

Executive Orders 2012



STATE OF MARYLAND

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EXECUTIVE ORDER OF JANUARY 9, 2012

01.01.2012.01

Recognition of the Maryland Indian Status of the
Piscataway Conoy Tribe

- WHEREAS, American Indians, including the historic Piscataway tribes and sub-tribes, inhabited what is now Maryland for thousands of years before the founding of our State;
- WHEREAS, Approximately 58,000 people with American Indian heritage are currently living in the State of Maryland;
- WHEREAS, The rich heritage of the American Indian community in Maryland is vast, stretching from the Appalachian Mountains to the shores of the Chesapeake Bay and the Atlantic Ocean;
- WHEREAS, Many of our rivers, streams, forests, trails, islands, towns, and landmarks bear important cultural ties to the American Indian people;
- WHEREAS, American Indians have, through their cultural heritage, historical influence, and participation in public life, helped to make the State of Maryland the great State that it is today and have contributed to the prosperity and freedom of our country;
- WHEREAS, Recognizing these important contributions by American Indians to our State's history and culture, the General Assembly enacted a law establishing a process under which an American Indian tribe, band, group, or clan could be formally recognized by the State;
- WHEREAS, Pursuant to that law, the Maryland Commission on Indian Affairs (Commission), relying in part on the advice of a Recognition Advisory Committee that included expert professionals in the fields of history, genealogy, and anthropology, reviewed the Piscataway Conoy Tribe's petition for recognition and recommended that the Governor recognize its Maryland Indian status; and
- WHEREAS, I have considered the Commission's determinations and concur with the Commission's recommendation.

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, INCLUDING SECTION 9.5-309(c) OF THE STATE GOVERNMENT ARTICLE OF THE ANNOTATED CODE OF MARYLAND, HEREBY PROCLAIM THE FOLLOWING EXECUTIVE ORDER, EFFECTIVE 30 DAYS AFTER PRESENTATION TO THE ADMINISTRATIVE, EXECUTIVE, AND LEGISLATIVE REVIEW COMMITTEE OF THE GENERAL ASSEMBLY, UNLESS EARLIER WITHDRAWN:

A. The State formally recognizes the Piscataway Conoy Tribe's Maryland Indian status.

B. The Piscataway Conoy Tribe and its members shall be accorded all the rights and privileges to which formal State recognition of the Tribe's Maryland Indian status entitles them.

C. This Executive Order should not be interpreted as creating any rights to land, entitlements of any kind, or any special privileges related to gaming.

EXECUTIVE ORDER OF JANUARY 9, 2012

01.01.2012.02

Recognition of the Maryland Indian Status of the Piscataway Indian Nation

- WHEREAS, American Indians, including the historic Piscataway tribes, inhabited what is now Maryland for thousands of years before the founding of our State;
- WHEREAS, Approximately 58,000 people with American Indian heritage are currently living in the State of Maryland;
- WHEREAS, The rich heritage of the American Indian community in Maryland is vast, stretching from the Appalachian Mountains to the shores of the Chesapeake Bay and the Atlantic Ocean;
- WHEREAS, Many of our rivers, streams, forests, trails, islands, towns, and landmarks bear important cultural ties to the American Indian people;

WHEREAS, American Indians have, through their cultural heritage, historical influence, and participation in public life, helped to make the State of Maryland the great State that it is today and have contributed to the prosperity and freedom of our country;

WHEREAS, Recognizing these important contributions by American Indians to our State's history and culture, the General Assembly enacted a law establishing a process under which an American Indian tribe, band, group, or clan could be formally recognized by the State;

WHEREAS, Pursuant to that law, the Maryland Commission on Indian Affairs (Commission), relying in part on the advice of a Recognition Advisory Committee that included expert professionals in the fields of history, genealogy, and anthropology, reviewed the Piscataway Indian Nation's petition for recognition and recommended that the Governor recognize its Maryland Indian status; and

WHEREAS, I have considered the Commission's determinations and concur with the Commission's recommendation.

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, INCLUDING SECTION 9.5-309(c) OF THE STATE GOVERNMENT ARTICLE OF THE ANNOTATED CODE OF MARYLAND, HEREBY PROCLAIM THE FOLLOWING EXECUTIVE ORDER, EFFECTIVE 30 DAYS AFTER PRESENTATION TO THE ADMINISTRATIVE, EXECUTIVE, AND LEGISLATIVE REVIEW COMMITTEE OF THE GENERAL ASSEMBLY, UNLESS EARLIER WITHDRAWN:

A. The State formally recognizes the Piscataway Indian Nation's Maryland Indian status.

B. The Piscataway Indian Nation and its members shall be accorded all the rights and privileges to which formal State recognition of the Nation's Maryland Indian status entitles them.

C. This Executive Order should not be interpreted as creating any rights to land, entitlements of any kind, or any special privileges related to gaming.

EXECUTIVE ORDER OF FEBRUARY 29, 2012

01.01.2012.03

State Law Enforcement Coordinating Council

WHEREAS, Crime in Maryland is at its lowest level since 1975 when the FBI began modern crime tracking, yet violent crime and inter-jurisdictional criminal enterprises involving gangs, drug smuggling, and guns continue to threaten the safety and welfare of all citizens of Maryland;

WHEREAS, Maryland has taken great strides to protect and secure its citizens and critical infrastructure, yet the threat to the security of our homeland from terrorists attacks remains high;

WHEREAS, We must continue to reduce crime across the State and protect our homeland by the most efficient use of all of the State's law enforcement resources available to support their operations and crime-fighting efforts; and

WHEREAS, State law enforcement agencies must strive to eliminate redundancies among their operations and administrations in order to achieve greater efficiencies in the use of State resources and the inevitable benefits flowing from the forging of closer working relationships among all State law enforcement agencies.

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.

(1) There is a State Law Enforcement Coordinating Council (Council).

B. Membership.

(1) The Council shall include the following State law enforcement agencies (member agencies):

(a) State Police;

- (b) The Maryland Transportation Authority Police;
- (c) Mass Transit Administration Police;
- (d) The Natural Resources Police;
- (e) University of Maryland Department of Public Safety, and all police departments of the constituent institutions of the University System of Maryland listed in Section 12-101(b)(5) of the Education Article of the Annotated Code of Maryland;
- (f) The Morgan State University Police Force; and
- (g) Maryland Capitol Police.

(2) The Secretary of State Police will serve as the Chair of the Council.

(3) The Council Chair shall select two chiefs from the member agencies who shall serve as Deputy Chairs for an appointment period not to exceed one year.

(4) The Executive Committee will be comprised of the Chair and Deputy Chairs of the Council.

(5) The Membership of the Council may be expanded to include other State law enforcement agencies by the unanimous decision of the Executive Committee.

(6) The Advisory Group to the Council shall include, but is not limited to designated representatives from the:

- (a) Governor's Office of Crime Control and Prevention;
 - (b) Maryland Highway Safety Office;
 - (c) Maryland Police Training Commission;
 - (d) Maryland Emergency Management Agency;
- and
- (e) Governor's Office of Homeland Security.

C. Procedures.

(1) Council meetings shall be attended by designated representatives of each member agency and shall be held on a quarterly basis or as necessary.

(2) The Council shall adopt written policies and procedures to implement the provisions of this Executive Order, including policies and procedures to ensure the safe, efficient, and cooperative provision of law enforcement services in instances in which a member agency of the Council is operating with expanded jurisdiction as provided for in subsection E(1) of this Executive Order.

(3) As provided in subsection C(5), the Executive Committee shall approve actions of the Council under circumstances where coordination of State law enforcement agencies will serve to protect the public safety. Council coordinated activity may include, but is not limited to, responding to crime trends of a statewide, regional or local nature by targeted enforcement or investigative activity, investigating specific criminal activity within the State, maintaining homeland security, responding to emergencies either natural or manmade, or undertaking such actions as may help to enhance the safety of the roadways or any mode of travel on public transportation.

(4) The Executive Committee shall also decide which member agencies shall participate in each action, based upon the resources a particular member agency has available to participate, the location of the action and the particular expertise that the member agency has available to contribute to the action.

(5) All planned law enforcement actions of the Council shall be approved by a unanimous decision of the Executive Committee. An Executive Committee member who is not available to participate in any decision of the Committee shall designate a representative from within his or her agency. The scope and aims of each Council action shall be described in writing before it is carried out. The outcome shall be documented within a reasonable time following completion of the action. Any action for which the Executive Committee, because of an emergency or other time-sensitive situation, does not have time to prepare and approve a written document detailing the scope and aims in advance shall be approved upon the verbal authorization of a majority of the Executive Committee. The scope, aims, and outcome of the Council action shall be documented as soon thereafter as reasonably possible.

(6) On September 1 of each year, the Council shall submit a summary report to the Governor concerning all actions taken under this Executive Order for the previous fiscal year ending June 30, including the member agency participants and the location of each action.

D. Duties.

(1) The Council has the authority and responsibility to coordinate among its member agencies to further the safety and security of the people of Maryland and to improve the administration and enforcement of the laws of Maryland by ensuring that police resources are deployed across the State to address state-wide crime trends, regional and local crime, maintain homeland security, respond to any threats to homeland security, and to address emergencies either natural or man-made.

(2) The Council will explore opportunities for its member agencies to work collaboratively with local law enforcement agencies and seek to foster enhanced communications and working relations among all law enforcement agencies in the State to achieve a safer Maryland.

(3) The Council will seek efficiencies in administrative functions among its member agencies, including but not limited to the following:

- (a) Training;
- (b) Information Technology;
- (c) Communications;
- (d) Procurement;
- (e) Campus Security;
- (f) Homeland Security; and
- (g) Development and implementation of emergency planning.

E. Jurisdiction.

(1) Member agencies may exercise all the authority of a police officer of the Department of State Police as provided in

Section 2–412 of the Public Safety Article when carrying out any action approved by the Council as provided for in this Executive Order and as authorized by:

(a) Section 7–207(b)(iii) of the Transportation Article for the Maryland Transit Administration Police;

(b) Section 4–208(b)(4)(iii) of the Transportation Article for the Maryland Transportation Authority Police;

(c) Section 13–601(b)(2)(iv) of the Education Article for the University of Maryland Police and the police departments of the constituent institutions of the University System of Maryland listed in Section 12–101(b)(5) of the Education Article; and

(d) Section 14–106(b)(2)(iii) for the Morgan State University Police Force.

(2) A police officer of the Natural Resources Police shall have the full authority of a police officer of the State as provided in Section 1–204(a) of the Natural Resources Article, including the authority to enforce traffic laws when carrying out any action approved by the Council as provided for in this Executive Order.

(3) A police officer of the Maryland Capitol Police as defined by Section 4–605(c) of the State Finance and Procurement Article shall have the full authority of a police officer to enforce the criminal laws of the State as provided by Section 2–102 of the Criminal Procedure Article when carrying out any action approved by the Council as provided for in this Executive Order.

(4) No provision of this Executive Order is intended to compromise or limit any of the powers, protections, or immunities otherwise granted by law to member agencies or other law enforcement agencies within Maryland.

