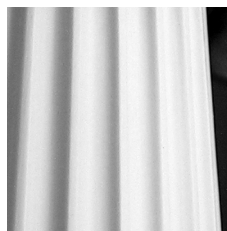
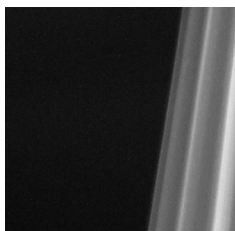
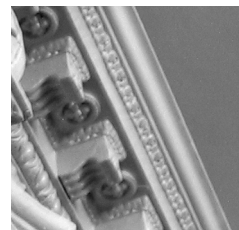
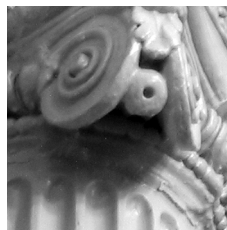
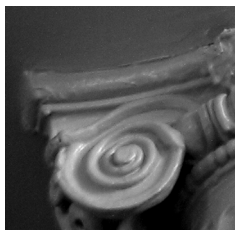
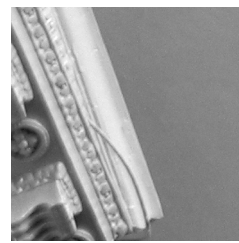


Maryland Legislator's Handbook



Volume I

MARYLAND GENERAL ASSEMBLY 2006

Maryland Legislator's Handbook

**Legislative Handbook Series
Volume I
2006**

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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 eight volumes of the 2006 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 staff members 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 the 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
November 2006

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Overview

While serving as a general guide for newly elected legislators, the *Maryland Legislator's Handbook* is also a comprehensive resource for State and local officials, members of the media, students, and citizens. This handbook provides a general overview of the responsibilities and duties of the Maryland General Assembly; treats in some detail the specifics of legislation and representation; and reviews the day-to-day functions that constitute the working activities of the members of the State legislature. These activities span the entire year, including the 90-day annual legislative session and the interim period between sessions.

The handbook is divided into nine chapters and one appendix.

Chapter 1 provides an overview of the General Assembly and discusses powers and duties, legislative limitations, appropriations, taxation and debt, selection of the State Treasurer, powers of investigation and impeachment, membership qualifications, elections, apportionment, vacancies, legislative organization, staff organization, the committee system, and the General Assembly leadership.

Chapter 2 outlines a typical legislative day for members of the legislature and describes such activities as committee hearings and meetings and floor sessions. The chapter summarizes legislative compensation, expenses, benefit programs, office space, staff, supplies, electronic equipment, telephone and mail services, parking, and allowances for district offices. It also discusses legislative ethics, financial disclosure, and the lobbying activities that are a significant part of the legislative process. Chapter 2 includes a discussion about the differences between legislative session activities and interim activities and explains the State scholarships distributed by members of the General Assembly. Press and other media coverage of the General Assembly is also mentioned.

Chapter 3 reviews types of legislation and the legislative process. It presents a step-by-step description of how a legislator introduces a bill or resolution and how that bill or resolution proceeds through committee review and second and third readings in both houses of the General Assembly. The chapter summarizes the veto and override process.

Chapter 4 provides an overview of the budgetary process and the legislators' role in this process. It also explains both the operating budget process and the process by which the State's capital program for construction projects is funded. The concepts of "spending affordability" and "PAYGO" (pay-as-you-go) are also covered in this chapter.

Chapter 5 reviews the legislative function of oversight for executive department activities, including the work of special committees formed for this purpose. The chapter also deals with program evaluation, regulation review, audit activities, and the management analysis functions necessary to carry out these important legislative responsibilities.

Chapter 6 describes the services and resources of the Department of Legislative Services – the staff agency for the General Assembly. It also summarizes the Attorney General's duties as counsel to the legislature.

Chapter 7 reviews the many publications that can be used as learning guides and working tools by members of the legislature. These include the Maryland Constitution, the Annotated Code, Session Laws, Senate and House Journals, rule books, calendars, schedules, rosters, committee reports, budgetary and fiscal documents, and the Legislative Handbook Series, among others.

Chapter 8 describes the buildings in the State House complex and the facilities available to members, such as office suites, mail room, bill room, library, cafeteria, snack bars, tunnels, and parking space. Security procedures for the legislative complex are also reviewed.

Chapter 9 is a history of the Maryland General Assembly from 1635 to the present. It chronicles the development of the bicameral legislature and the apportionment of membership over the centuries. Recent construction and technological improvements in the legislative complex are also covered.

Appendix 1 contains maps of the legislative districts.

Chapter 1. The General Assembly of Maryland

The Maryland General Assembly has remained a part-time “citizen legislature” for more than 350 years. It is an evolving entity that began with a membership composed of farmers, tradesmen, and attorneys. Today, many occupations are represented in the General Assembly. While there are still farmers, small business owners, and attorneys who serve as members, educators, accountants, health care providers, public administrators, real estate agents, and law enforcement officers now serve or have served in the General Assembly. Homemakers, retired persons, and members who consider themselves full-time legislators also serve in the legislature.

The first legal session of the Maryland General Assembly convened on January 25, 1638. This actually was the second session held. The first, which convened on February 26, 1635, was not recognized by the Proprietary’s representative, Governor Leonard Calvert, and its records were either lost or not kept at all. Both of these sessions took place at the original Maryland capital in St. Mary’s City. It was there in 1649 that the Act of Religious Toleration was enacted, making Maryland the only place in the world at that time where freedom of religion was granted to its citizens under law. In 1694 the General Assembly designated Anne Arundel Town (now known as Annapolis) as the capital of Maryland and held its first session at that location. See Chapter 9 for a more detailed history of the Maryland General Assembly.

Maryland became the seventh state of the United States on April 28, 1788, and the General Assembly has met in Annapolis to adopt State laws since that date. Legislators are elected every four years from legislative districts that are redrawn every 10 years after the federal census to ensure equal representation based on the concept of “one person, one vote.” Geographical size of the districts varies according to population density. Based on the 2000 census, the ideal population of a senatorial district and a three-member delegate district is 112,691. The ideal population for a two-member delegate district is 75,127 and is 37,564 for a single-member district.

The Maryland General Assembly, as the legislative body directly representing the electorate, passes public general and public local laws, raises revenues and appropriates funds to pay for State government services, and oversees the operation of State executive agencies. In much of this activity, the legislator plays a major role in developing the public policy of the State.

The annual session of the General Assembly begins on the second Wednesday in January and meets for 90 consecutive days. During this period the legislature typically considers over 2,000 pieces of legislation including the State’s annual operating budget.

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. If the State budget does not pass by the 83rd day, the Governor must issue a proclamation extending the session. If the budget bill is not passed by the 90th day, then during the extended session 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.

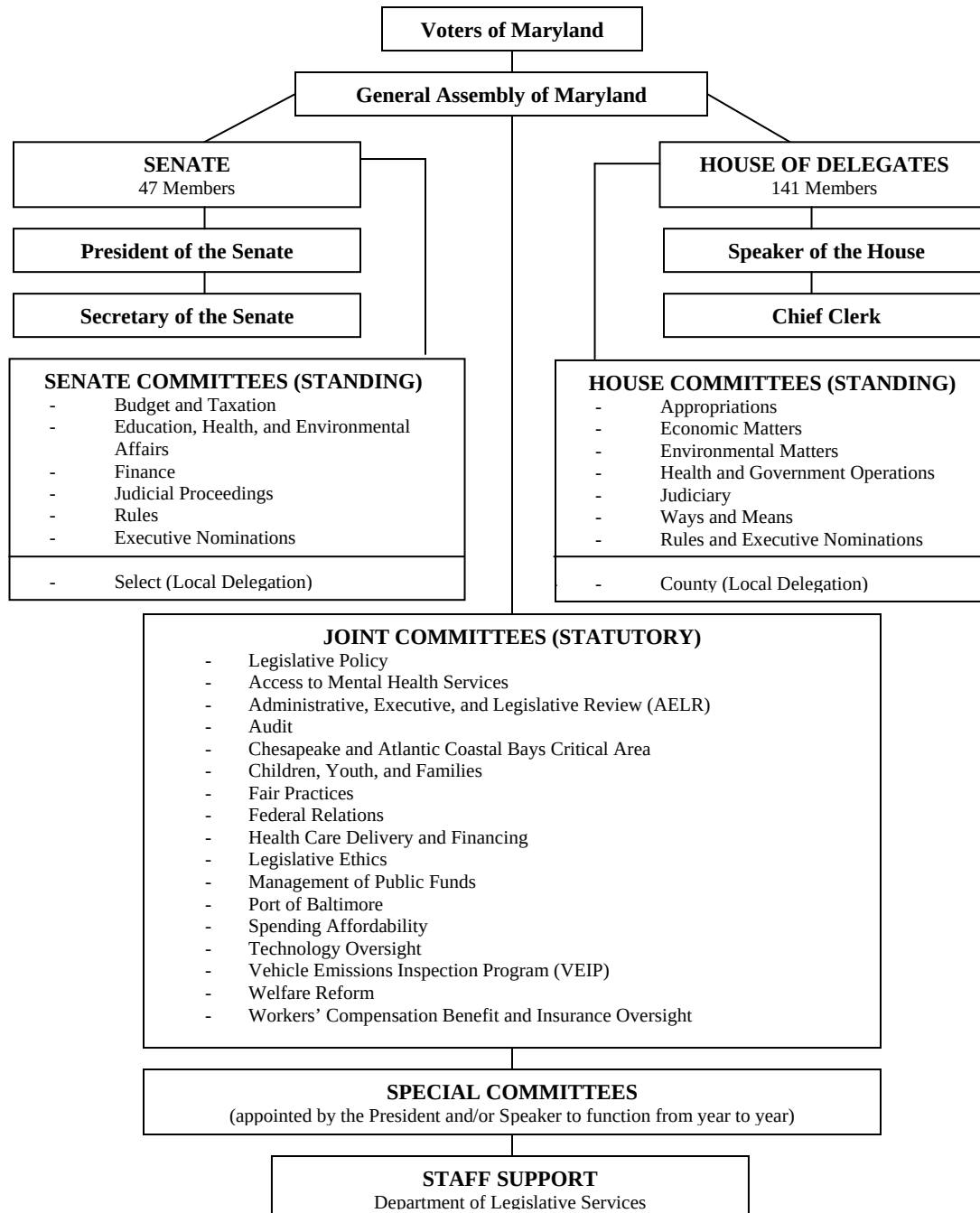
During the period between the annual sessions, known as the legislative interim, the General Assembly carries out a wide range of activities, including follow-up on legislation passed in the preceding session and in-depth study of issues and proposals that may require legislative action. These studies may include such areas as taxation, higher education governance and structure, public education funding, health care, the State's fiscal structure, land management, and crime victims' rights. In addition, site visits are made to State government agencies, hospitals, correctional institutions, transportation facilities, recreation areas, colleges, and general government offices. These activities help legislators gain a better understanding of the operational functions of State government.

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 13 special sessions, the latest in June 2006.

