

**SECOND REVIEW: ITS APPLICATION TO
THE 1965 MARYLAND GENERAL ASSEMBLY¹**

Second review may be defined as the exercise of legislative authority by one house in a bicameral assembly over the legislative actions of the other house.² This mechanism is said to be one of the essential benefits of the bicameral system.³ Many of the studies of American legislative assemblies during the last fifty years have placed great emphasis upon the effectiveness of second review and, for that reason, have advocated bicameralism.

In considering the fundamental issue of whether Maryland should retain the bicameral legislature, the following analysis was undertaken. With research material from the most recent session of the General Assembly for which complete records were available, this paper is addressed to the inquiry:

To what degree, and with what effectiveness, is second review present in the Maryland General Assembly?

By what standard can the degree and effectiveness of second review be measured? It seems clear that the value

of second review lies in the improvement of legislation by those who disagree, either in substance or in method, with the initial body. If bills are not better for having undergone a second look, then the review is merely redundant. An improvement can be said to be a beneficial change in a bill after the bill's passage by the house of origin. Since all changes in a bill after the bill's passage by the house of its origin are amendments,⁴ it follows that an improvement of the bill depends upon the presence of beneficial amendments. To decide which amendments are beneficial would be difficult and of dubious accuracy. Therefore, an assumption was made in favor of review; that all amendments are an improvement and, hence, beneficial.⁵

The presence of these amendments is important from two aspects: the *number* of amendments is evidence of the *amount* of second review and the *nature* of the amendments is evidence of the quality of second review. Both aspects are necessary for a proper evaluation. Thus, the standard by which the degree and effectiveness of second review is to be measured is the number and nature of amendments made to bills by the reviewing house.

¹ This article is the one referred to as "Second Review of Legislation" in note 238 on page 244 of the REPORT OF THE CONSTITUTIONAL CONVENTION COMMISSION (1967). It was prepared for the Commission by R. Joel Slomoff, research assistant to the Constitutional Convention Commission and student at the University of Maryland School of Law; B.S., 1964, Wayne State University.

² The term requires further elaboration. When a bill is introduced into the house of origin, it is sent to a committee for study. If it is reported favorably out of the committee, it goes to the floor for reading and possible passage. Once passed, it goes to the second house where second review commences.

³ Michener, *The Structure of the Maryland Legislature: Unicameralism v. Bicameralism*, *supra* at 108.

⁴ It must be noted that the term "amendment" is here applicable only to those changes which were made in fact. This is necessary because a proposed amendment which is defeated leaves the bill exactly as it was; hence, not improved.

⁵ The reader is encouraged to return to this assumption after having completed the paper, and ascertain his own figure—which will be somewhat less than 100 per cent. Reexamining the result with this figure in mind should reflect a more personal view.