
By: Delegates Arnick and Poole

Requested: November 12, 1996

Introduced and read first time: January 8, 1997

Assigned to: Commerce and Government Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Executive Orders**

3 FOR the purpose of requiring the Governor, before issuing certain executive orders, to
4 submit a proposed order to the Administrator of the Division of State Documents
5 for publication in the Maryland Register and, on or before a certain date, to the
6 Joint Committee on Administrative, Executive, and Legislative Review; prohibiting
7 certain executive orders from taking effect before a certain date; and generally
8 relating to the publication and legislative review of proposed executive orders.

9 BY repealing and reenacting, with amendments,
10 Article - State Government
11 Section 3-403 and 7-206(a)
12 Annotated Code of Maryland
13 (1995 Replacement Volume and 1996 Supplement)

14 BY adding to
15 Article - State Government
16 Section 3-403.1
17 Annotated Code of Maryland
18 (1995 Replacement Volume and 1996 Supplement)

19 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
20 MARYLAND, That the Laws of Maryland read as follows:

21 **Article - State Government**

22 3-403.

23 [An] SUBJECT TO § 3-403.1 OF THIS SUBTITLE, AN executive order has the
24 effective date set in the executive order.

25 3-403.1.

26 (A) THIS SECTION DOES NOT APPLY TO AN EXECUTIVE ORDER ISSUED
27 UNDER:

28 (1) ARTICLE 16, § 6A OR § 6D OF THE CODE;

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- 1 (2) ARTICLE 41, § 2-101 OR § 10-807 OF THE CODE;
- 2 (3) ARTICLE 83B, § 5-406 OF THE CODE;
- 3 (4) § 5-331 OF THE COURTS ARTICLE;
- 4 (5) § 2-105, § 7-234, § 7-305, OR § 8-406 OF THE ENVIRONMENT ARTICLE; OR
- 5 (6) § 10-225 OF THIS ARTICLE.

6 (B) BEFORE ISSUING AN EXECUTIVE ORDER, THE GOVERNOR SHALL:

7 (1) SUBMIT THE PROPOSED ORDER TO THE ADMINISTRATOR OF THE
8 DIVISION OF STATE DOCUMENTS FOR PUBLICATION IN THE MARYLAND REGISTER;
9 AND

10 (2) ON OR BEFORE THE DAY ON WHICH THE PROPOSED ORDER IS
11 SUBMITTED TO THE ADMINISTRATOR, SUBMIT THE PROPOSED ORDER TO THE JOINT
12 COMMITTEE ON ADMINISTRATIVE, EXECUTIVE, AND LEGISLATIVE REVIEW.

13 (C) AN EXECUTIVE ORDER MAY NOT TAKE EFFECT EARLIER THAN THE 15TH
14 CALENDAR DAY AFTER THE PROPOSED ORDER IS PUBLISHED IN THE MARYLAND
15 REGISTER.

16 7-206.

17 (a) An issue of the Register shall contain:

18 (1) on the first page:

19 (i) the closing date and hour of the issue; and

20 (ii) the issue date, which shall be the date of deposit in the United
21 States mail and shall appear prominently;

22 (2) the text of each of the following documents that has been submitted to
23 the Division before the closing date and hour and has not been published previously:

24 (i) during each session of the General Assembly:

25 1. a synopsis of each bill that is introduced; and

26 2. a synopsis of each bill that is enacted;

27 (ii) each proposed rule of court that the Chief Judge of the Court of
28 Appeals directs to be published;

29 (iii) each rule of court that the Court of Appeals adopts or permits to
30 be adopted;

31 (iv) the hearing calendar of the Court of Appeals;

32 (v) each administrative order or memorandum of the Chief Judge of
33 the Court of Appeals or of the Administrative Office of the Courts that the Chief Judge
34 directs to be published;

3

1 (vi) the hearing calendar of the Court of Special Appeals;

2 (vii) each administrative regulation that the Chief Judge of the District
3 Court adopts;

4 (VIII) EACH PROPOSED EXECUTIVE ORDER SUBMITTED BY THE
5 GOVERNOR UNDER § 3-403.1 OF THIS ARTICLE;

6 [(viii)] (IX) each executive order;

7 [(ix)] (X) each designation of an official State agency under a federal
8 program;

9 [(x)] (XI) except for notaries public and special police, a list of
10 gubernatorial appointments that states:

11 1. the office;

12 2. the name of the appointee;

13 3. the county where the appointee resides;

14 4. the effective date of appointment;

15 5. the term of office; and

16 6. the salary;

17 [(xi)] (XII) for a proposed regulation:

18 1. the notice of the proposed adoption of the regulation; and

19 2. the text of the proposed regulation;

20 [(xii)] (XIII) each notice of a public hearing that a unit issues;

21 [(xiii)] (XIV) unless otherwise exempted, each other document that is
22 required by law to be published in the Code of Maryland Regulations;

23 [(xiv)] (XV) each other document that is required to be published in the
24 Register;

25 [(xv)] (XVI) each notice or other document issued by an agency of a
26 county or municipal government that the Committee permits to be published in the
27 Register; and

28 [(xvi)] (XVII) unless otherwise privileged, each other document that the
29 Committee permits to be published in the Register;

30 (3) a table of contents; and

31 (4) an index to each title of the Code of Maryland Regulations that a
32 document in the issue affects.

33 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
34 October 1, 1997.