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 legal requirements, rules adopted by each house, and legislative custom. The General Assembly is further organized into standing committees, statutory committees, and select committees that are essentially permanent. The organizational structure is detailed in Exhibit 1.1.

Exhibit 1.1 Legislative Branch of Maryland



Source: Department of Legislative Services

Powers and Duties

The plenary powers of the General Assembly are generally unrestricted unless specifically limited by the Constitution of the United States and the Maryland Constitution. Some limitations are outright prohibitions; others merely define and circumscribe the authority of the legislature to adopt laws. Other provisions of the Maryland Constitution maintain a system of checks and balances among the legislative, executive, and judicial branches of government.

The duties and powers vested in the General Assembly include the following: pass laws necessary for the welfare of the State; levy taxes; create special taxing districts or areas within the State to administer a special function; establish executive departments for the efficient operation of the State government; and propose State constitutional amendments to be submitted to the voters for ratification at the next general election after passage. The General Assembly also has the power to pass public local laws. It shares this power with Baltimore City; the 13 counties that, having complied with specific provisions of the Maryland Constitution, have some form of home rule; and the municipal corporations, all of which have home rule powers as granted by the State constitution. The power to regulate elections and to license and regulate the manufacture and sale of alcoholic beverages is reserved exclusively to the General Assembly.

Limitations

The Maryland Declaration of Rights, like the Bill of Rights in the U.S. Constitution, places a series of restrictions upon the government to protect citizens against invasions of their civil liberties. The Maryland Declaration of Rights provides that the General Assembly has no power to deny or diminish these individual liberties. It may not pass laws abridging free speech, freedom of the press, or the freedom of religion. It cannot deny a person the right to a speedy and impartial trial by jury, and it cannot deny an individual counsel nor require a person to give self-incriminating testimony. The legislature must protect individuals against cruel and unusual punishment, unwarranted search and seizure, and excessive bail. It must not deny the right to assemble peaceably and to petition the legislature for a redress of grievances. It may not pass laws inflicting punishment without trial or making an act criminal after the act was committed. Finally, the legislature may not deprive a person of life, liberty, or property without due process of law.

In addition to these prohibitions against the infringement of civil rights or civil liberties, the General Assembly, by Article III of the Maryland Constitution, is denied the power to enact legislation in many other areas. The constitution states specifically that the General Assembly “shall pass no Law suspending the privilege of the Writ of Habeas

Corpus.” It provides that no person shall be imprisoned for debt and that any law violating this protection is invalid. The legislature is prohibited from passing laws authorizing the taking of private property for public use “without just compensation.” With certain exceptions, it cannot increase or decrease the compensation of public officers during their term of office.

Article III of the Maryland Constitution enumerates a long list of situations in which the General Assembly may not pass local or special laws and then states generally that it shall pass no special law for which provisions have been made by an existing general law. This provision is designed to protect the public from the influence of special entities on the General Assembly. Except for municipal purposes, the legislature is prohibited from creating corporations by special laws.

Although the General Assembly’s inherent power to legislate is limitless, except where specifically restrained by constitutional authority, the State constitution nevertheless in many instances seeks to enunciate, define, and set bounds as to the exercise of this power. As an example of a provision that is merely enunciative, one section, in the broadest of terms, gives the legislature the power to “pass all such Laws as may be necessary and proper for carrying into execution the powers vested, by this Constitution, in any Department, or office of the Government, and the duties imposed upon them thereby” (Article III, Section 56).

Passage of Laws

Many sections of the Maryland Constitution begin with the words, “The General Assembly shall pass laws...” These are constitutional mandates for the legislature to act under its already existing plenary powers. For example, “The General Assembly ... shall by Law establish throughout the State a thorough and efficient System of Free Public Schools; and shall provide by taxation, or otherwise, for their maintenance” (Article VIII, Section 1). Similar instructions appear throughout the document. The General Assembly shall pass Laws preserving the purity of Elections (Article I, Section 7), protecting from execution a reasonable amount of the property of debtors (Article III, Section 44), providing a uniform system of fees for clerks of courts and registers of wills (Article III, Section 45), and establishing penalties for bribery (Article III, Section 50). In some instances the constitution merely exhorts legislative action. A provision in Article 43 of the Maryland Declaration of Rights declares that the legislature “ought to encourage the diffusion of knowledge and virtue, the extension of a judicious system of general education, the promotion of literature, the arts, sciences, agriculture, commerce and manufactures, and the general melioration of the condition of the People.”

Appropriations

The constitution specifies that no expenditure of State funds may take place without an appropriation by the General Assembly (Article III, Section 32). The budget process is set forth in Article III, Section 52. The appropriation power is exercised through the passage of the capital and operating budget bills, supplementary budget bills, and bond bills. The constitution requires a balanced budget and provides the strongest executive budget process of the 50 states. Chapter 4 of this volume summarizes the budget process, and *Maryland's Budget Process*, Volume IV of the Legislative Handbook Series, provides a more detailed explanation.

Taxation and Debt

The Maryland Constitution imposes severe restrictions upon the General Assembly in the exercise of its powers to create debt, extend the State's credit, and levy taxes. Article 14 of the Maryland Declaration of Rights states that no taxes shall be levied in the State without the consent of the legislature. Article 15 prohibits poll taxes, commands the General Assembly to provide uniform assessment of land, improvements to land, and personal property, and provides that all taxes levied on property by the State, the counties, or the City of Baltimore must be uniform.

The constitution declares that the General Assembly may not contract a debt unless the act authorizing it provides a tax specifically devoted to the payment of principal and interest on that debt and limits its maturity to 15 years (Article III, Section 34). This tax need not be collected if sufficient funds to pay the principal and interest are appropriated for such purpose in the annual budget. The same section prohibits the extension of the State's credit to "any individual, association, or corporation." These provisions are designed to protect the State's credit and prevent the State from incurring debt that it cannot repay.

These limitations upon the legislative authority have been modified considerably by case law. The courts have held, for example, that revenue bonds do not constitute a "debt" in the constitutional sense where both the authorizing statute and the bonds state expressly that they do not pledge the faith and credit of the State or local government. The courts have also held that "cash is not credit," and under this holding the General Assembly has been able to appropriate money for the use of private institutions and agencies where a "public purpose" is involved.

Local Governments

The General Assembly has the general power to create counties, subject to the consent of voters affected by such change and in accordance with other procedures (Article XIII, Sections 1 and 2).

The legislature maintains overall general control of local governments. The constitution provides, however, that local governments may obtain charters or exercise home rule by becoming a code county. All municipal corporations have home rule and may amend their charters. The General Assembly must by general law grant express powers to chartered counties; it may not thereafter pass local laws in conflict with the express powers. It also may pass general laws applicable to the code counties. In essence, home rule limits the power of the legislature to adopt local laws applicable to specific units of local government but does not limit its authority to adopt general laws affecting all municipalities, chartered counties, or code counties.

The power of the legislature to pass laws for land redevelopment, slum clearance, and urban renewal in all jurisdictions and for off-street parking and port development in Baltimore City is elaborately defined in the Maryland Constitution (Article III, Section 61, Articles XI-B, XI-C, and XI-D).

Selection of Governor

Under provisions that date back to the first Maryland Constitution, in the case of a tie in the voting in a gubernatorial election, or in the case of a vacancy in the governorship resulting from death, resignation, or removal from office, the General Assembly is required to elect a qualified person as Governor. This system of election by the General Assembly in cases of vacancies remained effective until the adoption of the amendment in 1970 creating the office of Lieutenant Governor. The Lieutenant Governor now succeeds in case of a vacancy. The old system of election by the Senate and House of Delegates continues in the case of a tie vote, in the event one or both of the persons having the highest number of votes for Governor and Lieutenant Governor is declared ineligible, or if vacancies in the offices of Governor and Lieutenant Governor exist at the same time.

In case of a tie vote in a gubernatorial election, the Senate and House of Delegates choose one of the “sets of persons” having the highest number of votes to be Governor and Lieutenant Governor. If either person elected as Governor or Lieutenant Governor is ineligible, the Senate and House of Delegates elect a replacement. If vacancies occur simultaneously in the offices of Governor and Lieutenant Governor, the two houses elect a Governor, who, in turn, names a Lieutenant Governor, subject to confirmation by a

majority of all members of the General Assembly. Questions of the eligibility or the election of Governor and Lieutenant Governor are determined by the House of Delegates.

The General Assembly, by a three-fifths majority of all its members in joint session, may adopt a resolution declaring that the Governor or Lieutenant Governor is unable, because of physical or mental disability, to perform the duties of office. Thereupon, the resolution goes to the Court of Appeals which makes the final determination if such disability exists.

Selection of Treasurer

Electing (or “appointing”) the State Treasurer by the legislature dates back to the Constitution of 1776. Under that first constitution, the House of Delegates “appointed” the Treasurer. The Constitution of 1851 specified that the Treasurer be “appointed by the two houses of the legislature at the beginning of each four-year term of the General Assembly.” This provision remains in the current Maryland Constitution. The two houses meet in joint session and vote as a single entity. Prior to the election of the Treasurer at the 1987, 1996, and 2002 sessions, an ad hoc committee was appointed to consider the individuals seeking this position.

Contested Elections

Under Article I, Section 8 of the Maryland Constitution, the General Assembly has the power to decide the outcome of contested elections of public officers.

Override of Veto

The executive veto is deeply imbedded in Anglo-American governmental tradition. Throughout the colonial period, the Proprietary in Maryland had an absolute veto power over acts of the General Assembly. When Maryland became a state, it shied away from the practice for nearly a century. Finally, however, the Constitution of 1867 granted the Governor the limited veto power that exists today and empowered the legislature to override by three-fifths majority of the two houses. The veto does not apply to the annual State operating budget. The Governor does, however, have line-item veto power with respect to items in the annual capital budget (the general consolidated capital bond loan) for construction and renovation of State buildings and facilities. The veto is discussed further in this volume in Chapter 3.

Advice and Consent

Another of the “checks” on the executive branch by the legislature is the “advice and consent” provision that is attached to the Governor’s appointing authority. The Maryland Constitution provides that the Governor nominates, and, by and with the advice and consent of the Senate, appoints all civil officers and officials of the State whose appointment or election is not otherwise provided in the constitution or in the laws. Between sessions, the Governor may nominate civil officers and officials who may assume their duties but who must be confirmed by the Senate by the end of the next ensuing session of the General Assembly. If the Senate fails to confirm the appointment of any officer or official, the individual as a rule must step down from the appointment and the Governor must nominate a successor, again subject to Senate confirmation. On occasion the House of Delegates confirms executive nominations as authorized by statutory law, generally in cases when there is no resident senator from the county in which the nominee lives.

Impeachment Power

Impeachment – the authority of a legislature to bring accusation against and try public officials for misconduct – is another legacy of the English parliamentary system. In the federal constitution and in the constitutions of many states, this translates into a practice in which the lower house (the House of Delegates in Maryland) has the power to impeach and the Senate has the authority to conduct the trial. Impeachment in Maryland requires a majority vote of the elected membership of the House, and conviction requires a two-thirds majority of the elected senators (Article II, Section 7). In practice, the impeachment power has seldom been used in Maryland.