EXECUTIVE ORDER OF MARCH 13, 2012

01.01.2012.04

WHEREAS, The Maryland Integrated Map (MD iMap) is an enterprise statewide mapping system that supports the efforts of Maryland agencies and local governments in providing services to Marylanders and in tracking progress towards strategic policy goals;

WHEREAS, MD iMap is currently used to track economic and job growth; manage resources; educate the public; preserve and restore the natural environment; advance public health initiatives; ensure public safety; plan for emergency services; and support science and technology;

WHEREAS, MD iMap has a track record of success in assisting State agencies and local governments in their efforts to implement and coordinate policies and programs across Maryland, as well as in providing timely and accurate information about the State of Maryland to the public at large;

WHEREAS, The State of Maryland is home to a thriving geospatial services industry that operates within the private, nonprofit, and academic sectors and can greatly inform and assist with the State's efforts;

WHEREAS, The State of Maryland can make the operations of government more open and transparent and can promote economic activity by making geospatial data created by the public sector available to the public to the fullest extent possible consistent with privacy and security concerns; and

WHEREAS, To fully implement an effective MD iMap program, it is necessary to establish a more inclusive organizational structure with representatives from each level of government (State, regional, county, and municipal) and from various business sectors, thus broadening the pool of ideas that the State of Maryland can draw from as we continue to develop and improve MD iMap policies, procedures, standards, and guidance.

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 01.01.2009.20 AND PROCLAIM THE FOLLOWING EXECUTIVE ORDER, EFFECTIVE IMMEDIATELY:

A. Established. There is an Executive Committee to implement the Maryland Integrated Map (MD iMap). The Executive Committee is a subcabinet entity and shall advise the Governor on issues relating to MD iMap and geospatial policy.

B. Composition. The Executive Committee consists of the following members:

(1) The Secretary of the Department of Agriculture or a designee;

(2) The Secretary of the Department of Environment or a designee;

(3) The Secretary of the Department of Natural Resources or a designee;

(4) The Secretary of the Department of Planning or a designee;

(5) The Secretary of the Department of Transportation or a designee;

(6) The Secretary of the Department of Housing and Community Development or a designee;

(7) The Secretary of the Department of Business and Economic Development or a designee;

(8) The Secretary of the Department of General Services or a designee;

(9) The State Superintendent of Education or a designee;

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

(11) The Secretary of the Department of Information Technology;

(12) The Secretary of the Department of Public Safety and Correctional Services or a designee;

(13) The Superintendent of the Maryland State Police or a designee;

(14) The Director of Assessments and Taxation or a designee;

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

(16) The Adjutant General of the Military Department or a designee;

(17) The Director of the Maryland Emergency Management Agency or a designee;

(18) The Secretary of the Department of Labor, Licensing, and Regulations or a designee;

(19) The Secretary of the Department of Human Resources or a designee;

(20) The Director of the Governor's StateStat Office;

(21) The Governor's Homeland Security Advisor;

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

(23) The Executive Director of the Maryland Institute for Emergency Medical Services Systems or a designee;

(24) The Governor may appoint as members of the Executive Committee five elected officials or employees from local government and/or public utilities who have knowledge and interest in geospatial data, technology, and policy. Such members shall serve at the pleasure of the Governor for up to two consecutive two-year terms. Some initial appointments will be for three years so that subsequent turnover will be staggered. One appointment will represent each of the following geographic regions:

(a) Western (Allegany, Frederick, Garrett, and Washington counties);

(b) Eastern (Eastern Shore including Cecil County);

(c) Southern (Anne Arundel, Calvert, Charles, and St. Mary's counties);

(d) Capital Region (Montgomery and Prince George's counties); and

(e) North/Central (Harford, Baltimore, Baltimore City, Carroll, and Howard counties);

(25) The Governor may appoint up to five members from the private, private utility, academic, and/or nonprofit sectors who have knowledge of and interest in geospatial data, technology, or policy. Such members shall serve at the pleasure of the Governor for up to two consecutive two-year terms. Some initial appointments will be for three years so that subsequent turnover will be staggered; and

(26) The Governor shall request a representative from the Federal Geographic Data Committee.

C. Executive Committee Leadership and Status.

(1) The Governor shall provide strategic direction to the Executive Committee.

(2) The Secretary of the Department of Information Technology shall chair the Executive Committee.

(3) The Director of the Governor's StateStat Office shall serve as vice chair of the Executive Committee.

D. Executive Committee Duties. The Executive Committee shall:

(1) Develop and/or approve MD iMap policies, procedures, and guidance;

(2) Respond to matters referred by the Technical Committee;

(3) Identify funding to support the MD iMap program, develop a budget that describes the collective cost of operating and investing in MD iMap, and provide advice to the Governor on budget matters;

(4) Promote the sharing of geospatial data and services among all participants in the MD iMap program while taking into account privacy and security concerns;

(5) Appoint and assign appropriate staff to oversee the development, maintenance, use, and promotion of the MD iMap program;

(6) Provide guidance to the Technical Committee on MD iMap policies, standards, and other deliverables; and

(7) Promote, advertise, and market the applications, capabilities, benefits, and results of the MD iMap program.

E. State Geographic Information Officer.

(1) There is a State Geographic Information Officer (GIO).

(2) The GIO shall be appointed by and serve at the pleasure of the Secretary of the Department of Information Technology.

(3) The GIO shall:

(a) Ensure that the MD iMap program supports the Governor's Policy Goals;

(b) Facilitate and coordinate the planning, implementation, and maintenance of the MD iMap program (including MD iMap policies and procedures);

(c) Develop, maintain, and operate an enterprise geospatial system, including the central store and catalog of MD iMap data and services available to agencies and the public.

(d) Recruit the Technical Committee membership;

(e) Appoint Technical Committee Chair(s);

(f) Provide oversight for the development of the MD iMap program;

(g) Establish and monitor MD iMap metrics;

(h) Establish and manage a MD iMap communications plan;

(i) Provide MD iMap education;

(j) Maintain a liaison relationship with State, regional, county, and municipal organizations;

(k) Promote, advertise, and market applications, capabilities, benefits, and results of the MD iMap program; and

(l) Assist in the identification and capturing of funding to support the MD iMap program.

F. Technical Committee.

(1) The Technical Committee shall consist of State agency personnel responsible for using and implementing MD iMap, local government, and private and nonprofit representatives in the field of geographical information systems.

(2) The Technical Committee shall:

(a) Facilitate the development of MD iMap contents, policies, and procedures;

(b) Establish and monitor MD iMap metrics;

(c) Provide staff support to workgroups;

(d) Provide MD iMap program status reports to the Executive Committee;

(e) Resolve issues identified by any work groups that have been established;

(f) Ensure consistency in any contents, policies and procedures developed by work groups;

(g) Submit MD iMap resources to the Executive Committee;

(h) Submit recommendations to the Executive Committee for changes, additions, or exceptions to MD iMap system infrastructure or data sets;

(i) Identify matters that need to be referred to the Executive Committee for resolution;

(j) Ensure the quality and timeliness of MD iMap resources;

(k) Review and provide advice on GIS-related projects to the Executive Committee or the GIO;

(l) Provide planning and oversight support for MD iMap GIS projects;

(m) Provide advice on GIS-related issues associated with MD iMap projects;

(n) Review MD iMap GIS projects to ensure that they conform to the MD iMap program policies;

(o) Promote, advertise, and market the applications, capabilities, benefits, and results of MD iMap; and

(p) Research new technologies.

G. Cooperation of State Agencies. All State departments, agencies, commissions, and boards are directed to cooperate with the Executive Committee, the GIO, and the Technical Committee in implementing the provisions of this Executive Order.

EXECUTIVE ORDER OF MARCH 27, 2012

01.01.2012.05

Governor's Family Violence Council
(Amends Executive Order 01.01.2008.16)

WHEREAS, The Governor's Family Violence Council plays a vital role in the State's effort to combat Family Violence;

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; and

WHEREAS, Adding additional members will provide more opportunities for interested members of the public to participate and will enhance the ability of the Family Violence Council to accomplish its goals.

NOW, THEREFORE, I, MARTIN O'MALLEY, GOVERNOR OF THE STATE OF MARYLAND, BY VIRTUE OF THE AUTHORITY VESTED IN ME BY THE CONSTITUTION AND LAWS OF MARYLAND, HEREBY AMEND EXECUTIVE ORDER 01.01.2008.16 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] **28** 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; and

(o) Up to [nine] **TWELVE** 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.

(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 MARCH 29, 2012

01.01.2012.06

Conditional Commutation of Sentence – Mark Farley Grant

WHEREAS, Mark Farley Grant (Division of Correction Inmate Number 171372), Conditional Grantee, was convicted of Felony Murder, Use of a Handgun in Commission of a Crime of Violence, and Attempted Robbery with a Deadly Weapon in the Circuit Court of Maryland for Baltimore City on January 31, 1984 (Case No. 18301906) and was sentenced to life imprisonment plus fifteen years;

WHEREAS, On March 10, 2003, the Circuit Court for Baltimore City merged Mark Farley Grant's ten year sentence for Attempted Robbery with a Deadly Weapon and his five year sentence for Use of a Handgun in Commission of a Crime of Violence into his sentence of life imprisonment for Felony Murder;

WHEREAS, Mark Farley Grant was fourteen years old at the time of the offense and has compiled, while incarcerated, a strong record of work experience and institutional progress;

WHEREAS, The jury convicted Mark Farley Grant of Felony Murder for participation in the robbery that led to the murder, but acquitted him of First Degree Murder;

WHEREAS, The Baltimore City State's Attorney does not oppose clemency for Mark Farley Grant; and

WHEREAS, The Maryland Parole Commission has concluded that Mark Farley Grant presently appears to constitute no threat to public safety and recommends the granting of Executive Clemency.

NOW, THEREFORE, I, MARTIN O'MALLEY, GOVERNOR OF THE STATE OF MARYLAND, HAVING THOUGHT PROPER THE CONDITIONAL GRANTING OF CLEMENCY IN THIS CASE AND UNDER THE AUTHORITY VESTED IN ME BY ARTICLE II, SECTION 20 OF THE CONSTITUTION OF MARYLAND AND SECTION 7-601 OF THE CORRECTIONAL SERVICES ARTICLE OF THE ANNOTATED CODE OF MARYLAND, DO HEREBY ORDER THAT THE ORIGINAL SENTENCE TO THE CUSTODY OF THE DIVISION OF CORRECTION BE AND HEREBY IS CONDITIONALLY COMMUTED AND CONDITIONALLY REMITTED TO LIFE WITH ALL BUT 45 YEARS SUSPENDED SUBJECT TO THE FOLLOWING:

Pre-release Conditions

A. Prior to parole release, the Conditional Grantee shall complete a period of community testing and/or a period of work release, as determined by the Department of Public Safety and Correctional Services.

B. Prior to any release on parole or mandatory supervision, the Maryland Parole Commission, in consultation with the Department of Public Safety and Correctional Services and the Department of Labor, Licensing and Regulation, shall devise a reentry plan, which must, at a minimum, include:

(1) A home plan, investigated by the Department of Public Safety and Correctional Services and approved by the Parole Commission;

(2) An employment plan that includes, as necessary, job placement, job training, and/or educational programs;

(3) A counseling plan with the cooperation of the Law and Social Work Program at the University of Maryland, Baltimore. If the University of Maryland, Baltimore cannot provide counseling services, the Parole Commission and Department of Public Safety and Correctional Services shall devise a substitute counseling plan; and

(4) If deemed necessary by the Parole Commission, in consultation with Patuxent Institution and the Drug and Alcohol Abuse Administration, a substance abuse or mental health treatment evaluation and/or program.

