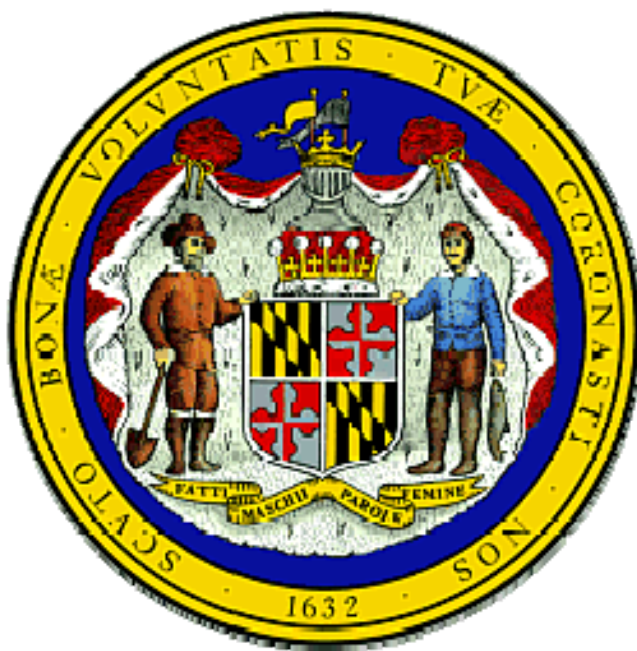


# EXECUTIVE ORDERS

2007



STATE OF MARYLAND

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**EXECUTIVE ORDER OF FEBRUARY 14, 2007**

01.01.2007.01

Standards of Conduct for Executive Branch Employees

(Rescinds Executive Orders 01.01.2003.01 and 01.01.2003.13)

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

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

WHEREAS, Citizens have the right to expect honest and honorable conduct in the performance of State business, free of the existence or perception of any corruption or other misconduct; and

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

NOW, THEREFORE, I, MARTIN O'MALLEY, GOVERNOR OF THE STATE OF MARYLAND, BY VIRTUE OF THE AUTHORITY VESTED IN ME BY THE CONSTITUTION AND LAWS OF MARYLAND, HEREBY RESCIND EXECUTIVE ORDERS 01.01.2003.01 AND 01.01.2003.13 AND PROCLAIM THE FOLLOWING EXECUTIVE ORDER, EFFECTIVE IMMEDIATELY:

- A. An employee shall not, except as permitted by applicable law or regulation, solicit or accept any gift or other item of monetary value from any person or entity seeking official action from, doing business with, or conducting activities regulated by the employee's agency, or whose interests may be substantially affected by the performance or nonperformance of the employee's duties.
- B. Employees shall exhibit exemplary conduct and use honest efforts in the performance of their duties.
- C. Employees shall not hold financial interests that conflict with the conscientious performance of duty.
- D. Employees shall not knowingly make unauthorized commitments or promises of any kind purporting to bind the Government.

- E. Employees shall not engage in financial transactions using nonpublic Government information or allow the improper use of such information to further any private interest.
- F. Employees shall act impartially and not give preferential treatment to any private organization or individual.
- G. Employees shall protect and conserve State property and shall not use it for other than authorized activities.
- H. Employees shall not engage in outside employment or activities, including seeking or negotiating for employment, which conflict with official Government duties and responsibilities.
- I. Employees shall disclose waste, fraud, abuse, and corruption to appropriate authorities.
- J. Employees shall satisfy in good faith their obligations as citizens, including all just financial obligations, including federal, State, or local taxes that are imposed by law.
- K. Consistent with all applicable laws, all employees shall be treated with dignity and respect and shall not be discriminated against on the basis of race, ethnicity, color, religion, sex, national origin, age, disability, or sexual orientation.
- L. Employees shall endeavor to avoid any actions creating the appearance that they are violating applicable law or the ethical standards in applicable regulations.
- M. Employees shall conduct intra-agency and interagency relations predicated upon civility, collaboration, and cooperation. These same principles shall apply to interactions with officials and employees of the legislative and judicial branches.
- N. Upon leaving state service, executive branch employees shall be bound by the restrictions of the Annotated Code of Maryland, State Government Article §15-504, with respect to lobbying and other forms of representation.
- O. All departments and agencies of the State shall immediately refer to the Assistant Attorney General of the Department or Agency or to the Deputy Attorney General with supervisory responsibility for the Attorney General's Criminal Investigations Division, any instance of possible criminal or unethical conduct by any employee or contractor of this State, for such action as the Office of the Attorney General deems appropriate. All departments and agencies shall also immediately advise the Chief Legal Counsel to the Governor of any such referrals.
- P. All departments and agencies shall require each employee to report to the Secretary or Director of such department or agency as to any arrest of an

employee and as to each legal proceeding in which an employee is involved, as a party or otherwise, if the arrest or legal proceeding affects, or reflects on, the employee's job fitness or performance.

- Q. Consistent with all applicable substantive and procedural laws, violations of this Executive Order are grounds for employee disciplinary action, including termination from State employment.

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**EXECUTIVE ORDER OF FEBRUARY 14, 2007**

01.01.2007.02

BayStat

WHEREAS, The Chesapeake Bay is a national treasure and the deepest wellspring of Maryland's history, economy, recreational life, and character;

WHEREAS, Notwithstanding public and private efforts to protect the Chesapeake Bay, pollution, insensitive development, and other environmentally degrading activities continue to pose serious threats to the health, vitality, and beauty of the Bay;

WHEREAS, Experience has shown that analysis of empirical data by policymakers and public administrators yields better public policy, improves the effectiveness and efficiency of public programs, and leads to wiser allocation of public resources;

WHEREAS, The health of the Chesapeake Bay, and the progress of governmental efforts to protect and restore the vitality of the Bay, are susceptible of measurement; and

WHEREAS, Restoring the vitality of the Chesapeake Bay is a matter of great public importance.

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. Establishment of BayStat. There is hereby established an accountability process, known as BayStat, for measuring and evaluating efforts to restore the Chesapeake Bay. BayStat shall be a joint project of the Departments of Agriculture, the Environment, Natural Resources, and Planning (the Departments).
- B. Objectives of BayStat. The objectives of BayStat are as follows:

- (1) To provide accurate and timely data to policymakers about the efficacy and cost-effectiveness of governmental programs to restore the vitality of the Chesapeake Bay;
- (2) To track and assess the progress of governmental programs to improve the health of the Bay, and to track and assess the enforcement of laws and regulations to curb the pollution of the Bay;
- (3) To provide a forum for the exchange and continuous analysis of data that will generate new insights for cleaning up the Bay;
- (4) To identify and make recommendations for the establishment of measurable goals in the process of Bay restoration;
- (5) To identify new threats to the health of the Bay; and
- (6) To increase public awareness of, and participation in, efforts to restore the vitality of the Bay.

C. Director, Agency Liaisons, Participants.

- (1) The Secretaries of Agriculture, Environment, Natural Resources and Planning (the Secretaries) shall, within 30 days of the date of this Order, jointly designate an employee of one of their respective Departments, of a public college or university in Maryland, or of the Office of the Governor, as director of BayStat.
- (2) Each Secretary shall designate, from among the employees in their Department, a departmental liaison to BayStat.
- (3) The Secretaries shall designate additional employees as regular participants in BayStat.
- (4) Staff members from the Office of the Governor and from other state agencies, including the Department of Budget and Management, and representatives of academic institutions, including the University of Maryland Center for Environmental Studies, will also be regular participants.

D. BayStat Measures.

- (1) BayStat shall gather data related to:
  - (a) water quality;
  - (b) nutrient and sediment loads;

- (c) biotic integrity;
- (d) fisheries and other living resources;
- (e) growth and development impacts on land and water resources;
- (f) the status and cost of programs to reduce atmospheric emissions of pollutants that reach the Bay;
- (g) the status and cost of efforts to restore Bay wetlands and forest buffers;
- (h) the status and cost of programs to assist Maryland farmers in implementing pollutant-reducing practices;
- (i) the status and cost of programs to upgrade or replace wastewater treatment facilities and onsite sewage disposal systems and to implement stormwater management measures, as well as other programs that are components of the Chesapeake Bay Tributary Strategies;
- (j) the status and cost of efforts to preserve lands and manage the impact of development;
- (k) the status and cost of efforts to enforce laws and regulations pertaining to the pollution of the Bay;
- (l) the cost effectiveness of Bay-related governmental programs; and
- (m) any other subject deemed pertinent by the Secretaries, the President of UMCES, or the director of BayStat.

- (2) Wherever appropriate, BayStat shall gather and present data by tributary area and shall support the Tributary Strategies Implementation Plan.

E. BayStat Procedures.

- (1) BayStat shall convene on a quarterly basis, or more frequently if the Secretaries deem appropriate.
- (2) Consistent with Sections B and D, the participants in BayStat shall, on an ongoing basis, identify and refine the types of data to be collected and presented at BayStat meetings.

- (3) In advance of each meeting of BayStat, each departmental liaison to BayStat shall provide data designated by BayStat participants to the director of BayStat.
- (4) After receipt of data, and also in advance of each meeting, the director of BayStat shall produce a report, to be circulated to all regular participants, analyzing the data and identifying areas of inquiry.
- (5) At meetings of BayStat, each departmental liaison shall be responsible for presenting the data provided to BayStat by their Department. Participants may pose questions to the departmental liaisons, who shall be responsible for answering the question or referring the question to other Department staff.
- (6) The director of BayStat, with the assistance of staff at the Departments and other BayStat participants, shall be responsible for identifying and, where appropriate, developing computer software to allow for the clearest presentation of data to BayStat participants.

F. Public Participation.

- (1) The director of BayStat shall be responsible for the development of a BayStat website, which shall:
  - (a) Be consistent with law, provide BayStat data to the public;
  - (b) Make BayStat data accessible to laypeople through explanation, illustration, and analysis; and
  - (c) Be regularly updated and maintained.
- (2) The director of BayStat shall also report annually to the public about the health of the Bay, the status of governmental efforts to restore the Bay, and the development and implementation of BayStat.

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**EXECUTIVE ORDER OF FEBRUARY 15, 2007**

01.01.2007.03

Tribute to Walter Sondheim, Jr.

WHEREAS, Today, Maryland mourns the loss of a great civic leader, Walter Sondheim, Jr.;

WHEREAS, Mr. Sondheim, among many other public positions, served as the head of the school boards of both the State of Maryland and City of Baltimore, and was president of Baltimore's school board during the desegregation of public schools;

WHEREAS, Mr. Sondheim led the effort to revitalize downtown Baltimore, including the Inner Harbor; and

WHEREAS, Mr. Sondheim is remembered as a man of wisdom, dedication, kindness, and integrity.

NOW, THEREFORE, I, MARTIN O'MALLEY, GOVERNOR OF THE STATE OF MARYLAND, HEREBY ORDER, EFFECTIVE IMMEDIATELY:

Commencing at sunrise on February 16th, 2007, the Maryland flag shall be flown at half-staff in mourning of Walter Sondheim, Jr., and shall remain at half-staff for one week.

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**EXECUTIVE ORDER OF MARCH 26, 2007**

01.01.2007.04

Maryland Statistical Analysis Center

(Rescinds Executive Order 01.01.1985.15)

WHEREAS, The effectiveness of Maryland's criminal and juvenile systems depends in part upon the existence and quality of the information available to those systems;

WHEREAS, There exists a need to coordinate criminal and juvenile justice statistics and information, and to provide objective analysis of criminal and juvenile justice problems; and

WHEREAS, The United States Department of Justice, Bureau of Justice Statistics has grant funding available for the State of Maryland conditional upon the creation of a justice statistics center by Executive Order.

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 01.01.1985.15 AND PROCLAIM THE FOLLOWING EXECUTIVE ORDER EFFECTIVE IMMEDIATELY:

- A. There is a Maryland Statistical Analysis Center to be located in the Governor's Office of Crime Control and Prevention.

## B. Responsibilities.

- (1) Collect, analyze, and interpret State and local data on criminal and juvenile justice;
- (2) Coordinate the collection and analysis of this data with local and State agencies, including StateStat, that utilize such data and have a stake in its timeliness and accuracy;
- (3) Produce statistical reports on crime, delinquency, and the criminal juvenile justice systems;
- (4) Provide and coordinate research, technical assistance, and statistics about crime and delinquency and criminal and juvenile justice policy to State and local agencies;
- (5) Provide State and local government with access to federal resources in criminal and juvenile justice statistical information;
- (6) Promote the development of criminal and juvenile justice statistical systems in Maryland;
- (7) Serve as an information center and repository for criminal and juvenile justice data and documents;
- (8) Provide support to the Criminal Justice Information Advisory Board;
- (9) Provide and coordinate the sharing of Maryland's justice data with the Federal Bureau of Justice Statistics and other federal and State agencies; and
- (10) Perform such additional duties as may be directed by the Governor.

- C. This Executive Order is effective upon signature and shall continue in effect until amended, modified, terminated, or rescinded by the Governor or terminated by operation of law.

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**EXECUTIVE ORDER OF APRIL 2, 2007**

01.01.2007.05

Proclaiming an Extended Session of the Maryland General Assembly



WHEREAS, I, Martin O'Malley, Governor of the State of Maryland, being advised that the Budget Bill has not been finally acted upon by the General Assembly seven days before the expiration of the 2007 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 2007 REGULAR SESSION OF THE MARYLAND GENERAL ASSEMBLY IS HEREBY EXTENDED, COMMENCING AT MIDNIGHT ON MONDAY, APRIL 9TH, 2007, IN THE STATE CAPITOL 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.