Investigative Powers

The General Assembly by law has established a code of procedures for investigations conducted by its committees (Title 2, Subtitle 16 of the State Government Article). The statute allows both the Senate and the House to pass a resolution vesting a committee with broad powers of investigation. An investigating committee created under this scheme has the power to summon and examine witnesses and to compel the production of documents and records regarding any aspect of governmental processes or operations. An investigating committee may hold persons in contempt for failing to comply with its subpoenas or for refusing to testify under oath and may apply to a court for a contempt citation. Last used in 1983, an investigating committee was created to address allegations of violations of election and ethics laws by members of the General Assembly.

In addition, the Maryland Constitution also requires the General Assembly to create at each session a joint standing committee that is empowered to examine purchases for public offices and alleged abuse in expenditures. In practice, the General Assembly has relied on the Joint Audit Committee along with the standing committees of either house, other statutory joint committees, and special committees to consider matters relating to the examination and investigation of State expenditures.

Grand Inquest

The House of Delegates may sit as the Grand Inquest of the State, with broad powers to summon and hear witnesses and inquire into “complaints, offenses, and grievances” and other affairs relating to the public interest. The House, acting as the Grand Inquest, may “commit any persons, for any crime, to the public jail, there to remain, until discharged by due course of law” (Article III, Section 24).

Federal Limitations

Under the principle of enumerated powers in the federal system, certain powers have been delegated to the national government by the federal constitution. State legislatures may not adopt laws that conflict with this delegation of sovereignty. In this category are powers relating to war, coinage of money, and regulation of interstate and foreign commerce.

The states are specifically prohibited from passing certain laws. They may not enact laws that impair the freedoms guaranteed in the Bill of Rights. Along with Congress, the states are directly prohibited from passing ex post facto laws, bills of attainder, and laws granting title of nobility, levying export duties, or depriving persons of life, liberty, or property without due process of law.

Certain powers are specifically denied states by the U.S. Constitution. These include entering into treaties or alliances, emitting bills of credit, passing laws impairing the obligation of contracts, passing laws abridging the privileges and immunities of citizens of the United States, and denying to any person the equal protection of the laws.

The federal government and the states exercise certain concurrent powers; however, the states do not have jurisdiction in those areas in which there has been preemption by federal government. An example of federal preemption of authority is the regulation of the television and radio broadcasting industry.

Officers

Presiding Officers

Each house of the legislature has a presiding officer. The President is the presiding officer of the Senate, and the Speaker is the presiding officer of the House of Delegates. They are elected by a majority of the membership of their respective houses. In practice, the President and the Speaker are selected at party caucuses preceding the opening of a session. Traditionally, the representatives of each political party in each house selected a candidate for presiding officer, but in recent years the minority party has not formally nominated a leader to be presiding officer. In a contested election, party members normally vote en bloc, and the candidate of the majority party becomes the presiding officer.

The presiding officers appoint members of their houses to committees, designate chairmen and vice chairmen, and co-chair the Legislative Policy Committee and its Management Subcommittee. On occasion, the presiding officers serve as members of committees. The leadership role of each presiding officer includes assigning bills to committees, conducting leadership meetings to establish legislative agendas, and scheduling briefings for members of the legislature so that they may effectively carry out their duties and responsibilities. The presiding officers are responsible for preserving order and decorum during sessions in their chambers. They decide all points of order.

The President and the Speaker are the principal administrative officers of their respective bodies and appoint the staff of their houses. Together they supervise the sizable administrative organization of the General Assembly, both during and between sessions. They jointly appoint the Executive Director of the Department of Legislative Services.

The Maryland Constitution requires that the President and the Speaker be present at the signing of bills by the Governor and that they receive the annual budget bill from the Governor and introduce it into the legislative process.

In elections of the Governor, the sealed returns are addressed to the Speaker of the House of Delegates who opens them in the presence of both houses at the opening of the General Assembly following the election. If vacancies occur simultaneously in the offices of Governor and Lieutenant Governor, the President of the Senate becomes acting Governor until the General Assembly elects a successor.

Pro-Tem Presiding Officers

Each house of the legislature elects a pro-tem presiding officer. The President Pro-Tem of the Senate and the Speaker Pro-Tem of the House of Delegates preside over their houses in the absence of the presiding officers.

Floor Leaders

The majority floor leader and the minority floor leader in each house coordinate the legislative efforts of the members of their respective political parties. By rule in the Senate, the President selects the majority leader. In turn, the President and the majority leader jointly designate the majority whip and deputy majority leader. The members of the minority party designate the minority leader and minority whip.

The rules of the House of Delegates do not provide for the selection of party leaders. For the majority party, the Speaker designates the leader. The members of the minority party select the minority leader.

The Leadership

Not a part of the formal structure of the General Assembly, but an essential part of its organization and operation, is an entity known simply as “the leadership.” The leadership of each house generally consists of the presiding officer, the pro-tem presiding officer, floor leaders, chairmen and vice chairmen of committees, and other legislators designated by the presiding officer.

The Senate leadership and the House leadership are creations of the presiding officers, designed to assist them in considering matters with respect to legislative policy and procedures. The groups have no foundation in the Maryland Constitution or under the law, nor for that matter under the rules of the respective houses. Nevertheless, the leadership exercises significant influence on legislative issues and on matters relating to the management and operation of the legislature. The leadership groups, under the direction of the presiding officers, meet regularly during session and periodically between sessions.

Desk Officers

The Secretary of the Senate and the Chief Clerk of the House of Delegates keep the files and records of their respective houses and prepare the journal of proceedings. They are responsible for generally supervising the progress of bills and resolutions through the legislative process.

Each house appoints its Secretary/Chief Clerk and its desk officers. These include:

- Journal Clerk – prepares and compiles the journal of the floor proceedings.
- Reading Clerk – calls the roll and reads all bills, resolutions, and other papers.
- Sergeant-at-Arms – aids in the enforcement of order and enforces all processes issued under the authority of the Senate or House. In recent years members of the State Police unit assigned to the General Assembly during the legislative session have served as the sergeants-at-arms and doorkeepers.
- Chief Page – responsible for the distribution of bills and resolutions and other materials and the performance of other services for the presiding officer and the membership. Pages are high school students selected from throughout the State to serve two week-long periods during the legislative session.

Legislative Employees

Administrative assistants, legislative aides, clerks, messengers, and other employees work in the committees, legislators' offices, and other support offices of the Maryland General Assembly. These individuals are hired with the approval of the presiding officers.

In addition, employees of the Department of Legislative Services assist the members and committees in their work. The responsibilities of this agency are detailed in Chapter 6.

Membership

Qualifications

To qualify under the constitution as a member of either house, a person must be a citizen of Maryland and a resident of the State for at least one year. If the legislative district has been created for at least six months prior to the election, then the individual must have resided in the district for six months. If the district was established less than six months prior to the election, then the individual must have resided in it for as long as it has been established. Senators must be at least 25 years of age on the date of election. Delegates must be at least 21 upon election.

Legislative Districting

The apportionment of the membership of both houses among the 23 counties and Baltimore City is based substantially upon population. The present apportionment was determined in 2002 and adopted under authority of Article III, Section 5 of the Maryland Constitution. This section, approved by the voters in 1972, requires reapportionment after each decennial census, not later than the second year following the census.

Under provisions of the 1972 constitutional amendment, the State is divided into 47 legislative districts, each electing one senator and three delegates. A legislative district may be subdivided into three single-member delegate districts, or into one single-member delegate district and one two-member delegate district. Currently, 15 of the 47 districts utilize subdistricts for the election of delegates. Districts must consist of adjoining territory and be compact in form and of substantially equal population. Due regard must be given to natural boundaries and the boundaries of political subdivisions.

The Maryland Constitution requires the Governor to present a legislative districting plan to the General Assembly in the form of a joint resolution by the first day of session in the second year following the decennial census. The General Assembly may adopt its own legislative districting plan, but if a plan has not been adopted before the 45th day of session, the Governor's plan automatically becomes law.

In 2001 the Governor appointed a Redistricting Advisory Committee to recommend a State legislative districting plan for consideration by the General Assembly in the 2002 session. Following public hearings across the State and numerous work sessions, the committee submitted its final recommendation to the Governor in December 2001. The Governor made minor changes to the plan and submitted it to the General Assembly as a Senate and House joint resolution. The resolutions became law on February 22, 2002, after the General Assembly failed to pass an alternative plan. The plan was to be effective for purposes of electing all members to the General Assembly in the primary and general elections to be held in September and November, respectively.

Article III, Section 5 of the Maryland Constitution provides that upon petition of any registered voter, the Court of Appeals of Maryland has original jurisdiction to review the districting proposal "and grant appropriate relief," if it finds the proposal does not meet the requirements of the Constitution of the United States or the Maryland Constitution. Fourteen suits were filed before the Court of Appeals challenging some or all of the Governor's 2002 legislative districting plan. Two suits in the U.S. District Court also challenged the districting plan but were subsequently dismissed. The suits ranged from those that challenged the entire State plan to those that argued that certain parts of the plan should be invalidated because political subdivisions and natural

boundary lines were split, districts were not compact or noncontiguous, or the voting rights of minorities were not protected. Following a hearing, the Court of Appeals appointed a special master to hear the challenges and ordered that the burden of proof related to the State constitutional issues be shifted from the challengers to the State. The burden of proof regarding federal issues remained with the plaintiffs.

The special master concluded his hearings and made recommendations to the court by May 24, 2002, on necessary changes to the plan. In June 2002 the Court of Appeals invalidated the Governor's redistricting plan and issued a new legislative districting map. Appendix 1 contains maps of the State's current legislative districts.

Vacancies

In the case of a vacancy in either house, the Governor appoints the person recommended by the appropriate Central Committee of the county or district in which the vacancy occurs, or in the event no person is recommended, the Governor makes the appointment. The person filling the vacancy must be of the same political party that the person vacating the office was a member of at the time of election.

If the vacancy occurs in a district or subdistrict which is totally within a county, the Central Committee of the county nominates a person from the district or subdistrict to fill the vacancy. If the district or subdistrict comprises a portion or all of two or more counties, the Central Committee of each of the counties has one vote in submitting a nominee. When there is a tie vote among the county committees, the list of proposed names is sent to the Governor who makes the appointment.

Elections

Elections for the Senate and House are held on the Tuesday following the first Monday in November every four years. The four-year terms of members begin on the opening date of session (the second Wednesday of January) following the elections.

Committees

Much of the legislature's work is done by its committees. Committees include standing committees, statutory committees, and select committees, which are essentially permanent and ongoing. Special committees, special joint committees, and conference committees are temporary and go out of existence when their purpose has been fulfilled. The Department of Legislative Services assigns to the committees policy analysts who draft amendments to legislation and generally facilitate the work of the committee.

Standing Committees

During the session each proposed piece of legislation is referred to a standing committee or select committee by the presiding officer of the house in which the legislation is introduced. The standing committee holds a public hearing on the legislation and may recommend that the full house pass the bill, not pass it, or pass it with amendments. Between sessions, standing committees consider topics of concern in the State and may propose legislation for consideration during the subsequent session. Legislators are appointed by their presiding officer to one principal standing committee.

