

LEGISLATIVE HANDBOOK SERIES

VOLUME

I



MARYLAND LEGISLATOR'S HANDBOOK

Maryland Legislator's Handbook

**Legislative Handbook Series
Volume I
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For further information concerning this document contact:

Library and Information Services
Office of Policy Analysis
Department of Legislative Services
90 State Circle
Annapolis, Maryland 21401

Baltimore Area: 410-946-5400 • Washington Area: 301-970-5400

Other Areas: 1-800-492-7122, Extension 5400

TTY: 410-946-5401 • 301-970-5401

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Foreword

The *Maryland Legislator's Handbook* is designed to give members of the General Assembly an overview of the legislative process, the organization of the General Assembly, and the services and facilities available to legislators.

This is the first of nine volumes of the 2014 Legislative Handbook Series prepared by the staff of the Office of Policy Analysis, Department of Legislative Services. The material for this volume was updated by Library and Information Services staff. Helpful review and comments were received from Department of Legislative Services staff, the Counsel to the General Assembly, and staff in the offices of the President of the Senate and the Speaker of the House of Delegates.

The Department of Legislative Services trusts that this volume will be of use to all persons interested in Maryland State Government. The department welcomes comments on ways future editions may be improved.

Karl S. Aro
Executive Director
Department of Legislative Services
Maryland General Assembly

Annapolis, Maryland
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The General Assembly may extend its session up to an additional 30 days by resolution passed by a three-fifths vote of the members in each house. However, if the State budget does not pass by the eighty-third day, the Governor must issue a proclamation extending the session. If the budget bill is not passed by the ninetieth day, then the session is automatically extended, but the General Assembly may deal only with the budget bill and the costs of the extended session. The last extended session occurred in 1992 to pass the State budget.

The Legislative Interim

During the period between the annual sessions, known as the legislative interim, the General Assembly carries out a wide range of activities, including follow-up on legislation passed in the preceding session and in-depth study of issues and proposals that may require legislative action. In addition, site visits are made to State government agencies, hospitals, correctional institutions, transportation facilities, State universities and colleges, and other governmental and nongovernmental facilities that receive State funding. These activities help legislators gain a better understanding of the operational functions of State government and how State funds are used.

