of resources for matters related to public safety communications and interoperability.

F. Membership.

(1) The SIEC consists of up to 34 members, who shall be appointed as follows.

(2) Each of the following entities may nominate, as a member of the SIEC, a senior elected official or officer of the entity who has a knowledge and interest in public safety communications. Such members shall be appointed by the Governor and serve at the pleasure of the Governor for up to two consecutive 2-year terms:

- (a) The Maryland State Firemen's Association;
- (b) The Maryland Metro Fire Chiefs Association;
- (c) The Maryland Sheriffs Association;
- (d) The Maryland Chiefs of Police Association;
- (e) The Maryland Fraternal Order of Police;
- (f) The Professional Firefighters of Maryland;

(g) The State Law Enforcement Officers Labor Alliance (SLEOLA);

(h) The American Federation of State, County and Municipal Employees of Maryland (AFSCME Maryland);

(i) The Maryland Municipal League (MML); and

(j) The Maryland Association of Counties (MACo).

(3) The Governor shall appoint, as a member of the SIEC, an appointed or elected public official from each of the following geographic areas who has a knowledge and interest in public safety communications. Such members shall serve at the pleasure of the Governor for up to two consecutive 2-year terms:

(a) The western Maryland region;

(b) The eastern Maryland region;

(c) The southern Maryland region;

(d) The National Capital Region (NCR); and

(e) The north central Maryland region.

(4) Each of the following State officials, or a senior staff member designated by the official, is a member of the SIEC:

(a) The Executive Director of Maryland Institute for Emergency Medical Services Systems (MIEMSS);

(b) The State Interoperability Director;

(c) The Maryland State Chief of Information Technology (CIT);

(d) The Superintendent of the Maryland State Police (MSP);

(e) The Secretary of the Maryland Department of Transportation (MDOT);

(f) The Adjutant General of the State of Maryland;

(g) The Director of the Maryland Emergency Management Agency (MEMA);

(h) The Secretary of the Maryland Department of Public Safety and Correctional Services (DPSCS);

(i) The Secretary of the Maryland Department of Natural Resources (DNR); and

(j) The Secretary of the Maryland Department of Budget and Management (DBM).

(5) A representative of the Office of the Governor shall be designated by the Governor to serve as a member of the SIEC.

(6) One member of the Senate appointed by the President of the Senate. The member shall serve at the pleasure of the President for up to two consecutive 2-year terms.

(7) One member of the House of Delegates appointed by the Speaker. The member shall serve at the pleasure of the Speaker for up to two consecutive 2-year terms.

(8) The Governor may appoint up to 6 additional members. Such members shall serve at the pleasure of the Governor for up to two consecutive 2-year terms.

G. The Chair and the Vice-Chair.

(1) The Chair of the SIEC shall be designated by the Governor from among the members of the SIEC. The initial Chair is the Superintendent of the Maryland State Police. The Chair serves at the pleasure of the Governor.

(2) The Chair shall designate the Vice Chair from among the members of the SIEC. The Vice Chair serves at the pleasure of the Chair.

H. Meetings. The SIEC shall meet at the call of the Chair. It shall meet at least bi-annually.

I. Procedures.

(1) The SIEC and its work groups and subcommittees shall endeavor to make decisions by consensus.

(2) A majority of the SIEC or any work group or subcommittee of the SIEC, as applicable, constitutes a quorum for the transaction of any business.

(3) The SIEC may adopt any procedures and by-laws as necessary to ensure the orderly transaction of business.

J. Operational Support. The State agencies represented on the SIEC shall provide needed administrative and operational support to the SIEC.

K. Duties. The SIEC shall:

(1) Develop, promote, and facilitate a statewide vision for interoperable communications;

(2) Recommend and promote standards for public safety communications;

(3) Promote cooperation among State, federal, and local public safety agencies in addressing statewide communications interoperability needs;

(4) Recommend priorities for statewide interoperability funding;

(5) Assist in the development of projects, plans, policies, standards, priorities and guidelines for both voice and data interoperability;

(6) Review and identify wireless spectrum needs, with a goal of accommodating all users;

(7) In cooperation with the PMO, provide advice on the development of a Statewide interoperable radio and data communications system;

(8) Identify and promote the best practices of other states and localities;

(9) Serve as a central coordination point for local, State, regional, and national interoperability matters;

(10) Provide recommendations to the Governor and the General Assembly concerning issues related to public safety communications;

(11) Approve, and update (as frequently as needed and at least annually), Maryland's Statewide Communications Interoperability Plan (SCIP); and

(12) Perform any other duties that may be requested by the Governor.

L. Work Groups and Subcommittees. The SIEC may designate work groups and subcommittees consistent with the needs of the SIEC, including, but not limited to:

(1) A Practitioner Steering Committee (PSC), which is a work group that:

(a) Consists of a senior communications and data practitioner from each entity, geographic region, and State agency that is represented on the SIEC;

(b) Is chaired by the State Interoperability Director, with a Vice Chair selected by the Chair; and

(c) Advises and supports the SIEC in carrying out its duties.

(2) Regional subcommittees representing counties and municipalities located in the eastern, western, north central, southern and National Capital Region portions of Maryland;

(3) A Technical Subcommittee, which shall report to the PSC;

(4) An Operations Subcommittee, which shall report to the PSC; and

(5) An Administrative Subcommittee, which shall report to the PSC.

M. Public Participation and Consultation. The SIEC and any of its work groups or subcommittees may:

(1) Make inquiries, perform studies, hold hearings, and receive comments from the public;

(2) Designate as liaisons to the SIEC or its subcommittees or work groups individuals from groups representing public safety communications and data users that do not have formal representation on the SIEC; and

(3) Consult with outside experts, including but not limited to, experts in the private sector, organized labor, government agencies, non-governmental organizations, and institutions of higher education.

N. Expenses. Members of the SIEC and its subcommittees and work groups shall serve without compensation for their services, but they 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.

O. Prior Committees. The SIEC created under this order replaces the present Governance Working Group (GWG) and the prior SIEC.

P. Cooperation of State Agencies. All State departments, agencies, commissions, and boards are directed to cooperate with the PMO and the SIEC in implementing the provisions of this Executive Order.

EXECUTIVE ORDER OF JULY 22, 2008

01.01.2008.08

Maryland State Drug and Alcohol Abuse Council
(Rescinds Executive Order 01.01.2004.42)

WHEREAS, Drug and alcohol abuse exact an enormous toll on the lives of the citizens of Maryland – affecting not only the abusers but their families and their communities;

WHEREAS, Drug and alcohol abuse are recognized as significant factors among the causes of criminal activity, and the successful treatment of a criminal offender who has drug and/or alcohol addictions can reduce recidivism;

WHEREAS, The Maryland Drug and Alcohol Abuse Administration estimates that approximately 280,000 Marylanders are in need of some level of drug and/or alcohol abuse treatment;

WHEREAS, Substance abuse often co-occurs with multiple other bio-psychosocial issues and significantly strains the resources of families throughout the State. It also results in great economic cost to the State and impacts the budgets and services of many

- State and local agencies including child welfare, criminal justice, judiciary, public health, mental health, public assistance, and housing/homelessness;
- WHEREAS, Large numbers of persons with co-occurring mental health and substance abuse-related disorders become involved with both treatment systems and the criminal justice system and are in need of integrated care through coordinated efforts from the mental health and substance abuse treatment systems;
- WHEREAS, Current substance abuse prevention, intervention and treatment programs are funded and operated by a wide range of State and local agencies, as well as private health care providers, and there is a need to ensure that available resources are efficiently and effectively used to achieve successful results for our citizens;
- WHEREAS, Reducing the level and impact of drug and alcohol abuse in our State requires a coordinated and collaborative approach that addresses the needs of the citizens and improves the ability of all levels of government to respond to this problem;
- WHEREAS, State law provides that each county to have a local drug and alcohol abuse council that will develop the plans, strategies, and priorities of the county for meeting the identified needs of the general public and the criminal justice system for alcohol and drug abuse evaluation, prevention, intervention, and treatment; and
- WHEREAS, There is a need for a State Drug and Alcohol Abuse Council which has the mandate and structure to develop similar plans and strategies at the State level, and to promote collaboration and coordination by State substance abuse programs with the local drug and alcohol abuse councils, local health systems, and private drug and alcohol abuse service providers.