C. The conditional grantee shall submit to random drug testing as directed by the Parole Commission.

D. The Parole Commission may impose any other pre-release conditions that it considers proper.

Post-release Conditions

E. If the Maryland Parole Commission determines that the Conditional Grantee merits parole release, the Parole Commission may grant parole, and the Conditional Grantee shall be supervised by the Department of Public Safety and Correctional Services pursuant to Title 7, Subtitles 3 and 4 of the Correctional Services Article of the Annotated Code of Maryland, subject to all of the standard conditions of parole and the following special conditions:

(1) Participate in counseling programs as provided in the reentry plan established under Section B of this Conditional Commutation unless the Parole Commission determines that participation in the program is no longer necessary;

(2) If deemed necessary by the Parole Commission, submit to a mental health evaluation and participate in mental health treatment programming as directed by his supervising agent;

(3) Submit to random drug testing as directed by his supervising agent;

(4) If deemed necessary by the Parole Commission, participate in substance abuse treatment programming as directed by his supervising agent; and

(5) Any other special conditions that the Parole Commission considers proper.

F. If the Conditional Grantee is released on mandatory supervision, upon release from custody, he shall be supervised by the Department of Public Safety and Correctional Services pursuant to Title 7, Subtitle 5 of the Correctional Services Article of the Annotated Code of Maryland, subject to all the standard conditions of mandatory supervision and the following special conditions:

(1) Participate in counseling programs as provided in the reentry plan established under Section B of this Conditional Commutation unless the Parole Commission determines that participation in the program is no longer necessary;

(2) If deemed necessary by the Parole Commission, submit to a mental health evaluation and participate in mental health treatment programming as directed by his supervising agent;

(3) Submit to random drug testing as directed by his supervising agent;

(4) If deemed necessary by the Parole Commission, participate in substance abuse treatment programming as directed by his supervising agent; and

(5) Any other special conditions that the Parole Commission considers proper.

G. The Parole Commission shall not grant an abatement of supervision under Code of Maryland Regulations Section 12.08.01.21H while the Conditional Grantee is on parole or mandatory supervision.

H. *Revocation of Parole or Mandatory Supervision and Re-imposition of Commuted Sentence:* If the Parole Commission determines that the Conditional Grantee violated a condition of parole or mandatory supervision under Sections E or F of this Conditional Commutation, but the Conditional Commutation has not been revoked under Section J, the Parole Commission may revoke parole or mandatory supervision pursuant to the procedures outlined in Title 7 of the Correctional Services Article of the Annotated Code of Maryland and Code of Maryland Regulations Section 12.08.01.22. The Parole Commission may, within its discretion, deny the Conditional Grantee credit for time

served on parole or mandatory supervision. Notwithstanding any other provision of law, the Parole Commission may also, within its discretion, revoke any or all of the Conditional Grantee's diminution credits whether the Conditional Grantee was released on parole or mandatory supervision.

I. Following completion of his unsuspended term of 45 years:

(1) The Conditional Grantee must submit to continued supervision by the Parole Commission for the remainder of his suspended lifetime term unless the Parole Commission determines that the abatement of such supervision is in the best interests of the State and that further supervision is not necessary for the protection of public safety. Except as otherwise provided in this Conditional Commutation, this supervision shall be conducted according to the standard policies and procedures governing supervision of parolees under Code of Maryland Regulations Section 12.08.01.21.

(2) The Conditional Grantee must, whether or not supervision is abated, continue to abide by the following conditions for the remainder of his suspended lifetime term:

(a) Report as directed to and follow his parole agent's instructions unless the Parole Commission has granted an abatement of supervision:

(b) Obey all laws;

(c) Notify the Parole Commission before changing jobs, changing his home, or leaving the State of Maryland. The Parole Commission has the authority to waive these notification requirements;

(d) Do not illegally use, possess, or sell any narcotic drug, "controlled dangerous substance," or related paraphernalia;

(e) Do not own, possess, use, sell, or have control of any dangerous weapon or firearm of any description without the approval of the Parole Commission;

(f) Notify the Parole Commission immediately if arrested; and

(g) Any special conditions that the Parole Commission considers proper.

Revocation

J. Revocation of the Conditional Commutation and Re-imposition of Original Life Sentence: Under the following circumstances, the Parole Commission may, following a hearing, recommend to the Governor that the Conditional Commutation be revoked and the Conditional Grantee's original life sentence be re-imposed if a majority of the commissioners determine that the Conditional Grantee poses a threat to public safety and, considering the totality of the circumstances, that revocation is warranted:

- (1) The Conditional Grantee is convicted of a crime;
- (2) The Conditional Grantee owns, possesses, uses, sells or has under his control a firearm;
- (3) The Conditional Grantee, while incarcerated, is found guilty of an inmate rule violation listed in Code of Maryland Regulations Section 12.02.27.04B(1)–(4) or (6) or is found guilty of more than one inmate rule violation listed in Code of Maryland Regulations Section 12.02.27.04B–E;
- (4) The Conditional Grantee, while participating in a community testing or work release program, is found guilty of an inmate rule violation listed in Code of Maryland Regulations Section 12.02.27.04B(1)–(4) or (6) or is found guilty of more than one inmate rule violation listed in Code of Maryland Regulations Section 12.02.27.04B–E; or
- (5) The Conditional Grantee violates a condition under Sections E, F, or I of this Conditional Commutation.

K. The Parole Commission shall notify the Governor in writing of a recommendation to revoke this Conditional Commutation under Section J, and the Governor may decide to accept or reject the Parole Commission's recommendation.

EXECUTIVE ORDER OF MARCH 29, 2012

01.01.2012.07

Conditional Commutation of Sentence – Tamara Settles

WHEREAS, Tamara Settles (Division of Correction Inmate Number 904563), Conditional Grantee, was convicted of Felony Murder on April 11, 1985, in the Circuit Court of Maryland for Prince George's County (Case No. CT84-1289A) and was sentenced to life imprisonment;

WHEREAS, There is no evidence that Tamara Settles was the shooter or possessed a weapon, and Settles has served 27 years in prison while the shooter served only nine years and has been in the community for 19 years;

WHEREAS, Tamara Settles has made significant progress while incarcerated – overcoming drug addiction, completing 12 years of therapy at Patuxent Institution, receiving an Associate's Degree, working toward a Bachelor's Degree at Morgan State University, working for Maryland Correctional Enterprises with positive reviews, and serving as a volunteer mentor for other women at the Maryland Correctional Institute for Women;

WHEREAS, The Prince George's County State's Attorney's Office does not oppose clemency for Tamara Settles; and

WHEREAS, The Maryland Parole Commission has concluded that Tamara Settles presently appears to constitute no threat to public safety and recommends the granting of Executive Clemency.

NOW, THEREFORE, I, MARTIN O'MALLEY, GOVERNOR OF THE STATE OF MARYLAND, HAVING THOUGHT PROPER THE CONDITIONAL GRANTING OF CLEMENCY IN THIS CASE AND UNDER THE AUTHORITY VESTED IN ME BY ARTICLE II, SECTION 20 OF THE CONSTITUTION OF MARYLAND AND SECTION 7-601 OF THE CORRECTIONAL SERVICES ARTICLE OF THE ANNOTATED CODE OF MARYLAND, DO HEREBY ORDER THAT THE ORIGINAL SENTENCE OF TAMARA SETTLES TO THE CUSTODY OF THE DIVISION OF CORRECTION BE AND HEREBY IS CONDITIONALLY COMMUTED AND CONDITIONALLY REMITTED TO LIFE WITH ALL BUT FORTY YEARS SUSPENDED SUBJECT TO THE FOLLOWING:

Pre-release Conditions

A. Prior to any release on parole or mandatory supervision, the Maryland Parole Commission, in consultation with the

Department of Public Safety and Correctional Services, shall devise a reentry plan, which must, at a minimum, include:

(1) One year of residency and services through the Turn About Program with Alternative Directions, Inc. If Alternative Directions cannot provide residency or services, the Parole Commission and the Department of Public Safety and Correctional Services shall devise a substitute plan;

(2) An employment plan that includes, as necessary, job placement, job training, and/or educational programs; and

(3) If deemed necessary by the Parole Commission, in consultation with Patuxent Institution and the Drug and Alcohol Abuse Administration, a substance abuse or mental health treatment evaluation and/or program.

B. The conditional grantee shall submit to random drug testing as directed by the Parole Commission.

C. The Parole Commission may impose any other pre-release conditions that it considers proper.

Post-release Conditions

D. If the Maryland Parole Commission determines that the Conditional Grantee merits parole release, the Parole Commission may grant parole, and the conditional grantee shall be supervised by the Department of Public Safety and Correctional Services pursuant to Title 7, Subtitles 3 and 4 of the Correctional Services Article of the Annotated Code of Maryland, subject to all of the standard conditions of parole and the following special conditions:

(1) Completion of one year of residency and services through the Turn About Program with Alternative Directions, Inc., or completion of a substitute plan;

(2) If deemed necessary by the Parole Commission, submit to a mental health evaluation and participate in mental health treatment programming as directed by her supervising agent;

(3) Submit to drug testing as directed by her supervising agent;

(4) If deemed necessary by the Parole Commission, participate in substance abuse treatment programming as directed by her supervising agent; and

(5) Any other special conditions that the Parole Commission considers proper.

E. If the Conditional Grantee is released on mandatory supervision, upon release from custody, she shall be supervised by the Department of Public Safety and Correctional Services pursuant to Title 7, Subtitle 5 of the Correctional Services Article of the Annotated Code of Maryland, subject to all the standard conditions of mandatory supervision and the following special conditions:

(1) Completion of one year of residency and services through the Turn About Program with Alternative Directions, Inc., or completion of a substitute plan;

(2) If deemed necessary by the Parole Commission, submit to a mental health evaluation and participate in mental health treatment programming as directed by her supervising agent;

(3) Submit to drug testing as directed by her supervising agent;

(4) If deemed necessary by the Parole Commission, participate in substance abuse treatment programming as directed by her supervising agent; and

(5) Any other special conditions that the Parole Commission considers proper.

F. The Parole Commission shall not grant an abatement of supervision under Code of Maryland Regulations Section 12.08.01.21H while the Conditional Grantee is on parole or mandatory supervision.

G. *Revocation of Parole or Mandatory Supervision and Re-imposition of Commuted Sentence:* If the Parole Commission determines that the Conditional Grantee violated a condition of parole or mandatory supervision under Sections D or E of this Conditional Commutation, but the Conditional Commutation has not been revoked under Section I, the Parole Commission may revoke parole or mandatory supervision pursuant to the procedures outlined in Title 7 of the Correctional Services Article

of the Annotated Code of Maryland and Code of Maryland Regulations Section 12.08.01.22. The Parole Commission may deny the Conditional Grantee credit for time served on parole or mandatory supervision. Notwithstanding any other provision of law, the Parole Commission may also, within its discretion, revoke any or all of the Conditional Grantee's diminution credits whether the Conditional Grantee was released on parole or mandatory supervision.

H. Following completion of her unsuspended term of 40 years:

(1) The Conditional Grantee must submit to continued supervision by the Parole Commission for the remainder of her suspended lifetime term unless the Parole Commission determines that the abatement of such supervision is in the best interests of the State and that further supervision is not necessary for the protection of public safety. Except as otherwise provided in this Conditional Commutation, this supervision shall be conducted according to the standard policies and procedures governing supervision of parolees under Code of Maryland Regulations Section 12.08.01.21.