The Senate has four principal standing committees that generally consider issues in the following areas:

Senate Budget and Taxation Committee: State operating and capital budgets, including revenues and expenditures; supplementary appropriations bills; State and county bond authorizations; legislative budgetary procedures; taxation and property assessment matters; education financing; and pension or retirement matters.

Senate Education, Health, and Environmental Affairs Committee: Licensing and regulation of businesses in general, including business, health, and related occupations and professions; alcoholic beverages; natural resources; agriculture and land preservation; environment; energy; ethics and election laws; veterans affairs; fire prevention; primary, secondary, and higher education policy; public health; procurement; local government affairs; and State government organization and procedures.

Senate Finance Committee: Banks and other financial institutions; credit regulation and consumer financing; economic and community development; insurance; horse racing and lotteries; health and welfare matters; social programs; State personnel issues; transportation; labor and employment; unemployment insurance; utility regulation; and workers' compensation.

Senate Judicial Proceedings Committee: Administrative Procedures Act; commercial code; criminal and civil laws, penalties and procedures; corrections; family law; judicial administration and court structure; juvenile justice; law enforcement organizations; legal profession; legal rights and immunities; public safety; real property; trusts and estates; constitutional amendments; equal rights and opportunities; landlord-tenant laws; and vehicle laws.

The House has six principal standing committees that generally consider issues in the following areas:

House Appropriations Committee: State operating and capital budgets; supplementary appropriations bills; State and county bond authorizations; higher education institutions; State and local agency procedures and programs; collective bargaining; social services; and State personnel and pension matters.

House Economic Matters Committee: Banks and other financial institutions; commercial law, including consumer protection; corporations and associations; licensing and regulation; business occupations and professions; economic development; electronic commerce; insurance regulation, except health insurance; labor and employment; unemployment insurance; utility regulation; workers' compensation; and alcoholic beverages.

House Environmental Matters Committee: Agriculture, natural resources, and environmental issues, including agricultural land preservation, program open space, and vehicle emissions; ethics; housing and real property, including lead paint; local government, including land use; and transportation, including highways, bridges, mass transit, and vehicle laws.

House Health and Government Operations Committee: Health facilities, equipment, and products; long-term care; public health, including Medicaid; health insurance; health occupations and professions; and State government organization, procedures, and administrative law, including procurement.

House Judiciary Committee: Judicial administration and court structure; legal profession; corrections; criminal and civil laws, penalties, immunities, and procedures; juvenile justice; family law; administrative law; trusts and estates; and drunk and drugged driving and incarcerable motor vehicle offenses.

House Ways and Means Committee: State and local taxation matters, including assessments and tax credit programs; education financing; primary and secondary education programs; elections; funding of transportation programs; lottery and horse racing; and issues relating to children, youth, and families.

In addition to these principal committees, there are six other standing committees (two in the Senate, two in the House, and two joint) to which members are appointed:

Senate Executive Nominations examines all nominations for appointments made by the Governor that require Senate confirmation. The committee reports its recommendations to the Senate.

Senate Rules, which includes the majority and minority floor leaders, the chairmen of the principal standing committees and other members of the leadership, considers proposals concerning the rules, organization, and procedures of the Senate or the legislature. The committee reviews legislation introduced after the bill deadline and decides whether to re-refer those bills to other standing committees for consideration.

House Rules and Executive Nominations, which includes the Speaker, the majority and minority floor leaders, the chairmen of the principal standing committees and other members of the leadership, combines the functions of both committees in the Senate. The House of Delegates is required to consider relatively few executive nominations as mandated by statute.

House Consent Calendars, consisting of the Speaker, the Majority Leader, and the Minority Leader, determines the bills and joint resolutions to be included on the consent calendar.

Joint Investigation Committee inquires into abuses in public fund expenditures when referred by resolution of either the House or Senate. Membership consists of five senators and five delegates.

Joint Protocol Committee organizes, plans, and schedules the social activities of the General Assembly.

Select Committees

In each house, legislation that affects only one local jurisdiction may be referred to a select committee. In the Senate, select committees are identified by number, as follows:

<u>Senate Select Committee</u>	<u>Counties</u>
No. 1	Allegany, Garrett, & Washington
No. 2	Carroll & Frederick
No. 3	Harford
No. 4	Baltimore
No. 5	Howard
No. 6	Montgomery
No. 7	Prince George's
No. 8	Charles, St. Mary's, & Calvert
No. 9	Anne Arundel
No. 10	Eastern Shore

No. 11
No. 6/7

Baltimore City
Bi-County (Montgomery & Prince
George's Counties)

Note: There are instances in which a particular senator may serve on more than one select committee because the senator's district straddles more than one county.

In the House of Delegates, each county and Baltimore City has its own select committee, usually referred to as the "county delegation" or the "Baltimore City delegation," as the case may be. Select committees of counties having three or more delegates are comprised of the delegation of the county. Select committees of counties having fewer than three members are composed of the delegate or delegates of the county, together with a delegate or delegates from an adjacent county, for a total of three members. Delegates also serve on these delegations based on geographic regions, *i.e.* Eastern Shore, Southern Maryland, and Western Maryland.

The activities of select committees are discussed further in the local legislation section of Chapter 3.

Conference Committees

During the session conference committees are appointed when the two houses pass different versions of the same bill. Conference committees consist of three delegates and three senators generally appointed by the presiding officers on recommendations of the chairmen of the two committees that considered the bill. A conference committee may be appointed for one bill or a group of related bills. It goes out of existence when a resolution of the differences is reached and the conference committee report is delivered to each house. The operation of conference committees is discussed further in Chapter 3.

Statutory Committees

The *Legislative Policy Committee* was created by legislation enacted in 1976. It replaced the Maryland Legislative Council, which had guided the interim activities of the General Assembly since 1939. The Legislative Policy Committee consists of 28 members, with the Senate and House equally represented and the presiding officers serving as co-chairmen. In addition to the President, the Senate members are the President Pro-Tem, the chairmen of the four standing Senate committees, the majority and minority floor leaders, and six members appointed by the President and approved by majority vote of the Senate. House of Delegates members, in addition to the Speaker, are the Speaker Pro-Tem, the chairmen of the six standing House committees, the majority and minority floor leaders, and four members appointed by the Speaker with approval of

a majority of the House. Senate vacancies are filled by the President and House vacancies by the Speaker.

The law (Title 2, Subtitle 4 of the State Government Article) sets forth the functions of the Legislative Policy Committee as follows:

- review the work of the standing committees;
- collect information about the government and general welfare of the State;
- study the operation of and recommend changes in the constitution, statutes, and common law of the State;
- study the rules and procedures of the Senate and the House and recommend changes that would improve and expedite the consideration of legislation by the General Assembly;
- coordinate and supervise generally the work of the General Assembly when it is not in session;
- prepare or endorse a legislative program that includes the bills, resolutions, or other recommendations of the committee that are to be presented to the General Assembly at its next session; and
- carry out its powers and duties under the Maryland Program Evaluation Act (“Sunset Review”).

The law details methods by which the Legislative Policy Committee may carry out these functions. Specifically, it provides that the Legislative Policy Committee, or, with its approval, the standing committees functioning when the General Assembly is not in session, may administer oaths, issue subpoenas, compel the attendance of witnesses and the production of documents, and take depositions. Persons failing to comply with subpoenas or refusing to testify are subject to prosecution for contempt in State trial courts.

Research, drafting of legislation, staffing of committees, and other necessary services are provided to the Legislative Policy Committee by the Department of Legislative Services. Executive departments and agencies may be required to prepare studies, supply information, and report to the Legislative Policy Committee and the standing committees. In practice, the Legislative Policy Committee has focused its attention on scheduling the legislative work during the interim period and on considering

major policy items that require legislative review or approval during the interim period. Some of these policy items include review and approval of requests for funds for extraordinary economic development opportunities (Sunny Day funds) intended to retain or expand jobs in Maryland; requests for transfers of funds from certain accounts to State agencies for specific purposes, *e.g.*, the Dedicated Purpose Fund; and approval of the transfer of racing licenses, changes in racings days, etc. Additionally, a number of State agencies are required to make periodic, annual, or biennial reports to the Legislative Policy Committee about the agency's activities.

The *Joint Committee on Administrative, Executive and Legislative Review* (AELR) (Title 2, Subtitle 5 of the State Government Article) is a joint statutory committee of the Senate and the House of Delegates. It consists of ten senators and ten delegates, appointed respectively by the President and the Speaker. The President and the Speaker name the Senate chairman and the House chairman. The presiding chairmanship alternates annually between the two houses.

The committee's primary function is to review all regulations proposed by executive units, with committee approval required for the emergency adoption of regulations. For the most part, the committee meets once each month during the interim and as needed during the session; that is, its meeting schedule is generally governed by the timing of proposed regulations. Under a continuing eight-year cycle, the AELR committee receives from each unit of the executive branch a review and evaluation of the unit's regulatory program. Chapter 5 of this volume elaborates the AELR committee's powers of regulatory review.

The committee also has the authority to examine the performance of officers and employees of any of the three branches of State government to determine compliance with State laws. It may review the operation of executive units and agencies and may make recommendations for improvements. The committee is required to report at least once a year to the Legislative Policy Committee and to the General Assembly, accounting for its work and studies and reporting on any recommendations.

The *Joint Committee on Access to Mental Health Services* (Section 2-10A-05 of the State Government Article), created in 2005, is composed of four senators and four delegates appointed respectively by the President and the Speaker. Of the four senators, two are members of the Finance Committee, one is a member of the Budget and Taxation Committee, and one is a member of the Education, Health, and Environmental Affairs Committee. Of the four delegates, two are members of the Health and Government Operations Committee, one is a member of the Appropriations Committee, and one is a member of the Economic Matters Committee. The President appoints the Senate Chairman and the Speaker appoints the House Chairman. The presiding chairmanship

alternates annually between the two houses. The committee monitors access to public mental health services for eligible individuals and medically necessary mental health services for individuals covered by private insurance. An annual report is due to the Governor and the General Assembly.

The *Joint Audit Committee* (Title 2, Subtitle 6 of the State Government Article) has 20 members, 10 from the Senate and 10 from the House, appointed respectively by the President and the Speaker. The statute that establishes the committee enjoins the presiding officers to make selections on the basis of demonstrated ability and interest in the subject of government finances and to give recognition to geographic representation. The President and the Speaker jointly appoint the chairman and the vice chairman of the committee.

The law requires the committee to review audit reports of the Legislative Auditor and make recommendations with respect to issues in the audit reports. The committee also reviews the audit process and procedures and provides recommendations to the President, the Speaker, the Executive Director of the Department of Legislative Services, and the Legislative Auditor. Additionally, various units of State government must file reports with the committee.