NOW, THEREFORE, I, MARTIN O'MALLEY, GOVERNOR OF THE STATE OF MARYLAND, BY VIRTUE OF THE AUTHORITY VESTED IN ME BY THE CONSTITUTION AND THE LAWS OF MARYLAND, HEREBY RESCIND EXECUTIVE ORDER 01.01.2004.42 AND PROCLAIM THE FOLLOWING EXECUTIVE ORDER, EFFECTIVE IMMEDIATELY:

A. Established. There is a Maryland State Drug and Alcohol Abuse Council.

B. Membership and Procedures.

(1) Membership.

(a) Voting Members. The Council shall be comprised of up to 22 voting members, including:

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

(ii) The Secretary of Public Safety and Correctional Services, or a designee;

(iii) The Secretary of Juvenile Services, or a designee;

(iv) The Secretary of Human Resources, or a designee;

(v) The Secretary of Budget and Management, or a designee;

(vi) The Secretary of Housing and Community Development, or a designee;

(vii) The Secretary of Transportation, or a designee;

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

(ix) The Executive Director of the Governor's Office for Children, or a designee;

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

(xi) One member from the Senate of Maryland, appointed by the President of the Senate;

(xii) One member from the Maryland House of Delegates, appointed by the Speaker of the House;

(xiii) Two representatives of the Maryland Judiciary – a District Court Judge and a Circuit Court Judge, appointed by the Governor upon nomination by the Chief Judge of the Court of Appeals; and

(xiv) Eight members appointed by the Governor as appropriate and who are as representative as possible of:

(1) Geographic regions of the State;

- (2) At-risk populations;
- (3) Knowledgeable professionals;
- (4) Present or former consumers of substance abuse prevention, intervention and treatment services;
- (5) Family members of substance abusers;
- (6) Prevention and treatment providers; and
- (7) Individuals who are active on substance abuse issues in the community.

(b) Non-voting members. The Council shall include the following non-voting members:

(i) The Director of the Alcohol and Drug Abuse Administration of the Department of Health and Mental Hygiene;

(ii) The Director of the Mental Hygiene Administration of the Department of Health and Mental Hygiene; and;

(iii) The Director of the Division of Parole and Probation;

(iv) The Assistant Secretary of Treatment Services of the Department of Public Safety and Correctional Services; and

(v) The President of the Maryland Addiction Directors' Council.

(c) The Governor shall appoint a Chair from among the voting members.

(d) Members appointed by the Governor under Section B(1)(a)(xiv) of this Executive Order may serve up to two consecutive, three-year terms.

(e) All other members of the Council serve as long as they hold the office or designation stipulated in this Executive Order.

(f) All members of the Council serve at the pleasure of the Governor.

(2) Procedures. The following procedures apply to the Council:

(a) Members of the Council 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.

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

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

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

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

(f) The Council shall meet at least four times a year.

C. Purpose. The Council shall have the following objectives:

(1) To develop a comprehensive, coordinated and strategic approach to the use of State and local resources for prevention, intervention, and treatment of drug and alcohol abuse among the citizens of the State.

(2) To promote a coordinated, collaborative and comprehensive effort by State executive agencies to insure the efficient and effective use of State resources for the delivery of a full continuum of drug and alcohol abuse prevention, intervention and treatment services for all citizens of Maryland.

(3) To promote a coordinated, collaborative and comprehensive effort by local councils and State service agencies to insure effective and efficient use of State resources for the delivery of a full continuum of drug and alcohol abuse prevention, intervention and treatment services for all citizens within their jurisdiction.

(4) To promote a coordinated, collaborative, and comprehensive effort by State and local agencies to allocate adequate resources to address the drug and alcohol abuse prevention, intervention, and treatment services needs of individuals involved in the criminal justice system, at all stages of the process: services while incarcerated, re-entry services, services while on parole and probation, and court mandated services.

(5) To promote a coordinated, collaborative and comprehensive effort by State and local agencies to allocate adequate resources to address the drug and alcohol abuse prevention, intervention and treatment services needs of individuals with co-occurring problems requiring specialized services including mental health disorders, homelessness, somatic health problems, physical and cognitive disabilities, and child welfare involvement.

(6) To sustain the State focus on the impact of drug and alcohol abuse on the health and well-being of its citizens, on the economic and social costs of substance abuse, and on demonstrated promising practices in the organization and delivery of effective and efficient State alcohol and drug abuse prevention, evaluation, and treatment services.

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

(1) To identify, develop and recommend the implementation of comprehensive systemic improvements in the organization and delivery of drug and alcohol abuse prevention, intervention and treatment services in the State.

(2) To prepare and annually update a 2-year plan establishing priorities and strategies for the organization, delivery and funding of State drug and alcohol abuse prevention, intervention and treatment services in coordination with the identified needs of the citizens of the State, both the general public and the criminal justice population, and the strategies and priorities identified in the plans established by the local drug and

alcohol abuse councils. The plan and all updates shall be submitted to the Governor and shall include recommendations for coordination and collaboration among State agencies in the funding of drug and alcohol abuse prevention, intervention and treatment services, promising practices and programs, and emerging needs for State substance abuse prevention, intervention and treatment services. The plan and its updates shall be submitted to the Governor by August 1 of each year beginning in 2009.

(3) To support the work of the local drug and alcohol abuse councils through facilitating coordination and communication among the councils, local State agencies and departments, public and private providers, and providing technical assistance as needed.

(4) To prepare annual surveys of all federal and State resources used to fund substance abuse prevention, intervention and treatment services and review the allocation of such funds by relevant State agencies for the purpose of identifying gaps in service delivery, duplication of services, and opportunities for improved coordination and collaboration to insure cost effective and quality services, and consistency with policy priorities established in the State plan.

(5) To facilitate improved linkages of the court, criminal justice and correctional systems with existing drug and alcohol abuse services.

E. Staffing. The Office of the Governor shall designate the primary staff support for the Council.

F. Reports. The Council shall report annually to the Governor on a date set by the Governor and prepare and submit any other reports as may be required by the Governor or the General Assembly.