(2) The Conditional Grantee must, whether or not supervision is abated, continue to abide by the following conditions for the remainder of her suspended lifetime term:

(a) Report as directed to and follow her parole agent's instructions unless the Parole Commission has granted an abatement of supervision;

(b) Obey all laws;

(c) Notify the Parole Commission before changing jobs, changing her home, or leaving the State of Maryland. The Parole Commission has the authority to waive these notification requirements;

(d) Do not illegally use, possess, or sell any narcotic drug, "controlled dangerous substance," or related paraphernalia;

(e) Do not own, possess, use, sell, or have control of any dangerous weapon or firearm of any description without the approval of the Parole Commission;

(f) Notify the Parole Commission immediately if arrested; and

(g) Any special conditions that the Parole Commission considers proper.

Revocation

I. *Revocation of the Conditional Commutation and Re-imposition of Original Life Sentence:* Under the following circumstances, the Parole Commission may, following a hearing, recommend to the Governor that the Conditional Commutation be revoked and the Conditional Grantee's original life sentence be re-imposed if a majority of the commissioners determine that the Conditional Grantee poses a threat to public safety and, considering the totality of the circumstances, that revocation is warranted:

(1) The Conditional Grantee is convicted of a crime;

(2) The Conditional Grantee owns, possesses, uses, sells or has under her control a firearm;

(3) The Conditional Grantee, while incarcerated, is found guilty of an inmate rule violation listed in Code of Maryland Regulations Section 12.02.27.04B(1)–(4) or (6) or is found guilty of more than one inmate rule violation listed in Code of Maryland Regulations Section 12.02.27.04B–E; or

(4) The Conditional Grantee violates a condition under Sections D, E, or H of this Conditional Commutation;

J. The Parole Commission shall notify the Governor in writing of a recommendation to revoke this Conditional Commutation under Section I, and the Governor may decide to accept or reject the Parole Commission's recommendation.

EXECUTIVE ORDER OF APRIL 2, 2012

01.01.2012.08

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 2012 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 2012 REGULAR SESSION OF THE MARYLAND GENERAL ASSEMBLY IS HEREBY EXTENDED, COMMENCING AT MIDNIGHT ON MONDAY, APRIL 9, 2012 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 18, 2012

01.01.2012.09

Maryland Council for Educator Effectiveness
(Amends Executive Order 01.01.2010.12)

WHEREAS, Maryland's public school system has been recognized as best-in-the-nation for the last four years in a row. To prepare all of our students for the 21st century workforce, Maryland is committed to improving from national leader to world-class – not only for some students, but for all students;

WHEREAS, World-class means that the achievement gaps that continue to exist in far too many schools must be closed. Without dramatic and immediate policies directed at eliminating these gaps in

achievement and improving achievement overall, Maryland's economic health and quality of life will decline;

WHEREAS, World-class means that all students are taught by effective teachers and principals because improvements in student achievement ultimately rely upon the expertise and abilities of our educators;

WHEREAS, Evaluations of the effectiveness of our educators must be conducted in a manner that is objective, transparent, timely, fair, and informed by multiple perspectives and sound information;

WHEREAS, Maryland must attract, develop and retain highly effective educators by creating school environments that maintain high standards of both professionalism and performance. While all schools should be staffed by effective educators, we must ensure that effective educators are equitably distributed among the lowest performing schools;

WHEREAS, Every aspect of our public educational system must be focused upon ensuring that these valuable professionals who serve our students daily have the knowledge, skills, and support necessary to meet this challenge;

WHEREAS, Given our long history of local innovation and tradition of broad collaboration, Maryland is well-positioned to work collectively to ensure that all of our educators have the capacity and the resources to help their students achieve at the highest levels;

WHEREAS, Nearly a quarter of the State's local school districts will be conducting pilots of new educator evaluation systems through June of 2012; and

WHEREAS, The Maryland Council for Educator Effectiveness will continue to be an invaluable forum for sharing best practices and discussing the design and implementation of local educator evaluation systems as all local districts begin pilots of new systems during the fall of 2012.

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 AMEND EXECUTIVE ORDER 01.01.2010.12 AND PROCLAIM THE FOLLOWING EXECUTIVE ORDER, EFFECTIVE IMMEDIATELY:

A. Establishment. There is a Maryland Council for Educator

Effectiveness (the Council).

B. Membership The Council consists of the following members:

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

(2) The following members, appointed by the Governor:

(a) Six teachers or teacher representatives, selected with the advice of the Maryland State Education Association and the American Federation of Teachers–Maryland;

(b) Two principals, selected with the advice of the Maryland Association of Elementary School Principals and the Maryland Association of Secondary School Principals;

(c) One local school superintendent, selected with the advice of Public School Superintendents Association of Maryland;

(d) Two public school administrators with knowledge of human resources, business, accountability, or support of new or struggling educators;

(e) Two members of local school boards, selected with the advice of the Maryland Association of Boards of Education;

(f) One representative from the business community;

(g) One member of the State Board of Education;

(h) One representative of higher education with knowledge of teacher preparation programs; and

(i) Two at-large members with expertise in education policy.

(3) A member of the Maryland Senate, appointed by the President of the Senate; and

(4) A member of the Maryland House of Delegates, appointed by the Speaker of the House.

C. The Governor shall appoint two co-chairs from among the members of the Council.

D. The State Superintendent of Schools shall serve by virtue of the Superintendent's Office. Members of the Maryland General Assembly shall serve at the pleasure of their appointing authority. All other members serve at the pleasure of the Governor. In the event of a vacancy on the Council, a successor shall be appointed in the same manner as the member's predecessor.

E. 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.

F. Responsibilities.

(1) Not later than December 31, 2010, the Council shall submit to the Governor, the General Assembly, and the Maryland State Board of Education recommendations for the development of the model evaluation system for educators required by Chapter 189 of the 2010 Laws of the General Assembly of Maryland – Education Reform Act of 2010.

(2) The recommendations shall address:

(a) The definitions of “effective” teachers and principals;

(b) The definitions of “highly effective” teachers and principals; and

(c) The relationship between the student learning component of educator evaluations and the other components of the evaluations.

(3) The Council's recommendations should seek to ensure that every educator is:

(a) Evaluated using multiple, fair, transparent, timely, rigorous, and valid methods;

(b) Afforded a meaningful opportunity to improve their effectiveness; and

(c) Provided the means to share effective practices with other educators statewide.

(4) [Not later than December 31, 2011, the Council shall submit to the Governor, the General Assembly, and the Maryland State Board of Education any recommendations for corrections or adjustments to the overall design of the model evaluation system – including guidelines, tools, and measures – based on the experience in the field.]

NOT LATER THAN DECEMBER 31, 2013, THE COUNCIL SHALL SUBMIT TO THE GOVERNOR, THE GENERAL ASSEMBLY, AND THE MARYLAND STATE BOARD OF EDUCATION A FINAL SUMMARY REPORT, INCLUDING AN UPDATE ON THE PROGRESS OF THE LOCAL DISTRICTS IN IMPLEMENTING THEIR NEW EDUCATOR EVALUATION SYSTEMS.

(5) The Council shall perform any other duties related to State requirements for educator evaluations that may be requested by the Governor.

G. Procedures.

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

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

(3) The Council may establish working groups, task forces, or other structures from within its membership or outside its membership as needed to address specific issues or to assist in its work.

H. Meetings The Council shall meet at the call of the co-chairs as needed to complete the tasks set forth in this Executive Order. Unless otherwise indicated, members may not send designees to represent them at Council meetings.

I. Advisory Panel The Council shall create an Advisory Panel to provide expert advice and information to the Council. The Panel shall include State and national experts with experience in psychometrics and assessments; experts in teacher preparation programs; and individuals with knowledge of the needs of parents, students, and the business community.

J. Staffing The Maryland State Department of Education and the Office of the Governor shall provide the Council with data, analytical information, and administrative support necessary to complete its work.

K. Termination This Executive Order shall terminate and be of no effect after December 31, [2011] **2013**.

EXECUTIVE ORDER OF MAY 9, 2012

01.01.2012.10

Proclamation Convening the General Assembly of Maryland
in Extraordinary Session at Annapolis, Maryland on May 14, 2012

- WHEREAS, The operating Budget Bill that passed the General Assembly on the final day of the 2012 Session contains over \$436 million in budget reductions to important Maryland priorities;
- WHEREAS, Conferees from the House and Senate had reached agreement on legislation that would have averted the reductions, but that legislation did not pass prior to *sine die*;
- WHEREAS, The budget reductions, if allowed to go into effect, will impede our ability to maintain the #1 public school system in the country (four years in a row), will reduce community college funding, and will cause double-digit tuition increases at our public universities;
- WHEREAS, The budget reductions, if allowed to go into effect, will threaten our ability to compete in the knowledge economy, by eliminating the successful biotechnology research and development tax credit and our stem cell research program;
- WHEREAS, The budget reductions, if allowed to go into effect, will hurt our efforts to care for the most needy and vulnerable of our citizens;
- WHEREAS, The budget reductions, if allowed to go into effect, will have a drastic impact on our State employees – burdening them with additional health care costs, eliminating a scheduled cost of living

increase, and forcing the elimination of 500 positions – an estimated 400 of which are filled;

WHEREAS, If the General Assembly does not act soon, the Board of Public Works on May 23, 2012 will be presented with over \$165 million in budget reductions – \$50 million in agency reductions; \$30 million from 500 eliminated positions; \$15 million in increased health care costs to employees; and an additional \$71 million in cuts just to balance the FY 2013 Budget;

WHEREAS, If the General Assembly does not act soon, the FY 2013 Budget will have no fund balance to help defray against unexpected fiscal circumstances or to help address costs in next year's budget, as contrasted to the approximately \$150 million fund balance that would have been left had the legislation agreed to by the conferees passed; and

WHEREAS, Maryland has a long, proud tradition of fiscal responsibility and is one of a few states with a AAA bond rating from the major rating agencies, and the rating agencies are watching closely with an expectation that we will again act in a manner that protects our rating, and the ratings of our local governments.

NOW, THEREFORE, I, MARTIN O'MALLEY, GOVERNOR OF THE STATE OF MARYLAND, BY VIRTUE OF THE AUTHORITY VESTED IN ME BY ARTICLE II, SECTION 16 OF THE MARYLAND CONSTITUTION AND LAWS OF MARYLAND, HEREBY PROCLAIM AND CONVENE A SPECIAL AND EXTRAORDINARY SESSION OF THE GENERAL ASSEMBLY OF MARYLAND TO COMMENCE ON MONDAY, MAY 14, 2012, IN THE STATE CAPITAL IN THE CITY OF ANNAPOLIS FOR THE PURPOSE OF PASSING LEGISLATION TO ADDRESS MARYLAND'S FISCAL YEAR 2013 BUDGET.