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**EXECUTIVE ORDER OF APRIL 19, 2007**

01.01.2007.06

Day of Mourning Honoring the Lives Lost at Virginia Polytechnic Institute and State University

WHEREAS, The Commonwealth of Virginia and the country mourn the tragic loss of lives that occurred at Virginia Polytechnic Institute and State University on April 16, 2007;

WHEREAS, Governor Kaine has invited the State and citizens of Maryland to join with him in standing with those who have lost loved ones in this tragedy and those who are recovering from physical and psychological wounds;

WHEREAS, We thank those in our public safety, medical, and education professions who performed their missions bravely;

WHEREAS, We offer our thoughts and prayers to all those who have been affected by this senseless act of violence; and

WHEREAS, On Friday, April 20, 2007, the Commonwealth of Virginia will declare a statewide Day of Mourning, highlighted by a bell ringing ceremony at noon in honor of the victims claimed.

NOW, THEREFORE, I, MARTIN O'MALLEY, GOVERNOR OF THE STATE OF MARYLAND, HEREBY ORDER, EFFECTIVE IMMEDIATELY:

I ask that citizens across the State of Maryland join Virginia in honoring those victims whose lives have been lost by ringing bells at noon Eastern Daylight Savings time on April 20, 2007, and I ask local governments, churches, community groups, schools, businesses, and individuals across the State to join in this observance.

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**EXECUTIVE ORDER OF APRIL 20, 2007**

01.01.2007.07

Commission on Climate Change

WHEREAS, As reported by the United Nations Intergovernmental Panel on Climate Change (IPCC) in February 2007, there is now near universal scientific consensus that the world climate is changing, with an estimated rise in temperature between 1.98 – 11.52° F and as much as 7 to 23 inches of global sea level rise, over the next century;

WHEREAS, Human activities, including coastal development, the burning of fossil fuels and increasing greenhouse gas emissions are contributing to the causes and consequences of climate change;

WHEREAS, Maryland's people, property, natural resources, and public investments are extremely vulnerable to the ensuing impacts of climate change, including sea level rise, increased storm intensity, extreme droughts and heat waves, and increased wind and rainfall events;

WHEREAS, The effects of climate change already are being detected in Maryland, as historic tide-gauge records show that sea level has risen one foot over the last century within State waters;

WHEREAS, Based on the current IPCC estimates and the rate of regional land subsidence, Maryland may experience an additional two to three foot sea level rise along its coast by the Year 2099;

WHEREAS, Recent State actions demonstrate Maryland's strong commitment to addressing both the drivers and consequences of climate change:

- Formulation and implementation of a State Sea Level Rise Response Strategy (2000);

- Passage of the Healthy Air Act (2006);
- Development of Maryland Transition Reports which call for State level action to address the drivers and consequences of climate change (2007);
- Passage of the Clean Cars Act (2007); and
- Participation in the Regional Greenhouse Gas Initiative (2007);

WHEREAS, It is imperative that Maryland State Government, as well as local governments, continue to lead by example in the scope and variety of services and activities that government provides and undertakes; and

WHEREAS, More must be done to reduce greenhouse gas emissions and prepare the State of Maryland for the likely physical, environmental, and socio-economic consequences of climate change.

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. Established. A Climate Change Commission is hereby established to advise the Governor and General Assembly on matters related to climate change.
- B. Tasks. The Commission shall develop a Plan of Action to address the drivers and causes of climate change, to prepare for the likely consequences and impacts of climate change to Maryland, and to establish firm benchmarks and timetables for implementing the Plan of Action.
- C. Membership.
  - (1) The Commission shall consist of up to 21 members, including:
    - (a) The Secretary of Agriculture, or the Secretary's designee;
    - (b) The Secretary of Budget and Management, or the Secretary's designee;
    - (c) The Secretary of Business and Economic Development, or the Secretary's designee;
    - (d) The State Superintendent of Schools, or the Superintendent's designee;
    - (e) The Secretary of Natural Resources, or the Secretary's designee;

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- (f) The Secretary of the Environment, or the Secretary's designee;
  - (g) The Secretary of Planning, or the Secretary's designee;
  - (h) The Secretary of Transportation, or the Secretary's designee;
  - (i) The Director of the Governor's Office of Homeland Security, or the Director's designee;
  - (j) The Director of the Maryland Energy Administration, or the Director's designee;
  - (k) The Secretary of Housing and Community Development, or the Secretary's designee;
  - (l) The Maryland Insurance Commissioner, or the Commissioner's designee;
  - (m) The Director of the Maryland Emergency Management Agency, or the Director's designee;
  - (n) The Chairman of the Public Service Commission, or the Chairman's designee; and
  - (o) The Chancellor of the University System of Maryland, or the Chancellor's designee;
- (2) The Speaker of the House of Delegates and the President of the Senate are invited to appoint 3 members, respectively, from the House of Delegates and Senate, to serve as members of the Commission.
- D. Chair. The Chair of the Commission shall be designated by the Governor from among the members of the Commission.
- E. Staff Coordination. The Department of Natural Resources and Department of the Environment shall jointly staff the Commission in coordination with other State agencies as directed by the Chair.
- F. Working Groups. The Commission shall be supported by Working Groups, to be established by the Chair, as follows:
- (1) Scientific and Technical Working Group.
    - (a) Tasks. The Working Group shall develop a Comprehensive Climate Change Impact Assessment. The Assessment should:

- (i) Advise the Commission, as well as other Working Groups, on the scientific and technical aspects of climate change;
  - (ii) Inventory Maryland's greenhouse gas emission sources and sinks;
  - (iii) Calculate Maryland's "carbon footprint" to measure the impact of human activities on the environment based on the State's greenhouse gas production;
  - (iv) Investigate climate change dynamics, including current and future climate models and forecasts; and
  - (v) Evaluate the likely consequences of climate change to Maryland's agricultural industry, forestry resources, fisheries resources, fresh water supply, aquatic and terrestrial ecosystems, and human health.
- (b) Chair. The Scientific and Technical Working Group will be chaired and staffed jointly by the University System of Maryland, the Maryland Department of the Environment and the Department of Natural Resources.
- (2) Greenhouse Gas and Carbon Mitigation Working Group.
- (a) Tasks. The Working Group shall develop a Comprehensive Greenhouse Gas and Carbon Footprint Reduction Strategy. The Strategy should:
- (i) Evaluate and recommend goals that include but not be limited to the reduction of Maryland's greenhouse gas emissions to 1990 levels by 2020 and 80% of 2006 levels by 2050;
  - (ii) Recommend short and long-term goals and strategies that include both energy and non-energy related measures to mitigate greenhouse gases and offset carbon emissions; and
  - (iii) Provide a detailed implementation timetable, with benchmarks, for each recommendation and strategy.
- (b) Chair. The Greenhouse Gas and Carbon Mitigation Working Group shall be chaired and staffed jointly by the Department of the Environment and the Maryland Energy Administration.

- (3) Adaptation and Response Working Group.
  - (a) Tasks. The Working Group shall develop a Comprehensive Strategy for Reducing Maryland's Climate Change Vulnerability. The Strategy should:
    - (i) Recommend strategies for reducing the vulnerability of the State's coastal, natural and cultural resources and communities to the impacts of climate change, with an initial focus on sea level rise and coastal hazards (e.g., shore erosion, coastal flooding);
    - (ii) Establish strategies to address short and long-term adaptation measures, planning and policy integration, education and outreach, performance measurement, and as necessary, new legislation and/or modifications that will strengthen and enhance the ability of the State and its local jurisdictions to plan for and adapt to the impacts of climate change;
    - (iii) Work with local governments to identify their capacity to plan for and adapt to sea level rise;
    - (iv) Develop appropriate guidance to assist local governments with identifying specific measures (e.g., local land use regulations and ordinances) to adapt to sea level rise and increasing coastal hazards; and
    - (v) In consultation with the Scientific and Technical Working Group, propose a timetable for the development of adaptation strategies to reduce climate change vulnerability among affected sectors, such as agriculture, forestry, water resources, aquatic and terrestrial ecosystems, and human health.
  - (b) Chair. The Adaptation and Response Working Group shall be chaired and staffed jointly by the Department of Natural Resources and the Department of Planning.
- (4) Additional Working Groups and/or Subcommittees to Working Groups may be created, as necessary, to accomplish the Commission mandate and Working Group Tasks.
- (5) Appointments.

- (a) The Chair of the Commission shall appoint Working Group and Subcommittee members who broadly represent both public and private interests in climate change, including but not limited to: Other levels of government, academic institutions, renewable and traditional energy providers, environmental organizations, labor organizations, and business interests, including the insurance industry.
- (b) Working Group and Subcommittee members shall serve at the pleasure of the Commission.
- (c) Working Group and Subcommittee members may not receive compensation for service.

G. Milestones.

- (1) Within 60 days of the effective date of this Executive Order, the Commission shall be convened and Working Group members appointed.
- (2) Within 90 days of the effective date of this Executive Order, Working Groups shall meet and establish individual work plans.
- (3) Within one year of the effective date of this Executive Order, the Commission shall present to the Governor and General Assembly the Plan of Action, including the Comprehensive Climate Change Impact Assessment, the Comprehensive Greenhouse Gas and Carbon Footprint Reduction Strategy, and the Comprehensive Strategy for Reducing Maryland's Climate Change Vulnerability.

- H. Reporting. The Commission shall report to the Governor and General Assembly on or before November 1 of each year including November 1, 2007 on the Plan of Action, including an update on development of the Plan of Action, implementation timetables and benchmarks, and preliminary recommendations, including draft legislation, if any, for consideration by the General Assembly.

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**EXECUTIVE ORDER OF APRIL 27, 2007**

01.01.2007.08

Judicial Nominating Commissions

(Rescinds Executive Orders 01.01.2003.09 and 01.01.2003.12)

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

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

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

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

NOW, THEREFORE, I, MARTIN O'MALLEY, GOVERNOR OF THE STATE OF MARYLAND, BY VIRTUE OF THE AUTHORITY VESTED IN ME BY THE CONSTITUTION AND LAWS OF MARYLAND, HEREBY RESCIND EXECUTIVE ORDERS 01.01.2003.09 AND 01.01.2003.12, AND PROCLAIM THE FOLLOWING EXECUTIVE ORDER, EFFECTIVE IMMEDIATELY:

- A. Definitions. In this Executive Order, the following words have the meanings indicated:
- (1) "Appellate Court" means the Court of Appeals of Maryland or the Court of Special Appeals of Maryland.
  - (2) "Trial Court" means the District Court of Maryland or the Circuit Court for a county or Baltimore City.
- B. Appellate Courts Judicial Nominating Commission.
- (1) Creation and Composition. The Appellate Courts Judicial Nominating Commission is hereby established as part of the Executive Department. It consists of seventeen persons chosen as follows:
    - (a) Twelve persons appointed by the Governor; and
    - (b) Five persons submitted for appointment by the President of the Maryland State Bar Association. However, if the President of the Maryland State Bar Association does not submit five persons for appointment within 60 days of the date of this Executive Order, or submits fewer than five persons, additional members will be appointed by the Governor.



- (c) No more than one lawyer from the same firm or legal office may serve on the Commission at the same time.
  - (d) No person may serve on the Appellate Courts Judicial Nominating Commission while simultaneously serving on a Trial Courts Nominating Commission.
  - (e) No person may serve on the Appellate Courts Judicial Nominating Commission who holds an elected office in local, State, or federal government; who hears cases as an active or senior member of the State or federal judiciary; or who holds an office in a political party.
- (2) Chair. The Chair of the Commission will be designated by the Governor.
  - (3) Terms. The terms of the members of the Commission shall extend to the date of the qualification of the Governor at the next quadrennial election, and until their successors are duly chosen. However, if the Commission meets on two or more occasions during any calendar year, and if, during that year, a Commission member fails to attend at least half of the meetings in which that member is not otherwise disqualified from participating, the term of the member shall automatically be terminated.
  - (4) Vacancies. If a vacancy occurs on the Commission by reason of the death, resignation, removal, or disqualification of a member, a successor will be appointed by the Governor.
  - (5) Ineligibility for Judicial Appointment. A person who serves on the Commission will not be appointed to an Appellate Court during the term for which the person was appointed to the Commission.

C. Trial Courts Judicial Nominating Commissions.

- (1) Creation. A Trial Courts Judicial Nominating Commission is hereby established as part of the Executive Department for each of the Commission Districts set forth below:
  - (a) Commission District 1 – Somerset, Wicomico, and Worcester Counties;
  - (b) Commission District 2 – Cecil, Kent, and Queen Anne's Counties;
  - (c) Commission District 3 – Baltimore County;
  - (d) Commission District 4 – Harford County;

## EXECUTIVE ORDERS

- (e) Commission District 5 – Allegany and Garrett Counties;
  - (f) Commission District 6 – Washington County;
  - (g) Commission District 7 – Anne Arundel County;
  - (h) Commission District 8 – Carroll County;
  - (i) Commission District 9 – Howard County;
  - (j) Commission District 10 – Frederick County;
  - (k) Commission District 11 – Montgomery County;
  - (l) Commission District 12 – Calvert and St. Mary’s Counties;
  - (m) Commission District 13 – Prince George’s County;
  - (n) Commission District 14 – Baltimore City;
  - (o) Commission District 15 – Charles County; and
  - (p) Commission District 16 – Caroline, Dorchester, and Talbot Counties.
- (2) Composition. Each Commission shall consist of nine persons chosen as follows:
- (a) Six persons appointed by the Governor; and
  - (b) Three persons submitted for appointment by the presidents of the Bar Associations in the political subdivisions for which the Commission is responsible. In selecting persons to submit for appointment, the Bar Association presidents shall consult with the presidents of other bar organizations in the Commission District, including, in Baltimore City, the Monumental City Bar Association, in Howard County, the Waring Mitchell Law Society, and, in Prince George’s County, the J. Franklyn Bourne Bar Association. If the presidents of the Bar Associations do not submit persons for appointment to a Commission within 60 days of the date of this Executive Order, or submit fewer than three persons, additional members of the Commission will be appointed by the Governor.