EXECUTIVE ORDER OF JULY 31, 2008

01.01.2008.09

Designation of the Early Care and Education Committee as
the State Advisory Council on Early Childhood Education and Care

WHEREAS, The federal “Improving Head Start for School Readiness Act of 2007,” Public Law 110–134 of the 110th Congress, provides that each governor will designate or establish a State Advisory Council on Early Childhood Education and Care (the Advisory Council);

WHEREAS, The purpose of the Advisory Council is to coordinate efforts among early childhood care and education programs, conduct needs assessments concerning early childhood education and development programs, and develop a Statewide strategic report regarding early childhood education and care; and

WHEREAS, The Early Care and Education Committee, a permanent subcommittee of the Children’s Cabinet, already performs many of the functions of the Advisory Council and should be designated to serve as the Advisory Council.

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

A. In accordance with Section 9837b of Title 42 of the United States Code, the Early Care and Education Committee (the ECE Committee) of the Children’s Cabinet is hereby designated to serve as the State Advisory Council on Early Childhood Education and Care.

B. Membership. The ECE Committee shall consist of up to 37 members, including:

(1) The State Superintendent of Schools, or the Superintendent’s designee;

(2) The State Director of Head Start Collaboration;

(3) The Executive Director of the Governor’s Office for Children, or the Executive Director’s designee;

(4) One representative of the Division of Early Childhood Development of the Maryland State Department of Education (MSDE);

(5) One representative from one other Division within the MSDE responsible for early childhood services;

- (6) Up to two representatives of local educational agencies;
- (7) Up to two representatives of institutions of higher education in the State;
- (8) Up to four representatives of local providers of early childhood education and development services;
- (9) Up to three representatives of Head Start agencies located in the State, including migrant and seasonal Head Start programs and Indian Head Start programs;
- (10) Up to two representatives of the Division of Special Education/Early Intervention Services of the MSDE;
- (11) Up to two representatives of the Maryland Department of Health and Mental Hygiene, at least one of whom specializes in maternal and child health;
- (12) One representative of the Local Management Board of a Maryland county or Baltimore City;
- (13) One representative of the Maryland State Parent Information Resource Center;
- (14) One representative of the Ready at Five Partnership;
- (15) One representative of the Maryland Parent Teachers Association;
- (16) One representative of Maryland public libraries;
- (17) One representative of the business community with demonstrated leadership in early childhood care and education;
- (18) Up to two representatives of the Friends of the Family, Inc.;
- (19) One representative of the Task Force on Universal Preschool Education;
- (20) One representative of the Maryland State Teachers Association;
- (21) One representative of the Maryland Committee for Children;

(22) One representative of the Maryland Department of Disabilities;

(23) One representative of the Social Services Administration of the Maryland Department of Human Resources;

(24) One representative of the United Way of Central Maryland;

(25) One representative of the Maryland Association of Elementary School Principals;

(26) One representative of a local government agency that provides services to children; and

(27) One representative of a local community action agency.

C. Appointment and Terms. The members identified in B(4) through (27) of this Executive Order shall be appointed by the Governor, and shall serve at the pleasure of the Governor for staggered four-year terms. Initial members may be appointed for one to four year terms so that the terms of the ECE Committee are staggered. Members may serve up to two consecutive four-year terms. A member selected to fill a vacancy serves only for the balance of a term remaining at the time of appointment.

D. Chair. The Governor shall designate the Chair of the ECE Committee from among its members, and the Chair serves at the pleasure of the Governor.

E. Procedures.

(1) The ECE Committee shall meet at the call of the Chair.

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

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

F. Expenses. Members of the ECE Committee 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.

G. Duties. The ECE Committee shall:

(1) Conduct a periodic statewide needs assessment concerning the quality and availability of early childhood education and development programs and services for children from birth to school entry, including an assessment of the availability of high-quality pre-kindergarten services for low-income children in the State;

(2) Identify opportunities for, and barriers to, collaboration and coordination among federally-funded and State-funded child development, child care, and early childhood education programs and services, including collaboration and coordination among State agencies responsible for administering such programs;

(3) Develop recommendations for increasing the overall participation of children in existing federal, State, and local child care and early childhood education programs, including outreach to underrepresented and special populations;

(4) Develop recommendations regarding the establishment of a unified data collection system for public early childhood education and development programs and services throughout the State;

(5) Develop recommendations regarding statewide professional development and career advancement plans for early childhood educators in the State;

(6) Assess the capacity and effectiveness of 2- and 4-year public and private institutions of higher education in the State toward supporting the development of early childhood educators, including the extent to which such institutions have in place articulation agreements, professional development and career advancement plans, and practice or internships for students to spend time in a Head Start or pre-kindergarten program;

(7) Make recommendations for improvements in State early learning standards and undertake efforts to develop high-quality comprehensive early learning standards, as appropriate;

(8) Hold public hearings and provide an opportunity for public comment on the activities described in G(1) through (7) of this Executive Order;

(9) Submit to the Governor and the State Director of Head Start Collaboration a statewide strategic report addressing the activities described in G(1) through (7) of this Executive Order;

(10) After submission of the statewide strategic report, continue to meet periodically to review any implementation of the recommendations in such report and any changes in State and local needs; and

(11) Perform any other duties that may be requested by the Governor.

EXECUTIVE ORDER OF AUGUST 18, 2008

01.01.2008.10

Maryland Partnership for Children in Nature
(Amends Executive Order 01.01.2008.06)

- WHEREAS, The natural world is a successful model for many values that human communities seek: continuity, stability and sustenance, adaptation, sustained productivity, renewal without exhaustion of resources, and thriving in an environment of diversity;
- WHEREAS, To sustain the natural world in Maryland—including the Chesapeake Bay and hundreds of thousands of acres of diverse land and habitat—requires the stewardship of future generations and business leaders;
- WHEREAS, Stewardship is not possible without a strong sense of connection to the natural world;
- WHEREAS, Maryland’s children are losing their connection with our natural world, an alienation that threatens the future of Maryland’s great natural resources and the quality of life for future citizens, diminishes use of the senses, creates attention difficulties and causes higher rates of physical and emotional illness and obesity;

WHEREAS, Spending frequent time outdoors in unstructured and structured experiences is the best way to develop a connection to nature and the foundation on which to build an environmental stewardship ethic;

WHEREAS, There is a need to continue and expand outreach that will engage individuals and organizations in the minority community in partnerships with State government in promoting a high standard of life through the conservation, restoration and preservation of natural resources;

WHEREAS, Environmental education increases student engagement in science, improves student achievement in core subject areas, and increases student awareness about individual actions they can take to restore the health of the natural environment; and

WHEREAS, Maryland must renew its efforts to ensure that its children grow to become informed and responsible stewards of the environment and prepared for future environmental challenges and opportunities as individual citizens and as members of the workforce.

NOW, THEREFORE, I, MARTIN O'MALLEY, GOVERNOR OF THE STATE OF MARYLAND BY VIRTUE OF THE AUTHORITY VESTED IN ME BY THE CONSTITUTION AND THE LAWS OF MARYLAND, HEREBY AMEND EXECUTIVE ORDER 01.01.2008.06 AND PROCLAIM THE FOLLOWING EXECUTIVE ORDER, EFFECTIVELY IMMEDIATELY:

A. Established. There is a Maryland Partnership for Children in Nature (The Partnership) to promote outdoor experiential activities and environmental education for Maryland's young people and to build a coalition of ongoing support for these endeavors.