EXECUTIVE ORDER OF JUNE 6, 2012

01.01.2012.11

Governor's Commission on Caribbean Affairs

WHEREAS, The State of Maryland has a growing Caribbean population, and the State has an interest in helping to maximize the potential of its constituent citizenry;

- WHEREAS, There is a need to continue to expand outreach that will engage individuals and organizations in the Caribbean community in partnerships with State government in promoting their social, cultural, and business interests, with a particular focus on community development;
- WHEREAS, Issues affecting the Caribbean community, including economic, workforce, and business development, require the attention of multiple agencies across State government;
- WHEREAS, The contributions of the growing Caribbean community to the State of Maryland have been numerous, and the Caribbean community has been a valuable asset to the State;
- WHEREAS, Education, civic participation, and leadership opportunities continue to be highly important issues to the growing Caribbean community in the State of Maryland;
- WHEREAS, There is a need for increased public awareness and public education on issues that are important to the Caribbean community in the State of Maryland;
- WHEREAS, This Administration has determined that issues related to the Caribbean community are best addressed at the highest level of the Executive Branch; and
- WHEREAS, The Administration wants to emphasize its commitment to the Caribbean people of Maryland by creating the Commission, housing the Commission in the Governor's Office of Community Initiatives, and focusing the Commission on issues related to community development.

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, PROCLAIM THE FOLLOWING EXECUTIVE ORDER, EFFECTIVE IMMEDIATELY:

A. There is a Governor's Commission on Caribbean Affairs in the Governor's Office of Community Initiatives as described in Executive Order 01.01.2007.25.

B. The Commission shall consist of the following members:

(1) Nine members appointed by the Governor. The members appointed by the Governor shall reflect the diverse

ancestry and national origins of the Caribbean community of Maryland, shall provide representation from different geographic regions in the State, and may also include experts on issues important to the State's Caribbean population.

(2) Appointed members shall serve at the pleasure of the Governor for up to two consecutive four-year terms.

(3) The Governor shall designate a Chairperson from among the members of the Commission. The Chairperson shall serve at the pleasure of the Governor. The Chairperson shall be responsible for creating subcommittees to carry out the functions of the Commission.

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

C. Procedures.

(1) The Commission shall meet at the call of the Chairperson at least four times each year. Notice of meetings shall be published to encourage public attendance.

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

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

(4) By June 30 of each year, the Commission shall submit an annual report to the Governor detailing its activities in the preceding calendar year, along with any appropriate recommendations.

D. Expenses. Members of the Commission may not receive any compensation for their services 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.

E. Operational Support. The Governor's Office of Community Initiatives shall provide support as needed to the Commission.

F. Duties. The Commission shall have the following duties and responsibilities:

(1) Serve as an advisory body to the Governor and agencies within the Executive Department on matters relating to the Caribbean population of Maryland, including matters relating to economic, workforce, and business development;

(2) Identify needs or problems affecting the Caribbean population and develop appropriate responses and strategies;

(3) Conduct outreach to Caribbean groups and communities in the State and communicate information to them concerning public and private programs that are beneficial to their interests;

(4) Review and comment on any proposed federal, State, or local legislation, regulations, policies, or programs that affect the Caribbean population of Maryland;

(5) Generally comment and make appropriate recommendations on matters affecting the health, safety, and welfare of the Caribbean population of Maryland; and

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

EXECUTIVE ORDER OF JUNE 30, 2012

01.01.2012.12

Declaration of Emergency

WHEREAS, The State of Maryland is subject to a variety of hazards and disasters including but not limited to severe thunderstorms, heat waves, and other weather-related events;

WHEREAS, Having been advised and informed by the Maryland Emergency Management Agency that as a result of severe thunderstorms that affected the entire State on June 29 and June 30, 2012, an emergency exists in all counties and Annapolis City, Baltimore City, and Ocean City and that resources may be requested due to the intense and powerful wind and severe weather storms affecting the State of Maryland including widespread power outages and excessive heat;

- WHEREAS, Over eight–hundred and forty thousand (840,000) Maryland citizens are without power;
- WHEREAS, Power restoration is not expected for up to seven (7) days;
- WHEREAS, Additional powerful storms are expected in the next twenty–four (24) to thirty–six (36) hours;
- WHEREAS, Transportation, water utility, and other critical infrastructure is being negatively affected by said power outages;
- WHEREAS, Maryland residents have been subject to extreme heat, including temperatures above ninety degrees and heat index measures as high as one–hundred (100) degrees or more;
- WHEREAS, Extreme heat has required the opening of over seventy four cooling stations across the State;
- WHEREAS, There is an urgent need to waive certain regulations related to commercial vehicles, to facilitate the deployment of resources, and to carry out other necessary acts in response;
- WHEREAS, Use of resources of the Maryland National Guard may be required;
- 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 WITHIN THE STATE OF MARYLAND. I CALL THE MARYLAND NATIONAL GUARD INTO STATE SERVICE AND HEREBY AUTHORIZE THE MARYLAND EMERGENCY MANAGEMENT AGENCY OR OTHER APPROPRIATE STATE AUTHORITY, DURING THIS EMERGENCY PERIOD, TO ENGAGE, DEPLOY AND COORDINATE AVAILABLE RESOURCES.

EXECUTIVE ORDER OF JULY 3, 2012

01.01.2012.13

Emergency Super-Derecho Storm Event

- WHEREAS, A State of Emergency has been declared due to the Super-Derecho storm event that occurred in the State of Maryland on June 29 and June 30, 2012;
- WHEREAS, The delivery of supplies and equipment to areas that were struck by this storm is vital to the preservation of life and property;
- WHEREAS, The facilitated movement of these supplies and equipment is in the best interests of the citizens of Maryland; and
- WHEREAS, Having been advised and informed by the Maryland Emergency Management Agency that there has been severe weather and subsequent damage and power outages, that an emergency exists in the State of Maryland, and that resources may be requested.

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

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

B. Carriers and drivers operating under the provisions of this Order 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.

C. Pursuant to the Code of Federal Regulations, 49 CFR Part 390.23, carriers and drivers of commercial motor vehicles transporting equipment, supplies and commodities related to

storm relief efforts (e.g., debris, propane, gasoline, etc.) and drivers of utility vehicles shall be relieved from the Hours of Service (HOS) requirements of 49 CFR part 395, as adopted under Section 25–111, of the Maryland Transportation Article. This waiver does not relieve any driver or operator from the requirements of 49 CFR part 392.3, relating to operating a commercial motor vehicle while fatigued.

D. Nothing in this Order relieves the carrier or driver of responsibility for the safe operation of the vehicle.

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

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

EXECUTIVE ORDER OF JULY 13, 2012

01.01.2012.14

Rescission of Executive Orders 01.01.2012.12 and 01.01.2012.13

WHEREAS, I, Martin O'Malley, Governor of the State of Maryland, declared a State of Emergency by Executive Order 01.01.2012.12 and issued 01.01.2012.13 due to the threat to the public health and safety caused by the impact of severe weather; and

WHEREAS, The emergency conditions caused by the impact of severe weather 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 TERMINATED AND HEREBY RESCIND EXECUTIVE ORDERS 01.01.2012.12 and 01.01.2012.13.

EXECUTIVE ORDER OF JULY 25, 2012

01.01.2012.15

Improving the Resiliency of Maryland's Electric Distribution System

WHEREAS, The State of Maryland has experienced numerous severe weather events in the past several years, including, but not limited to, hurricanes, blizzards, and derechos, all of which have caused prolonged electricity outages;

WHEREAS, These repeated and lengthy outages pose a significant threat to public health and safety, can lead to the loss of lives of Maryland residents, and are costly to the State's citizens, businesses, and governments through economic losses, lost business, and a decreased quality of life;

WHEREAS, As a result of climate change, the State of Maryland may continue to suffer violent weather patterns in the months and years ahead;

WHEREAS, Improvements to Maryland's electric distribution infrastructure have the potential to strengthen the grid and improve its resiliency; and

WHEREAS, The State of Maryland should solicit input and analysis from a variety of experts across the State and across the nation in order to develop policy recommendations, including proposed legislation, regulatory reforms, or other policy changes.

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 Governor's Energy Advisor, in collaboration with the Maryland Energy Administration, the Power Plant Research Program, the Maryland Emergency Management Administration, and the staff of the Maryland Public Service Commission, shall solicit input and recommendations from experts regarding the following issues:

(1) The effectiveness and feasibility of undergrounding supply and distribution lines in selected areas as a means to

strengthen the grid and improve the resiliency of Maryland's electric distribution system;

(2) Options for other infrastructure investments in the electric distribution infrastructure that can or should be made in order to strengthen the grid and improve the resiliency of Maryland's electric distribution system. The costs and benefits of such investments should be evaluated over various time periods, including a thirty-year period; and

(3) Options for financing and cost recovery for capital investments to the electric distribution system.

B. Within 60 days from the effective date of this Executive Order, the Governor's Energy Advisor, in collaboration with the agencies mentioned above, shall report back to the Governor with recommendations for legislative changes, potential regulatory reforms, and other policy changes.

C. Nothing in this Executive Order shall be construed to supplant any action either currently underway or to be taken by the Public Service Commission.

D. This Executive Order does not create any substantive or procedural rights or benefits that are enforceable against the State of Maryland or its departments, officers, or employees.

EXECUTIVE ORDER OF AUGUST 8, 2012

01.01.2012.16

Proclamation Convening the General Assembly of Maryland
in Extraordinary Session at Annapolis, Maryland on August 9, 2012

WHEREAS, Maryland's gaming industry supports thousands of jobs, and when fully implemented, is projected to generate more than \$1 billion in annual revenue, with hundreds of millions benefiting the Education Trust Fund;

WHEREAS, The State of Maryland has the opportunity to create thousands of new construction jobs and more than 2,000 new permanent jobs;

- WHEREAS, By acting now, the State of Maryland has the opportunity to secure additional revenue for Maryland's public schools over the next two years;
- WHEREAS, The proposed legislation will create predictability in the marketplace;
- WHEREAS, The proposed legislation will make Maryland's gaming program competitive with other states;
- WHEREAS, The proposed legislation will provide financial certainty, predictability, and fair treatment to current licensees;
- WHEREAS, The proposed legislation will protect local and city aid being generated at current sites;
- WHEREAS, If a majority of Maryland voters vote in favor of the question to expand gaming on the November 2012 ballot, the State Lottery and Gaming Control Commission shall immediately begin the regulatory process to authorize table games;
- WHEREAS, According to the fiscal analysis provided for the Workgroup to Consider the Expansion of Gaming, table games will likely generate approximately \$45 – 51 million per year in additional revenues for the Education Trust Fund;
- WHEREAS, If a sixth video lottery terminal facility opens, the State may realize millions of dollars in additional revenues to the Education Trust Fund;
- WHEREAS, Local jurisdictions with facilities will benefit by the proposed legislation through additional local impact grants and table games proceeds upon the opening of a sixth site;
- WHEREAS, In order to protect the State's interest, the proposed legislation would re-constitute the current State Lottery Agency as the State Lottery and Gaming Control Agency, consisting of members with expertise in fiscal matters and economics;
- WHEREAS, The legislation would authorize an additional site in Prince George's County only if: (1) a majority of Maryland voters vote in favor of the question to expand gaming on the November 2012 ballot; and (2) a majority of voters in Prince George's County approve the same question;
- WHEREAS, The Video Lottery Facility Location Commission may not permit the operation of an additional facility before the earlier of July 1,

2016, or 30 months after the Baltimore City facility is open to the public;

WHEREAS, A transfer of ownership in the video lottery terminals is expected to generate tens of millions of dollars in savings to the State, all of which shall be appropriated to the Education Trust Fund;

WHEREAS, The proposed legislation would ban political donations from gaming entities in order to restore confidence that important decisions are being made based on expertise and analysis and without unnecessary distractions;

WHEREAS, The proposed legislation will provide the same level of funding to the racing industry as is currently expected to be generated by the existing VLT program; and

WHEREAS, By finally resolving this issue of gaming in Maryland, we have an opportunity to provide significant additional funding for our number one ranked public schools, create more than 2,000 additional permanent jobs, and keep Maryland's facilities competitive with surrounding states.