Special Sessions

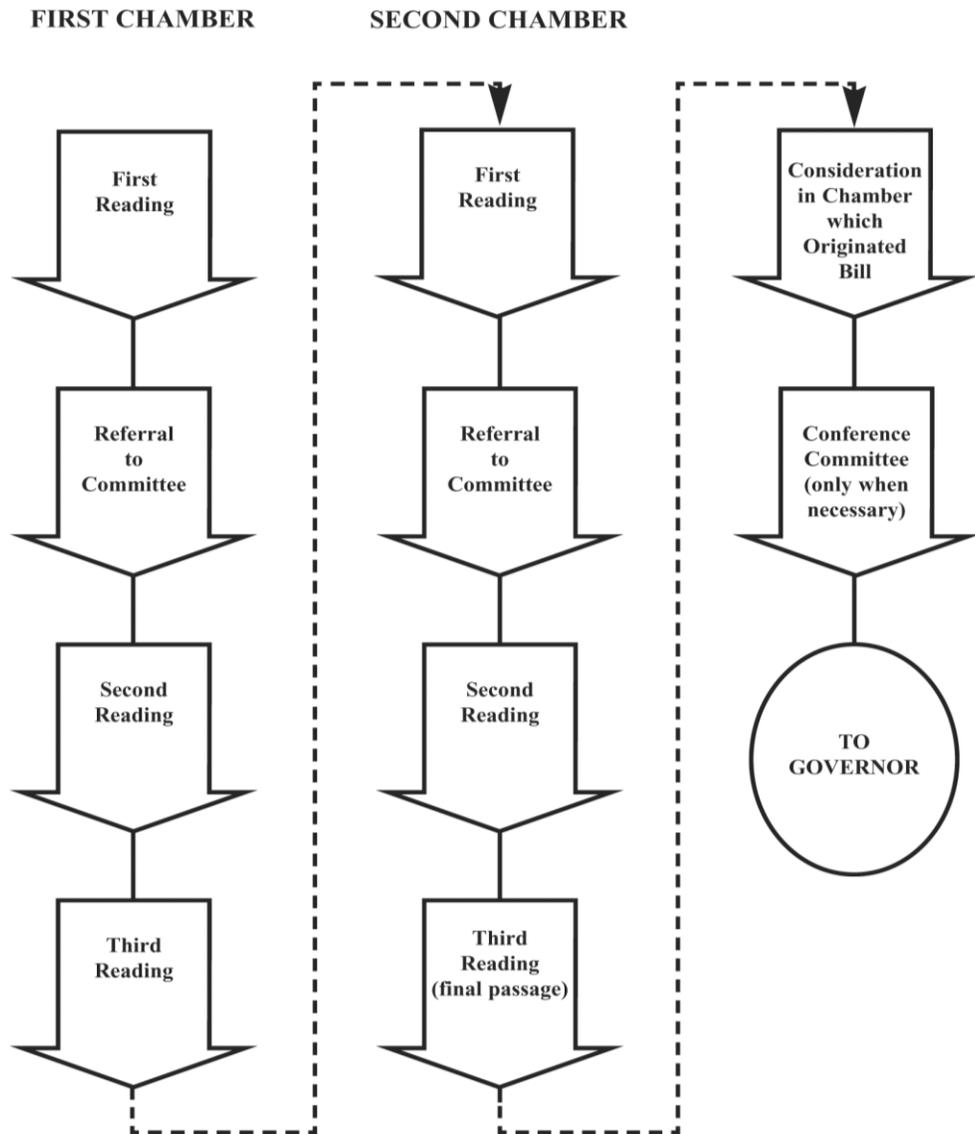
From time to time, issues requiring official legislative action arise during the interim. The Maryland Constitution requires the Governor to issue a proclamation convening a special session of the legislature when a majority of the members of each house joins in a petition for a special session. Other provisions of the constitution permit the Governor to call a special session of the legislature or the Senate only. A special session is limited to 30 days and may consider any topic or purpose with which the General Assembly may be concerned at a regular session. Since 1970 the General Assembly has met in 17 special sessions, the latest in August 2012.

Organization

The General Assembly is divided into two houses: the 47-member Senate and the 141-member House of Delegates. The organizational arrangement of each house results from a combination of constitutional requirements, rules adopted by each house, and legislative custom. The General Assembly is further organized into standing, statutory, special, and select committees, the latter usually known as local delegations. The organizational structure is detailed in Exhibit 1.1.

Exhibit 3.2

The Legislative Process



If a majority of the total membership votes in favor of the bill, it passes third reading. Constitutional amendments and emergency legislation require approval by three-fifths of the membership. After a bill passes third reading, it is then sent to the opposite house.

Second House

In the opposite chamber, the bill goes through a process very similar to that in the house of origin. The third reader bill is read across the desk the first time and assigned to a committee. At the committee hearing in the second house, testimony may be more restricted than in the house of origin, particularly if the committee has already considered a similar bill. In some cases, testimony may be given only by the bill's sponsor. The committee may report the bill with a recommendation of favorable, unfavorable, or favorable with amendments. The committee vote is also posted on the website.

After the bill is reported to the floor in the second house, the committee report, the committee amendments, and floor amendments, if any, are considered and voted on; all of that activity constitutes the second reading of the bill. In the second house, the bill is not reprinted after second reading.

The bill is scheduled for a third reading vote, and under the rules of both houses, further amendments to the bill may be considered at that time. The bill must receive a favorable vote from the majority of the total membership to pass. If the second house has not amended the bill, it is sent to the Governor for signing. All roll call votes taken on the floor during second or third reading are posted on the website.

Concurrence or Conference

If the second house amended the bill, it is returned to the house of origin. The committee that originally considered the bill can recommend either to accept or reject the amendments. If the chair of that committee moves to concur in the other house's amendments and the motion is adopted, then a final roll call vote on the bill (as amended) is taken in the house of origin. If it passes, the bill has completed the legislative process and is sent to the Governor. If the chair moves not to concur in the amendments and the motion is adopted, then a message usually requests the opposite house to recede from the amendments or appoint a conference committee. Three conferees are named at this time by the Presiding Officer after consultation with the committee chair.