B. Membership. The Partnership shall include the following members:

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

(2) The Superintendent of the State Department of Education, or the Superintendent's designee;

(3) One representative of the Chesapeake Bay Trust;

(4) Two representatives of non-profit organizations dedicated to environmental education;

(5) One representative of the Maryland Association for Environmental and Outdoor Education;

(6) One representative of a Parent Teacher Organization;

(7) Two representatives of local governments that have demonstrated leadership in sustainable development practices;

(8) One representative (teacher or principal) from a Maryland Green School that has completed a Schoolyard Habitat project;

(9) ONE OUTDOOR SCHOOL PRINCIPAL;

(10) ONE SCHOOL SUPERINTENDENT;

(11) ONE ENVIRONMENTAL EDUCATION TEACHER;

[(9)] (12) Two representatives of urban youth-based organizations;

[(10)] (13) One representative of the Maryland Recreation and Parks Association;

[(11)] (14) One representative of the pediatric medical field;

[(12)] (15) A former member of the Task Force on Minority Participation in the Environmental Community;

[(13)] (16) Two representatives of the business community with demonstrated leadership in supporting children in nature; and

[(14)] (17) One representative of the National Wildlife Federation.

C. Appointment and Terms. The members identified in B(3) through B[(14)] (17) of this Executive Order shall be appointed by the Governor, with the advice of the Secretary of Natural Resources and the Superintendent of Education. Such members shall serve at the pleasure of the Governor for 2-year terms.

D. Meetings. The Partnership shall meet at the call of the

Chairs.

E. Procedures. A majority of the Partnership constitutes a quorum for the transaction of any business. The Partnership may adopt any other procedures and bylaws necessary to ensure the orderly transaction of business.

F. Expenses. Members of the Partnership shall serve without compensation for their services, but they 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.

G. Consultation. The Partnership shall consult with and engage leadership and staff from all other Maryland Executive Departments and independent agencies, federal and local government representatives.

H. Chair. The Partnership shall be co-chaired by the Secretary of Natural Resources, or the Secretary's designee, and the Superintendent of Education, or the Superintendent's designee.

I. Staff Coordination. The Department of Natural Resources shall provide staff support for the Partnership in coordination with the State Department of Education and other State agencies and other partners as directed by the Chairs.

J. Working Groups. The Partnership shall be supported by working groups, to be established by the Chairs, to lead the major tasks identified under this Executive Order.

K. Responsibilities. The Partnership shall promote the well-being of youth by providing opportunities for increased time spent outdoors and environmental literacy through outdoor experiential activities and formal and non-formal environmental education. The Partnership shall:

(1) Develop and implement a plan to provide youth with structured and unstructured opportunities for play, outdoor recreation, learning and scientific study to include:

(a) Strategies that provide increased support for Schoolyard Habitat Programs, which support the conversion of schoolyards to natural habitats for play and outdoor classrooms;

(b) Creation of trails to connect communities, parks and schools via trail systems that encourage walking, biking and increased time outdoors by youth and families;

(c) Greening initiatives that create nature play areas within communities to provide outdoor experiences for children close to home;

(d) A statewide Civic Justice Corps to provide at-risk youth with opportunities to serve in conservation crews in State Parks and other public lands in partnership with the Maryland Department of Juvenile Services and community non-profit organizations;

(e) An outdoor classroom program that provides voluntary curriculum-aligned programming and service learning opportunities on public lands in cooperation with local county school systems, local parks and non-profit organizations;

(f) Increased access to naturalists on State Parks and public lands to provide interpretive activities for children and families to enhance their discovery and enjoyment of Maryland's natural resources; and

(g) Increased opportunities for under-served communities to access Maryland State Parks and public lands through partnerships with organizations that serve minority students;

(2) Develop and implement a State Environmental Literacy Plan to include:

(a) A review of current environmental education efforts in Maryland schools, including the environmental education bylaw, the Chesapeake 2000 commitments, and student environmental literacy levels;

(b) Identification of curriculum necessary to develop environmentally literate students;

(c) Identification of model outdoor field and service learning experiences that can be integrated into the regular school curriculum;

(d) Professional development opportunities for in-service teachers, pre-service teachers, and non-formal environmental educators;

(e) Methods to annually measure and report at the State and local level, progress of public school students toward becoming environmentally literate graduates; and

(f) A process for revising or updating the environmental literacy plan every five years, or as needed;

(3) Devise a method of measuring baseline data and increased time spent in nature by children;

(6) Identify opportunities and barriers to support implementation of programs in local school systems and on public lands; and

(7) Present these plans and a status report on their implementation to the Governor by January 1, 2009.

EXECUTIVE ORDER OF SEPTEMBER 4, 2008

01.01.2008.11

Limited Declaration of Emergency

WHEREAS, Maryland is subject to the impacts of a great variety of natural hazards or disasters including but not limited to hurricanes, severe tropical rain and wind storms, storm surge and flooding and power outages; and

WHEREAS, Having been advised and informed by the Maryland Emergency Management Agency that as a result of severe weather (generated by Tropical Storm Hanna), travel impact, public safety and the need to assist other jurisdictions is of concern, an emergency exists in the counties of Cecil, Queen Anne's, Kent, Caroline, Talbot, Wicomico, Dorchester, Worcester and Somerset, and that resources may be requested; and

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

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

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

NOW, THEREFORE, I, MARTIN O'MALLEY, GOVERNOR OF THE STATE OF MARYLAND, BY VIRTUE OF THE AUTHORITY VESTED IN ME BY THE CONSTITUTION AND THE LAWS OF MARYLAND, INCLUDING BUT NOT LIMITED TO TITLE 14 OF THE PUBLIC SAFETY ARTICLE OF THE ANNOTATED CODE OF MARYLAND, DECLARE THAT A STATE OF EMERGENCY EXISTS IN THE FOLLOWING COUNTIES – CECIL, QUEEN ANNE'S, KENT, TALBOT, CAROLINE, WICOMICO, WORCESTER, DORCHESTER AND SOMERSET, AND I CALL THE MARYLAND NATIONAL GUARD INTO LIMITED STATE SERVICE AND HEREBY AUTHORIZE THE MARYLAND EMERGENCY MANAGEMENT AGENCY OR OTHER APPROPRIATE STATE AUTHORITY, DURING THIS EMERGENCY PERIOD, TO ENGAGE, DEPLOY AND COORDINATE AVAILABLE RESOURCES.

EXECUTIVE ORDER OF SEPTEMBER 4, 2008

01.01.2008.12

Emergency Hurricane Relief Efforts – Vehicle Size and Weight Limits

WHEREAS, The Eastern Seaboard and Gulf Coast areas of the United States are facing a series of tropical and hurricane force storms, and

WHEREAS, Hurricane Gustav has already inflicted extensive damage to the Gulf Coast with Hurricane Hanna bearing down on the East Coast and additional storms tracking eastward across the Atlantic, and

WHEREAS, The delivery of supplies and equipment to areas stricken by this series of storms is vital to the preservation of life and property with several states impacted by these storms having already declared emergencies or in need of assistance, and

WHEREAS, The facilitated movement of these supplies and equipment is in the best interest of the citizens of these states and the State of Maryland.

NOW, THEREFORE, I, MARTIN O'MALLEY, GOVERNOR OF THE STATE OF MARYLAND, BY VIRTUE OF THE AUTHORITY VESTED IN ME BY ARTICLE II, SECTION 16 OF THE MARYLAND CONSTITUTION AND LAWS OF MARYLAND, HEREBY PROCLAIM AND ORDER THE FOLLOWING RELIEF FOR VEHICLES RESPONDING TO OR FROM STATES WITH DECLARED STORM EMERGENCIES:

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

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

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

D. Carriers and drivers providing direct emergency relief to or from these states are temporarily relieved from Parts 390-399 of the Federal Motor Carrier Safety Regulations, including Hours of Service (HOS).

