

HOW A STATE BILL BECOMES LAW

Bills are drafted by a sponsor (one or more members of the General Assembly) with the assistance of the Department of Legislative Services. A bill is filed (“dropped into the hopper”) by a legislator with the Secretary of the Senate or the Clerk of the House. All bills must be “read” on the floor three times, on three separate days, in each chamber (for a total of six readings), before passage.

First Reading

At the first “reading”, the reading clerk reads the number and title of the bill and indicates the committee it has been assigned to by the presiding officer. If the bill is filed before the 24th day of the session in the Senate or the 31st day in the House it is assigned to one of the appropriate standing committees. In the Senate these committees are: Budget and Taxation (B&T); Education, Health, and Environmental Affairs (EHEA); Finance (FIN); and Judicial Proceedings (JPR). The House committees are: Appropriations (APP); Economic Matters (ECM); Environmental Matters (ENV); Health and Government Operations (HGO); Judiciary (JUD); and Ways and Means (W&M). If bills are introduced after the deadlines, they are sent to the Rules Committee and may or may not be sent on for further consideration.

Committee Action

Usually all bills receive a public committee hearing in their house of origin. Officials from state agencies, lobbyists, interested citizens, and local government officials may provide written or oral testimony. After the hearing, committee members discuss the legislation and may propose amendments. Part of their deliberation usually includes discussion of the required fiscal note that has been prepared by the Department of Legislative Services. Fiscal notes analyze the financial impact on State and local government revenues and expenditures over a five-year period. The committee votes on the amendments and the original bill and makes a favorable, favorable with amendments, unfavorable, defer, or re-referral recommendation. An unfavorable committee report usually signals the death of the bill.

Second Reading

The committee chair presents a report of the committee’s action on the floor and the reading clerk reads the bill’s title for the second time. If the committee report is unfavorable, there is no floor action on the bill unless a successful motion is made to substitute the bill for the unfavorable report. This rarely happens. If the bill has received a favorable report, a vote is taken on the committee amendments, any amendments offered from the floor, and the original bill as amended. Then, the presiding officer orders the bill to be printed for its third and final reading.

Third Reading

After the second reading, the bill is reprinted with any amendments and a revised fiscal note if necessary. The bill is now ready for a third reading. No amendments may be offered at the time of the third reading when it is in the chamber of its origin. If a majority of the legislators in that chamber vote in favor of the bill, it is sent to the opposite chamber.

Second Chamber

The procedure in the opposite chamber is very similar. However, testimony at the committee hearing may be more restricted, especially if the committee has already considered a similar bill. In addition, in the second chamber, amendments may be presented at both the second and third readings. If no amendments are made, and it is approved by a majority in the second chamber, it is sent to the chamber where it originated and considered “Returned Passed.” If the second chamber amends the bill, it is returned to the chamber of origin for consideration of the new amendments.

Consideration in Chamber of Origin

A “Returned Passed” bill is sent to the Governor for signing. A bill amended by the second chamber must be reconsidered by the originating chamber. The bill may go to the original committee that considered it for an “accept”

or “reject” recommendation on the new amendments. If the chairman moves to concur in the other chamber’s amendments, and the motion is adopted, a final roll call vote on the bill as amended is taken. If the bill passes as amended by the second chamber, it completes the legislative process and is considered “Passed Enrolled.” It is then sent to the Governor to sign. If the first chamber does not concur in the amendments of the second chamber, a message will be sent back to the second chamber requesting it to recede from the amendments or appoint a conference committee.

Conference Committee

If a conference committee is necessary, three members from each chamber are appointed to it by the presiding officer. They act as the committee for that bill only. If at least four of the six members appointed to the conference committee agree on a revised version of the bill, it is put before both chambers again. If the conference committee cannot reach agreement, the bill dies. If either chamber rejects the compromise proposal, the bill dies. If both chambers accept, by majority vote, the conference committee’s proposal, the compromise bill is considered “Passed Enrolled.” It is then forwarded to the Governor.

Presentation of Bills to the Governor

With the exception of the budget bill and constitutional amendments, presentation of all bills to the Governor is mandatory. Bills must be presented within 20 days after adjournment of a session. The Governor may veto bills within 30 days after presentation. If the Governor does not veto a bill, it becomes law.

Veto Power

If a bill is vetoed during a regular session, the veto message is considered immediately. If the veto occurs after the session, it may be considered at a special session or immediately at the next session. A newly elected General Assembly may not override a veto made in a previous session. A veto override requires a three-fifths vote in both chambers.

PASSING A BUDGET

The budget bill moves through the legislature in much the same way as a regular bill but it has some unique features. It is prepared by the Governor and sponsored (as a courtesy) by the presiding officers of the House and Senate. Each year, the chamber that moves the bill first is alternated. The chamber that moves the bill will vote on it first which means that the amendments made in that chamber will be forwarded to the other chamber for consideration. The Maryland Constitution requires that the budget submitted by the Governor, and passed by the legislature, must have planned expenditures balanced by predicted revenues. The General Assembly must complete action on the budget by the 83rd day of the session. If the budget has not been passed by this day, the Constitution requires the Governor, if necessary, to extend the session beyond 90 days. No matter other than the budget may be considered during the extended session.

Although the legislature may increase or decrease items in the legislative and judicial branches (2% of the total budget), it has limited power to amend the executive budget. It may:

- Reduce spending proposed by the Governor.
- Restrict funds, or make funding for certain items in the Governor’s request contingent on meeting certain requirements.
- Authorize the Governor to transfer funds. (However, it cannot initiate a transfer.)

The Governor, with the consent of the General Assembly, may amend the budget bill any time before the budget is finally passed. These amendments are called “Supplemental Budgets” and are written to address oversights, provide funds contingent on passage of pending legislation, or meet emergency needs. The budget must remain balanced and the new expenditures are usually paid for by cuts that are being proposed by the legislature. When the final budget bill is approved by both the House and Senate, it may not be vetoed by the Governor.

After passage of the budget, the legislature can enact a Supplementary Appropriations Bill. It must be limited to a single purpose and must pay for itself by creating a new revenue source.