The *Joint Committee on the Chesapeake and Atlantic Coastal Bays Critical Area* (Section 2-10A-01 of the State Government Article) was created in 1984 with an initial mandate to meet with the Chesapeake Bay Critical Area Commission “to review development and implementation of the criteria for program development”; however, the joint committee’s mandate has been expanded to include the review of any aspect of the critical area protection program, which, in 2002, was extended to include land around the Atlantic coastal bays. The commission was renamed to reflect that expansion, as was the committee. It includes ten members: five senators appointed by the President and five delegates appointed by the Speaker. The President and the Speaker jointly appoint a senator and a delegate each to serve as co-chairmen.

The *Joint Committee on Legislative Ethics* (Title 2, Subtitle 7 of the State Government Article) is composed of 12 members, 6 senators and 6 delegates including the President and the Speaker as ex officio members. The President appoints the Senate members and the Speaker appoints the House members; they jointly appoint a chairman and a vice chairman or designate co-chairmen. Minority party members are appointed upon the recommendations of the minority leaders in each house. The legislative ethics counsel is appointed by the Director of Legislative Services.

The committee promulgates rules of legislative ethics that address conflicts of interest of members of the General Assembly. The rules become effective after adoption

of a joint resolution approved by a majority of both houses voting separately. The committee also issues guidelines and establishes procedures for implementation of the rules. A legislator may request that the Ethics Committee issue an advisory opinion regarding the ethics of actions taken or contemplated by the legislator. Chapter 2 of this volume further discusses the activities of the Legislative Ethics Committee.

The *Joint Committee on Federal Relations* (Title 2, Subtitle 9 of the State Government Article), was established in 1983 when the Maryland General Assembly reconstituted and renamed the Maryland Commission on Intergovernmental Cooperation. This change recognized that the “new” federalism required the General Assembly to increase its attention to the activities of the federal government, particularly in the area of budget allocations for financial aid to the states and the shift of responsibilities to the states.

The committee includes 16 members, 8 members of the Senate appointed by the President and 8 members of the House appointed by the Speaker. The President and the Speaker designate the chairman and vice chairman. Meetings are also held with the congressional delegation to enhance communication between the General Assembly and Maryland’s representatives in Congress.

The committee monitors and evaluates the relations between the State and the federal government and the impact of proposals to alter those relationships. It informs State legislative and executive officials concerning federal relations and the impact of proposals for change. The committee serves also as a forum for the consideration of certain State-local issues. In addition, it endeavors to advance cooperation between the State and other units of government by formulating proposals for the adoption of compacts; the enactment of uniform or reciprocal statutes, and informal or reciprocal administrative rules; the informal cooperation of governmental offices with one another; the personal cooperation of government officials and employees with one another; and the exchange and clearance of research and information.

The *Joint Committee on Health Care Delivery and Financing* (Section 2-10A-02 of the State Government Article), established in 1992, is composed of seven senators appointed by the President and seven delegates appointed by the Speaker. The presiding officers also appoint the co-chairmen. The committee provides oversight of and studies issues relating to the health care delivery and financing system in the State. A report is submitted each January to the legislature.

The *Joint Committee on the Management of Public Funds* (Title 2, Subtitle 8 of the State Government Article) is comprised of four members of the Senate appointed by the President and four members of the House appointed by the Speaker. The President

and the Speaker jointly designate a chairman and a vice chairman. This committee reviews policies and procedures for the investment and management of all State funds except retirement funds. Generally, the committee meets three to four times during the interim period, receives reports from State officials on investment of State funds, and analyzes data with respect to cash management practices.

The *Spending Affordability Committee* (Title 2, Subtitle 10 of the State Government Article) was created in 1982. Membership includes the presiding officers, the chairmen of the Senate Budget and Taxation Committee and the House Appropriations Committee, the majority and minority leaders of each house or their designees, and an equal number of Senate and House members selected by the presiding officers. The presiding officers each designate co-chairmen from their respective chambers. Co-chairmen preside in alternate years. The committee is assisted by a citizen advisory committee named by the President and the Speaker.

The Spending Affordability Committee each year submits a report to the Governor and the Legislative Policy Committee recommending a level of State spending, debt authorization, and personnel. It also makes a recommendation as to the use of any anticipated budget surplus and any other appropriate fiscal measures. The committee meets during October and November, and its findings are due by December 1. The activities of the Spending Affordability Committee are discussed in greater detail in *Maryland's Budget Process*, Volume IV of the Legislative Handbook Series.

The *Special Joint Committee on Vehicle Emissions Inspection Program* (VEIP) (Section 23-203 (f) of the Transportation Article) was created in 1979 when the Motor Vehicle Emissions Inspection Program was established within the Motor Vehicle Administration. The purpose of the committee is to consult with the Secretary of the Environment and the Secretary of Transportation on the administration of the Motor Vehicle Emissions Inspection Program and on any contract the Motor Vehicle Administration and the Secretary of the Environment enter into for administering the program. Three senators appointed by the President and three delegates appointed by the Speaker serve on the committee. The committee has not met since 1992.

The *Workers' Compensation Benefit and Insurance Oversight Committee* (Section 2-10A-03 of the State Government Article) was created in 1987. The committee evaluates and reviews workers' compensation benefits in Maryland. To assist the committee with its work, the State Insurance Commissioner and the Workers' Compensation Commission submit an annual report to the committee and inform the committee as to the condition of workers' compensation benefits and insurance in Maryland.

Usually, the committee meets up to three times during the interim and reports to the Governor and the Legislative Policy Committee by December 31. Members of the committee are appointed by the President and the Speaker, who also designate the chairperson. The members include two senators, two delegates, one representative each from the business community, labor organizations, and the building and construction labor organizations, two public members, two attorneys, and one member each from the insurance industry, the Medical and Chirurgical Faculty of Maryland, and a workers' compensation rating organization.

The *Joint Committee on Welfare Reform* (Section 2-10A-04 of the State Government Article) consists of five members of the Senate appointed by the President and five members of the House appointed by the Speaker. The committee provides oversight of and studies issues relating to public assistance programs, food stamps, housing benefits, medical benefits, and welfare demonstration projects. To assist the committee with its work, the Department of Human Resources in conjunction with the Department of Housing and Community Development and the Department of Health and Mental Hygiene report annually to the committee. Each January the committee issues a report to the General Assembly.

The *Joint Committee on Fair Practices* (Chapter 347 of 1996) has oversight of procurement practices and equal employment opportunity policies and practices in State government made under executive order. The committee's purpose is to review and evaluate the effectiveness of programs, policies, and practices. The President appoints three members from the Senate, and the Speaker appoints three members from the House. The Department of Budget and Management reports annually to the committee on the Equal Employment Opportunity Program.

The *Joint Committee on Children, Youth, and Families* (Section 2-10A-06 of the State Government Article) consists of the majority and minority leaders of the Senate, two members from each of the four Senate standing committees, the majority and minority leaders of the House, and eight other Delegates appointed by the Speaker from among the members of the House committees that deal with issues affecting children, youth, and families. Senate and House committee chairmen are appointed by the President and the Speaker, respectively.

The committee is charged with investigating the problems that jeopardize the well-being of children, youth, and families; identifying State policies and actions that can work to achieve conditions of well-being for these groups; identifying, reviewing, and making recommendations with regard to related State statutes, regulations, programs, services, and budget priorities; searching for interdepartmental gaps, inconsistencies, and inefficiencies in the implementation or attainment of related State policies and actions;

serving as an information resource to the House and the Senate; and improving public awareness of children, youth, and families' special needs. The committee submits an annual report to the General Assembly by each December.

The *Joint Technology Oversight Committee* (Chapter 11 of 2000) is made up of ten members, five senators appointed by the President and five delegates appointed by the Speaker. The President and the Speaker appoint a senator and delegate to serve as co-chairmen who then alternate serving as presiding chairman of the committee each year. The committee's duties are to review the implementation of the Maryland Uniform Computer Information Transactions Act and, based on its findings, recommend to the Governor and the General Assembly any appropriate changes in State law. Each year by December 1 the committee submits a report of its recommendations and findings to the Governor, the Legislative Policy Committee, the Senate Finance Committee, and the House Economic Matters Committee.

The *Joint Committee on the Port of Baltimore* (Section 2-10A-07 of the State Government Article) was authorized in October 2000 and consists of 15 members appointed by the President and the Speaker. The members include two senators, two delegates, one representative of the Maryland Port Administration, two representatives of labor organizations, one representative of the maritime/steamship industry, one pilot licensed by the State Board of Pilots, one docking master licensed by the State Board of Docking Masters, one representative of a towing boat company serving the Port of Baltimore, three members of the public, and one representative of the Coast Guard appointed by the Captain of the Port. The committee is charged with examining and evaluating issues affecting the competitive position of the Port of Baltimore within the international port industry, including regulations adopted by the State Board of Pilots, the State Board of Docking Masters, and the Maryland Port Commission. To date, the committee has never met.

Special Committees

The Legislative Policy Committee periodically establishes special committees for particular purposes. These committees function during the interim between sessions of the General Assembly. Each is reviewed annually at the end of the legislative session by the Legislative Policy Committee, which decides whether the committee should continue its work or cease to function. A committee membership roster is published each summer.

Examples of special committees that were active during recent interim periods are as follows:

- Agricultural Stewardship Commission
- Joint Advisory Committee on Legislative Data Systems
- Joint Committee on Maryland Port Administration
- Joint Committee on Pensions
- Joint Subcommittee on Program Open Space/Agricultural Land Preservation
- Special Commission on Electric Utility Deregulation Implementation
- Special Commission on Medical Malpractice Liability Insurance
- Special Committee on Drug and Alcohol Abuse
- Special Committee on Higher Education Affordability and Accessibility

Task Forces and Commissions

Periodically, the General Assembly passes legislation that creates task forces and commissions to study specific issues and concerns. Usually, these groups consist of legislative members and others appointed by the Governor to represent appropriate interests in the public and private sector. The groups generally function over a relatively short period of time.

Examples of task forces and commissions in recent years include:

- Joint Legislative Commission on Interstate Transportation, MD/VA/DC
- Joint Legislative Committee to Study and Make Recommendations about the State's Emergency Medical Response System
- Joint Legislative Task Force on Universal Access to Quality and Affordable Health Care
- Oversight Committee on Quality of Care in Nursing Homes
- Task Force on Education Finance, Equity, and Excellence

- Task Force to Study Economic Development of the Seafood and Aquaculture Industries
- Task Force to Study Efficiency in Procurement
- Task Force to Study Identity Theft
- Task Force to Study Retiree Health Care Funding Options

Maryland Legislative Black Caucus

The Maryland Legislative Black Caucus was founded in 1970. Since its inception the caucus has influenced many types of legislation. In 1973 it assisted in securing Maryland's ratification of the Fifteenth Amendment to the U.S. Constitution, and over the last three decades, it worked to stop experimentation on prisoners, obtained set-asides for minority businesses, and increased funding for the development of historically black institutions of higher education. The Black Caucus meets regularly during session and the interim and elects its officers for annual terms each March.