NOW, THEREFORE, I, MARTIN O'MALLEY, GOVERNOR OF THE STATE OF MARYLAND, BY VIRTUE OF THE AUTHORITY VESTED IN ME BY ARTICLE II, SECTION 16 OF THE MARYLAND CONSTITUTION AND LAWS OF MARYLAND, HEREBY PROCLAIM AND CONVENE A SPECIAL AND EXTRAORDINARY SESSION OF THE GENERAL ASSEMBLY OF MARYLAND TO COMMENCE ON THURSDAY, AUGUST 9, 2012, IN THE STATE CAPITAL IN THE CITY OF ANNAPOLIS.

EXECUTIVE ORDER OF AUGUST 29, 2012

01.01.2012.17

Governor's Commission on South Asian American Affairs

WHEREAS, The State of Maryland has a growing South Asian American population and the State has an interest in helping to maximize the potential of its constituent citizenry;

- WHEREAS, There is a need to continue and expand outreach that will engage individuals and organizations in the South Asian American community in partnerships with State government in promoting their social, cultural, and business interests, with a particular focus on community development;
- WHEREAS, Issues affecting the South Asian American community, including economic, workforce, and business development, require the attention of multiple agencies across State government;
- WHEREAS, The contributions of the growing South Asian American community to the State of Maryland have been numerous, and the South Asian American community has been a valuable asset to the State;
- WHEREAS, Education, civic participation, and leadership opportunities continue to be highly important issues to the growing South Asian American community in the State of Maryland;
- WHEREAS, There is a need for increased public awareness and public education on issues that are important to the South Asian American community in the State of Maryland;
- WHEREAS, This Administration has determined that issues related to the South Asian American community are best addressed at the highest level of the Executive Branch; and
- WHEREAS, The Administration wants to emphasize its commitment to the South Asian American people of Maryland by authorizing the Commission as part of the Governor's Office of Community Initiatives and focusing the Commission on issues related to community development.

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 Commission shall consist of the following members:

(1) Twenty-one members appointed by the Governor. The members appointed by the Governor shall reflect the diverse ancestry and national origins of the South Asian American community of Maryland, shall provide representation from different geographic regions in the State, and may also include

experts on issues important to the State's South Asian American population.

(2) Appointed members shall serve at the pleasure of the Governor for up to two consecutive four-year terms.

(3) The Governor shall designate a Chairperson from among the members of the Commission. The Chairperson shall serve at the pleasure of the Governor. The Chairperson shall be responsible for creating subcommittees to carry out the functions of the Commission.

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

B. Procedures.

(1) The Commission shall meet at the call of the Chairperson at least six times each year. Notice of meetings shall be published to encourage public attendance.

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

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

(4) By June 30 of each year, the Commission shall submit an annual report to the Governor detailing its activities in the preceding calendar year, along with any appropriate recommendations.

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

D. Operational Support. The Governor's Office of Community Initiatives shall provide support as needed to the Commission.

E. Duties. The Commission shall have the following duties and responsibilities:

(1) Serve as an advisory body to the Governor and agencies within the Executive Department on matters relating to

the South Asian American population of Maryland, including matters relating to economic, educational, and workforce development;

(2) Identify needs or problems affecting the South Asian American population and develop appropriate responses and strategies;

(3) Conduct outreach to South Asian American groups and communities in the State and communicate information to them concerning public and private programs that are beneficial to their interests;

(4) Review and comment on any proposed federal, State, or local legislation, regulations, policies, or programs that affect the South Asian American population of Maryland;

(5) Generally comment and make appropriate recommendations on matters affecting the health, safety, and welfare of the South Asian American population of Maryland; and

(6) Perform any other duties that as requested by the Governor.

EXECUTIVE ORDER OF OCTOBER 1, 2012

01.01.2012.18

Maryland's Open Data Initiative

WHEREAS, The State of Maryland is committed to the principle of open government and continues to look for ways to improve the transparency and accountability of government operations;

WHEREAS, Since 2007, the State of Maryland has utilized StateStat, a performance-measurement and management tool, in order to optimize the performance of State government through a process of continually analyzing data, monitoring trends, and developing new strategies to improve performance;

WHEREAS, A key tenet of StateStat is that when accurate and timely intelligence is shared by all, more ideas and effective strategies

will emerge for how the State of Maryland can improve the lives of its citizens;

WHEREAS, New technologies enable the State of Maryland to continue stretching the boundaries of citizen communication, collaboration, and engagement in order to achieve the best possible outcomes for the State; and

WHEREAS, In order to continue down the current path of progress, the State of Maryland should formalize a program of data collection and dissemination that will permit greater public review and analysis of information, increase collaboration between the public and State officials, and optimize progress toward the strategic policy goals of the State.

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

A. An Open Data Working Group shall be established to implement the policies established in this Executive Order. The Open Data Working Group shall include representation from each of the principal departments of the Executive Branch that participates in the StateStat process, as well as the Department of Budget and Management and the Department of Assessments and Taxation. The Governor's Chief Innovation Officer will lead the Open Data Working Group and may require additional agencies to participate.

B. Within 30 days from the effective date of this Order, participating departments shall designate an employee to serve as Open Data Officer. The Open Data Officers shall coordinate the implementation of this Order within their respective departments and shall serve as their department's primary representative to the Open Data Working Group.

C. Within 60 days from the effective date of this Order, the Open Data Working Group shall create an open data portal at <http://data.maryland.gov>. This portal shall contain information on the State of Maryland's open government efforts and shall include a dynamic data catalog that lists all of the data sets that have been released by State departments.

D. The State's open data portal shall include a mechanism for the public to give feedback on published information and provide input on other data sets that should be prioritized for publication.

E. The Open Data Working Group shall hold regular meetings to report progress and to discuss ways to advance Maryland's Open Data Initiative.

EXECUTIVE ORDER OF OCTOBER 26, 2012

01.01.2012.19

Executive Order Regarding Hurricane Sandy

WHEREAS, The State of Maryland is subject to a variety of hazards or disasters including but not limited to severe storms, significant winter weather, tropical storm systems, hurricanes, and other weather related events;

WHEREAS, Having been advised and informed by the Maryland Emergency Management Agency that as a result of the impending impact of Hurricane Sandy and associated high winds, severe rain, and other significant hazards, there is a need for special preparedness and response for which resources may be requested;

WHEREAS, Hurricane Sandy is currently a category two hurricane moving towards the east coast of the United States forecasted by the National Hurricane Center to impact the State of Maryland;

WHEREAS, The precise path of Hurricane Sandy remains uncertain, the entire State of Maryland must take steps to prepare for potential destruction and minimize the threat to public safety and the lives of all Marylanders who may find themselves in the path of the storm;

WHEREAS, There is a need to take protective actions to protect the lives and property of citizens expected to be impacted by the potentially disastrous effects of Hurricane Sandy;

WHEREAS, Because of Hurricane Sandy's potential impacts on the State of Maryland and preparations for all contingencies and emergency exists in all counties;

- WHEREAS, Resources may be requested due to the intense and powerful wind, heavy rains, flooding, tidal flooding and the severe storms affecting the State of Maryland including widespread wind damage, power outages, coastal and in-land flooding;
- WHEREAS, Transportation, water, utility, and other critical infrastructure may be negatively affected by said power outages, wind damage, and flooding;
- WHEREAS, State and Local government agencies will require additional resources and support in order to implement protective actions and meet the public safety and welfare needs of citizens affected by the storm, heavy winds, flooding, and power outages;
- WHEREAS, The citizens of Maryland may require direct assistance in repairing damaged homes and businesses and in order to return to their normal, daily lives;
- WHEREAS, The Federal Emergency Management Agency has urged all residents to take steps now to prepare their families and businesses for hurricanes, severe weather, flooding, and other disasters;
- WHEREAS, In order to waive certain regulations related to commercial vehicles;
- WHEREAS, In order to facilitate the deployment of requisite resources within provisions of Maryland law;
- WHEREAS, Use of resources of the Maryland National Guard may be required; and
- WHEREAS, In order to implement the emergency powers of the Governor, an executive order of the Governor is appropriate.

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

ENGAGE, DEPLOY AND COORDINATE AVAILABLE RESOURCES.

EXECUTIVE ORDER OF OCTOBER 26, 2012

01.01.2012.20

Emergency Hurricane Efforts – Vehicle Size and Weight Limits

WHEREAS, A State of Emergency has been declared due to the impending arrival of Hurricane Sandy in Maryland;

WHEREAS, The delivery of supplies and equipment to areas that may be stricken by this storm is vital to the preservation of life and property;

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

WHEREAS, Having been advised and informed by the Maryland Emergency Management Agency that there is the anticipation of severe weather, possible flooding and subsequent power outages, that an emergency exists in the State of Maryland and that resources may be requested.

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

1. Vehicles Transporting equipment or supplies directly related to hurricane emergency relief are allowed a 15% tolerance above any weight limited imposed by statute. Said tolerance shall be the only tolerance applicable to the vehicle. Vehicles exceeding this tolerance and carrying a non-divisible load shall obtain a

hauling permit as required. No vehicle shall exceed any tire manufacturer's maximum load capacity rating.

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

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

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

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

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

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

EXECUTIVE ORDER OF OCTOBER 28, 2012

01.01.2012.21

Executive Order Regarding Hurricane Sandy and Early Voting

WHEREAS, A State of Emergency has been declared throughout the State of Maryland in recognition of the danger posed by Hurricane Sandy and related weather systems;

WHEREAS, The current State of Emergency will interfere with the early voting that is scheduled to take place by law from Saturday, October 27, 2012 through Thursday, November 1, 2012;

WHEREAS, An alteration to the early voting schedule is necessary to protect public safety and minimize the risk of harm to all Marylanders, including those who play a role in administering the electoral process; 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 8, SECTION 103 OF THE ELECTION LAW ARTICLE OF THE ANNOTATED CODE OF MARYLAND, DECLARE THAT THE STATE OF EMERGENCY IN EFFECT FOR ALL COUNTIES WILL INTERFERE WITH THE ELECTORAL PROCESS AND THAT THE FOLLOWING CHANGES TO THE EARLY VOTING SCHEDULE ARE NECESSARY:

A. Early voting will not take place throughout the State of Maryland on Monday, October 29, 2012.

B. An announcement will be forthcoming about the early voting schedule on Tuesday, October 30, 2012, and the potential extension of early voting beyond the scheduled end on Thursday, November 1, 2012.