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

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

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

EXECUTIVE ORDER OF SEPTEMBER 5, 2008

01.01.2008.13

Declaration of Emergency

- WHEREAS, Maryland is subject to the impacts of a great variety of natural hazards or disasters including but not limited to hurricanes, severe tropical rain and wind storms, storm surge and flooding and power outages; and
- WHEREAS, Having been advised and informed by the Maryland Emergency Management Agency that as a result of increased wind, flooding and storm surge threats from Tropical Storm Hanna, the entire State of Maryland may be impacted and that additional resources may be requested; and
- WHEREAS, In order to facilitate the deployment of requisite resources within provisions of Maryland law; and
- WHEREAS, Use of resources of the Maryland National Guard will continue to be required; and
- WHEREAS, Due to changes in weather forecasts, it is necessary to expand the scope of Executive Order 01.01.2008.11 and,
- WHEREAS, In order to implement the emergency powers of the Governor, an executive order of the Governor is appropriate.

NOW, THEREFORE, I, MARTIN O'MALLEY, GOVERNOR OF THE STATE OF MARYLAND, BY VIRTUE OF THE AUTHORITY VESTED IN ME BY THE CONSTITUTION AND THE LAWS OF MARYLAND, INCLUDING BUT NOT LIMITED TO TITLE 14 OF THE PUBLIC SAFETY ARTICLE OF THE ANNOTATED CODE OF MARYLAND, DECLARE THAT A STATE OF EMERGENCY EXISTS IN THE STATE OF MARYLAND, INCLUDING THE CITIES OF ANNAPOLIS, BALTIMORE AND OCEAN CITY AND I CALL THE MARYLAND NATIONAL GUARD INTO LIMITED STATE SERVICE AND HEREBY AUTHORIZE THE MARYLAND EMERGENCY MANAGEMENT AGENCY OR OTHER APPROPRIATE STATE AUTHORITY, DURING THIS EMERGENCY PERIOD, TO ENGAGE, DEPLOY AND COORDINATE AVAILABLE RESOURCES.

EXECUTIVE ORDER OF SEPTEMBER 8, 2008

01.01.2008.14

Establishment of a No-Net Loss of Forests Policy Task Force

- WHEREAS, An expanding population is linked to the conversion of 8,600 acres of forest land per year, which will result in the loss of the societal, ecological, and economic benefits these forests provide;
- WHEREAS, Meeting the nutrient and sediment reduction goals of the Chesapeake 2000 Agreement requires immediate implementation of innovative, high-impact Bay restoration strategies, including those to promote forest land retention and expansion within the Chesapeake watershed;
- WHEREAS, Enhancing the extent and condition of tree and forest cover in Maryland is critical to restoring the Chesapeake Bay;
- WHEREAS, Forests are the most beneficial land use for protecting water quality, due to their ability to capture, filter and retain water, as noted by the Chesapeake Executive Council through its adoption of the 2007 Forest Conversation Initiative;
- WHEREAS, Maryland trees and forests are excellent assimilators of air pollution, retaining up to 85 percent of the nitrogen they receive from air emission sources, such as motor vehicles and electric utilities; and
- WHEREAS, Maryland trees and forests contribute ecologically to the Bay watershed by producing oxygen and removing carbon dioxide from the atmosphere, regulating the surface and underground flow of water, smoothing out peaks and troughs in water availability, providing effective filtration systems for higher water quality, and supporting a myriad of native flora and fauna.
- NOW, THEREFORE, I, MARTIN O'MALLEY, GOVERNOR OF THE STATE OF MARYLAND, BY VIRTURE OF THE AUTHORITY VESTED IN ME BY THE CONSTITUTION AND LAWS OF MARYLAND, AND IN ACCORDANCE WITH CHAPTER 176 OF THE ACTS OF THE GENERAL ASSEMBLY OF 2008, HEREBY PROCLAIM

THE FOLLOWING EXECUTIVE ORDER, EFFECTIVE IMMEDIATELY:

A. There is a Task Force to Study a No-Net Loss of Forest Policy.

B. The Secretary of Natural Resources shall appoint the members of the Task Force. The Task Force shall include representatives from:

- (1) The Department of Natural Resources;
- (2) The Department of Agriculture;
- (3) The Department of Planning; and
- (4) Organizations representing:
 - (a) Forest landowners;
 - (b) Local governments;
 - (c) The developmental community;
 - (d) The forest products industry;
 - (e) The agricultural community;
 - (f) The forest conservancy district boards; and
 - (g) Other forest conservation interests.

C. The representative from the Department of Natural Resources shall chair the Task Force.

D. The Department of Natural Resources shall provide staff support for the Task Force.

E. 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 their duties, in accordance with the Standard State Travel Regulations and as provided in the State budget.

F. The Task Force shall:

- (1) Develop a specific plan, including programs and other necessary actions, to achieve and maintain a policy of no-net loss of forests for Maryland;
- (2) Consider in particular strategies that also respect the State priority of retaining other working landscapes like our productive agricultural lands;
- (3) Develop draft legislation for the 2009 legislative session of the General Assembly to ensure that there is a process to achieve a no-net loss of forest in the State beginning in 2010; and
- (4) On or before December 1, 2008, submit the specific plan and draft legislation to the Governor and, in accordance with Section 2-1246 of the State Government Article, the General Assembly.

EXECUTIVE ORDER OF SEPTEMBER 8, 2008

01.01.2008.15

Rescission of Executive Orders 01.01.2008.11 and 01.01.2008.13

WHEREAS, I, Martin O'Malley, Governor of the State of Maryland, having declared a State of Emergency by Executive Order 01.01.2008.11 and 01.01.2008.13 due to the threat to the public health and safety caused by the impact of severe weather caused by Tropical Storm Hanna; and

WHEREAS, The emergency conditions caused by Tropical Storm Hanna no longer exist.

NOW, THEREFORE, I, MARTIN O'MALLEY, GOVERNOR OF THE STATE OF MARYLAND, BY VIRTUE OF THE AUTHORITY VESTED IN ME BY THE CONSTITUTION AND THE LAWS OF MARYLAND, DO HEREBY PROCLAIM THAT THE STATE OF EMERGENCY IN THE STATE OF MARYLAND IS HEREBY TERMINATED.