Women Legislators of Maryland

The Women Legislators of Maryland was formed in 1972. The Women's Caucus first worked to obtain leadership roles for women legislators in the General Assembly. Today, the Women Legislators of Maryland work on a variety of issues ranging from healthcare and improving schools and colleges to domestic abuse and child support tax credits. The group meets regularly during session and the interim and elects its officers for annual terms each March.

Chapter 2. The Legislator

The job of the Maryland legislator is a year-round responsibility. During the 90-day session beginning the second Wednesday of each January, this responsibility becomes full-time in nature. During the interim between sessions, the pace of activities is considerably slower for the legislator. Thus, because of the overall part-time nature of the responsibilities, Maryland legislators are considered “citizen legislators.” Most legislators have active nonlegislative careers in addition to their responsibilities as members of the General Assembly.

This chapter outlines the activities of a typical legislative day during both the legislative session and the interim, summarizes a legislator’s compensation and expense allowances, including legislative scholarships, and discusses the operation of offices in Annapolis and legislative districts. Finally, the chapter summarizes the requirements of the State ethics law.

The General Assembly functions in two distinct periods: the legislative session from January until April and the interim from April to January. The workload during the session is issue- and process-oriented and is carried out at a more dynamic pace. Floor sessions and committee meetings consume most of the time of a legislator. Members also handle constituent requests, a part of each legislator’s year-round work.

The Legislative Day During the Session

The two pivotal times in a legislator’s day around which all other activities must be scheduled are the floor sessions and committee meetings. Both chambers hold their sessions in the morning, except for Monday when floor sessions convene at 8:00 p.m. This special time on Mondays allows members to devote time to their nonlegislative employment and constituent service in their home districts or in their Annapolis offices. It also gives members who live some distance away time to travel to Annapolis. On Tuesday through Thursday, session begins at 10:00 a.m. On Friday, the Senate and the House usually convene around 11:00 a.m. to give the delegations in the House time to meet beforehand. During the final weeks with the press of business, the schedule reverts to 10:00 a.m. on Friday, and additional late afternoon, night, and weekend sessions are sometimes required by both houses.

Committee hearings are generally held after the floor sessions, with the meeting times announced on the floor by the committee chairmen at the end of each day’s session. During the early weeks, hearings typically begin at 1:00 p.m. As the work increases, meetings are often held immediately following session. During the last weeks, members

often go back to committee after an afternoon floor session to continue hearings, and additional hearings and meetings are sometimes held on weekends.

For many legislators, session is not their day's first order of business. Many attend early breakfast meetings with constituents or other legislators to discuss issues of importance to them. They may meet with members of the press to inform their constituents about legislative activity. This could be followed by working with staff to prepare for bill hearings or meeting with other constituents in the office. The time prior to session is also frequently used for leadership meetings or local delegation meetings.

Depending on time, lunch after session may involve a meeting with constituents or representatives of a group or organization. Lunch might also be in the office while meeting with staff or other legislators before committee meetings start. Since every legislator is assigned to a standing committee and may serve on several special committees or subcommittees, the afternoon is typically spent in hearings. In addition, legislators will often testify before other committees on particular legislation, especially regarding those bills which they sponsor.

In the evening, members may attend receptions or dinners hosted by organizations or groups or may schedule dinner meetings with representatives of local governments or State agencies. These functions allow interaction between legislators and constituents, lobbyists, representatives of local governments, community activists, and gubernatorial and executive agency staff. Individuals and groups use this time to discuss issues or legislation that they are supporting or opposing. Some legislators return to their offices to respond to mail, return telephone calls, or review some of the many documents or reports distributed to the members.

Floor Sessions

Floor sessions generally last less than an hour early in the session. Later on, they often recess just before committee meetings are scheduled and reconvene in the late afternoon or evening in order to clear the legislative calendar.

Although the presiding officer may alter the order of business to allow for particular circumstances, a typical floor session consists of the following business:

- *Call to order.* The presiding officer takes the chair and calls the body to order. There is an opening prayer followed by a roll call to determine if a quorum is present.

- *Reading of the journal.* The journal of the previous day's activities is approved. The journal is not actually read in its entirety.
- *Petitions, memorials, and other papers.* The constitution guarantees citizens the right to bring petitions to the General Assembly. This time is set aside to receive such petitions, although this very rarely occurs. This time is also used for special presentations or recognition of individuals.
- *Presentation of orders.* Legislative orders are used at the beginning of the 90-day session in organizing the body and infrequently thereafter. Orders are used to appoint the desk officers, standing committees, membership of committees, and to adopt rules.
- *Introduction of bills and resolutions.* The reading clerk reads the short title of bills introduced that day and indicates the committee to which they have been assigned. The first reading is sometimes accomplished through a consent calendar.
- *Introduction of visitors.* At this point the Senate acknowledges special visitors to that day's session. The House of Delegates introduces visitors just before adjournment of the day's session. The chairman of the protocol committee usually coordinates the introductions.
- *Unfinished business.* Any business taken up but not resolved at a prior floor session is in order at this point. Business is rarely left unfinished except toward the end of the 90 days.
- *Laid over bills.* The legislators consider bills that were laid over from the previous day's floor session. A legislator may request an amended bill be "laid over" under the rules (a procedural mechanism used to delay the consideration of the bill). When this occurs, the presiding officer orders the bill and the amendments to lie over for one day. (In the House, this occurs after committee reports.) As the session progresses, the bill is postponed for one hour, or until the conclusion of the second reading calendar during the last 25 days in the House and the last 10 days in the Senate.
- *Committee reports and second readings.* Chairmen of committees or their designees present their committees' recommendations on legislation. Bills are reported as favorable, unfavorable, or favorable with amendments. The presentation usually includes an explanation of the bill and any amendments and, on occasion, comments about testimony offered on the bill when it was heard in committee.

After the presentation of a committee report, members may question the chairman about the bill or the committee's recommendation, or they may propose additional amendments. Votes (generally voice votes) are taken on the committee's amendments and another vote is taken on the favorable committee report on the bill. Amendments offered by members from the floor are then considered. After all amendments are considered, the bill is said to have passed second reading and is ordered printed for third reading, incorporating any adopted amendments. It is then scheduled for a final vote, usually within the next two legislative days.

- *Special orders.* If a matter of legislative business (usually a bill or amendment) is made the subject of a motion to special order (delay) to another day or time and the motion carries, the matter will be taken up on a special order calendar on the day or at the time to which the matter was delayed.
- *Third reading.* Bills having passed on second reading on a previous legislative day are considered for a third reading vote. The third reading vote is required by the Maryland Constitution and is part of our system of lawmaking that is designed to guard against the hasty enactment of legislation. Members may also ask questions relating to the bill, but no amendments are allowed on third reading except on bills that originated in the opposite house. The third reading vote is taken by recorded roll call using the electronic voting boards.
- *Messages.* Messages from the opposite house or the Governor may be received at any point in the order of business. These messages can be notification of legislation passed by the opposite house, requests for the formation of conference committees, the delivery of the Governor's proposed budget, submission of gubernatorial appointments, or other official business.
- *Adjournment.* After the conclusion of the day's business, announcements as to committee meetings and notices of general interest to the members are made, and the body is adjourned until the next legislative day unless a majority of the members present object.

All documents relating to the business of the day's session are available to members on their laptop computers. Print copies are also available on the floor.

Committee Meetings

During session, committee meetings are generally scheduled to begin in late morning or early afternoon. The committees devote most of their time to public hearings on bills. Each committee prepares a schedule setting forth the bills to be heard each day.

Usually, committees attempt to schedule bills dealing with similar subjects on the same day. A committee meeting and bill hearing schedule of all upcoming committee hearings for the next two weeks is printed and distributed each Thursday, and updates are distributed daily. The schedule is also posted and updated on the Maryland General Assembly web site.

At bill hearings, the committee takes testimony from the bill's sponsor and other parties supporting or opposing the bill. Amendments to the bill may also be proposed during hearings. The two budget committees (Senate Budget and Taxation Committee and the House Appropriations Committee) allocate the majority of their time for budget hearings. Each day's hearings are devoted to the budgets of specific units of State government. The Senate audiotapes committee hearings and briefings.

Occasionally committees request briefings on issues of special concern. These briefings may afford the committee greater familiarity with a complex issue or highlight an issue of particular controversy. Testimony is usually received from the General Assembly's legislative staff, representatives of executive agencies, or other appropriate individuals.

Voting sessions are another function of committee meetings. The chairman prepares a list of bills for committee votes. At the voting session, the committee discusses and debates the proposed legislation and considers amendments. After discussion formal votes are recorded. The committee's recommendation of favorable, unfavorable, or favorable with amendments becomes part of the committee report to be considered on the floor at the bill's second reading. Committee votes are sent to the Department of Legislative Services; Senate votes are also recorded in the Senate Journal.

The Press

The citizens of Maryland rely primarily upon the print and broadcast press as a source of information about the activities of the General Assembly. An array of reporters representing newspapers; television and radio stations; and the Associated Press wire service provide a wide and intensive coverage of the legislature. Major newspapers and other media outlets also provide coverage through their Internet sites. While the daily happenings in the General Assembly during sessions in Annapolis are under continuing scrutiny, the volume of news produced by the General Assembly decreases in the interval between sessions, and the coverage by the news media diminishes correspondingly. Nevertheless, reporting of the activities of the Legislative Policy Committee and the several committees and commissions of the General Assembly that function during the interim continues.

The major daily newspapers of the Baltimore, Washington, and Annapolis areas maintain staff, in varying numbers, at the State House while the legislature is in session. The newspapers published weekly or semi-weekly and the local circulation dailies vary in the extent of their coverage, often relying on a wire service. Some send their reporters from time to time to Annapolis, mostly for events affecting the areas in which they circulate.

Maryland Public Television (MPT) and some of the television and radio stations of Baltimore and Washington have crews of reporters and cameramen in Annapolis several times a week during the session. Most radio stations and the smaller television stations use wire services on a daily basis, sending reporters to cover special events. MPT records some committee hearings and floor sessions each week during the legislative session for rebroadcast later that day.

In January of each year, press credentials for attending the sessions of the Senate and House are issued by the Governor's Press Office located in Room 203, State House. In the Senate, the reporters sit at tables on either side of the rostrum. Because of crowded conditions in the House chamber, only a limited number of reporters are admitted to the press area on the floor. Others are accommodated in a press section in the gallery. Working quarters for the press are provided in rooms on the ground floor of the State House.

The Legislative Day During the Interim

Although the legislature is considered part-time, members are involved in legislative activities during the interim. Members engage in various research and study projects, attend committee meetings in Annapolis (usually on Tuesdays and Wednesdays), and participate in visits to State hospitals, colleges, correctional facilities, parks, construction projects, and other sites. Members' work may be related to the State's fiscal structure, public school facilities, crime victims' rights, pollution in the Chesapeake Bay, transportation, higher education, health care, or many other issues of concern to the citizens of Maryland.

An example of a legislative day during the interim may begin with a morning meeting with local government officials, community organizations, or constituents. This could be followed by a committee meeting specifically charged to study one issue, such as public school facilities. The members might board a bus for a site visit to a particular school facility. Such activities help the individual legislator gain knowledge and understanding of various issues facing the legislature. Each legislator obtains a broader perspective, one that assists him or her in interacting effectively with other committee

members in seeking solutions. Activities such as meetings and tours also often result in the introduction of new legislation at the next legislative session.