EXECUTIVE ORDER OF OCTOBER 28, 2012

01.01.2012.22

Executive Order Regarding Hurricane Sandy and Extension of Early Voting

WHEREAS, A State of Emergency has been declared throughout the State of Maryland in recognition of the danger posed by Hurricane Sandy and related weather systems;

WHEREAS, The current State of Emergency will interfere with the early voting that is scheduled to take place by law from Saturday, October 27, 2012 through Thursday, November 1, 2012;

WHEREAS, A cancellation of early voting on Monday, October 29, 2012 was necessary to protect public safety and minimize the risk of harm to all Marylanders, including those who play a role in administering the electoral process;

WHEREAS, It is in the interests of the State of Maryland and the electoral process to add an additional early voting day to make up for the canceled day; 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 8, SECTION 103 OF THE ELECTION LAW ARTICLE OF THE ANNOTATED CODE OF MARYLAND, DECLARE THAT THE STATE OF EMERGENCY IN EFFECT FOR ALL COUNTIES WILL INTERFERE WITH THE ELECTORAL PROCESS AND THAT THE FOLLOWING CHANGES TO THE EARLY VOTING SCHEDULE ARE NECESSARY:

A. The early voting period shall be extended, and all early voting centers shall be open between 10 a.m. and 8 p.m. on Friday, November 2, 2012.

EXECUTIVE ORDER OF OCTOBER 29, 2012

01.01.2012.23

Executive Order Regarding Hurricane Sandy and Early Voting

WHEREAS, A State of Emergency has been declared throughout the State of Maryland in recognition of the danger posed by Hurricane Sandy and related weather systems;

WHEREAS, The current State of Emergency will interfere with the early voting that is scheduled to take place by law from Saturday, October 27, 2012 through Thursday, November 1, 2012;

WHEREAS, An alteration to the early voting schedule is necessary to protect public safety and minimize the risk of harm to all Marylanders, including those who play a role in administering the electoral process; 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 8, SECTION 103 OF THE ELECTION LAW ARTICLE OF THE ANNOTATED CODE OF MARYLAND, DECLARE THAT THE STATE OF EMERGENCY IN EFFECT FOR ALL COUNTIES WILL INTERFERE WITH THE ELECTORAL PROCESS AND THAT THE FOLLOWING CHANGES TO THE EARLY VOTING SCHEDULE ARE NECESSARY:

A. Early voting will not take place throughout the State of Maryland on Tuesday, October 30, 2012.

EXECUTIVE ORDER OF OCTOBER 30, 2012

01.01.2012.24

Executive Order Regarding Hurricane Sandy and Early Voting

- WHEREAS, A State of Emergency has been declared throughout the State of Maryland in recognition of the danger posed by Hurricane Sandy and related weather systems;
- WHEREAS, The current State of Emergency will interfere with the early voting that is scheduled to take place by law from Saturday, October 27, 2012 through Thursday, November 1, 2012;
- WHEREAS, A cancellation of early voting on Monday, October 29, 2012 and Tuesday, October 30, 2012 was necessary to protect public safety and minimize the risk of harm to all Marylanders, including those who play a role in administering the electoral process;
- WHEREAS, It is in the interests of the State of Maryland and the electoral process to extend early voting hours on the remaining early voting days in order to make up for the lost opportunities for early voting; 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 8, SECTION 103 OF THE ELECTION LAW ARTICLE OF THE ANNOTATED CODE OF MARYLAND, DECLARE THAT THE STATE OF EMERGENCY IN EFFECT FOR ALL COUNTIES WILL INTERFERE WITH THE ELECTORAL PROCESS AND THAT THE FOLLOWING CHANGES TO THE EARLY VOTING SCHEDULE ARE NECESSARY:

- A. All early voting centers shall be open between 8 a.m. and 9 p.m. on Wednesday, October 31, 2012, Thursday, November 1, 2012, and Friday, November 2, 2012.

EXECUTIVE ORDER OF OCTOBER 30, 2012

01.01.2012.25

Executive Order Regarding Hurricane Sandy and Extension of Absentee Ballot
Deadline

WHEREAS, A State of Emergency has been declared throughout the State of Maryland in recognition of the danger posed by Hurricane Sandy and related weather systems;

WHEREAS, The current State of Emergency has interfered with the early voting process; caused the closure of State and local government buildings, public roads, and bridges; suspended and delayed the delivery of mail; and otherwise interfered with preparations for the 2012 election season;

WHEREAS, Delays in the mail delivery system may cause applications for an absentee ballot to be received by election boards after the deadline on Tuesday, October 30, 2012;

WHEREAS, It is in the interests of the State of Maryland and the electoral process to extend the deadline for receipt of absentee ballot applications so that applications received on Wednesday, October 31, 2012 will be deemed timely; 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 8, SECTION 103 OF THE ELECTION LAW ARTICLE AND TITLE 14, SECTION 107 OF THE PUBLIC SAFETY ARTICLE OF THE ANNOTATED CODE OF MARYLAND DECLARE THE FOLLOWING:

A. An application for an absentee ballot must be received by a local board by Wednesday, October 31, 2012. *See* Md. Code Ann., Election Law Article, § 9–305(b). The deadline is 8:00 p.m. for applications received by mail or delivery and 11:59 p.m. for applications received by fax or electronic mail.

EXECUTIVE ORDER OF NOVEMBER 1, 2012

01.01.2012.26

Executive Order Regarding Hurricane Sandy and Absentee Ballots

- WHEREAS, A State of Emergency has been declared throughout the State of Maryland in recognition of the danger posed by Hurricane Sandy and related weather systems;
- WHEREAS, The current State of Emergency has interfered with the early voting process; caused the closure of State and local government buildings, public roads, and bridges; suspended and delayed the delivery of mail; caused the activation of the National Guard, the deployment of first responders throughout the Northeast region of the United States, and the displacement and evacuation of other Maryland residents due to power outages and other causes; and otherwise interfered with preparations for the 2012 General Election;
- WHEREAS, Delays in the mail delivery system may cause applications for an absentee ballot to be received by election boards after the extended deadline on Wednesday, October 31, 2012;
- WHEREAS, Registered voters in the State of Maryland, including members of the National Guard who have been called to active duty to assist in recovery efforts, who anticipated voting early or on Election Day may not have the opportunity to vote in the 2012 General Election;
- WHEREAS, The State Board of Elections currently delivers ballots electronically to military and overseas civilian voters that must be returned by mail and postmarked by Election Day;
- WHEREAS, Registered voters are currently authorized to make a late application for an absentee ballot at local election boards through 8:00 p.m. on Election Day, but voters who are not in their county of residence due to Hurricane Sandy do not have a means to make a late application for an absentee ballot;
- WHEREAS, It is in the interests of the State of Maryland and the electoral process to ensure that absentee ballots may be delivered electronically to registered voters who request them before 5:00 p.m. on the day preceding the election provided that they attest that they are out of their county of residence due to Hurricane Sandy; 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 8, SECTION 103 OF THE ELECTION LAW ARTICLE AND TITLE 14, SECTION 107 OF THE PUBLIC SAFETY ARTICLE OF THE ANNOTATED CODE OF MARYLAND, DECLARE THE FOLLOWING:

A. All registered voters whose application for an absentee ballot is received by mail by a local board by 8:00 p.m. on Thursday, November 1, 2012 shall be considered timely.

B. Registered voters who are out of their county of residence due to Hurricane Sandy are authorized to apply for an absentee ballot up to 5:00 p.m. on Monday, November 5, 2012. The State Board of Elections is authorized to electronically deliver absentee ballots to such voters. Completed ballots must be mailed on or before Election Day and received by the local board of elections no later than November 16, 2012.

EXECUTIVE ORDER OF NOVEMBER 5, 2012

01.01.2012.27

Conditional Commutation of Sentence – John Alexander Jones

WHEREAS, John Alexander Jones (Division of Correction Inmate Number 168832), Conditional Grantee, was convicted of Felony Murder, Handgun Violation, and Attempted Robbery with Deadly Weapon in the Circuit Court of Maryland for Baltimore City on August 25, 1983 (Case No. 18305502) and was sentenced to life imprisonment plus five years concurrent;

WHEREAS, John Alexander Jones was seventeen years old at the time of the offense and has compiled, while incarcerated, a strong record of work experience and institutional progress, including the attainment of a GED and then an undergraduate degree from Coppin State University;

WHEREAS, The jury convicted John Alexander Jones of Felony Murder for participation in an attempted robbery that led to the murder, but

the State of Maryland did not allege that John Alexander Jones was the shooter;

WHEREAS, The Baltimore City State's Attorney does not oppose clemency for John Alexander Jones; and

WHEREAS, The Maryland Parole Commission has concluded that John Alexander Jones presently appears to constitute no threat to public safety and recommends the granting of Executive Clemency.

NOW, THEREFORE, I, MARTIN O'MALLEY, GOVERNOR OF THE STATE OF MARYLAND, HAVING THOUGHT PROPER THE CONDITIONAL GRANTING OF CLEMENCY IN THIS CASE AND UNDER THE AUTHORITY VESTED IN ME BY ARTICLE II, SECTION 20 OF THE CONSTITUTION OF MARYLAND AND SECTION 7-601 OF THE CORRECTIONAL SERVICES ARTICLE OF THE ANNOTATED CODE OF MARYLAND, DO HEREBY ORDER THAT THE ORIGINAL SENTENCE TO THE CUSTODY OF THE DIVISION OF CORRECTION BE AND HEREBY IS CONDITIONALLY COMMUTED AND CONDITIONALLY REMITTED TO LIFE WITH ALL BUT 47 YEARS SUSPENDED SUBJECT TO THE FOLLOWING:

Pre-release Conditions

A. Prior to parole release, the Conditional Grantee shall complete a period of community testing and/or a period of work release, as determined by the Department of Public Safety and Correctional Services.

B. Prior to any release on parole or mandatory supervision, the Maryland Parole Commission, in consultation with the Department of Public Safety and Correctional Services and the Department of Labor, Licensing and Regulation, shall devise a reentry plan, which must, at a minimum, include:

(1) A home plan, investigated by the Department of Public Safety and Correctional Services and approved by the Parole Commission;

(2) An employment plan that includes, as necessary, job placement, job training, and/or educational programs;

(3) A counseling plan approved by the Parole Commission and Department of Public Safety and Correctional Services; and

(4) If deemed necessary by the Parole Commission, in consultation with Patuxent Institution and the Drug and Alcohol Abuse Administration, a substance abuse or mental health treatment evaluation and/or program.

C. The conditional grantee shall submit to random drug testing as directed by the Parole Commission.

D. The Parole Commission may impose any other pre-release conditions that it considers proper.

Post-release Conditions

E. If the Maryland Parole Commission determines that the Conditional Grantee merits parole release, the Parole Commission may grant parole, and the Conditional Grantee shall be supervised by the Department of Public Safety and Correctional Services pursuant to Title 7, Subtitles 3 and 4 of the Correctional Services Article of the Annotated Code of Maryland, subject to all of the standard conditions of parole and the following special conditions:

(1) Participate in counseling programs as provided in the reentry plan established under Section B of this Conditional Commutation unless the Parole Commission determines that participation in the program is no longer necessary;

(2) If deemed necessary by the Parole Commission, submit to a mental health evaluation and participate in mental health treatment programming as directed by his supervising agent;

(3) Submit to random drug testing as directed by his supervising agent;

(4) If deemed necessary by the Parole Commission, participate in substance abuse treatment programming as directed by his supervising agent; and

(5) Any other special conditions that the Parole Commission considers proper.