EXECUTIVE ORDER OF OCTOBER 23, 2008

01.01.2008.16

Governor's Family Violence Council
(Rescinds Executive Order 01.01.2006.01)

- WHEREAS, Family Violence includes all types of violent crime towards an individual with whom an offender has a domestic or intimate relationship;
- WHEREAS, Family Violence is a destructive cycle that knows no social, generational, economic, or ethnic boundaries;
- WHEREAS, Family Violence has a detrimental and cascading effect on the health and wellness of its victims, their loved ones, and their community;
- WHEREAS, The Centers for Disease Control estimates that nationwide, women lose nearly 8 million days of paid work each year due to intimate partner violence, the equivalent of more than 32,000 full-time jobs each year;
- WHEREAS, Family Violence is considered one of the most underreported crimes. The United States Department of Justice reports that 40% of Family Violence victimization is not reported to police;
- WHEREAS, Since 2001, there have been over 530 domestic-violence related deaths in Maryland. In fiscal year 2007, there were over 24,000 domestic-violence related cases filed in the court system statewide;
- WHEREAS, The most fundamental responsibility that government has to its people is to safeguard the lives of its citizens and to ensure the safety of its neighborhoods and communities; and
- WHEREAS, It is crucial for stakeholders, advocates, and professionals in the field to provide the Governor with timely and accurate information on family violence and to make recommendations to reduce and eliminate abusive behaviors, ultimately improving public safety and public education in every part of the State.
- NOW, THEREFORE, I, MARTIN O'MALLEY, GOVERNOR OF THE STATE OF MARYLAND, BY VIRTUE OF THE AUTHORITY VESTED IN ME BY THE CONSTITUTION AND LAWS OF MARYLAND, HEREBY RESCIND EXECUTIVE ORDER 01.01.2006.01 AND

PROCLAIM THE FOLLOWING EXECUTIVE ORDER,
EFFECTIVE IMMEDIATELY:

A. Established. There is a Governor's Family Violence Council within the Governor's Office of Crime Control and Prevention. The Governor's Family Violence Council's mission is to provide the Governor with timely and accurate information on family violence with recommendations to reduce and eliminate abusive behaviors.

B. Membership.

(1) The Council shall have no more than 25 members consisting of:

- (a) The Lieutenant Governor or a designee;
- (b) The Secretary of Health and Mental Hygiene or a designee;
- (c) The Secretary of Human Resources or a designee;
- (d) The Secretary of Public Safety and Correctional Services or a designee;
- (e) The Secretary of Juvenile Services or a designee;
- (f) The State Superintendent of Schools or a designee;
- (g) The Secretary of State Police or a designee;
- (h) The Executive Director of the Governor's Office of Crime Control and Prevention or a designee;
- (i) The Executive Director of the Governor's Office for Children or a designee;
- (j) The Attorney General or a designee;
- (k) A representative of the Maryland Judiciary, designated by the Chief Judge of the Court of Appeals;

(l) Two members of the Maryland Senate, one appointed by the President of the Senate and one appointed by the Minority Leader of the Senate;

(m) Two members of the Maryland House of Delegates, one appointed by the Speaker of the House and one appointed by the Minority Leader of the House of Delegates;

(n) A representative of the Maryland State's Attorneys' Association;

(o) Up to nine members with interest and expertise in issues related to domestic violence appointed by the Governor. These members may include representatives of service providers, the legal, advocacy, and faith communities, and victims and survivors of domestic or family violence; and

(p) The Governor shall appoint the Chair and any Vice Chairs of the Council from among its members.

(2) Members appointed by the Governor under B(1)(o) serve at the will of the Governor, and shall serve 3-year terms, staggered upon initial appointment. All other members shall serve so long as they hold the office or designation stipulated in B(1)(a) through (n).

(3) To the extent possible, the membership shall include representation from each of the major geographic regions of the State.

(4) Members of the Council 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.

(5) If a member appointed by the Governor fails to attend more than half of the regularly scheduled meetings in one year, the member may be presumed to have resigned and the Governor may appoint a new member to fill out the remainder of the term.

C. Procedures.

(1) The Council shall meet at least two times per year.

(2) A majority of the Council's membership shall constitute a quorum for the transaction of any business.

(3) The Council may adopt rules consistent with this Executive Order, including the creation of subcommittees to carry out the Council's responsibilities.

(4) The Council may hold public hearings as deemed necessary and appropriate by the Chair.

D. Duties and Responsibilities. The Council shall:

(1) Advise the Governor through the Executive Director of the Governor's Office of Crime Control and Prevention on matters related to family violence.

(2) Identify and analyze State policies and programs relating to family violence, including but not limited to:

(a) Collecting data from State agencies relating to the prevention and reduction of domestic violence and related family violence;

(b) Identifying resources available to reduce and prevent family violence through a statewide coordinated effort; and

(c) Identifying opportunities for collaboration between governmental units.

(3) Examine, or cause to be examined, the relationship between family violence and other societal problems, including but not limited to juvenile delinquency, alcohol and substance abuse, truancy, and future criminal activity.

(4) Identify best practices, research, and information pertaining to abuser intervention and related programs.

(5) Propose to the Governor, through the Executive Director of the Governor's Office of Crime Control and Prevention, legislative, regulatory, and policy changes to reduce and prevent the incidence of domestic violence and related family violence, to protect victims and to punish perpetrators.

(6) Perform such other duties and functions as may be appropriate and necessary for the Council to address and implement the provisions of this Executive Order.

E. Staffing.

(1) The Governor's Office of Crime Control and Prevention shall provide staff for the Council.

(2) The Council may request and shall receive in a timely manner from any department, division, board, bureau, commission, or agency of the State such information and assistance as necessary to enable it to properly carry out its powers pursuant to this Executive Order, unless otherwise prohibited by law.

(3) The Council shall be funded by operating budgets of the Executive Department, and any federal funds or special State funds available, unless otherwise prohibited by law or regulation.

F. Reporting. The Council shall issue an annual report to the Governor by December 1, which provides the status of family violence in Maryland and recommends improvements to the State's activities to prevent family violence.

EXECUTIVE ORDER OF OCTOBER 17, 2008

01.01.2008.17

Governor's Commission on Maryland Military Monuments
(Amends Executive Order 01.01.2004.59)

- WHEREAS, The Military Monuments Commission was created in 1989 to identify, restore, and publicize Maryland's military monuments;
- WHEREAS, Under State Government Article, Section 9-933, Annotated Code of Maryland, there already exists in the Department of Veterans Affairs a War Memorial Commission charged with management of the War Memorial Building in Baltimore;
- WHEREAS, The Secretary of Veterans Affairs is uniquely positioned to understand the importance of maintaining monuments that honor those who have served our State and nation; and
- WHEREAS, Transfer of the Military Monuments Commission to the Department of Veterans Affairs will provide for greater efficiency and effectiveness in performing the duties of the Commission.

NOW, THEREFORE, I, MARTIN O'MALLEY, GOVERNOR OF THE STATE OF MARYLAND, BY VIRTUE OF THE AUTHORITY VESTED IN ME BY THE CONSTITUTION AND LAWS OF MARYLAND, HEREBY AMEND EXECUTIVE ORDER 01.01.2004.59, AND PROCLAIM THE FOLLOWING EXECUTIVE ORDER, EFFECTIVE IMMEDIATELY:

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

B. Membership and Procedures.

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

(2) The Chairperson shall be the Maryland Secretary of [State] VETERANS AFFAIRS.

(3) The Secretary of [State] VETERANS AFFAIRS may appoint subcommittees to carry out the work of the Commission.

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

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

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

(7) In the event of a vacancy on a subcommittee, the Secretary of [State] VETERANS AFFAIRS shall appoint a successor for the remainder of the life of the subcommittee.

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

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

C. Scope.

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

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

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

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

(d) Responsibility for maintenance of monument.

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

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

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

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

D. Fundraising. Contributions received by the Commission shall be deposited with the Maryland Military Monument Commission Fund of the Baltimore Community Foundation, Inc. and disbursed at the direction of the Commission.

