

(D) AFTER THE LOT OWNERS IN THE DEVELOPMENT AGREE TO THE DELETION OF A RECORDED COVENANT OR RESTRICTION THAT RESTRICTS OWNERSHIP BASED ON RACE OR, RELIGIOUS BELIEF, OR NATIONAL ORIGIN AS PROVIDED IN SUBSECTION (A) OF THIS SECTION, THE GOVERNING BODY OF THE HOMEOWNERS ASSOCIATION SHALL RECORD WITH THE CLERK OF THE COURT IN THE JURISDICTION WHERE THE DEVELOPMENT IS LOCATED AN AMENDMENT TO THE DEEDS OR OTHER DECLARATIONS THAT INCLUDE THE RECORDED COVENANT OR RESTRICTION, EXECUTED BY AT LEAST 85% OF THE LOT OWNERS IN THE DEVELOPMENT, THAT PROVIDES FOR THE DELETION OF THE RECORDED COVENANT OR RESTRICTION FROM THE DEEDS OR DECLARATIONS OF THE PROPERTY IN THE DEVELOPMENT.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2004.

May 25, 2004

The Honorable Michael E. Busch  
Speaker of the House of Delegates  
State House  
Annapolis, MD 21401-1991

Dear Mr. Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed House Bill 1062 - *St. Mary's County - Deputy Sheriffs - Command-Level Appointees*.

House Bill 1062 authorizes the St. Mary's County Sheriff to appoint command-level staff subject to the approval of the St. Mary's County Commissioners. The bill requires the county commissioners and the sheriff to set the number, rank, and salaries of command-level positions and to approve their creation, continued existence, funding, or reestablishment. When the appointment to the command-level position ends by an action of the sheriff, the failure of the county to fund the position, or by the rescission of the approval for that position, the individual serving in the command-level position must return to the rank held before the appointment or to the higher rank for which the individual would have qualified while serving as a command-level appointee.

The St. Mary's County Delegation sponsored House Bill 1062 at the request of the Board of County Commissioners. As introduced, it allowed the County Commissioners to set the number, rank, and salaries of the command-level positions, and to make additional decisions relating to these positions. An amendment was added in the House Environmental Matters Committee that allowed the County Commissioners "and the Sheriff" to make these determinations.

All five County Commissioners of St. Mary's County have requested that this bill be vetoed. They object vehemently to the amendment that gives the sheriff co-decision making authority in these matters. In opposition, they have stated that House Bill 1062 interferes with their legislative authority and creates confusion and ambiguity