F. If the Conditional Grantee is released on mandatory supervision, upon release from custody, he shall be supervised by the Department of Public Safety and Correctional Services pursuant to Title 7, Subtitle 5 of the Correctional Services Article of the Annotated Code of Maryland, subject to all the standard

conditions of mandatory supervision and the following special conditions:

(1) Participate in counseling programs as provided in the reentry plan established under Section B of this Conditional Commutation unless the Parole Commission determines that participation in the program is no longer necessary;

(2) If deemed necessary by the Parole Commission, submit to a mental health evaluation and participate in mental health treatment programming as directed by his supervising agent;

(3) Submit to random drug testing as directed by his supervising agent;

(4) If deemed necessary by the Parole Commission, participate in substance abuse treatment programming as directed by his supervising agent; and

(5) Any other special conditions that the Parole Commission considers proper.

G. The Parole Commission shall not grant an abatement of supervision while the Conditional Grantee is on parole or mandatory supervision.

H. *Revocation of Parole or Mandatory Supervision and Re-imposition of Commuted Sentence:* If the Parole Commission determines that the Conditional Grantee violated a condition of parole or mandatory supervision under Sections E or F of this Conditional Commutation, but the Conditional Commutation has not been revoked under Section J, the Parole Commission may revoke parole or mandatory supervision pursuant to the procedures outlined in Title 7 of the Correctional Services Article of the Annotated Code of Maryland and the Code of Maryland Regulations. The Parole Commission may, within its discretion, deny the Conditional Grantee credit for time served on parole or mandatory supervision. Notwithstanding any other provision of law, the Parole Commission may also, within its discretion, revoke any or all of the Conditional Grantee's diminution credits whether the Conditional Grantee was released on parole or mandatory supervision.

I. Following completion of his unsuspended term of 47 years:

(1) The Conditional Grantee must submit to continued supervision by the Parole Commission for the remainder of his suspended lifetime term unless the Parole Commission determines that the abatement of such supervision is in the best interests of the State and that further supervision is not necessary for the protection of public safety. Except as otherwise provided in this Conditional Commutation, this supervision shall be conducted according to the standard policies and procedures governing supervision of parolees under the Code of Maryland Regulations.

(2) The Conditional Grantee must, whether or not supervision is abated, continue to abide by the following conditions for the remainder of his suspended lifetime term:

(a) Report as directed to and follow his parole agent's instructions unless the Parole Commission has granted an abatement of supervision:

(b) Obey all laws;

(c) Notify the Parole Commission before changing jobs, changing his home, or leaving the State of Maryland. The Parole Commission has the authority to waive these notification requirements;

(d) Do not illegally use, possess, or sell any narcotic drug, "controlled dangerous substance," or related paraphernalia;

(e) Do not own, possess, use, sell, or have control of any dangerous weapon or firearm of any description without the approval of the Parole Commission;

(f) Notify the Parole Commission immediately if arrested; and

(g) Any special conditions that the Parole Commission considers proper.

Revocation

J. Revocation of the Conditional Commutation and Re-imposition of Original Life Sentence: Under the following circumstances, the Parole Commission may, following a hearing, recommend to the Governor that the Conditional Commutation be revoked and the Conditional Grantee's original life sentence be

re-imposed if a majority of the commissioners determine that the Conditional Grantee poses a threat to public safety and, considering the totality of the circumstances, that revocation is warranted:

- (1) The Conditional Grantee is convicted of a crime;
- (2) The Conditional Grantee owns, possesses, uses, sells or has under his control a firearm;
- (3) The Conditional Grantee, while incarcerated, is found guilty of an inmate rule violation listed in Code of Maryland Regulations Section 12.02.27.04B(1)–(4) or (6) or is found guilty of more than one inmate rule violation listed in Code of Maryland Regulations Section 12.02.27.04B–E;
- (4) The Conditional Grantee, while participating in a community testing or work release program, is found guilty of an inmate rule violation listed in Code of Maryland Regulations Section 12.02.27.04B(1)–(4) or (6) or is found guilty of more than one inmate rule violation listed in Code of Maryland Regulations Section 12.02.27.04B–E; or
- (5) The Conditional Grantee violates a condition under Sections E, F, or I of this Conditional Commutation.

K. The Parole Commission shall notify the Governor in writing of a recommendation to revoke this Conditional Commutation under Section J, and the Governor may decide to accept or reject the Parole Commission's recommendation.

EXECUTIVE ORDER OF NOVEMBER 9, 2012

01.01.2012.28

Rescission of Executive Orders 01.01.2012.19 and 01.01.2012.20

WHEREAS,

I, Martin O'Malley, Governor of the State of Maryland, declared a State of Emergency by Executive Order 01.01.2012.19 and issued 01.01.2012.20 due to the threat to the public health and safety caused by the impact of severe weather; and

WHEREAS, The emergency conditions caused by the impact of severe weather 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 TERMINATED AND HEREBY RESCIND EXECUTIVE ORDERS 01.01.2012.19 and 01.01.2012.20.

EXECUTIVE ORDER OF DECEMBER 28, 2012

01.01.2012.29

Climate Change and "Coast Smart" Construction

WHEREAS, The State of Maryland has the fourth longest tidal coastline in the continental United States and is one of the States most vulnerable to sea level rise – one of the major consequences of climate change;

WHEREAS, Climate forecasters have predicted that the extreme weather events experienced in recent years are indicative of the likely impacts of climate change that the State of Maryland will face in the coming decades;

WHEREAS, The State of Maryland has experienced more than one foot of sea level rise over the last century due to the combined forces of regional land subsidence and global sea level rise;

WHEREAS, The State of Maryland is currently losing approximately 580 acres every year to shore erosion and, alarmingly, thirteen Chesapeake Bay islands once mapped on nautical charts have been lost;

WHEREAS, In July 2012, the U.S. Geological Survey published research in the journal *Nature Climate Change* documenting that over the last 20 years, sea levels along the 1,000 kilometer stretch of coast running north from Cape Hatteras to north of Boston, which includes the State of Maryland, have risen at an annual rate three times to four times faster than the global average;

- WHEREAS, Future changes in sea level threaten to increase the State of Maryland's vulnerability to storm events, causing more shore erosion and severe coastal flooding, inundating low-lying lands, submerging tidal wetlands and marshes, and resulting in additional salt-water intrusion and higher water tables;
- WHEREAS, The State of Maryland has approximately 450 existing State-owned facilities and 400 miles of roadways within areas likely to be impacted by sea level rise over the next 100 years;
- WHEREAS, Billions of dollars of investments in public infrastructure will be threatened if the State of Maryland fails to prepare adequately for climate change;
- WHEREAS, The State of Maryland must lead by example by implementing sound planning strategies to avoid or mitigate against the most damaging and likely effects of climate change; and
- WHEREAS, The State of Maryland must take action now to ensure that State infrastructure investments in vulnerable coastal areas are "Coast Smart" – fiscally wise and structurally sound.

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

(1) "Base flood" is a flood having a one-percent chance of being equaled or exceeded in any given year; the base flood also is referred to as the 1-percent annual chance (100-year) flood.

(2) "Base flood elevation" is the water surface elevation of the base flood in relation to the datum specified on Flood Insurance Rate Maps. In areas of shallow flooding, the base flood elevation is the highest adjacent natural grade plus the depth number specified in feet on the Flood Insurance Rate Map, or at least four (4) feet if the depth number is not specified.

(3) "Freeboard" is a factor of safety that compensates for uncertainty in factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, obstructed bridge

openings, debris and ice jams, climate change, and the hydrologic effect of urbanization in a watershed.

(4) "Permanent structure" is a structure installed, used, or erected for a period of greater than 180 days.

(5) "Sea Level Rise Vulnerability" is the susceptibility of a coastal area to seasonally high-tides or prolonged or permanent inundation or submergence due to a future rise in water level.

(6) "Special Flood Hazard Areas" refers to land in the floodplain subject to a one-percent or greater chance of flooding in any given year and are designated by the Federal Emergency Management Agency in Flood Insurance Studies and on Flood Insurance Rate Maps as Zones A, AE, AH, AO, A1-30, and A99, and Zones VE and V1-30.

(7) "State structures" are structures planned and built by State agencies that are partially or fully funded with State monies.

(8) "Structure" means that which is built or constructed; specifically, a walled or roofed building, including a gas or liquid storage tank that is principally above ground, as well as a manufactured home.

(9) "Substantial damage" means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

B. State agencies that propose capital projects for new State structures or the reconstruction or rehabilitation of substantially damaged State structures for inclusion in the State capital budget on or after July 1, 2013, shall consider the risk of coastal flooding and sea level rise to the project and should site and design State structures to avoid or minimize associated impacts.

C. Consistent with applicable law, the Department of General Services shall update its Policies and Procedures Manual for Architecture and Engineering to include guidelines providing that State agencies shall plan construction of all new permanent State structures and the reconstruction or rehabilitation of substantially damaged State structures located in Special Flood Hazard Areas with a minimum of two (2) feet of freeboard above the 100-year base flood elevation, unless the Department of

General Services, after consultation with the Department of Natural Resources and the Department of the Environment, determines that a variance from the guidelines is warranted after consideration of the following factors:

(1) The danger that materials may be swept onto other lands to the injury of others;

(2) The danger to life and property due to flooding or erosion damage;

(3) The susceptibility of the proposed structure and its contents to flood damage and the effect of such damage to the State of Maryland;

(4) The importance of the services to the State of Maryland provided by the proposed structure;

(5) The availability of suitable alternative locations that are subject to a lower risk of flooding or erosion damage;

(6) The necessity or benefits of a waterfront location;

(7) The compatibility of the proposed use of the structure with existing and anticipated development;

(8) The need to maintain eligibility or designation as a historic structure as defined by the U.S. Department of the Interior and/or the Maryland Historical Trust;

(9) The safety of access to the structure by passenger and emergency vehicles during a flood;

(10) The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters and the effects of any wave action expected at the site;

(11) The costs of providing government services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges; and

(12) The comments provided by the Maryland Department of the Environment and the National Flood Insurance Plan State Coordinator.

D. The Department of Natural Resources, in consultation with the Maryland Commission on Climate Change and/or other relevant parties as necessary, shall develop additional proposed guidelines concerning Climate Change and "Coast Smart" Construction.

(1) Timing. The Department of Natural Resources shall convene a meeting to discuss implementation and recommendations within 45 days of the effective date of this Executive Order and provide an initial report to the Governor within nine months.

(2) Report. The report shall include:

(a) Recommendations for additional "Coast Smart" criteria for the siting and design of new, reconstructed, or rehabilitated State structures, as well as other infrastructure improvements such as roads, bridges, sewer and water systems, drainage systems, and essential public utilities.

(b) Recommendations concerning the potential application of "Coast Smart" guidelines to non-state infrastructure projects that are partially or fully funded by State agencies.

(c) Other recommendations for executive and/or legislative action.

E. The Critical Area Commission for the Chesapeake and Atlantic Coastal Bays should evaluate existing regulations and policies for State Agency Actions Resulting in Development on State-Owned Lands and consider the adoption of new or revised provisions that address climate change and the risk of sea level rise and other extreme weather-related impacts.

F. The Scientific and Technical Working Group of the Maryland Commission on Climate Change shall review the sea level rise projections established by the Maryland Commission on Climate Change published in the Maryland Climate Action Plan (2008) and shall provide, within 180 days of the effective date of this Executive Order, updated projections based on an assessment of the latest climate change science and federal guidance.

G. This Executive Order shall be implemented in a manner consistent with any review or permitting processes that are required by law. This Executive Order does not apply to any federal or local permits or approval processes.

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