

Department of Legislative Services
Maryland General Assembly
2012 Session

FISCAL AND POLICY NOTE

Senate Bill 694 (Senators Pipkin and Colburn)
Education, Health, and Environmental Affairs

State Government - Executive Order - Definition

This bill repeals the Governor's authority to issue an executive order that adopts guidelines, rules of conduct, or rules of procedure for persons who are under the jurisdiction of State employees or units of State government, or who deal with them.

Fiscal Summary

State Effect: The bill restricts the Governor's ability to issue executive orders related to collective bargaining for State employees but is not expected to have a meaningful impact on State finances.

Local Effect: None.

Small Business Effect: None.

Analysis

Current Law: The Governor is authorized to issue an executive order that, under the Governor's signature:

- proclaims or ends a state of emergency or exercises the Governor's statutory authority during an emergency;
- adopts guidelines, rules of conduct, or rules of procedure for State employees; units of State government; or persons who are under the jurisdiction of State employees or units of State government, or who deal with them;
- establishes a unit, including an advisory unit, study unit, or task force; or
- changes the organization of the Executive Branch.

Background: In calendar 2008 through 2011, the Governor issued 78 executive orders, which addressed the following topics:

- 26 either declared, extended, managed, or rescinded a state of emergency related to weather conditions or flu outbreaks;
- 25 established advisory task forces, councils, or commissions;
- 14 either created or reorganized Executive Branch entities;
- 6 dealt with work rules for State employees, including instituting furloughs, temporary salary reduction plans, and the voluntary separation program;
- 3 authorized the extension of the legislative session;
- 1 established a commemorative month;
- 1 designated a State agency to be the entity responsible for the administration of the State Small Business Credit Initiative;
- 1 mandated the continued coordination of bomb squads; and
- 1 authorized Executive Branch agencies to participate in mid-contract negotiations to revise collective bargaining agreements with employee representatives.

State Fiscal Effect: As the data above shows, the Governor has issued just one executive order in the past four years that addressed collective bargaining procedures for State employees. The 2008 order authorized State agencies to participate in mid-contract negotiations with representatives of State employees to review and revise existing collective bargaining agreements. The order specified that any change to existing agreements that would have a cost to the State was subject to the approval of the Secretary of Budget and Management. It also specified that the executive order was not intended to, and did not alter in any way, the rights and obligations of the State's statutory collective bargaining process.

Under the bill, the Governor retains the authority to change work rules and working conditions for State employees, including instituting furloughs and salary reduction plans, as he has done three times in the past three years. Therefore, the bill is not expected to have a meaningful effect on State finances.

Additional Information

Prior Introductions: Neither SB 17 of the 2011 special session nor SB 998 of the 2011 regular session was acted upon by the Senate Rules Committee.

Cross File: None.

Information Source(s): Department of Budget and Management, Governor's Office,
Secretary of State, Department of Legislative Services

Fiscal Note History: First Reader - March 5, 2012
mc/lgc

Analysis by: Jennifer K. Botts

Direct Inquiries to:
(410) 946-5510
(301) 970-5510