- (c) No more than one lawyer from the same firm or legal office may serve on the same Commission at the same time.
  - (d) No person may serve on a Trial Courts Judicial Nominating Commission while simultaneously serving on the Appellate Courts Judicial Nominating Commission or on another Trial Courts Nominating Commission.
  - (e) No person may serve on a Trial Courts Judicial Nominating Commission who holds an elected office in local, State, or federal government; who hears cases as an active or senior member of the State or federal judiciary; or who holds an office in a political party.
- (3) Chair. The Chair of each Commission will be designated by the Governor.
  - (4) Terms. The terms of the members of each Commission shall extend to the date of the qualification of the Governor at the next quadrennial election, and until their successors are duly chosen. However, if a Commission meets on two or more occasions during any calendar year, and if, during that year, a Commission member fails to attend at least half of the meetings in which that member is not otherwise disqualified from participating, the term of the member shall automatically be terminated.
  - (5) Vacancies. If a vacancy occurs on a Commission by reason of the death, resignation, removal, or disqualification of a member, a successor will be appointed by the Governor.
  - (6) Ineligibility for Judicial Appointment. A person who serves on a Trial Courts Judicial Nominating Commission will not be appointed to a Trial Court during the term for which the person was appointed to the Commission.

D. Responsibilities of the Commissions.

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

- (2) For each vacancy on a Trial Court, the Trial Courts Judicial Nominating Commission for the appropriate Commission District shall recommend to the Governor, from among those persons who apply for appointment to fill the vacancy, the candidates legally and most fully professionally qualified to fill the vacancy, unless the Governor (a) reappoints an incumbent judge to fill the vacancy, or (b) appoints a person to fill the vacancy from any list of candidates submitted to the Governor by the Commission during the preceding two years, or by the appropriate Commission established under prior Executive Orders, for a prior vacancy on that Court.
  - (3) Each Commission shall encourage qualified candidates, from a diversity of backgrounds, to apply for judicial appointment.
- E. Request for Assistance from the Administrative Office of the Courts. The chair of each Commission shall request the assistance of the Administrative Office of the Courts in providing training to Commission members; in notifying the appropriate Commission when a vacancy occurs; and in developing a form or forms for submission by applicants.
- F. Commission Procedures.
- (1) Upon notification that a vacancy exists or is about to occur in a Court to which a Commission has responsibility to recommend candidates for appointment, the Commission shall seek out qualified applicants from a diversity of backgrounds to fill the vacancy and shall review all applications submitted, unless the Governor (a) reappoints an incumbent judge to fill the vacancy, or (b) appoints a person to fill the vacancy from any list of candidates submitted during the preceding two years by the Commission, or by a predecessor Commission established under prior Executive Orders, for a prior vacancy on that Court. The Commission shall notify the Maryland State Bar Association and other appropriate bar associations of the vacancy and shall request recommendations from them. The Commission may also seek recommendations from interested citizens and from its own members.
  - (2) The Commission shall evaluate each applicant. In the course of its evaluation, the Commission may seek information beyond that contained in the materials submitted by an applicant. The Commission may obtain pertinent information from knowledgeable persons known to Commission members, the Attorney Grievance Commission, judges, personal references given by the candidate, criminal justice agencies, or other sources. The Commission shall place notices in at least one newspaper read by members of the general public identifying the applicants and inviting written and signed comments to the Commission regarding the applicants. A criminal justice agency, including the Central Repository, may release the criminal history record information, including conviction

and nonconviction data, to a Commission upon request of its chair, for the purpose of evaluating a candidate.

- (3) No fewer than ten members shall be present at a voting session of the Appellate Courts Judicial Nominating Commission, and no fewer than six members shall be present at a voting session of any Trial Courts Judicial Nominating Commission.
- (4) A Commission shall interview each applicant for each vacancy for which it is responsible for recommending candidates. In considering a person's application for appointment to fill a vacancy, a Commission shall consider the applicant's integrity, maturity, temperament, diligence, legal knowledge, intellectual ability, professional experience, community service, and any other qualifications that the Commission deems important for judicial service, as well as the importance of having a diverse judiciary.
- (5) In evaluating applications to fill a vacancy on a trial court, the Trial Courts Judicial Nominating Commission shall give the same consideration to eligible applicants whose legal practices are located outside the political subdivision in which the court sits as it gives to those whose practices are located within the political subdivision.
- (6) No applicant may be recommended to the Governor for appointment unless by vote of a majority of members present at a voting session of the appropriate Commission, as taken by secret ballot.
- (7) The Commissions shall endeavor to recommend at least three qualified candidates for appointment to fill each vacancy. If, despite a Commission's best effort to recruit qualified applicants from a diversity of backgrounds, the Commission determines that fewer than three qualified applicants have applied for the vacancy, the Commission may recommend fewer than three candidates to fill the vacancy.
- (8) The Commission shall report in writing to the Governor the names of the persons found by the Commission to be legally and most fully professionally qualified to fill a vacancy. The names of these persons shall be listed in alphabetical order. The report shall be submitted within 85 days following notification that a vacancy exists or is about to occur. The Commission shall release this list to the public concurrently with submission of its report to the Governor.
- (9) Upon request of the Governor, a Commission shall re-advertise a vacancy to new applicants.

G. Confidentiality.

- (1) A Commission shall not disclose to the public the names of individuals who have submitted applications to fill a vacancy until after the closing date for submission of applications.
  - (2) Materials submitted by an applicant, or gathered from other sources in connection with the evaluation of an applicant, are confidential and may not be released to the public.
  - (3) Each Commission member shall maintain the confidentiality of the Commission's evaluation of candidates, including its interviews, deliberations, and voting, and, except as provided in Section F(8), shall not disclose the Commission's evaluation of candidates to the public.
- H. Effective Date. This Executive Order is effective immediately. Judicial Nominating Commissions established pursuant to Executive Orders 01.01.2003.09 and 01.01.2003.12 are hereby terminated.

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**EXECUTIVE ORDER OF MAY 15, 2007**

01.01.2007.09

Code of Fair Employment Practices

(Rescinds Executive Order 01.01.1995.19)

WHEREAS, The State of Maryland recognizes and honors the value and dignity of every employee and understands the importance of providing its employees with a fair opportunity to pursue their careers in an environment free of discrimination or any form of prohibited harassment;

WHEREAS, Title 5, Subtitle 2 of the State Personnel and Pensions Article of the Annotated Code of Maryland establishes an Equal Employment Opportunity (EEO) program to ensure that employment decisions are based only on merit and fitness;

WHEREAS, The State is committed to providing a work environment free from discrimination on the basis of age, ancestry, color, creed, genetic information, marital status, mental or physical disability, national origin, religious affiliation, belief or opinion, race, sex, sexual orientation, or any other non-merit factor;

WHEREAS, All Executive Branch appointing authorities and managers are expected to assume personal responsibility and leadership in ensuring that fair employment practices are

adhered to and that equal employment opportunity is a reality in Maryland State government; and

WHEREAS, There is a need to update prior Executive Orders to emphasize the State of Maryland's commitment to fair employment practices, to reaffirm the responsibilities of State agencies to uphold these important principles, and to reflect existing law.

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 01.01.1995.19, AND PROCLAIM THE FOLLOWING EXECUTIVE ORDER, EFFECTIVE IMMEDIATELY:

**Article I – Equal Employment Opportunity  
Program in State Government**

- A. All personnel actions concerning any employee or applicant for employment in the Executive Branch will be taken on the basis of merit and fitness, and without regard to:
- (1) Age;
  - (2) Ancestry;
  - (3) Color;
  - (4) Creed;
  - (5) Genetic information;
  - (6) Marital status;
  - (7) Mental or physical disability;
  - (8) National origin;
  - (9) Race;
  - (10) Religious affiliation, belief or opinion;
  - (11) Sex; or
  - (12) Sexual orientation.
- B. All personnel actions concerning any skilled, professional or management service employee and any special appointee designated by the Secretary of Budget and

Management, or any applicant for employment in those services or in comparable positions in an independent personnel system in the Executive Branch, shall be without regard to political affiliation, belief or opinion.

- C. Discrimination against or harassment of employees on the basis of any reason prohibited by law is not permitted.
- D. Retaliation against any employee who opposes discrimination or participates in an EEO investigation is not permitted.
- E. Retaliation against an individual because of their refusal to submit to a genetic test or make available the results of a genetic test is not permitted.
- F. The Secretary of Budget and Management shall:
  - (1) Recommend the appointment of a Statewide Equal Employment Opportunity Coordinator who shall administer the program and coordinate the activities of the agency Fair Practices Officers, EEO Officers, and Americans with Disabilities Act Officers;
  - (2) Establish an Equal Employment Opportunity Unit which will report directly to the Equal Employment Opportunity Coordinator to oversee the administration of an equal employment practices program consistent with the requirements of applicable federal and State law governing equal employment opportunity, the State Personnel and Pensions Article, and this Executive Order;
  - (3) Upon an appropriate showing by an agency, and consistent with State and federal law, permit any bona fide occupational qualification; and
  - (4) Take any action, not inconsistent with federal or State law, to resolve employee complaints of unfair employment practices.
- G. The head of each department or other independent unit in the Executive Branch shall, consistent with guidelines and regulations promulgated by the Secretary of Budget and Management:
  - (1) Appoint a Fair Practices Officer, and any Equal Employment Opportunity Officers, as required, for the appropriate implementation of the Equal Employment Opportunity Program in the department or unit;
  - (2) Ensure that the personnel practices in the department or unit are not discriminatory;



- (3) Review disciplinary actions initiated against employees, employee grievances and complaints of discrimination to ensure the fair and equitable treatment of employees in their department or unit;
  - (4) Develop and implement policies that promote equal employment opportunity and work force diversification reflective of the availability of women, minorities, and persons with disabilities in the relevant labor market;
  - (5) Provide leadership and training to managers, supervisors and other employees in fair employment practices;
  - (6) Ensure that designated Fair Practices and Equal Employment Opportunity Officers are known to all employees in their respective agencies and that these Officers have appropriate decision-making authority consistent with relevant federal and State law, this Executive Order, and personnel regulations;
  - (7) Consult and cooperate fully with the Secretary of Budget and Management and the Statewide EEO Coordinator or their designees in investigating and resolving expeditiously complaints of discrimination or unfair employment practices;
  - (8) Provide statistical and other information requested by the Secretary of Budget and Management regarding efforts to implement the department's or unit's Equal Employment Opportunity Program;
  - (9) Develop and implement programs, activities and events to acknowledge and educate about diversity and cultural differences; and
  - (10) Implement any decision of the Secretary of Budget and Management not inconsistent with the spirit or requirements of this Executive Order and federal or State law.
- H. Cabinet officials and other heads of departments or units are expected to lead by example in promoting fair employment practices and this Administration's policy of zero tolerance for employment discrimination.

#### **Article II – Complaints of Discrimination and Unfair Employment Practices**

- A. It is the policy of this Administration that all complaints of discrimination or other unfair employment practices be thoroughly investigated and promptly resolved, as appropriate.

- B. The Statewide EEO Coordinator shall monitor the compliance and effectiveness of each agency's EEO program and make recommendations for improvement.
- C. The Secretary of Budget and Management shall develop and promulgate rules, regulations, and guidelines for the investigation and resolution of complaints of discrimination or other unfair employment practices which shall include, at a minimum:
- (1) Provisions for resolving complaints informally whenever possible;
  - (2) Provisions for employees to file complaints with the Fair Practices or Equal Employment Opportunity Officer for the department or unit;
  - (3) Provisions for the review and resolution of any employment grievance, complaint involving discrimination or other unfair employment practices by the Secretary of Budget and Management prior to any appeal to the Office of Administrative Hearings;
  - (4) Guidelines for cooperation with the investigation of any complaint of discrimination filed with the Maryland Commission on Human Relations, the United States Equal Employment Opportunity Commission or any other agency authorized by law to conduct such investigations; and
  - (5) Training programs for managers and supervisors in identifying and resolving complaints of discrimination or other unfair employment practices.
- D. No employee shall be harassed or otherwise retaliated against for filing a complaint of discrimination or other unfair employment practice, providing information in support of any such complaint or testifying, assisting or participating in any phase of an investigation of any unfair employment practice, or on the basis of his or her refusal to submit to a genetic test or make available the results of a genetic test.
- E. Discrimination or retaliation complaints by Fair Practices Officers, Equal Employment Opportunity Officers, or EEO Office Directors shall be filed with the head of the unit or their designee and may be appealed to the statewide EEO Coordinator's Office.

**Article III – Cooperation with the Maryland Commission  
on Human Relations and United States Equal  
Employment Opportunity Commission**

- A. In accordance with the requirements of applicable federal and State law governing equal employment opportunity, the State Personnel and Pensions Article, and this Executive Order, all heads of departments and units in the Executive Branch shall

cooperate fully with the Maryland Commission on Human Relations, the United States Equal Employment Opportunity Commission and any other federal or State agency investigating discrimination and duly comply with any validly adopted rules, regulations, and orders for effectuating the State's policies against discrimination and resolving complaints of discrimination.

- B. Every attempt shall be made to resolve complaints of discrimination within a department or unit; however, employees who file complaints of discrimination with agency Fair Practices Officers or Equal Employment Opportunity Officers shall be advised of their right to file a complaint with the Maryland Commission on Human Relations and the United States Equal Employment Opportunity Commission.
- C. The Secretary of Budget and Management shall establish guidelines which provide for agency participation in mediation or arbitration of employee complaints of discriminatory or unfair employment practices.
- D. If an employee of the Maryland Commission on Human Relations files a complaint of discrimination against a State agency, the Governor shall appoint an individual to perform the functions usually performed by the Commission.

