

[For the purposes of this subsection only, the phrase "property subject to administration" does not include fee simple real property, and is not affected by expenses or charges attributable to it.]

(c) Within 30 days a personal representative, special administrator, or unsuccessful exceptant may appeal the allowance to the circuit court, which shall determine the adequacy of the commissions and increase, but not in excess of the above schedule, or decrease them.

(d) [(1) In the event of a sale of real property by the personal representative, the court, upon petition filed in reasonable detail, may allow a commission on the proceeds of the sale as it shall consider appropriate but which may not exceed 9%.

(2)] If the personal representative retains the services of a licensed real estate broker to aid in the sale of real property, the commissions paid to the real estate broker are an expense of administration and may not be deducted from the commissions allowed by the court to the personal representative in accordance with subsection (a) of this section.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall apply only to the estates of decedents dying after the effective date of this Act.

SECTION 2. 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 1991 January 1, 1992.

May 24, 1991

The Honorable Thomas V. Mike Miller, Jr.  
President of the Senate  
State House  
Annapolis, Maryland 21401

Dear Mr. President:

In accordance with Article II, Section 17 of the Maryland Constitution, I have today vetoed Senate Bill 439.

This bill transfers the final decision making authority for cases involving grievance and denial of increment appeals from the Secretary of Personnel to the Office of Administrative Hearings (OAH). It also removes the Secretary's ability to review and, when necessary, overturn decisions inconsistent with State personnel policy (including appeals for removals, demotions, unsatisfactory work reports, suspensions, and preliminary hearings). Finally, the legislation delegates to OAH final decision making authority on proposed decisions issued by an outside arbitrator.