

How a Bill Becomes a Law

One hundred and eighty-eight men and women are elected every four years to serve in the State's legislative branch, the Maryland General Assembly, to pass laws that protect the interests of Marylanders. These legislators convene in an annual regular session on the second Wednesday in January and adjourn 90 calendar days later.

The legislative process, or "how a bill becomes a law," is dynamic and complex. The idea or concept contained in a bill passes through many steps before it becomes law. Ideas or concepts for bills come from many sources--constituents and other private citizens, interest groups, and legislative study groups, for example. While the ideas come from many places, only a legislator may actually sponsor and introduce a bill in the General Assembly.

If a legislator agrees to sponsor legislation, the bill is drafted by legislative staff for the legislator's approval. Bills or resolutions are introduced according to deadlines and guidelines established by the Maryland Constitution, the rules of the Senate and the House of Delegates, and the Laws of Maryland. With some restrictions, most bills may be introduced in either chamber during the first 55 days of a session. After that, bills may be introduced only with the consent of two-thirds of the membership of the House or Senate.

First Reading (First Chamber or House of Origin)

The Maryland Constitution requires that a bill be "read" and voted favorable three times in each chamber or "house." The first reading occurs when the bill is introduced for the first time. The reading entails the announcement of the title of the bill, its sponsor, and, as determined by the presiding officer of the original chamber, its assignment to one of the principal standing committees of the chamber.

Second Reading and Floor Consideration

Committee Action

The members of each committee meet to consider the proposed legislation at a hearing. The legislature provides notice of the time and place of the committee hearings through the *Notice of Committee Meetings and Hearing Schedule*. Anyone who wants to testify on a bill may do so by signing a witness list just prior to the beginning of the hearing. Citizens are encouraged to present their views by personal and written testimony, telephone, correspondence, or e-mail.

At a later time, also noted in the *Hearing Schedule*, committees hold voting sessions at which the bills and any proposed amendments are considered and voted upon. The committee may vote favorable, favorable with amendments, or unfavorable on a bill. The committee may also refer the bill to interim study. Unfavorable committee action usually means that a bill is dead for the legislative session. Referring a bill to interim study terminates any further action on the bill during the session, and favorable committee action sends the bill to the floor for second reading and floor consideration.

Second reading entails placing the bill before the full body as part of a report of the committee that considered the bill. This part of the process is called "reporting the bill to the floor." It

means that the bill and any amendments attached by the committee are explained to the full body. This is the first opportunity for the full body to ask questions and to debate the bill. A vote on second reading, usually a voice vote, is taken on the amendments, if any, and on the bill. This is also the only time that amendments from the floor may be offered to the bill in its "house of origin." If the legislation passes the second reading vote, the bill is then ordered by the presiding officer to be "printed for third reading." At this point, any approved committee or floor amendments are inserted into the text of the original bill.

Third Reading

Generally, the third reading is the "final" vote on a bill by the full body. This vote usually occurs one or two days after the bill has passed second reading. No amendments may be offered during the third reading deliberations, which must conclude with a recorded roll call vote. Most bills require only a simple majority, one more than half the membership of the body, for passage. Constitutional amendments and emergency legislation require approval by three-fifths of the membership. Third reading passage sends the bill to the opposite chamber for consideration.

Second (Opposite) Chamber Consideration

The procedure in the second chamber follows a pattern very similar to that of the original chamber. The third reader bill is read in the second chamber for the first time (first reading) and assigned to a committee.

At the committee hearing in the second chamber, testimony may be limited in duration and, in some cases, testimony is presented by the bill's sponsor only. At the voting session, the committee may vote to report the bill to the floor with a favorable, favorable with amendment(s), or unfavorable vote. If the committee report is favorable, the bill and any committee or floor amendments are considered by the full body and a second reading voice vote is taken. In the second chamber, the bill is not ordered "printed for third reading." Rather, the presiding officer orders the bill "passed" to third reading.

On third reading, the bill is again considered by the second chamber and at this time, unlike in its chamber of origin, a bill may be amended on third reading. On third reading, the bill must receive a favorable vote from the majority of the membership to pass. If the second chamber does not amend a bill, a message is sent to the bill's chamber of origin, declaring the bill passed by "yeas and nays." The bill is then sent to the Governor for his consideration.