#### **Article IV – State Action**

- A. Any employee of the State who violates the laws of this State pertaining to equal employment opportunity, this Executive Order or guidelines, rules and regulations promulgated pursuant thereto, will be subject to disciplinary action, up to and including dismissal from employment with the State.
- B. In performing services to the public, employees of this State will not discriminate against the public or individuals for any reason prohibited by law, nor shall they authorize the use of State facilities in the furtherance of any unlawfully discriminatory purpose or by any organization which unlawfully discriminates in its membership or policies.

#### **Article V – Accommodations**

- A. Reasonable accommodation shall be provided for all qualified applicants for employment and State employees with disabilities, consistent with the requirements of federal and State law.
- B. Meetings, hearings, and employment tests shall be conducted in an accessible manner and location, as required by federal and State law.
- C. No employee shall be retaliated against for seeking a reasonable accommodation for a disability.

- D. Managers and Supervisors shall receive training concerning reasonable accommodations for disabilities.

#### **Article VI – Annual Reports**

- A. The head of each principal department or unit in the Executive Branch shall, by October 15 of each year, or as otherwise requested, submit to the Secretary of Budget and Management an annual report of activities taken in the previous fiscal year to effectuate this Code of Fair Employment Practices. The report shall contain the information required by the Secretary of Budget and Management in a form consistent with the guidelines issued by the Secretary of Budget and Management.
- B. The Secretary of Budget and Management shall, by January 1 of each year, submit to the Governor an annual report on statewide equal employment opportunity practices. The Secretary of Budget and Management shall provide copies of the report to each department and unit, the General Assembly, and the Maryland Commission on Human Relations.

#### **Article VII – Notice to Employees**

- A. The Secretary of Budget and Management shall publish the policies of this State with regard to its fair employment practices and make copies of the publication available to all agencies.
- B. Consistent with the requirements of federal and State law, the Secretary shall authorize an appropriate notice of State fair employment practices and the manner in which the notice is to be posted.
- C. The heads of departments and units shall procure the publication and notice required by this Executive Order, furnish copies of the publication to all managers and supervisors and make it available to employees, and post the notice in the locations and manner required by the Secretary of Budget and Management.

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#### **EXECUTIVE ORDER OF JULY 13, 2007**

01.01.2007.10

#### **Space Utilization Review**

WHEREAS, Maryland State Government occupies a considerable amount of owned and leased space among its various agencies;

WHEREAS, To the extent possible, it is each agency's responsibility to maximize the use of the space that it currently occupies and identify opportunities for consolidation;

WHEREAS, The State owns and purchases a significant quantity of furniture, electronic equipment, and other space consuming equipment;

WHEREAS, There are significant costs associated with agencies occupying more owned and leased space and acquiring more furniture and equipment than is necessary; and

WHEREAS, The Department of General Services is the primary portfolio manager for most, but not all, of the State's owned and leased space, as well as the agency responsible for the disposition of surplus property.

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. Each Cabinet-level agency head is directed to review its agency's inventory of State-owned office and storage space, leased office and storage space, and property inventories. Each agency head shall:
- (1) Identify opportunities to consolidate various government functions into less square footage;
  - (2) Identify owned or leased storage units, garages, and warehouses that are not essential to agencies' core missions;
  - (3) Evaluate inventory levels and purchasing patterns to ensure that they align with the goal of minimizing space requirements;
  - (4) Eliminate excess property, either through sale or disposal, that occupies valuable owned and leased space; and
  - (5) Ensure that leased square footage office space is proportionate to each agency's current number of full time employees.
- B. As the agency responsible for the majority of the State's real estate portfolio and the disposition of surplus property, the Department of General Services (DGS) shall be the lead agency in this effort. All agency heads, including those whose real estate portfolio is not currently managed by DGS, shall coordinate with DGS on all opportunities for consolidation.

- C. The Secretary of DGS shall make recommendations to the Governor on any opportunities for space and property consolidation/reduction based on each agency's internal review.

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**EXECUTIVE ORDER OF JULY 18, 2007**

01.01.2007.11

Judicial Nominating Commissions

(Amends Executive Order 01.01.2007.08)

WHEREAS, It is necessary to expand the size of the judicial nominating commissions to better reflect the diversity of the State of Maryland.

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

- A. Composition of Trial Courts Judicial Nominating Commissions. In addition to the appointments in Executive Order 01.01.2007.08, each Commission shall consist of the following additional appointments:
- (1) Three additional persons appointed by the Governor; and
  - (2) One additional person per Commission district submitted for appointment by the presidents of the Bar Associations in the political subdivisions for which the Commission is responsible. In selecting persons to submit for appointment, the Bar Association presidents shall factor in the importance of having diverse commissions participate in the judicial selection process. If the presidents of the Bar Associations do not submit an additional person for appointment to a Commission by August 8, 2007, the Governor shall appoint the additional member of the Commission.
- B. All other terms of Executive Order 01.01.2007.08 remain in full force and effect.
- C. Effective Date. This Executive Order is effective immediately.

**EXECUTIVE ORDER OF JULY 30, 2007**

01.01.2007.12

Baltimore Red Line Community Advisory Council

(Rescinds Executive Order 01.01.2006.04)

WHEREAS, The Red Line transit project is one of the State's top transportation priorities for the Baltimore Metropolitan region;

WHEREAS, The communities and business situated in the Red Line transit corridor have an important advisory role to play as this project advances through the planning and environmental review process;

WHEREAS, It is important that community input be received in a timely and efficient manner in order to keep the project on schedule; and

WHEREAS, During the 2006 Session of the General Assembly the Maryland State Senate and House of Delegates passed legislation creating a Red Line Citizens Advisory Council.

NOW, THEREFORE, I, MARTIN O'MALLEY, GOVERNOR OF THE STATE OF MARYLAND, BY VIRTUE OF THE AUTHORITY VESTED IN ME BY THE CONSTITUTION AND LAWS OF MARYLAND, HEREBY RESCIND EXECUTIVE ORDER 01.01.2006.04, AND PROCLAIM THE FOLLOWING EXECUTIVE ORDER, EFFECTIVE IMMEDIATELY:

- A. The Baltimore Red Line Community Advisory Council is hereby disbanded.
- B. The Citizens Advisory Council for the Baltimore Corridor Transit Study - Red Line, as enacted by Chapters 2 and 3 of the 2006 Special Session of the Maryland General Assembly, is the official advisory group for the Baltimore Red Line project.

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**EXECUTIVE ORDER OF AUGUST 2, 2007**

01.01.2007.13

Governor's Interagency Transition Council for Youth with Disabilities

(Rescinds Executive Order 01.01.2000.26)

WHEREAS, It is the policy of the State of Maryland to ensure a smooth and effective transition for all students with disabilities from secondary education to adult services such as postsecondary education and employment; and to provide transition planning for students and families that is student-focused and family-centered, based on individual strengths and needs, utilizes best practices, and leads to outcomes in the most integrated setting appropriate; and

WHEREAS, It is deemed necessary to establish an Interagency Transition Council to recommend policies and identify the funding requirements to ensure effective, efficient, and comprehensive delivery of services that will most effectively meet the transition needs of Maryland students with disabilities.

NOW, THEREFORE, I, MARTIN O'MALLEY, GOVERNOR OF THE STATE OF MARYLAND, BY VIRTUE OF THE AUTHORITY VESTED IN ME BY THE CONSTITUTION AND LAWS OF MARYLAND, HEREBY RESCIND EXECUTIVE ORDER 01.01.2000.26 AND PROCLAIM THE FOLLOWING EXECUTIVE ORDER, EFFECTIVE IMMEDIATELY:

- A. Established. There is an Interagency Transition Council for Youth with Disabilities.
- B. Composition. The Council consists of up to 27 members, including:
  - (1) The Secretary of the Department of Disabilities or designee;
  - (2) The State Superintendent of Education or designee, and the following additional representatives from the Maryland State Department of Education:
    - (a) The Assistant State Superintendent of the Division of Rehabilitation Services (DORS);
    - (b) A Regional Director of the Division of Rehabilitation Services;
    - (c) The Assistant State Superintendent of the Division of Special Education/Early Intervention Services;
    - (d) A local transition coordinator from the Division of Special Education/Early Intervention Services;
    - (e) A member of the Family Support Services Office of the Division of Special Education/Early Intervention Services;
    - (f) The Assistant State Superintendent of the Division of Career Technology and Adult Learning; and



- (g) The Assistant State Superintendent of the Division of Student and School Services;
- (3) A representative of the Department of Juvenile Services;
- (4) A representative of the Department of Human Resources;
- (5) Two representatives of the Department of Health and Mental Hygiene, including:
  - (a) The Director of the Developmental Disabilities Administration or designee; and
  - (b) The Director of the Mental Hygiene Administration or designee;
- (6) Two representatives of the Department of Labor, Licensing, and Regulation, including:
  - (a) A representative of the Division of Workforce Development of the Department of Labor, Licensing, and Regulation; and
  - (b) A representative of the Governor's Workforce Investment Board Youth Council, or a local Workforce Investment Board youth representative;
- (7) The Executive Director of the Governor's Office for Children or designee;
- (8) A representative of the Maryland Technology Assistance Program;
- (9) Two representatives of the Maryland Higher Education Commission, one of whom shall be selected from the membership of the Maryland Disability Higher Education Network;
- (10) A representative of the Maryland Commission on Disabilities;
- (11) Up to six members with relevant interest or expertise appointed by the Governor. These individuals shall represent parents, advocacy organizations serving the disability community, service agencies in the public or private sector, and the general public. No more than one member shall represent the same agency. Every effort will be made to provide geographic and cultural diversity of the State. Members appointed under this provision shall serve at the pleasure of the Governor for up to two consecutive three-year terms; and
- (12) A student representative who has participated in the Maryland Youth Leadership Forum who is recommended by the Maryland State

Department of Education and appointed by the Governor. The representative shall be a student between the ages of 14 and 21 years of age who meets the eligibility criteria of the Individuals with Disabilities Education Improvement Act or Section 504 of the Rehabilitation Act. A student appointed under this provision shall serve a one-year term.

- C. Leadership. The Secretary of the Department of Disabilities shall serve as the Chair of the Council. There shall also be a position of Co-Chair, which shall rotate every two years, in the following order:
- (1) The Assistant State Superintendent of the Division of Rehabilitation Services;
  - (2) The representative from the Developmental Disabilities Administration;
  - (3) The representative of the Mental Hygiene Administration; and
  - (4) The Assistant State Superintendent of the Division of Special Education/Early Intervention Services.
- D. Procedures. The following procedures apply to the Council:
- (1) Staffing. Staff support shall be provided by the Division of Rehabilitation Services of the Maryland State Department of Education.
  - (2) Other Support. The Council may name additional consulting members or establish such committees as may be necessary or helpful in discharging its duties.
  - (3) Meetings. The Council shall meet at least four times a year.
  - (4) Compensation. Appointed members of the Council may not receive any compensation for their services, but they 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. Duties. The Council shall have the following duties and responsibilities:
- (1) Primary Responsibility. The primary responsibility of the Council shall be to annually review, revise, and update the Interagency State Plan for Transitioning Youth with Disabilities to ensure effective interagency planning and delivery of services for secondary students with disabilities. The Interagency State Plan for Transitioning Youth with Disabilities shall serve as the unifying link between child-serving systems and adult systems, and appropriate elements shall be incorporated into both the

Department of Disabilities State Plan and the Governor's Office for Children's three-year plan. The Interagency State Plan will address:

- (a) The coordination of State and federal workforce reform efforts, and secondary and postsecondary education system reform efforts;
  - (b) Employment and postsecondary education performance outcomes that measure benefit of services and numbers of students;
  - (c) Strategies to identify and replicate promising transition practices; and
  - (d) Cross-agency training and technical assistance for all stakeholders, including professionals, parents, students, and advocates.
- (2) Additional Responsibilities. Additional responsibilities of the Council include:
- (a) Identifying and reporting activities of each partner that impact the delivery, quality, and availability of transition services;
  - (b) Serving in an advisory capacity to all transition-related federal grants; and
  - (c) Disseminating information concerning the goals and activities of the Interagency State Plan for Transitioning Youth with Disabilities for public comment concurrent with forum events held by DORS.
- F. Reports. The Interagency Transition Council shall annually report to the Governor about the goals and progress of the Interagency State Plan for Transitioning Youth with Disabilities on or before September 30 of each year.

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**EXECUTIVE ORDER OF AUGUST 6, 2007**

01.01.2007.14

Collective Negotiation by Family Child Care Providers

WHEREAS, Child care is a fundamental need for Maryland families with many children under 6 years of age having both parents, or their sole parent, in the workforce;

WHEREAS, Family child care providers play a crucial role in providing quality and affordable child care for young children;

WHEREAS, The State of Maryland, through the Maryland State Department of Education, seeks to ensure a supply of child care that meets the diverse needs of parents;

WHEREAS, Maryland parents deserve the freedom to choose the most appropriate child care services for their children, including family child care, and therefore the State seeks to attract and retain sufficient numbers of well-qualified family child care providers;

WHEREAS, There is a need to stabilize the family child care workforce, which includes both registered providers and providers legally exempt from registration;

WHEREAS, Family child care providers are located throughout the State and therefore may not be able to effectively voice their common concerns about participation in the State's Child Care Subsidy Program, State regulation of child care services, and challenges including limited access to affordable health insurance;

WHEREAS, The Maryland State Department of Education, a principal department of the State government subject to my constitutional authority to ensure the faithful execution of the laws, has plenary authority to determine the terms and conditions under which child care services are provided in the State's Child Care Subsidy Program, including setting rates and devising a process for ensuring that those rates are fair and reasonable; and

WHEREAS, The State would benefit from a system of representation for family child care providers in implementing its goals for improvement of the State's Child Care Subsidy Program.