EXECUTIVE ORDER OF DECEMBER 3, 2008

01.01.2008.18

The Maryland Council for New Americans
(Rescinds Executive Order 01.01.1996.18)

- WHEREAS, Throughout our nation's history immigrants have made critical contributions to the overall economic, social, and political vitality of the State of Maryland;
- WHEREAS, Many present day Marylanders are descendants of those who left foreign homelands for the promise of a better life in America;
- WHEREAS, Maryland's immigrant population has grown significantly in recent years, now accounting for 12 percent of all Marylanders, compared to seven percent in 1990;
- WHEREAS, Roughly 175,000 Marylanders are immigrants who are, or will soon be eligible to become American citizens. Increasing the pace of naturalization will allow them to fully participate in civic life and take advantage of the full array of available job opportunities;
- WHEREAS, Learning English is critical to ensuring that foreign-born Marylanders can maximize their earning potential and help alleviate the State's labor shortages by participating in the workforce;
- WHEREAS, A proactive policy for new Americans in Maryland will ensure our economic competitiveness by helping employers meet critical workforce needs and allowing foreign-born Marylanders to have a meaningful opportunity to succeed;
- WHEREAS, Comprehensive federal reforms are needed to ensure that immigration occurs within a fair and legal framework that protects all workers, promotes permanent legal immigration, prioritizes enforcement, and ensures respect for the rule of law;
- WHEREAS, A new federal immigration policy must require that new Americans register for legal status, learn English, and pay taxes;
- WHEREAS, The federal government's failure to enact meaningful, comprehensive immigration reform has placed significant pressure upon state and local governments;
- WHEREAS, Maryland faces chronic labor shortages in a number of critical industries;
- WHEREAS, Immigrants living and working in Maryland are a vital component of Maryland's economic engine, tax base, and social and cultural fabric;

WHEREAS, Eighteen percent of federal, State, and local taxes paid by Marylanders come from immigrant households;

WHEREAS, Forty–three percent of immigrants working in Maryland have a college degree or higher, and one in five doctors and one in four scientists in Maryland are immigrants;

WHEREAS, Immigrants’ access to mainstream financial services helps ensure the economic health of our State and promote the full–fledged participation of immigrants in community life; and

WHEREAS, A new Maryland Council for New Americans should be established to promote full immigrant integration into the economic and civic life of Maryland.

NOW, THEREFORE, I, MARTIN O’MALLEY, GOVERNOR OF THE STATE OF MARYLAND, BY VIRTUE OF THE AUTHORITY VESTED IN ME BY THE CONSTITUTION AND LAWS OF MARYLAND, HEREBY RESCIND EXECUTIVE ORDER 01.01.1996.18 AND PROCLAIM THE FOLLOWING EXECUTIVE ORDER, EFFECTIVE IMMEDIATELY:

A. There is a Maryland Council for New Americans (the “Council”). The Council shall be a partnership among the public, private, and civic sectors to promote full immigrant integration into the economic and civic life of Maryland.

B. Duties. The Council shall:

(1) Review and recommend new policies and practices to expedite immigrant integration into the economic and civic life of the State;

(2) Provide a Maryland Council for New Americans report and recommendations no later than nine months after the date of this Executive Order; and

(3) Perform any other duties that may be requested by the Governor.

C. Membership.

(1) The following members or their designees, shall be ex–officio members:

(a) The Secretary of the Department of Labor, Licensing and Regulation;

(b) The Secretary of the Department of Business and Economic Development;

(c) The Secretary of the Department of Planning;

(d) The Secretary of the Department of Human Resources;

(e) The Secretary of the Department of Housing and Community Development;

(f) The Executive Director of the Governor's Workforce Investment Board;

(g) The Executive Director of the Governor's Office of Community Initiatives;

(h) The Special Secretary of the Governor's Office of Minority Affairs;

(i) The Chair of the Maryland Commission on African American History and Culture; and

(j) The Chair of each of the commissions on ethnic affairs that the Governor has established, or establishes in the future, including but not limited to the Governor's Commission on Hispanic Affairs, the Governor's Commission on Asian Pacific American Affairs, the Governor's Commission on Indian Affairs, and the Governor's Commission on Middle Eastern American Affairs.

(2) The following members shall be appointed by the Governor, and shall serve at the pleasure of the Governor for up to two consecutive four year terms:

(a) One Maryland County Executive;

(b) One additional representative from county government;

(c) One representative from municipal government;

(d) Three representatives from nonprofit social service organizations that reflect the ethnic diversity of the State;

- (e) Three representatives from private sector employers;
- (f) Ten representatives from faith-based organizations and the clergy;
- (g) One representative from higher education;
- (h) One representative with expertise in adult education and language acquisition;
- (i) One representative from the banking and financial services sector;
- (j) One representative from the healthcare sector;
- (k) One representative from organized labor;
- (l) One representative from the small business sector;
- (m) One representative from a national organization with expertise in demographic trends and public policy; and
- (n) One representative from the philanthropic sector.

(3) The Speaker of the Maryland House of Delegates shall appoint two members from among the members of the House.

(4) The President of the Maryland Senate shall appoint two members from among the members of the Senate.

(5) Members of the Council 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.

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

(7) State government representatives shall not constitute a majority of members.

D. Procedures.

(1) The Secretary of the Department of Labor, Licensing and Regulation and the County Executive member shall co-chair the Council.

(2) There shall be an Executive Committee of the Council, which shall consist of the Secretary of the Department of Business and Economic Development or the Secretary's designee; the Secretary of the Department of Planning or the Secretary's designee; the Executive Director of the Governor's Office of Community Initiatives or the Director's designee; and the Executive Director of the Governor's Workforce Investment Board or the Director's designee.

(3) The Council shall meet at the call of the Chairs.

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

(5) The Council may adopt such other procedures and bylaws as may be necessary to ensure the orderly transaction of business.

E. Working Groups. In addition to any other groups the Council deems necessary to establish to accomplish its work, it shall establish the following working groups, which may include participants who are not Council members, to make recommendations to the Council to address specific challenges facing immigrants.

(1) Workforce Working Group. The Workforce Working Group will focus on helping to address the State's workforce shortage by examining credential transfer, training, and the attraction of key workers to create the region's most competitive workforce; examining the role of "One Stop" employment centers in streamlining the economic integration of new Americans; and identifying best practices that expedite English as a second language, both for children in the public school system and for working adults.

(2) Citizenship Working Group. The Citizenship Working Group will plan a broad, coordinated citizenship promotion and assistance program to naturalize Maryland's estimated 175,000 legal permanent residents who are eligible for naturalization at a faster pace.

(3) Governmental Access Working Group. The Governmental Access Working Group will focus on how to improve accessibility of State and local government services to new Americans. This will include an assessment of resources necessary for compliance with Limited English Proficiency (LEP) requirements; an assessment of the availability of vital documents in other languages; and identifying best practices at the county, community, and municipal levels. This group is also charged with developing specific government wide StateStat measures to track capacity to serve these communities.

(4) Financial Services Working Group. The Financial Services Working Group will examine strategies for increasing immigrants' access to mainstream financial services, stable homeownership, and family financial planning.

F. Operational Support. The Governor's Office of Community Initiatives and the Department of Labor, Licensing and Regulation shall provide publication, operational, and other support as needed to the Council.

G. The Maryland Office for New Americans within the Department of Human Resources is hereby renamed the Maryland Office for Refugees and Asylees. Its purpose is to administer Maryland's federally funded refugee programs.