Inquiries about legislative scholarships are another important part of a legislator's interim activities. Under State law, senators and delegates select recipients for senatorial and delegate scholarships, respectively. Both programs are established in statute and are administered through the Office of Student Financial Assistance in the Maryland Higher Education Commission.

Senatorial Scholarships

The Senatorial Scholarship Program is set forth in Sections 18-401 through 18-408 of the Education Article. Under the program each senator may award \$34,500 in initial year scholarships each year to students attending institutions of higher education. The annual allocation for initial year and continuing awards totals \$138,000. Senators representing legislative districts comprised of more than one county must divide the scholarship units as equally as possible among applicants from each county.

A senatorial scholarship may be awarded in \$100 increments, but an award for a single year may not be less than \$400, and not more than \$2,000. A recipient may not be awarded more than a total of \$8,000 for undergraduate, graduate, or professional study.

Senatorial scholarship applicants are required to take either the SAT or the ACT Examination and must be accepted for admission in an undergraduate, graduate, or professional program at an eligible institution in the State or be enrolled in a two-year certificate program in which the course work is acceptable for transfer credit to an accredited baccalaureate program in an eligible institution. An applicant is exempt from the competitive examination if he or she (1) has completed a year in good standing at an eligible institution; (2) graduated from high school at least five years before making the application; (3) is attending or planning to attend a Maryland community college; or (4) is accepted for admission at an accredited postsecondary private career institution. In addition, an applicant must be a resident of the State and reside in the legislative district from which the scholarship is sought.

An applicant must demonstrate definite financial need to the Office of Student Financial Assistance. Each senator must also consider the financial need of each applicant and is the final judge of the financial need of an applicant. Each senator may award no more than 10 percent of the funds made available under the program to applicants planning to attend accredited institutions outside of Maryland, provided that an applicant (1) will be studying in an academic area not available in the State, or (2) is a

hearing impaired person who will be studying out-of-state at an institution that makes special provisions for the hearing impaired not available in the State.

A recipient may hold the scholarship for four undergraduate academic years and four graduate academic years, as long as the individual is a full-time student, remains a resident of Maryland, is enrolled in a degree program, and takes at least 12 semester hours of courses as an undergraduate or 9 hours of courses as a graduate student. A part-time student may hold a scholarship for eight years, if the individual continues to reside in the State, is enrolled in a degree program, and takes at least 6 semester hours of courses.

Delegate Scholarships

Under the Delegate Scholarship Program, laid out in Sections 18-501 through 18-507 of the Education Article, each delegate may choose one of two different methods to award scholarships. Recipients of the scholarships may be selected on any basis that the delegate considers appropriate. Each delegate may also authorize the Office of Student Financial Assistance to award all or a portion of the funds in this program to eligible recipients of an Educational Excellence Award who reside in the delegate's legislative district. The annual allocation of awards is related to the cost of tuition at selected institutions.

One method of awarding the scholarships allows each delegate, during each four-year term in office, to award the equivalent of four four-year full-time scholarships; each scholarship may be awarded for one, two, three, or four years. Each scholarship awarded under this method pays the tuition and mandatory fees at any eligible State institution; however, for applicants attending private institutions or graduate and professional programs, the annual amount of the scholarship may not exceed the cost of tuition and fees of a full-time undergraduate in-state student at certain University System of Maryland institutions.

Two part-time scholarships may be awarded by each delegate for each full-time scholarship available under this method, as long as the recipient carries at least six semester hours of courses each semester in a degree program.

Alternatively, each year in office, each delegate is authorized to award scholarships in an amount equal to four times the tuition and fees for a full-time undergraduate in-state student at the University of Maryland, College Park during the academic year beginning in that year. Scholarships awarded under this method may not be made in amounts less than \$200, nor more than half of the delegate's total scholarship funds authorized for that year. Scholarships made under this method may be used at an

eligible institution and may be used by an undergraduate, graduate, or professional student, or by a student at an approved private career school.

Scholarships may be awarded to students attending accredited institutions outside the State if the applicant will be studying in an academic area that is not available in the State, or if the applicant is disabled and comparable special provisions are not available at an in-state institution.

Compensation and Expense Allowances

The Maryland Constitution provides that legislators receive compensation and expense allowances as established each four years by the General Assembly Compensation Commission. The commission's report submitted to the 2006 General Assembly as a commission resolution contained recommendations for an increase in the annual in-district travel allowance for members and changes in retirement benefits but did not recommend a salary increase for the 2007-2010 legislative term. Rejection of its recommendations was amended into Senate Joint Resolution 2/House Joint Resolution 1 (both passed, which also rejected the recommendation of the Governor's Salary Commission for increased salaries for the Governor and Lieutenant Governor for the next term). Thus, the salaries, retirement benefits, and expense reimbursements for members of the General Assembly will not change for the next four-year term of office.

Compensation

Members of the General Assembly receive an annual salary, with payments in 12 monthly installments. Members must file an income tax withholding form with Finance and Administrative Services, Department of Legislative Services in order to receive compensation. Legislators may take advantage of the State's direct deposit program and have their compensation placed directly into their bank accounts. All members receive the same salary except for the presiding officers. Under the resolution in effect for the 2007-2010 term, the annual salary is \$43,500 for members and \$56,500 for the presiding officers.

Expenses

The General Assembly Compensation Commission resolution specifies that legislators are entitled to reimbursement of expenses of meals and lodging when:

- attending regular, extended, or special sessions of the General Assembly or scheduled committee or subcommittee meetings;

- attending scheduled meetings of the Legislative Policy Committee, its committees and subcommittees, or other statutory committees;
- attending scheduled meetings of commissions, committees, joint legislative/executive committees, task forces, or subcommittees to which the legislator has been appointed by the Governor, the President, or the Speaker;
- attending bill signings;
- attending other official functions in Annapolis directly related to the members' duties and approved by the presiding officers; and
- attending official functions, such as seminars, that take place outside of Annapolis if authorized by the presiding officers.

Meals and Lodging

Meal expense reimbursement does not require submission of a receipt, although the daily reimbursement for meals is subject to the allowance provided in the Standard State Travel Regulations for State employees, as established by the Board of Public Works (\$41 in fiscal 2007).

To receive reimbursement for lodging during session, members must submit an expense voucher to Finance and Administrative Services. Reimbursement for lodging is subject to limits equal to the amount set for Annapolis by the Internal Revenue Service for federal per diem allowances (approximately \$116 in fiscal 2007).

Reimbursement for expenses when attending committee or subcommittee meetings in the interim are verified against attendance records maintained by the legislative staff and forwarded to Finance and Administrative Services.

In-state Travel

Members are reimbursed for travel from their home to meetings or activities for which expenses are allowed. The rate of reimbursement is the same as that paid under the Standard State Travel Regulations (44.5 cents per mile in fiscal 2007 and can vary during a year) if by automobile, or the actual cost if by means other than automobile, but not to exceed the rate paid under the Standard State Travel Regulations.

Within-district Travel

Each January during the 2007-2010 term of office, legislators will receive a \$600 lump-sum in-district travel allowance. This payment is intended to cover the costs of traveling to meetings with local government officials and constituents and other appropriate functions within a member's district.

Out-of-state Travel

Legislators must apply to the presiding officers for reimbursement of expenses prior to attending a meeting, conference, or similar function outside Maryland. Prior written approval from the presiding officers is required, and the function must be directly related to or likely to substantially enhance the member's performance as a legislator.

For the 2007-2010 term, the maximum amount per day that the presiding officers may approve for meals and lodging remains at \$225. The resolution allows the presiding officers to approve a reimbursement that exceeds the \$225 daily limit if the legislator is traveling as part of a State delegation or representing the State and the actual costs exceed the limit due to the nature of the out-of-state travel or the high cost of lodging and meals at the location of the travel.

Benefit Programs

Legislators are eligible to participate in benefit programs generally available to State employees. The State of Maryland provides a subsidized health benefit package with a wide range of benefit options. Benefits offered include medical insurance, which includes vision and mental health; prescription; and dental coverage for legislators and their dependents. A pre-tax Health Care and Dependent Day Care Flexible Spending Account may be established. The benefit of group rates for Term Life Insurance, Long Term Care Insurance, and an Accidental Death and Dismemberment Plan are provided.

Through payroll deduction, legislators may also participate in other voluntary insurance plans, credit union services, deferred compensation for 457 and 401(k) programs, and the Maryland Charity Campaign. Legislators may not participate in the State's unemployment insurance program, including those former legislators who have been unseated by the elective process. Legislators do not accrue any types of leave. Details regarding how members may participate in these benefits are available from Human Resources.

Legislative Pensions

As a member of the Maryland General Assembly, membership in the legislative pension plan is optional. A legislator may join at any time. Those legislators who choose to participate in the legislative pension plan must contribute 5 percent of their annual salary to the plan, which is deducted from their monthly paychecks. Legislators have six months after assuming office to decide to join the legislative pension plan and may receive retirement credit as of the date they assumed office by payment of the 5 percent missed contributions. Legislators who join the plan after the initial six-month period and legislators who were re-elected and had not been members may purchase prior legislative service by payment of the 5 percent contribution plus interest equivalent to what the Maryland State Retirement and Pension System would have earned on the contributions.

Legislators must have eight years of legislative service to qualify for a retirement allowance, and must be age 60 in order to receive full benefits (normal service retirement allowance). A member whose service is terminated before the completion of eight years of service has the right to continue membership by paying both the 5 percent member contribution and the State contribution (as calculated by the system) to aggregate eight years of service. A retirement allowance may be received beginning at age 50, but it is reduced 0.5 percent for each month the former legislator is short of age 60 (6 percent annual reduction). The normal service retirement allowance is 3 percent of the annual salary of a current legislator for each year of service up to 22 years and three months. Legislative service of more than 22 years and three months is not applicable to retirement, and the 5 percent contribution is not required after that time.

Upon the death of an active member who has completed eight years of service or upon the death of a retired member, the member's surviving spouse, regardless of age, is entitled to a retirement allowance of 50 percent of the amount that would have been payable to the active member or was received by the retired member. If an active or retired member has no spouse, surviving beneficiaries may be designated. However, designated beneficiaries cannot receive the 50 percent survivor benefit until attainment of age 60 (or between ages 50 and 60 subject to the actuarial reduction of 0.5 percent per month short of age 60). If a member dies while in office with less than eight years of service, certain benefits are available to a surviving spouse or designated beneficiaries.

Specific information regarding the legislative pension plan may be obtained from the Maryland State Retirement Agency or Human Resources, Department of Legislative Services.