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

- A. The State shall recognize a provider organization designated by a majority of the registered and registration-exempt family child care providers who participate in the State's Child Care Subsidy Program known as the Purchase of Care Program (POC), voting in a mail ballot election, as the representative of the POC providers in the State. A provider organization may petition for certification by submitting a petition for representation to the official or officials designated by the Governor to administer this Order. The petition must be accompanied by a showing of interest supported by 30 percent of the providers in the appropriate unit indicating their desire to be represented by the petitioner for the purpose of collective

bargaining. Signatures in support of election shall be dated no earlier than one year prior to the submission of the petition for certification. No petition for certification may be filed prior to August 6, 2007. Within 5 days of determination that a valid petition has been submitted, the official or officials designated by the Governor to administer this Order shall notify interested provider organizations of the pending election petition. Any interested organization that wishes to intervene must submit a petition of intervention which must be accompanied by a showing of interest supported by 10 percent of the providers in the appropriate bargaining unit indicating their desire to be exclusively represented by the intervener for the purpose of collective bargaining, which petition must be filed within 15 days of notice of the pending election petition. Such petition must be supported by signatures that date back no more than one year prior to the petition for intervention. An election under this Order shall be held within 60 days of a request for such an election. All costs associated with the election verification shall be borne by the organization(s) seeking designation as the representative. The Maryland State Department of Education shall provide a list of all registered and registration-exempt providers who participate in the POC Program.

- B. Certification of a provider majority bargaining representative shall continue so long as such organization satisfies the criteria of this Order and subsequent guidelines applicable to certification. A petition to decertify an existing majority bargaining representative may be filed in the same manner as a petition for certification, as provided in Section A of this Order, except that no decertification petition may be filed for any bargaining unit if:
- (1) A majority bargaining representative for that bargaining unit has been certified within the preceding 2 years; or
  - (2) The bargaining unit has in effect a valid memorandum of understanding that, by its terms, does not exceed 3 years in duration; provided that the limitation imposed by this paragraph shall not bar the filing of a decertification petition within the 90-day period immediately preceding the expiration of such memorandum of understanding.
- C. The State, through the Governor, shall designate appropriate representatives to meet and confer with the provider representative concerning the terms and conditions of the participation of family child care providers in the POC Program, including reimbursement rates under the POC Program, payment procedures, and benefits. Any agreement reached shall be reduced to writing. If any of the provisions of the agreement require legislative action, the parties will jointly seek the enactment of such legislation.

- D. Nothing in this Order shall in any way diminish or infringe on any rights, responsibilities, power or duties conferred by the Constitution of the State of Maryland and the Annotated Code of Maryland. The designation of representatives by the Department under this Order does not prevent the designated provider organization or any other organization or individual from communicating with any State official on matters of interest, including appearing before or making proposals to the Department at a public meeting or hearing or at any other Department forum. This Order does not mandate participation by any child care provider.
- E. This Executive Order is not intended to and will not alter in any way either (1) the role of parents in selecting, directing and terminating the services of family child care providers nor (2) the fact that the providers are not State employees.
- F. This Executive Order is not intended to grant any right, or to imply that family child care providers have any right to engage in a strike or other collective cessation of the delivery of services.

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**EXECUTIVE ORDER OF AUGUST 6, 2007**

01.01.2007.15

Collective Negotiation by Independent Home Care Providers

WHEREAS, This Administration is committed to ensuring Maryland residents have access to high quality home care services;

WHEREAS, Independent home care providers are individuals who contract directly with the State through Medicaid-funded programs and who do not work for a private agency;

WHEREAS, These providers serve thousands of vulnerable residents in Maryland. Without access to these services, consumers would not be afforded the opportunity to stay in their homes and in their communities;

WHEREAS, Demand for home care is expected to increase dramatically in the coming years, because of Maryland's growing senior population;

WHEREAS, Home care services save the State millions of dollars per year, as the average Medicaid expenditure for an individual receiving in-home personal care

is well below the average Medicaid expenditure for an individual in a nursing home.

WHEREAS, Consumers of home care services increasingly want the ability to self-direct their own care and they and the State of Maryland are best served by an experienced, well-trained, stable independent provider workforce that affords consumers the highest quality care possible;

WHEREAS, Many providers do not earn a living wage, and are not offered the training and supports they need in order to provide the highest quality services possible. The combination of these factors causes great turnover in the profession, thereby reducing the consistency and stability with which consumers receive services; and

WHEREAS, The State of Maryland recognizes the importance of these services to its residents and the need to improve both the quality of care and the living and working conditions of the providers.

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

- A. The State shall recognize a provider organization designated by a majority of independent home providers who participate in the Medicaid Personal Care program; the Medicaid Waiver for Older Adults; the Living at Home: Community Choices Waiver; and In-Home Aide Service program, voting in a mail ballot election, as the representative of the independent home care providers in the State. A provider organization may petition for certification by submitting a petition for representation to the official or officials designated by the Governor to administer this Order. The petition must be accompanied by a showing of interest supported by 30 percent of the providers in the appropriate unit indicating their desire to be represented by the petitioner for the purpose of collective bargaining. Signatures in support of election shall be dated no earlier than one year prior to the submission of the petition for certification. No petition for certification may be filed prior to August 6, 2007. Within 5 days of determination that a valid petition has been submitted, the official or officials designated by the Governor to administer this Order shall notify interested provider organizations of the pending election petition. Any interested organization that wishes to intervene must submit a petition of intervention which must be accompanied by a showing of interest supported by 10 percent of the providers in the appropriate bargaining unit indicating their desire to be exclusively represented by the intervener for the purpose of collective bargaining, which petition must be filed within 15 days of notice of the pending election petition. Such petition must be supported by signatures that date back no more than one year prior to the

petition for intervention. An election under this Order shall be held within 60 days of a request for such an election. All costs associated with the election verification shall be borne by the organization(s) seeking designation as the representative. The Departments of Health and Mental Hygiene, Department of Aging, the Department of Human Resources, and the Department of Disabilities or their designees, on behalf of the State of Maryland, shall provide a list of all independent providers who participate in the Medicaid Personal Care program; the Medicaid Waiver for Older Adults; the Living at Home: Community Choices Waiver; and In-Home Aide Service program.

- B. Certification of a provider majority bargaining representative shall continue so long as such organization satisfies the criteria of this Order and subsequent guidelines applicable to certification. A petition to decertify an existing majority bargaining representative may be filed in the same manner as a petition for certification, as provided in Section A of this Order, except that no decertification petition may be filed for any bargaining unit if:
- (1) A majority bargaining representative for that bargaining unit has been certified within the preceding 2 years; or
  - (2) The bargaining unit has in effect a valid memorandum of understanding that, by its terms, does not exceed 3 years in duration; provided that the limitation imposed by this paragraph shall not bar the filing of a decertification petition within the 90-day period immediately preceding the expiration of such memorandum of understanding.
- C. The State, through the Governor, shall designate appropriate representatives to meet and confer with the provider representative concerning the terms and conditions of the participation of independent home care providers in the Medicaid Personal Care program; the Medicaid Waiver for Older Adults; the Living at Home: Community Choices Waiver; and In-Home Aide Service program, including reimbursement rates under the programs, payment procedures, and benefits. Any agreement reached shall be reduced to writing. If any of the provisions of the agreement require legislative action, the parties will jointly seek the enactment of such legislation.
- D. Nothing in this Order shall in any way diminish or infringe any rights, responsibilities, power or duties conferred by the Constitution of the State of Maryland and the Annotated Code of Maryland. The designation of representatives by the State under this Order does not prevent the designated provider organization or any other organization or individual from communicating with any State official on matters of interest,



including appearing before or making proposals to the State at a public meeting or hearing or at any other State forum. This Order does not mandate participation by any home care provider.

- E. This Executive Order is not intended to and will not alter in any way either (1) the role of consumers in selecting, directing and terminating the services of independent home care providers nor (2) the fact that the providers are not State employees.
- F. This Executive Order is not intended to grant any right, or to imply that independent home care providers have any right to engage in a strike or other collective cessation of the delivery of services.

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**EXECUTIVE ORDER OF AUGUST 22, 2007**

01.01.2007.16

Code of Fair Employment Practices

(Rescinds Executive Order 01.01.2007.09)

WHEREAS, The State of Maryland recognizes and honors the value and dignity of every employee and understands the importance of providing its employees with a fair opportunity to pursue their careers in an environment free of discrimination or any form of prohibited harassment;

WHEREAS, Title 5, Subtitle 2 of the State Personnel and Pensions Article of the Annotated Code of Maryland establishes an Equal Employment Opportunity (EEO) program to ensure that employment decisions are based only on merit and fitness;

WHEREAS, The State is committed to providing a work environment free from discrimination on the basis of age, ancestry, color, creed, genetic information, marital status, mental or physical disability, national origin, religious affiliation, belief or opinion, race, sex, sexual orientation, or any other non-merit factor;

WHEREAS, All Executive Branch appointing authorities and managers are expected to assume personal responsibility and leadership in ensuring that fair employment practices are adhered to and that equal employment opportunity is a reality in Maryland State government; and

WHEREAS, There is a need to update prior Executive Orders to emphasize the State of Maryland's commitment to fair employment practices, to reaffirm the responsibilities of State agencies to uphold these important principles, and to reflect existing law.

NOW, THEREFORE, I, MARTIN O'MALLEY, GOVERNOR OF THE STATE OF MARYLAND, BY VIRTUE OF THE AUTHORITY VESTED IN ME BY THE CONSTITUTION AND LAWS OF MARYLAND, DO HEREBY RESCIND EXECUTIVE ORDER 01.01.2007.09 AND PROCLAIM THE FOLLOWING EXECUTIVE ORDER, EFFECTIVE IMMEDIATELY:

**Article I – Equal Employment Opportunity  
Program in State Government**

- A. All personnel actions concerning any employee or applicant for employment in the Executive Branch will be taken on the basis of merit and fitness, and without regard to:
- (1) Age;
  - (2) Ancestry;
  - (3) Color;
  - (4) Creed;
  - (5) Gender identity and expression;
  - (6) Genetic information;
  - (7) Marital status;
  - (8) Mental or physical disability;
  - (9) National origin;
  - (10) Race;
  - (11) Religious affiliation, belief or opinion;
  - (12) Sex; or
  - (13) Sexual orientation.
- B. All personnel actions concerning any skilled, professional or management service employee and any special appointee designated by the Secretary of Budget and Management, or any applicant for employment in those services or in comparable positions in an independent personnel system in the Executive Branch, shall be without regard to political affiliation, belief or opinion.
- C. Discrimination against or harassment of employees on the basis of any reason prohibited by law is not permitted.
- D. Retaliation against any employee who opposes discrimination or participates in an EEO investigation is not permitted.

- E. Retaliation against an individual because of their refusal to submit to a genetic test or make available the results of a genetic test is not permitted.
- F. The Secretary of Budget and Management shall:
- (1) Recommend the appointment of a Statewide Equal Employment Opportunity Coordinator who shall administer the program and coordinate the activities of the agency Fair Practices Officers, EEO Officers, and Americans with Disabilities Act Officers;
  - (2) Establish an Equal Employment Opportunity Unit which will report directly to the Equal Employment Opportunity Coordinator to oversee the administration of an equal employment practices program consistent with the requirements of applicable federal and State law governing equal employment opportunity, the State Personnel and Pensions Article, and this Executive Order;
  - (3) Upon an appropriate showing by an agency, and consistent with State and federal law, permit any bona fide occupational qualification; and
  - (4) Take any action, not inconsistent with federal or State law, to resolve employee complaints of unfair employment practices.
- G. The head of each department or other independent unit in the Executive Branch shall, consistent with guidelines and regulations promulgated by the Secretary of Budget and Management:
- (1) Appoint a Fair Practices Officer, and any Equal Employment Opportunity Officers, as required, for the appropriate implementation of the Equal Employment Opportunity Program in the department or unit;
  - (2) Ensure that the personnel practices in the department or unit are not discriminatory;
  - (3) Review disciplinary actions initiated against employees, employee grievances and complaints of discrimination to ensure the fair and equitable treatment of employees in their department or unit;
  - (4) Develop and implement policies that promote equal employment opportunity and work force diversification reflective of the availability of women, minorities, and persons with disabilities in the relevant labor market;

- (5) Provide leadership and training to managers, supervisors and other employees in fair employment practices;
  - (6) Ensure that designated Fair Practices and Equal Employment Opportunity Officers are known to all employees in their respective agencies and that these Officers have appropriate decision-making authority consistent with relevant federal and State law, this Executive Order, and personnel regulations;
  - (7) Consult and cooperate fully with the Secretary of Budget and Management and the Statewide EEO Coordinator or their designees in investigating and resolving expeditiously complaints of discrimination or unfair employment practices;
  - (8) Provide statistical and other information requested by the Secretary of Budget and Management regarding efforts to implement the department's or unit's Equal Employment Opportunity Program;
  - (9) Develop and implement programs, activities and events to acknowledge and educate about diversity and cultural differences; and
  - (10) Implement any decision of the Secretary of Budget and Management not inconsistent with the spirit or requirements of this Executive Order and federal or State law.
- H. Cabinet officials and other heads of departments or units are expected to lead by example in promoting fair employment practices and this Administration's policy of zero tolerance for employment discrimination.