If the house of origin rejects the amendments, the committee in the opposite house considers whether to recede from the amendments. If the committee refuses to recede, the Presiding Officer of the second house also appoints three conferees.

For the conference committee to deliver a report, at least four of the six members must agree on the proposed version of the bill. If agreement cannot be reached, then the bill dies. If no conference committee is appointed, or if the conference committee fails to meet, the bill dies. Alternatively, the conference committee may be requested by the Presiding Officers to meet again, or a new conference committee on the bill may be appointed.

If the conference committee reports a proposal to resolve the differences between the two houses, each house then votes either to accept the report without change or to reject it. Following adoption of the conference committee report, the bill, as amended by the conference committee, must be approved in each house by a majority of the total membership in a roll call or recorded vote, which is posted on the General Assembly website.

At this point an “enrolled bill” is printed, reflecting any changes made by the second house or the conference committee. Revised synopses and fiscal notes are posted on the General Assembly website.

Enactment

Bills that pass both houses of the legislature are presented to the Governor by the Presiding Officer of the house in which they originated. Bills are reviewed by the Office of the Attorney General for legal sufficiency and by the Governor’s Legislative Office for policy considerations.

All bills passed at regular or special sessions must be presented no later than 20 days after adjournment. The Governor is required to sign a bill within a maximum of 30 days after presentment, if the Governor approves it, or veto the bill. If the Governor does not act within that time, the bill becomes law automatically; there is no “pocket veto” in Maryland. The time limit differs depending on when the presentment is made. If a bill is presented to the Governor in the first 83 days of the session, the Governor has only 6 days (not including Sunday) to act before the bill automatically becomes law. Any bill presented in the last 7 days of the 90-day session or after adjournment must be acted on within 30 days of presentment. Bills passed by the General Assembly and approved by the Governor are signed by the Governor, the President, and the Speaker. The Secretary of State assigns the bill a “chapter” number (in the order in which it is signed), and it becomes part of the *Laws of Maryland*.

Effective Dates

The usual effective date for new laws is October 1, a date that allows time for laws to be published and made available to the public. Fiscal bills that affect the State budget

may have a July 1 or earlier effective date. The earliest a bill may take effect is June 1. Bills may have a delayed effective date but usually not later than January 1 following enactment. Except for the budget bill, which is effective on the day it passes the General Assembly, usually only emergency legislation may become effective prior to June 1. The Department of Legislative Services publishes, on the General Assembly website, an effective dates list prior to June 1, July 1, October 1, and January 1 of each year.

Veto and Overrides

The Maryland Constitution (Article II, Section 17) gives the Governor veto power. It requires the Governor to return a vetoed bill to the General Assembly with a statement of objections. Most bills are vetoed because they duplicate the effect of other bills the Governor has signed or because the bill lacks legal sufficiency in the judgment of the Office of the Attorney General. Relatively few bills are vetoed for policy reasons. The Department of Legislative Services prepares a compilation of vetoed bills and gubernatorial messages following each session.

Vetoed bills are returned to the house of origin immediately after that house has organized at the next regular or special session of the General Assembly. The General Assembly may override the Governor's veto with a vote of three-fifths of the members of each house. However, when a new General Assembly is elected and sworn, the constitution precludes vetoed bills from the previous session from being returned to the legislature. Those vetoed bills are not subject to any further legislative action. A bill enacted over a veto, or a bill becoming law as a result of the Governor's failure to act within the prescribed time, takes effect 30 days after the veto is overridden or on the date specified in the bill, whichever is later. An emergency bill passed over the Governor's veto, however, takes effect immediately.

The Governor cannot veto the budget bill but may exercise a total veto of or a line item veto in a supplementary appropriations bill. In practice, this means the Governor may strike items in the annual general capital loan bill. In that event, the item vetoed in the capital loan bill is returned to the legislature at the next session unless a new General Assembly has taken office during the intervening period.

Special Legislation

There are some types of legislation for which the legislative process is slightly different.