Consideration of Bills Originating in One Chamber and Amended in the Second Chamber

Concurrence/Non-Concurrence

If a bill is amended in the second chamber, the bill is returned to the chamber of origin where a vote must be taken on whether the chamber of origin should concur in or reject the amendment(s) attached to the bill by the second chamber. If concurrence is voted, a final vote is then taken on the bill as amended by the second chamber, and action on the bill by the legislature is complete. The bill is reprinted or "enrolled" to include the opposite chamber amendment(s) and then presented to the Governor for his consideration.

If the original chamber rejects the amendment(s) or refuses to "concur" in the opposite chamber's amendments, at least three courses of action are possible: 1) the second chamber may be asked to withdraw its amendment(s); 2) if the second chamber refuses to withdraw its amendment(s), either chamber may request a conference committee to resolve the differences between the two versions of the bill; or 3) the second chamber may "recede" or agree to withdraw its amendments.

Conference Committees

Each chamber's presiding officer may appoint three members to a conference committee to try to reach a settlement on the proposed legislation. For the conference committee to deliver a report, at least four of the six members must agree on the new, 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.

If the conference committee reaches an agreement on the amendment(s), the conference committee issues a report, called "the conference committee report," containing the compromise language. The report is sent to both chambers and must be adopted by both chambers for the bill to be considered passed. Conference committee reports may not be amended.

If the conference committee report is adopted, the bill is voted again for final passage by each chamber. At this point, another copy of the bill called an "enrolled bill" is printed. The enrolled bill reflects any changes made by the conference committee report adopted by both chambers.

Receding in Amendments

Occasionally, the second chamber may agree to withdraw any amendments it has placed on a bill. When this happens, the second chamber must agree to recede in its amendments, usually through a voice vote. In effect, any amendments that were placed on the bill at second or third reading are stripped from the bill, and the body must consider the bill for final action again in the form in which it was received at introduction into the second chamber. (This, in effect, is the third reader version of the bill printed in its house of origin.) Once this happens, the bill may be sent to the Governor for his consideration.

Presentation of Bills to Governor

The Governor has a limited number of days to sign or veto a bill after it is presented. The time limit differs depending on when presentment is made. If presentment is made during the first 83 days of a regular session, the Governor has only six days to act on the bill. Any bill presented during the last seven days of a regular session or after adjournment must be acted upon by the Governor within 30 days of presentment. All bills passed at regular or special sessions must be presented to the Governor no later than 20 days after adjournment. If the Governor does not act on a bill within the time period relative to its presentment, the bill automatically becomes law. Although there is no pocket veto in Maryland, it is very rare for a bill to take effect without the Governor's signature.

Bills passed by the General Assembly are signed by the Governor, the President of the Senate, and the Speaker of the House of Delegates. Each bill is assigned a chapter number (in the order in which it is signed), and the bill becomes a part of the Laws of Maryland.

Effective Dates

Bills become effective on specific dates in the future. Other than emergency bills, June 1 is the earliest date for bills to take effect. Emergency bills may take effect immediately upon approval by the Governor or at a specified date prior to June 1. The usual effective date for new laws is October 1. Fiscal bills that affect the State budget may have July 1 or earlier effective dates.

Legislative Power to Override Veto

A three-fifths vote of the elected membership of each chamber is necessary to override a veto. If a bill is vetoed during a regular session, the veto is considered immediately. If a bill presented during or after the last six days of session is vetoed, the veto must be considered at the start of the next regular or special session of the legislature; however, during the first year of a new term the legislature may not override a veto.

Legislation the Governor May Not Veto

The budget bill, as presented by the Governor to the General Assembly, and constitutional amendments may not be vetoed. The Governor is responsible for presenting a balanced budget to the General Assembly with supporting data and recommendations. The legislature, with certain limitations, has the power to reduce the Governor's budget proposals, but it cannot increase them.

A proposed constitutional amendment passed by the General Assembly is submitted to the voters for approval or rejection at the next general election. If a majority of the votes are cast in favor of the amendment, then the Governor issues a proclamation declaring that the amendment is part of the constitution. If a constitutional amendment affects only one county or only Baltimore City, it must receive a majority of votes cast in that jurisdiction as well as statewide.

The MGA Web site includes the text of all bills introduced since the 1996 session. Associated with each bill is a fiscal note that provides an analysis of the bill. You can search for a bill by its bill number using the search engine on the Web page.

WWW.MLIS.STATE.MD.US

LEGISLATIVE PROCESS