#### **Article II — Complaints of Discrimination and Unfair Employment Practices**

- A. It is the policy of this Administration that all complaints of discrimination or other unfair employment practices be thoroughly investigated and promptly resolved, as appropriate.
- B. The Statewide EEO Coordinator shall monitor the compliance and effectiveness of each agency's EEO program and make recommendations for improvement.
- C. The Secretary of Budget and Management shall develop and promulgate rules, regulations, and guidelines for the investigation and resolution of complaints of discrimination or other unfair employment practices which shall include, at a minimum:

- (1) Provisions for resolving complaints informally whenever possible;
  - (2) Provisions for employees to file complaints with the Fair Practices or Equal Employment Opportunity Officer for the department or unit;
  - (3) Provisions for the review and resolution of any employment grievance, complaint involving discrimination or other unfair employment practices by the Secretary of Budget and Management prior to any appeal to the Office of Administrative Hearings;
  - (4) Guidelines for cooperation with the investigation of any complaint of discrimination filed with the Maryland Commission on Human Relations, the United States Equal Employment Opportunity Commission or any other agency authorized by law to conduct such investigations; and
  - (5) Training programs for managers and supervisors in identifying and resolving complaints of discrimination or other unfair employment practices.
- D. No employee shall be harassed or otherwise retaliated against for filing a complaint of discrimination or other unfair employment practice, providing information in support of any such complaint or testifying, assisting or participating in any phase of an investigation of any unfair employment practice, or on the basis of his or her refusal to submit to a genetic test or make available the results of a genetic test.
- E. Discrimination or retaliation complaints by Fair Practices Officers, Equal Employment Opportunity Officers, or EEO Office Directors shall be filed with the head of the unit or their designee and may be appealed to the statewide EEO Coordinator's Office.

**Article III — Cooperation with the Maryland Commission  
on Human Relations and United States Equal  
Employment Opportunity Commission**

- A. In accordance with the requirements of applicable federal and State law governing equal employment opportunity, the State Personnel and Pensions Article, and this Executive Order, all heads of departments and units in the Executive Branch shall cooperate fully with the Maryland Commission on Human Relations, the United States Equal Employment Opportunity Commission and any other federal or State agency investigating discrimination and duly comply with any validly adopted rules, regulations, and orders for effectuating the State's policies against discrimination and resolving complaints of discrimination.

- B. Every attempt shall be made to resolve complaints of discrimination within a department or unit; however, employees who file complaints of discrimination with agency Fair Practices Officers or Equal Employment Opportunity Officers shall be advised of their right to file a complaint with the Maryland Commission on Human Relations and the United States Equal Employment Opportunity Commission.
- C. The Secretary of Budget and Management shall establish guidelines which provide for agency participation in mediation or arbitration of employee complaints of discriminatory or unfair employment practices.
- D. If an employee of the Maryland Commission on Human Relations files a complaint of discrimination against a State agency, the Governor shall appoint an individual to perform the functions usually performed by the Commission.

#### **Article IV — State Action**

- A. Any employee of the State who violates the laws of this State pertaining to equal employment opportunity, this Executive Order or guidelines, rules and regulations promulgated pursuant thereto, will be subject to disciplinary action, up to and including dismissal from employment with the State.
- B. In performing services to the public, employees of this State will not discriminate against the public or individuals for any reason prohibited by law, nor shall they authorize the use of State facilities in the furtherance of any unlawfully discriminatory purpose or by any organization which unlawfully discriminates in its membership or policies.

#### **Article V — Accommodations**

- A. Reasonable accommodation shall be provided for all qualified applicants for employment and State employees with disabilities, consistent with the requirements of federal and State law.
- B. Meetings, hearings, and employment tests shall be conducted in an accessible manner and location, as required by federal and State law.
- C. No employee shall be retaliated against for seeking a reasonable accommodation for a disability.
- D. Managers and Supervisors shall receive training concerning reasonable accommodations for disabilities.

**Article VI — Annual Reports**

- A. The head of each principal department or unit in the Executive Branch shall, by October 15 of each year, or as otherwise requested, submit to the Secretary of Budget and Management an annual report of activities taken in the previous fiscal year to effectuate this Code of Fair Employment Practices. The report shall contain the information required by the Secretary of Budget and Management in a form consistent with the guidelines issued by the Secretary of Budget and Management.
- B. The Secretary of Budget and Management shall, by January 1 of each year, submit to the Governor an annual report on statewide equal employment opportunity practices. The Secretary of Budget and Management shall provide copies of the report to each department and unit, the General Assembly, and the Maryland Commission on Human Relations.

**Article VII — Notice to Employees**

- A. The Secretary of Budget and Management shall publish the policies of this State with regard to its fair employment practices and make copies of the publication available to all agencies.
- B. Consistent with the requirements of federal and State law, the Secretary shall authorize an appropriate notice of State fair employment practices and the manner in which the notice is to be posted.
- C. The heads of departments and units shall procure the publication and notice required by this Executive Order, furnish copies of the publication to all managers and supervisors and make it available to employees, and post the notice in the locations and manner required by the Secretary of Budget and Management.

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**EXECUTIVE ORDER OF SEPTEMBER 8, 2007**

01.01.2007.17

Maryland War of 1812 Bicentennial Commission

WHEREAS, Maryland and the Chesapeake Bay region have been important centers of trade, commerce, and government for centuries;

WHEREAS, The British invasion of Maryland during the summer of 1812 and the Chesapeake Campaign of 1814 during the nation's second war for independence were a result of that strategic importance;

WHEREAS, The War of 1812 and the actions of Marylanders during the War have had lasting effects on the nation, including the test of the young democracy and its diverse population of slaves and freemen, the formation of a national identity, a commitment to a strong national military defense, and a new international political framework;

WHEREAS, Maryland saw more military actions during the War of 1812 than any other state;

WHEREAS, Maryland's unique contributions to the defense and heritage of the nation include the pivotal clash that ensured American victory, an iconic flag, and our national anthem, *The Star-Spangled Banner*;

WHEREAS, Maryland possesses an extraordinary collection of historical, cultural, and natural resources that interpret and provide public access to the stories of the War of 1812 in the State and nation; and

WHEREAS, It is in the interest of Marylanders to provide for appropriate activities to commemorate and maximize the understanding of residents and visitors about the meaning of the War of 1812 and the role of Marylanders.

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

- A. Established. There is a Maryland War of 1812 Bicentennial Commission, hereafter referred to as "the Commission".
- B. Tasks. The Commission is charged with the following duties:
  - (1) Provide coordination among public and private interpretive institutions, sites, museums, and other organizations to plan and implement an appropriate series of events and activities to commemorate the bicentennial for residents and visitors statewide;
  - (2) Promote the identification and documentation of historic and cultural resources, including landscapes, sites, buildings, structures, objects, and archives related to the War of 1812, and encourage their preservation;
  - (3) Assist with efforts to protect, improve, and develop existing educational and interpretive institutions, sites, and museums related to the War of 1812 for educational, recreational, and tourism purposes;



- (4) Ensure the development of a model social studies curriculum specifically on the War of 1812, its impact on Maryland and the diverse people who fought, supported, and participated in the defense of the State and nation;
  - (5) Promote Maryland's War of 1812 bicentennial celebration nationally and internationally;
  - (6) Provide leadership for, and coordinate Maryland's efforts with other states and international entities engaged in activities related to the commemoration of the War of 1812, including but not limited to the federal Star-Spangled Banner and War of 1812 Bicentennial Commission;
  - (7) Secure support and financial resources to implement the events and activities planned and assisted by the Commission including the formation of an appropriate legal entity;
  - (8) Ensure that the activities undertaken or assisted by the Commission result in products that will have lasting value and public benefit beyond the bicentennial, especially leading to the protection of historical and cultural resources associated with the War of 1812; and
  - (9) Perform other actions necessary to carry out the duties of the Commission.
- C. Membership. The Commission shall consist of up to 13 members including:
- (1) The President of the Senate;
  - (2) The Speaker of the House;
  - (3) The Secretary of Budget and Management;
  - (4) The Secretary of Natural Resources;
  - (5) The Secretary of Planning;
  - (6) The Secretary of Transportation; and
  - (7) Up to seven members with relevant interest or expertise appointed by the Governor who serve at the pleasure of the Governor.
- D. Chair. The Governor shall designate a Chair from among the members of the Commission.
- E. Advisory Committees. The Commission shall be supported by Advisory Committees, to be established by the Chair, as follows:

- (1) Development and Sponsor Relations;
  - (2) Resource Stewardship and Visitor Experience;
  - (3) Education and Curriculum;
  - (4) Programs and Events;
  - (5) Transportation and Capital Infrastructure;
  - (6) Communications and Marketing;
  - (7) Operations and Management; and
  - (8) Additional Advisory Committees may be created, as necessary, to accomplish the Commission tasks.
- F. **Advisory Committee Appointments.** The Chair of the Commission shall appoint Advisory Committee members who broadly represent public and private interests who can make significant contributions to accomplish the Commission tasks. Advisory Committee members serve at the pleasure of the Chair of the Commission.
- G. **Diversity.** To the extent possible, the Commission and its Advisory Committees shall be representative of the diverse communities and regions within the State.
- H. **Vacancies.** In the event of a Commission vacancy, the Governor shall appoint a successor.
- I. **Staff Coordination.** The Governor shall appoint an Executive Director within the Division of Tourism, Film and the Arts to provide and coordinate staff for the Commission. The Maryland Historical Trust, the Maryland State Archives and other agencies shall assist when requested by the Commission.
- J. **Procedures.**
- (1) The Commission shall meet at least semi-annually at times and places to be determined by the Chair and Executive Director.
  - (2) The Commission shall adopt procedures for the transaction of business.
  - (3) The Commission may establish a non-profit organization to receive funds for the Commission.

- (4) The members of the Commission and Advisory Committees may not receive compensation for their services. The members 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.
- K. Action Plan. By September 1, 2008, the Commission shall present to the Governor and General Assembly a Plan of Action to achieve the Commission tasks.
- L. Reporting. By November 1 of each year, starting November 1, 2008, the Commission shall submit a report to the Governor and General Assembly including an update on the Plan of Action, implementation timetables and benchmarks, and recommendations for any legislative, administrative, or other action the Commission deems necessary to further its mission.
- M. Termination. This Executive Order shall terminate and be of no effect after June 30, 2015.

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**EXECUTIVE ORDER OF SEPTEMBER 17, 2007**

01.01.2007.18

Governor's Office of Community Initiatives

(Rescinds Executive Order 01.01.2004.57)

WHEREAS, Maryland's community organizations play an essential role in meeting the needs of many of Maryland's citizens;

WHEREAS, The efforts of the State of Maryland to help care for those in need can be enhanced by the mission of community organizations;

WHEREAS, The contributions of the growing cultural and ethnic communities of the State of Maryland have been numerous and a valuable asset to the State;

WHEREAS, There is a continuing need to assess community initiatives of the State of Maryland, to direct and coordinate policy and actions relating to these initiatives, and to coordinate the activities of the various State agencies and subdivisions relating to community initiatives;

WHEREAS, There is an ongoing need to identify funding for the State and local community initiatives and to advise the Governor on measures to strengthen such initiatives;

WHEREAS, The Administration has developed and implemented a strong community outreach program that encourages greater involvement and participation in community organizations and constituent groups; and

WHEREAS, The Administration seeks to further strengthen the State's relationship with community and volunteer organizations through the Governor's Office of Community Initiatives.

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 RESCIND EXECUTIVE ORDER 01.01.2004.57 AND PROCLAIM THE FOLLOWING EXECUTIVE ORDER, EFFECTIVE IMMEDIATELY:

- A. The Governor's Office of Community Initiatives shall include the following units: the Governor's Office on Service and Volunteerism, Volunteer Maryland, the Governor's Commission on Asian Pacific American Affairs, the Governor's Commission on Hispanic Affairs, the Governor's Commission on Service and Volunteerism, and any other office or commission designated by the Governor in the future as a unit of the Governor's Office of Community Initiatives. The Office shall also have an oversight role as a Governor's coordinating office to the Commission on Indian Affairs, the Maryland Commission for Women, and the Commission on African American History and Culture. The Office will be the State's principal interface with local, regional, and federal counterpart organizations.
- B. Executive Director. The Office shall be managed by an Executive Director, who serves at the pleasure of the Governor. The Executive Director:
  - (1) Shall direct and coordinate the Governor's Office on Service and Volunteerism, the Volunteer Maryland program, the Governor's Commission on Asian Pacific American Affairs, the Governor's Commission on Hispanic Affairs, the Governor's Commission on Service and Volunteerism, any other office or commission designated by the Governor in the future as a unit of the Governor's Office of Community Initiatives, and community initiatives throughout the State;
  - (2) Shall oversee and act as a coordinating liaison to the Commission on Indian Affairs, the Maryland Commission for Women, and the Commission on African American History and Culture;
  - (3) Shall advise the Governor on community and volunteer service issues;

- (4) Shall represent the Governor on boards, forums, and councils as appropriate; and
  - (5) Shall coordinate with federal and local governments, private sector entities, academia, and community organizations to strengthen community and volunteer service programs and initiatives.
- C. Staffing. The Governor's Office of Community Initiatives shall be comprised of staff appointed by the Governor and by staff liaisons from State agencies.
- D. Duties. The Office shall be responsible for the following activities:
- (1) Coordinating community and volunteer service activities within the State;
  - (2) Developing and coordinating the Governor's policy agenda affecting community programs and initiatives;
  - (3) Advising the Governor on policies and measures to enhance and improve the delivery of community and volunteerism services;
  - (4) Serving as the principal liaison to the Corporation for National and Community Service;
  - (5) Conducting public outreach on behalf of the Governor to encourage greater involvement and participation by community organizations and constituent groups;
  - (6) Reviewing State and federal legislation to assist in the identification of funding opportunities for community organizations to implement initiatives that benefit the State of Maryland;
  - (7) Coordinating efforts in cooperation with the Governor's Grants Office to provide technical assistance more effectively to community organizations as it relates to contracting and grant opportunities to relevant State departments and agencies;
  - (8) Monitoring community organizations receiving grants or other funds from or administered by the State of Maryland to ensure accountability and measurable outcomes consistent with existing federal and State policies;
  - (9) Directing and coordinating policy and actions relating to community and volunteer service initiatives across State government; emphasizing communication and cooperation with federal and local governments on all community and volunteer service concerns; and, providing executive and legislative recommendations to enhance community and volunteerism efforts;

- (10) Coordinating public activities designed to mobilize public support for community organizations, volunteer service, and civic participation by individuals, schools, and organizations, with the goal of promoting participation;
  - (11) Serving as principal liaison to the faith-based community and associated organizations; and
  - (12) Organizing events to recognize outstanding volunteer service and showcase innovative grassroots community organizations.
- E. All State departments, agencies, commissions, and boards are directed to cooperate with the Governor's Office of Community Initiatives in implementing the provisions of this Executive Order.
- F. Reports. The Governor's Office of Community Initiatives shall report to the Governor annually on its activities.