EXECUTIVE ORDER OF DECEMBER 16, 2008

01.01.2008.19

Rescission of Obsolete Executive Orders

WHEREAS, This Executive Order is issued to rescind those executive orders that have become obsolete because the purposes for which the orders were issued have been accomplished or because of subsequent Executive or Legislative action.

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

- (1) 01.01.1973.13 – Baltimore–Washington International Airport;
- (2) 01.01.1994.17 – The Governor's Task Force on Community Health Networks;
- (3) 01.01.1994.28 – Governor's Commission on Competitive Forces Facing Maryland's Horse Racing Industry;
- (4) 01.01.1994.29 – World War II Memorial Commission;
- (5) 01.01.1999.11 – Task Force on the Preservation and Enhancement of Maryland's Heritage Resources;
- (6) 01.01.2002.04 – Drought Declaration;
- (7) 01.01.2005.25 – Advisory Committee on the Management and Protection of the State's Water Resources; and
- (8) 01.01.2008.12 – Emergency Hurricane Relief Efforts – Vehicle Size and Weight Limits.

EXECUTIVE ORDER OF DECEMBER 16, 2008

01.01.2008.20

State Employees' Furlough and Temporary Salary Reduction Plan

- WHEREAS, During fiscal year 2009, the State of Maryland, like other states in our nation, has experienced significant revenue shortfalls which have necessitated significant reductions in the fiscal year 2009 budget;
- WHEREAS, The State's fiscal crisis has been exacerbated by a national economic downturn that has become a recession, declines in sales tax revenue, and a forecast of a reduction in income tax collections associated with capital gains, all of which have contributed to a projected deficit for the fiscal year 2009 budget;
- WHEREAS, The budget for the State of Maryland for fiscal year 2009, as adopted during the 2008 Session of the General Assembly, was reduced by \$75,179,560 on June 25, 2008, \$347,786,298 on October 15, 2008, and \$1,696,212 on November 5, 2008, pursuant

to action by the Governor, with the approval of the Board of Public Works, under the State Finance and Procurement Article (“SFP”) § 7–213;

- WHEREAS, The O’Malley–Brown Administration has reduced spending growth by more than \$2.2 billion since taking office and has eliminated 1,500 State positions, while avoiding significant layoffs;
- WHEREAS, The Board of Revenue Estimates in its report of December 16, 2008, is expected to announce hundreds of millions in further reductions in State revenues for fiscal years 2009 and 2010;
- WHEREAS, Despite the above specified reductions in the fiscal year 2009 of nearly \$425 million, in order to balance the fiscal year 2009 budget, it is again necessary to reduce appropriations;
- WHEREAS, It is impossible to achieve reductions in spending of this magnitude without some action affecting employees;
- WHEREAS, Substantial savings may be achieved without undue interruption of State services if State employees are required to participate in a carefully managed furlough and salary reduction plan;
- WHEREAS, A carefully managed furlough plan for State employees is preferable to layoffs during these difficult economic times;
- WHEREAS, Any cost containment plan ought to be progressive and place more of the financial burden on higher paid employees;
- WHEREAS, To mitigate the impact of any salary reduction it is in the interests of State employees that the required two days salary equivalent reduction be spread over the remainder of FY 2009;
- WHEREAS, In order to maximize operational savings outside of 24/7 health and public safety operations, State government operations should be significantly curtailed on the day after Christmas, Friday, December 26, 2008, and the day after New Year’s Day, Friday, January 2, 2009, but State employees should not also be asked to take those two days as unpaid furlough days;
- WHEREAS, The Second Budget Reconciliation Act for Fiscal Year 1992, Chapter 62 of the Laws of Maryland 1992, authorized the Governor to institute a furlough plan for State employees by executive order in any fiscal year in which appropriations are reduced pursuant to State Finance and Procurement Article § 7–213; and

WHEREAS, It is in the interest of the State to allow employees flexibility in the implementation of the furlough and salary reduction plan.

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

A. Except as provided in paragraph L, this Executive Order applies to all employees of the State of Maryland, including, but not limited to, employees of agencies with independent salary setting authority or independent personnel systems, employees of the Maryland Automobile Insurance Fund, the Maryland Food Center Authority, the Maryland Port Administration, the Maryland Stadium Authority, the Injured Workers Insurance Fund, and all contractual employees.

B. (1) All employees subject to this Executive Order shall be required to forego the equivalent of two days of pay, and employees making more than \$40,000 will also be required to take sixteen or twenty-four furlough hours on or after January 14, 2009, and before June 30, 2009.

(2) Employees earning salaries of less than \$40,000 will not be required to take furlough hours, although they will be included in the two days of pay equivalent salary reduction.

(3) Employees earning \$40,000 or more will also be included in the two days of pay equivalent salary reduction and those earning salaries of \$40,000–\$59,999 will be required to take 16 furlough hours, while those employees earning \$60,000 and over will be required to take 24 furlough hours.

(4) Salary or salaries means gross annual salary or salaries as of January 14, 2009, not including overtime, acting capacity, or shift differentials.

C. An employee may take furlough time in increments of four hours.

D. An employee may not receive pay for time during which the employee is furloughed.

E. An employee may take no more than eight furlough hours during any single work week.

F. An employee may not work during furlough time except that in the event of an emergency the appointing authority may revoke furlough time and the employee shall be paid for that time. An employee whose furlough time is revoked due to an emergency shall be required to take the furlough time on another day.

G. Unless authorized in writing by the employee's supervisor during a work week in which furlough time is scheduled, an employee may not work in excess of the employee's normal work week reduced by furlough time taken during such work week.

H. For all purposes other than salary or wages an employee on furlough time shall be deemed to be on paid leave.

I. The Secretary of Budget and Management, the heads of every other personnel system, and the appointing authorities shall take all action as necessary or desirable to implement this furlough plan. The Secretary, the heads of every other personnel system, and the appointing authorities are authorized to designate certain time as furlough time for groups of employees, to allow employees to designate their own furlough time with approval of their supervisors, which approval may be withheld only in the event of an emergency, or otherwise to manage this program with the least possible disruption to the provision of State services.

J. In addition to furloughs the Secretary of Budget and Management shall implement a temporary salary reduction for State employees pursuant to the Secretary's authority under Title 8 of the State Personnel and Pensions Article.

K. Routine State government operations shall be significantly curtailed for the day after Christmas, Friday, December 26, 2008, and the day after New Year's Day, Friday, January 2, 2009, thus allowing the State to achieve additional savings due to reduced operating expenses over the long holiday weekends. The Secretary of Budget and Management shall authorize Administrative Leave for non-contractual State employees on those two days.

L. This Executive Order does not apply to:

- (1) The Legislative Branch;
- (2) The Judicial Branch;

(3) Officers whose compensation is subject to Article III, § 35 of the Maryland Constitution;

(4) Direct care employees in health, juvenile services, and correctional facilities; police officers employed by the State at the rank of first sergeant or below, except those in administrative or clerical positions; and other employees designated by the Secretary of Budget and Management who work on a shift schedule providing services as part of a 24-hour operation;

(5) Employees who secure and maintain State facilities on a 24-hour per day basis; or

(6) Employees of the University System of Maryland, St. Mary's College of Maryland, Morgan State University and Baltimore City Community College; however each university or college's appropriation shall be reduced to reflect the amount of savings which would be achieved by implementing a furlough plan at each university in accordance with its rules and regulations and subject to approval of its governing board.

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