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**EXECUTIVE ORDER OF SEPTEMBER 17, 2007**

01.01.2007.19

Governor's Commission on Asian Pacific American Affairs

(Rescinds Executive Order 01.01.2003.27)

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

WHEREAS, There is a need to continue and expand outreach that will engage individuals and organizations in the Asian Pacific 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 Asian Pacific American community, including economic, workforce, and business development, require the attention of multiple agencies across State government;

WHEREAS, The contributions of the growing Asian Pacific American community to the State of Maryland have been numerous, and this community has been a valuable asset to the State;

WHEREAS, This Administration has determined that issues related to the Asian Pacific American community are best addressed at the highest level of the executive branch; and

WHEREAS, The Administration wants to emphasize its commitment to the Asian Pacific American people of Maryland by reauthorizing the Commission, elevating the Commission to the Governor's Office of Community Initiatives, focusing the Commission on issues related to community development, and reconstituting the Commission's membership.

NOW, THEREFORE, I, MARTIN O'MALLEY, GOVERNOR OF THE STATE OF MARYLAND, BY VIRTUE OF THE AUTHORITY VESTED IN ME BY THE CONSTITUTION AND LAWS OF MARYLAND, HEREBY RESCIND EXECUTIVE ORDER 01.01.2003.27, AND PROCLAIM THE FOLLOWING EXECUTIVE ORDER, EFFECTIVE IMMEDIATELY:

- A. There is a Governor's Commission on Asian Pacific American Affairs in the Governor's Office of Community Initiatives as described in Executive Order 01.01.2007.18.
- B. Within this Executive Order, the term "Asian Pacific American" means persons claiming ancestral heritage in Asian countries inclusive of the Pacific Islands and Asian subcontinent countries.
- C. Membership.
  - (1) The Commission shall consist of twenty-one voting members appointed by the Governor. The members appointed by the Governor shall reflect the diverse ancestry and national origins of the Asian Pacific American community of Maryland and provide representation from different geographic regions in the State.
  - (2) 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.
  - (4) In the event of a vacancy on the Commission, the Governor shall appoint a successor.
- D. 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.
- E. Expenses. Members of the Commission may not receive any compensation for their services, but may be reimbursed for reasonable expenses incurred in the performance of their duties, in accordance with the Standard State Travel Regulations, and as provided in the State budget.
- F. Operational Support. The Governor's Office of Community Initiatives and the Department of Human Resources shall provide publication, operational, and other support as needed to the Commission.
- G. 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 Asian Pacific American population of Maryland, including matters relating to economic, workforce, and business development;
  - (2) Identify needs or problems affecting Asian Pacific Americans, and develop appropriate responses and programs;
  - (3) Conduct outreach to Asian Pacific 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 Asian Pacific American population of Maryland;
  - (5) Generally comment and make appropriate recommendations on matters affecting the health, safety and welfare of the Asian Pacific American population of Maryland; and



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

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**EXECUTIVE ORDER OF OCTOBER 1, 2007**

01.01.2007.20

Governor's P-20 Leadership Council of Maryland

WHEREAS, Both the State's economic competitiveness and the earning potential of its individual residents depend on the quality of education at all levels;

WHEREAS, By providing graduates with the basic, critical-thinking, and technical skills they need, Maryland's elementary, secondary, and postsecondary schools play critical roles in preparing graduates to succeed in the competitive global economy;

WHEREAS, Maryland's business and education communities recognize the importance of aligning education policies to the State's economic needs in order to better prepare students for the job market and to allow the State to grow economically;

WHEREAS, The education community has shown a commitment to improving student preparation in science, technology, engineering, and mathematics (STEM) by investing in STEM programs at the elementary, secondary, and postsecondary levels;

WHEREAS, Implementation of the federal government's 2005 Base Realignment and Closure (BRAC) process will bring to Maryland thousands of new jobs requiring a highly skilled workforce;

WHEREAS, Maryland has an extremely tight labor market with an unemployment rate that has been at 4.5 percent or lower since July 2003;

WHEREAS, Maryland's changing demographics will bring a growing number of African American, Hispanic, Asian, and other minority students who will constitute a larger proportion of the State's workforce;

WHEREAS, Many companies in the health care, tourism and hospitality, biotechnology, life sciences, security, and defense sectors face shortages of skilled workers;

WHEREAS, The State's education and workforce creation initiatives exist in multiple departments and agencies making it difficult to design and implement an integrated statewide system; and

WHEREAS, Improving student achievement and promoting workforce skills requires a statewide approach that ensures that every student has a chance to succeed in school and in the workplace.

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

- A. Establishment. There is hereby established a P-20 Leadership Council of Maryland (the Council). The Council shall be a partnership between the State, educators, and the business community to better prepare Maryland students for the jobs of the 21st Century while enhancing the State's economic competitiveness by creating a workforce with 21st Century skills.
- B. Membership. The Council shall consist of not more than 35 members, including the Governor or his designee and representatives of the education, workforce creation, and business communities.
  - (1) Membership shall include at least the following:
    - (a) The Governor, or his designee;
    - (b) The Secretary of Higher Education;
    - (c) The Secretary of Labor, Licensing, and Regulation;
    - (d) The Secretary of Business and Economic Development;
    - (e) The Chancellor of the University System of Maryland;
    - (f) The State Superintendent of Schools;
    - (g) The Chairman of the Maryland Higher Education Commission;
    - (h) A member of the State Board of Education;
    - (i) A representative of local superintendents;
    - (j) A representative of local boards of education;
    - (k) A representative of elementary and secondary school teachers;
    - (l) A representative of elementary and secondary school principals;
    - (m) An expert in early childhood education;

- (n) An expert in career and technology education;
  - (o) Two representatives of community colleges;
  - (p) Two representatives of independent colleges or universities;
  - (q) A representative of public institutions of higher education outside the University System of Maryland;
  - (r) A representative of college or university deans who has responsibility for a science, technology, engineering, and math (STEM) discipline;
  - (s) Four representatives of the University System of Maryland;
  - (t) The Chair and the Executive Director of the Governor's Workforce Investment Board; and
  - (u) Three representatives of the business community.
- (2) The Governor or his designee shall chair the Council.
  - (3) Members of the Council shall be appointed by the Governor and serve at the pleasure of the Governor.
  - (4) Members of the Council may not receive any compensation for their services. Public members of the Council may be reimbursed for reasonable expenses incurred in the performance of their duties, in accordance with the Standard State Travel Regulations, and as provided in the State budget.
- C. Executive Committee. The Council shall be led by an executive committee that includes the following members: the Governor or his designee, the Secretary of Higher Education, the Secretary of Labor, Licensing, and Regulation, the Secretary of Business and Economic Development, the Chancellor of the University System of Maryland, and the State Superintendent of Schools.
- D. Other Committees and Task Forces. The Council may establish other committees or task forces as are necessary to accomplish its work.
- E. Areas of Focus. The Council shall investigate ways to improve education, advance workforce creation, and make the State more competitive through some or all of the following strategies:

- (1) Ensuring that all students have the basic, critical thinking, and technical skills necessary to succeed in the modern workplace;
  - (2) Reducing the dropout rate and increasing graduation rates;
  - (3) Improving student achievement and closing student achievement gaps;
  - (4) Improving teaching quality;
  - (5) Improving teacher retention;
  - (6) Strengthening and expanding educational leadership programs;
  - (7) Redesigning career and technology education programs to meet college expectations and employer needs;
  - (8) Expanding the availability of career and technology programs and high school centers;
  - (9) Strengthening STEM programs at the high school and college level;
  - (10) Connecting high school expectations and college expectations with employer needs;
  - (11) Creating pathways for all students to obtain college degrees;
  - (12) Providing teachers the resources and professional training they need to help students reach higher standards;
  - (13) Expanding opportunities for continuous learning;
  - (14) Aligning high school graduation requirements with college admission requirements;
  - (15) Improving the connections between the pre-kindergarten, elementary, middle school, high school, college, and graduate education systems;
  - (16) Creating programs and incentives to encourage mutually beneficial relationships between schools, school systems and the business community; and
  - (17) Any other strategies requested by the Governor.
- F. Members of the Executive Committee shall provide the primary staff support necessary for the business of the Council.

- G. Meetings and Reports. The Council shall meet at least quarterly and provide the Governor with interim updates, timely recommendations and an annual report of its progress. Unless otherwise indicated, members may not send designees to represent them at Council meetings.

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**EXECUTIVE ORDER OF OCTOBER 11, 2007**

01.01.2007.21

Governor's Commission on Hispanic Affairs

(Rescinds Executive Order 01.01.2003.19)

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

WHEREAS, There is a need to continue and expand outreach that will engage individuals and organizations in the Hispanic 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 Hispanic community, including economic, workforce, and business development, require the attention of multiple agencies across State government;

WHEREAS, The contributions of the growing Hispanic community to the State of Maryland have been numerous, and the Hispanic 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 Hispanic 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 Hispanic community in the State of Maryland;

WHEREAS, This Administration has determined that issues related to the Hispanic community are best addressed at the highest level of the Executive Branch; and

WHEREAS, The Administration wants to emphasize its commitment to the Hispanic people of Maryland by reauthorizing the Commission, elevating the Commission to the Governor's

Office of Community Initiatives, focusing the Commission on issues related to community development, and reconstituting the Commission's membership.

NOW, THEREFORE, I, MARTIN O'MALLEY, GOVERNOR OF THE STATE OF MARYLAND, BY VIRTUE OF THE AUTHORITY VESTED IN ME BY THE CONSTITUTION AND LAWS OF MARYLAND, HEREBY RESCIND EXECUTIVE ORDER 01.01.2003.19, AND PROCLAIM THE FOLLOWING EXECUTIVE ORDER, EFFECTIVE IMMEDIATELY:

- A. There is a Governor's Commission on Hispanic Affairs in the Governor's Office of Community Initiatives as described in Executive Order 01.01.2007.18.
- B. The Commission shall consist of the following members:
  - (1) Twenty-one voting members appointed by the Governor. The members appointed by the Governor shall reflect the diverse ancestry and national origins of the Hispanic 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 Hispanic population;
  - (2) As ex-officio, nonvoting members:
    - (a) A representative of the Office of the Governor;
    - (b) The Secretary of Human Resources or a designee;
    - (c) The Secretary of Health and Mental Hygiene or a designee;
    - (d) The Secretary of Housing and Community Development or a designee;
    - (e) The Secretary of Business and Economic Development or a designee;
    - (f) The Secretary of Labor, Licensing and Regulation or a designee;
    - (g) The State Superintendent of Schools or a designee; and
    - (h) The Secretary of Higher Education or a designee.
  - (3) Appointed members shall serve at the pleasure of the Governor for up to two consecutive four-year terms.
  - (4) 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.

- (5) 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 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.

D. Expenses. Members of the Commission may not receive any compensation for their services. Public members of the Commission may be reimbursed for reasonable expenses incurred in the performance of their duties in accordance with the Standard State Travel Regulations and as provided in the State budget.

E. Operational Support. The Governor's Office of Community Initiatives and the Department of Human Resources 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 Hispanic population of Maryland, including matters relating to economic, workforce, and business development;
- (2) Identify needs or problems affecting the Hispanic population and develop appropriate responses and programs;
- (3) Conduct outreach to Hispanic 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 Hispanic population of Maryland;
- (5) Generally comment and make appropriate recommendations on matters affecting the health, safety, and welfare of the Hispanic population of Maryland; and
- (6) Perform any other duties that may be requested by the Governor.

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**EXECUTIVE ORDER OF OCTOBER 11, 2007**

01.01.2007.22

Governor's Commission on Middle Eastern American Affairs

WHEREAS, There is a need for the State agencies to respond effectively to the needs and concerns of Maryland citizens with ancestral heritage in Middle Eastern countries;

WHEREAS, There is a need to continue and expand outreach that will engage individuals and organizations in the Middle Eastern 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 Middle Eastern American community, including economic, workforce, and business development, require the attention of multiple agencies across State government;

WHEREAS, The contributions of the Middle Eastern American community to the State of Maryland have been numerous, and the Middle Eastern 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 Middle Eastern 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 Middle Eastern community in the State of Maryland;

WHEREAS, This Administration has determined that issues related to the Middle Eastern American community are best addressed at the highest level of the Executive Branch; and



WHEREAS, The Administration wants to emphasize its commitment to the Middle Eastern American community of Maryland by establishing the Commission on Middle Eastern American Affairs within the Governor's Office of Community Initiatives and by 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 Middle Eastern American Affairs in the Governor's Office of Community Initiatives.
- B. Membership.
  - (1) The Commission shall consist of twenty-one voting members appointed by the Governor. The members appointed by the Governor shall reflect the diverse ancestry and national origins of the Middle Eastern 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 Middle Eastern American population.
  - (2) 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 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.
- 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 and the Department of Human Resources 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 Middle Eastern American population of Maryland, including matters relating to economic, workforce, and business development;
  - (2) Identify needs or problems affecting Middle Eastern Americans and develop appropriate responses and programs;
  - (3) Conduct outreach to Middle Eastern 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 Middle Eastern American population of Maryland;
  - (5) Generally comment and make appropriate recommendations on matters affecting the health, safety and welfare of the Middle Eastern American population of Maryland; and
  - (6) Perform any other duties that may be requested by the Governor.

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**EXECUTIVE ORDER OF OCTOBER 15, 2007**

01.01.2007.23

Proclamation Convening the General Assembly of Maryland in Extraordinary Session at Annapolis, Maryland on October 29, 2007

WHEREAS, Maryland faces a \$1.7 billion structural deficit in next year's Budget, and similar gaps in future years;

WHEREAS, This structural deficit has been 10 years in the making, driven largely by two decisions – a \$1 billion income tax cut in 1997, and an important and necessary \$1.5 billion increase in K–12 education spending since Fiscal Year 2003;

WHEREAS, This structural deficit has been averted over the past few years by tuition hikes, fee increases, and diverting money from funds earmarked for open space and transportation;

WHEREAS, Structural reform is the only long–term solution to this problem;

WHEREAS, Structural reform has already begun with the passage of a budget earlier this year that grew by only 2%; the July 11, 2007 action by the Board of Public Works to cut spending by \$280 million; the elimination of 147 government positions; the decision to close the Maryland House of Corrections; our continuing efforts to promote efficiency in government through the StateStat process; and our proposal to reduce planned spending by almost \$1 billion over the next two fiscal years;

WHEREAS, Our plan for structural reform includes a more progressive revenue structure; closing corporate tax loopholes; investing in Maryland's intellectual and physical infrastructure; protecting our investments in education; making health care more affordable; modernizing the sales tax; and protecting Maryland's most vulnerable citizens, including our senior citizens;

WHEREAS, If there is no special session and the legislature does not address the structural deficit until the regular 2008 Session, the State will lose the ability to implement much–needed fiscal reform beginning in January 2008; and

WHEREAS, If fiscal reform is not implemented in January 2008, the State will face an additional \$500 million challenge.

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, OCTOBER 29, 2007, IN THE STATE CAPITOL IN THE CITY OF ANNAPOLIS FOR THE PURPOSE OF PASSING LEGISLATION TO ADDRESS MARYLAND'S STRUCTURAL DEFICIT.

**EXECUTIVE ORDER OF OCTOBER 25, 2007**

01.01.2007.24

Maryland Health Quality and Cost Council

WHEREAS, Maryland has been a national leader in the delivery of quality health care for its citizens;

WHEREAS, Recent national studies suggest the need for improvement in the quality of the nation's health care. For example, estimates are that almost 100,000 Americans die each year from medical errors in hospitals, and patients receive only 55% of the care recommended for their health conditions;

WHEREAS, Chronic illnesses, such as cardiovascular disease, cancer, and diabetes, are among the most prevalent, costly, and sometimes preventable health problems, accounting for 70% of all deaths and 75% of all medical care costs across the country;

WHEREAS, Maryland's health and health care quality rankings among states also suggest the need for improvement; for example, the State ranks 25th in obesity prevalence, 27th in cardiovascular deaths, 29th in cancer deaths, 35th in premature deaths, and 39th in indicators measuring the degree to which residents enjoy long and healthy lives. With respect to treatment of these conditions, Maryland ranks 34th in avoidable hospital use and costs;

WHEREAS, It is a high priority of the State and this Administration to provide the leadership, innovation and coordination necessary to improve the quality of health care provided to Maryland citizens, to address the escalating costs of health care, and to encourage advancements in wellness, prevention and chronic care management toward the overarching goal of a healthier State;

WHEREAS, State and national trends show movement toward improving health care quality and reducing costs by creating incentives for practitioners to incorporate evidence-based standards of care and technology in their practices, and to institute measures designed to improve patient satisfaction;

WHEREAS, The federal government has supported demonstration projects that provide bonus payments for attainment of quality indicators, and in 2006 launched the Physician Voluntary Reporting Program that measures physician performance on sixteen evidence-based indicators;

WHEREAS, In Maryland, the private health care sector has begun to advance efforts to improve health care quality by reducing mistakes, waste and inefficiency, and by increasing accountability and quality through the provision of comparative provider performance data to consumers; and

WHEREAS, This Administration seeks to facilitate, support, and supplement these efforts by providing coordination and leadership between the private and public health care sectors toward their shared goal of promoting both better health and better health care value, *i.e.*, ensuring the appropriate care at the appropriate time at the appropriate cost for all Marylanders.

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

- A. There shall be a Maryland Health Quality and Cost Council.
- B. In this Executive Order, "Council" means the Maryland Health Quality and Cost Council.
- C. The Council shall consist of the following members:
  - (1) The Lieutenant Governor, who shall be the Chair of the Council;
  - (2) The Secretary of the Department of Health and Mental Hygiene, "Secretary", who shall be the Vice-Chair of the Council;
  - (3) At least seven additional members, to be appointed by the Governor, to serve at the pleasure of the Governor, of which at least five shall be representative of the following groups:
    - (a) Health insurance carriers;
    - (b) Employers;
    - (c) Health care providers;
    - (d) Health care consumers; and
    - (e) Experts in health care quality.
- D. To the extent practicable, members of the Council shall be representative of ongoing quality and cost containment efforts in Maryland.
- E. With the exception of the Lieutenant Governor and the Secretary:
  - (1) The term of a member of the Council shall be three years; and
  - (2) A member may not serve more than two terms consecutively.

- F. A majority of the full authorized membership of the Council is a quorum.
- G. The Council may act upon any matter with the authorization of a majority of the quorum present and voting.
- H. A member of the Council may not receive compensation, but is entitled to reimbursement for expenses under the Standard State Travel Regulations as provided in the State budget.
- I. The Secretary shall designate the staff necessary to provide support for the Council.
- J. The Council shall:
  - (1) Coordinate and facilitate collaboration on health care quality improvement and cost containment initiatives by:
    - (a) Medical groups, hospitals and other health care providers;
    - (b) Health insurance carriers and other health care purchasers;
    - (c) State and local governmental entities; and
    - (d) Professional boards;
  - (2) Make recommendations on health care quality and cost containment initiatives and priorities to policy makers, State and local governmental entities, professional boards, the Maryland Patient Safety Center, industry groups, consumers, and other stakeholders;
  - (3) Develop a chronic care management plan to improve the quality and cost-effectiveness of care for individuals with, or at risk for, chronic disease, including plans for:
    - (a) Patient self-management, in collaboration with a health care team;
    - (b) Incentives for provision of care consistent with evidence-based standards;
    - (c) Ways to engage communities to fight physical inactivity and obesity;
    - (d) Identification of information technology that supports care management; and

- (e) Linkages between financing mechanisms and performance measures;
  - (4) Facilitate the integration of health information technology in health care systems; and
  - (5) Examine and make recommendations regarding other issues relating generally to the Council's mission to improve health care quality and reduce costs in the State.
- K. The Council shall avoid duplication of existing health care quality improvement and cost containment efforts in the State.
- L. On or before December 1 of each year, the Council shall submit a report to the Governor and the General Assembly, in accordance with Section 2-1246 of the State Government Article, Annotated Code of Maryland, describing its activities for the previous year and making recommendations for improving health care quality and reducing health care costs in the State.

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**EXECUTIVE ORDER OF NOVEMBER 9, 2007**

01.01.2007.25

Governor's Office of Community Initiatives

(Amends Executive Order 01.01.2007.18)

WHEREAS, Maryland's community organizations play an essential role in meeting the needs of many of Maryland's citizens;

WHEREAS, The efforts of the State of Maryland to help care for those in need can be enhanced by the mission of community organizations;

WHEREAS, The contributions of the growing cultural and ethnic communities of the State of Maryland have been numerous and a valuable asset to the State;

WHEREAS, There is a continuing need to assess community initiatives of the State of Maryland, to direct and coordinate policy and actions relating to these initiatives, and to coordinate the activities of the various State agencies and subdivisions relating to community initiatives;

WHEREAS, There is an ongoing need to identify funding for the State and local community initiatives and to advise the Governor on measures to strengthen such initiatives;

WHEREAS, The Administration has developed and implemented a strong community outreach program that encourages greater involvement and participation in community organizations and constituent groups; and

WHEREAS, The Administration seeks to further strengthen the State's relationship with community and volunteer organizations through the Governor's Office of Community Initiatives.

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 AMEND EXECUTIVE ORDER 01.01.2007.18 AND PROCLAIM THE FOLLOWING EXECUTIVE ORDER, EFFECTIVE IMMEDIATELY:

- A. The Governor's Office of Community Initiatives shall include the following units: the Governor's Office on Service and Volunteerism, Volunteer Maryland, the Governor's Commission on Asian Pacific American Affairs, the Governor's Commission on Hispanic Affairs, the Governor's Commission on Service and Volunteerism, and any other office or commission designated by the Governor in the future as a unit of the Governor's Office of Community Initiatives. [The Office shall also have an oversight role as a Governor's coordinating office to the Commission on Indian Affairs, the Maryland Commission for Women, and the Commission on African American History and Culture.] The Office will be the State's principal interface with local, regional, and federal counterpart organizations.
- B. Executive Director. The Office shall be managed by an Executive Director, who serves at the pleasure of the Governor. The Executive Director:
- (1) Shall direct and coordinate the Governor's Office on Service and Volunteerism, the Volunteer Maryland program, the Governor's Commission on Asian Pacific American Affairs, the Governor's Commission on Hispanic Affairs, the Governor's Commission on Service and Volunteerism, any other office or commission designated by the Governor in the future as a unit of the Governor's Office of Community Initiatives, and community initiatives throughout the State;
  - (2) Shall [oversee and] act as a coordinating liaison to the Commission on Indian Affairs, [the Maryland Commission for Women,] and the Commission on African American History and Culture;
  - (3) Shall advise the Governor on community and volunteer service issues;



- (4) Shall represent the Governor on boards, forums, and councils as appropriate; and
  - (5) Shall coordinate with federal and local governments, private sector entities, academia, and community organizations to strengthen community and volunteer service programs and initiatives.
- C. Staffing. The Governor's Office of Community Initiatives shall be comprised of staff appointed by the Governor and by staff liaisons from State agencies.
- D. Duties. The Office shall be responsible for the following activities:
- (1) Coordinating community and volunteer service activities within the State;
  - (2) Developing and coordinating the Governor's policy agenda affecting community programs and initiatives;
  - (3) Advising the Governor on policies and measures to enhance and improve the delivery of community and volunteerism services;
  - (4) Serving as the principal liaison to the Corporation for National and Community Service;
  - (5) Conducting public outreach on behalf of the Governor to encourage greater involvement and participation by community organizations and constituent groups;
  - (6) Reviewing State and federal legislation to assist in the identification of funding opportunities for community organizations to implement initiatives that benefit the State of Maryland;
  - (7) Coordinating efforts in cooperation with the Governor's Grants Office to provide technical assistance more effectively to community organizations as it relates to contracting and grant opportunities to relevant State departments and agencies;
  - (8) Monitoring community organizations receiving grants or other funds from or administered by the State of Maryland to ensure accountability and measurable outcomes consistent with existing federal and State policies;
  - (9) Directing and coordinating policy and actions relating to community and volunteer service initiatives across State government; emphasizing communication and cooperation with federal and local governments on all community and volunteer service concerns; and, providing executive and legislative recommendations to enhance community and volunteerism efforts;

- (10) Coordinating public activities designed to mobilize public support for community organizations, volunteer service, and civic participation by individuals, schools, and organizations, with the goal of promoting participation;
  - (11) Serving as principal liaison to the faith-based community and associated organizations; and
  - (12) Organizing events to recognize outstanding volunteer service and showcase innovative grassroots community organizations.
- E. All State departments, agencies, commissions, and boards are directed to cooperate with the Governor's Office of Community Initiatives in implementing the provisions of this Executive Order.
- F. Reports. The Governor's Office of Community Initiatives shall report to the Governor annually on its activities.

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**EXECUTIVE ORDER OF NOVEMBER 30, 2007**

01.01.2007.26

Information Technology

WHEREAS, Every agency of State Government relies on technology, and technology impacts the ability of every State agency to serve the public;

WHEREAS, Technology is a key component of the State's plan for progress in areas such as security integration, sustainability through energy and environmental reform, and workforce creation;

WHEREAS, The Governor is responsible for a continuing review of the organization of the Executive Branch of the State government, and to make recommendations for change where change is warranted;

WHEREAS, The public has the right to expect that State government will continue to look for ways to streamline operations and find efficiencies across State agencies as part of its obligation to restore fiscal responsibility;

WHEREAS, In recognition of this Administration's commitment to improved technology as a critical part of making progress as a State, it is the intent of the Administration to seek

changes to the law to establish the Department of Information Technology as a principal department of the Executive Branch of State government, and to make the Chief Information Technology Officer of the State a member of the Governor's Executive Council;

WHEREAS, The new Department of Information Technology would have policy responsibility over information technology matters across State agencies, oversight authority over large scale information technology expenditures, programmatic oversight over large information technology projects, and authority to centralize common information technology functions and assets;

WHEREAS, Consistent with the recommendation of the O'Malley/Brown Transition Team, the Administration will present legislation to the Maryland General Assembly to be introduced in the 2008 Legislative Session to accomplish those objectives; and

WHEREAS, Executive branch employees need to take steps immediately to prepare for the coordination and streamlining of technology across all agencies in State government.

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. Chief information officers of all principal departments, agencies, and units shall cooperate with the Chief of Information Technology to look for opportunities to streamline information technology projects across State government, achieve cost-savings through economies of scale, consolidate enterprise-wide services where appropriate, and coordinate on security and disaster recovery planning.
- B. The Chief of Information Technology shall participate directly in meetings of the Governor's cabinet and all subcabinet meetings involving technology matters.
- C. The Chief of Information Technology shall participate directly in the StateStat process.

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