Annapolis Office

A legislator's Annapolis office is the center of operations for legislative business during the session. Each senator has a suite in the Miller Senate Building or the James Senate Office Building that includes a private office and an office for a secretary. Offices are allocated to senators by the President. The delegates' offices in the House Office Building may be part of a suite of offices containing a private office for each of several delegates and an office for a secretary or secretaries. The House Office Building also contains individual office suites for members, each containing a private office and an office for a secretary. Offices are allocated to delegates by the Speaker. Offices for the Senate standing committees are located in the Miller Senate Building, while those for the House standing committees are located in the new addition of the House Office Building. Senate and House chairmen and vice chairmen of the standing committees are assigned office space adjacent to the committees' hearing rooms.

Office Staff

Funds are appropriated in the budget each year to finance the cost of office personnel for the General Assembly, its committees, and its individual members. A full-time administrative aide is authorized for each senator. Senators are also authorized a secretary during the legislative session. Secretaries are authorized for delegates during the legislative session (usually on a joint basis with another delegate or delegates). The chairmen of the county delegations make recommendations to the Speaker with respect to the assignment of secretarial staff.

In addition, there is an annual district office allowance for all members. Additional allowances are provided for the leadership. In the Senate, the President, the chairmen of the principal committees, and the floor leaders receive additional allotments. In the House, the Speaker, chairmen of the principal committees, the floor leaders, and chairmen of the large delegations receive additional allotments. Delegates are authorized additional funds in the district office accounts for staff support.

Supplies and Equipment

Equipment and supplies for the committees and for the Annapolis offices of the individual members are procured and distributed by the Procurement and Supply Unit in accordance with policies developed by the presiding officers. This office is in the basement of the Miller Senate Building. Personalized stationery and envelopes are available to all members through Legislative Document Management, Department of Legislative Services.

Personal Computer Purchase Program

Beginning July 1, 2006, the General Assembly will provide each member with up to two personal computers within a four-year term. All costs associated with PC hardware are also covered under the program. Additional computer equipment for legislative offices may be purchased with funds from the district office expense allowance with prior approval of the President and the Speaker. Legislators may purchase the equipment through the Office of Information Systems, Department of Legislative Services. All computer equipment purchased must meet or exceed specifications of equipment offered by the Office of Information Systems. This office also provides training and technical support for approved equipment and software.

Mail and Telephone Services

The General Assembly Mail Room, located on the ground floor of the Legislative Services Building, handles incoming and outgoing mail of the legislature and of its individual members. Members may use the postage meter in the mail room only for legislative business and only during the session.

Telephones are installed in offices of senators and delegates and in the delegation and committee staff rooms for the use of the members and staff. Senators have phones at their desks in the chamber and in their lounge. In the House, phones are available at some desks and in the lounge. A telephone manual available to legislators and staff is provided by the Telecommunications Office located on the basement level in the Legislative Services Building.

District Office

Each member of the General Assembly is allocated a district office expense allowance from funds appropriated in the annual budget for the legislative branch. Legislators may use the allowance to maintain an office in their district and for related expenses. For most legislators, the district office is integral to the job of representing their constituency. Typically, a legislator keeps regular hours in the district office, meets with constituents or local government officials, and has staff available to address particular concerns of constituents.

The publication entitled *Guidelines for Compensation and Expenses for Legislators* explains in detail the expenses that may be paid from the district office expense allowance. Generally, district office funds may be used for office rent, secretarial and clerical services, the *Annapolis Report* newsletter, newspapers, telephones used only for legislative business, supplies, postage, utilities, and approved furniture and

equipment. The *Guidelines*, forms, and vouchers are available from Finance and Administrative Services. All forms and vouchers for expenses funded by the district office expense allowance must be submitted to Finance and Administrative Services at least monthly.

Ethics

The Maryland Public Ethics Law sets out a variety of requirements, prohibitions, and procedures that affect members of the General Assembly. The purpose of the law, as expressed in its first section, is the recognition “that our system of representative government is dependent upon the people maintaining the highest trust in their government officials and employees” and that “the people have a right to be assured that the impartiality and independent judgment of those officials and employees will be maintained.” Furthermore, “It is evident that this confidence and trust is eroded when the conduct of the State’s business is subject to improper influence and even the appearance of improper influence.” (Section 15-101 of the State Government Article)

Joint Committee on Legislative Ethics

The Joint Committee on Legislative Ethics (Ethics Committee) is composed of six members of the Senate and six members of the House. The Ethics Committee cooperates with, but is distinct from, the State Ethics Commission – an independent agency in the executive branch with general jurisdiction over lobbyists and over all State officials and employees other than members of the General Assembly and State officials of the judicial branch.

A legislator who is in doubt as to an ethics issue may request a written opinion from the Ethics Committee. Opinions are confidential unless the legislator chooses to make them public. The Ethics Committee may publish such an opinion after removing information that personally identifies the requestor. The Ethics Committee also prepares general ethics opinions that broadly explore a topic and supplement the statutory law.

Each year the Ethics Committee publishes an *Ethics Guide* that fully discusses the law and sets out the text of publicly released Ethics Opinions.

Ethics Counsel

The General Assembly employs a full-time Ethics Counsel who is responsible for advising legislators regarding the application of the Ethics Law. Each member of the General Assembly is required by law to meet personally with the Ethics Counsel at least once each year.

The relationship between the Ethics Counsel and each member is one of attorney and client, and all communications are confidential unless the member chooses to make them public. If a complaint is filed against a legislator, the Ethics Counsel may not participate in the investigation or any activities of a prosecutorial nature.

The Ethics Counsel may provide written or verbal advice about any aspect of the Ethics Law. Additionally, the Ethics Counsel may assist a member in preparing a request for a formal opinion of the Ethics Committee.

Annual Financial Disclosure Statement

By April 30 of each year, each legislator is required to file a public financial disclosure statement with both the State Ethics Commission and the Ethics Committee. The statement relates to the preceding calendar year and must include an assortment of information about real property holdings, interests in businesses, gifts received, debts, employment, and family members employed by the State. A legislator must file a preliminary disclosure by the seventh day of the session (the first Tuesday in the session) if there will be a change of employment or real property interests in the statement to be filed for the just-completed calendar year, as compared to the statement filed for the previous calendar year. Details and official interpretations concerning the annual disclosure are available from the State Ethics Commission. A legislator may file the statement either on-line or as a paper copy.

Conflicts of Interest

Members of the General Assembly may recognize issues in their non-legislative lives that present the appearance of a conflict with their duty to represent constituents' best interests. The appearance of conflict may arise from outside employment, substantial stockholdings in a business, membership on an organization's board of directors, or other circumstances. When legislative actions give rise to a conflict with outside interests, the Ethics Law resolves the great majority of situations by means of public disclosure. By filing the appropriate form with the Ethics Committee, the member asserts that he or she can participate impartially, notwithstanding the appearance of conflict. These forms are reviewed by the Ethics Committee, and, in the great majority of cases, the committee authorizes legislators to participate fully on the matter that is the subject of the disclaimer.

It is important for legislators to examine their outside interests from the perspective of an average member of the general public to determine if anything presents the appearance of a conflict. Members may consult the General Assembly's Ethics

Counsel to determine whether a particular issue should be the subject of a filing with the Ethics Committee.

Situations involving an especially direct conflict may require that the legislator refrain from voting on, debating, or otherwise attempting to influence the passage or defeat of a bill or class of bills. Additionally, there may be issues in which a member feels incapable of participating in an impartial manner. Recusal would be required in such cases as well.

Certain relationships or interests create the legal presumption of a conflict of interest. A legislator with a presumed conflict would be required to either abstain from legislation relating to the issue, or file a disclaimer. When abstaining on a legislative issue, whether required or discretionary, the legislator must file with the Ethics Committee a form that specifies the bill or bills and states the reason for abstention. The form need not be filed prior to the vote being taken but should be filed as soon as practicable thereafter; it may be filed electronically from a laptop computer on the floor. Members should consult the *Ethics Guide* for samples of the requisite forms and a further description of these requirements.

Public Disclosure of Interests

In addition to the annual financial disclosure statement, a separate public disclosure must be filed with the Ethics Committee if a legislator:

- represents a person for compensation before a State or local governmental agency (except in a judicial or quasi-judicial proceeding);
- is employed by, or has a contract with, a State or local government agency;
- owns more than a certain threshold of stock of a corporation that is subject to regulation by a State agency;
- owns an interest in a business entity subject to regulation by a State agency.

For these disclosures, the Ethics Committee has prepared forms that may be found at the back of the *Ethics Guide*. The various forms may also be filed on-line.

Note that some of the situations that require disclosure, such as employment by governmental agencies or representation of persons for compensation before governmental agencies, are restricted under other provisions of the Ethics Law as

discussed below. Note also that some of these circumstances might also require the filing of disclaimer forms.

Ethics Files

The various statements and forms filed by legislators with the Ethics Committee are maintained for public inspection and copying during normal business hours. The committee maintains a record of the name and home address of any person who examines or copies a file. Legislators may contact the staff of the Ethics Committee if they wish to be notified whenever their files are examined or copied.

Gifts

A member of the General Assembly may not solicit any gift. In addition, unless the gift is specifically exempted, a member may not knowingly accept a gift from persons who are lobbyists or who have identifiable interests before the General Assembly. Legislators may consult the Ethics Counsel regarding the acceptance of gifts.

Gifts that may be accepted from a lobbyist or other person with legislative interests, and the conditions under which they may be accepted, include the following:

- *Meals and Beverages:* Meals and beverages may be accepted as part of a reception or meal to which all members of a “legislative unit” have been invited, typically by a lobbyist. A legislative unit is defined as the entire General Assembly, an entire chamber, a standing committee, or a county or regional delegation that is on a list issued by a presiding officer. Each member of the legislative unit must receive a written invitation, and the event is published in a notice prepared by the Department of Legislative Services. These events need not be reported by the legislator, and the names of legislators attending are not reported by the lobbyist. Food that does not constitute a “meal,” and non-alcoholic beverages, are implicitly permitted under a general provision allowing acceptance of unsolicited gifts not exceeding \$20. Additional circumstances in which meals and beverages may be accepted are described in the *Ethics Guide*.
- *Tickets and Free Admission:* Tickets and free admission may be accepted for a charitable, cultural, or political event from the sponsor of the event. Sports tickets may not be accepted, although such tickets may be purchased for full price by a legislator from a lobbyist. Tickets and free admission need not be reported if they do not exceed \$20 or unless there are multiple tickets or free admissions, from the same lobbyist to the same legislator, with a cumulative value of \$100 or more. If all members of a legislative unit are invited, a single ticket or free admission of

any value need not be reported, but two or more tickets or free admissions with a cumulative value of \$100 or more must be reported.

- *Conferences:* Conferences at which the legislator is a scheduled speaker or scheduled panel member are covered by a provision that allows payment by the sponsor of reasonable expenses for food, travel, lodging, and scheduled entertainment. If the anticipated value of the expenses is \$500 or more, and is being paid by a lobbyist (including an entity that employs a lobbyist), the legislator must notify the Ethics Committee by letter prior to attending the conference. Please see the *Ethics Guide* for other provisions dealing with attending conferences.
- *Ceremonial Awards or Gifts of Insignificant Monetary Value:* A plaque or similar award that is purely ceremonial may be accepted regardless of value, but acceptance must be disclosed if the value appears to be greater than \$20.
- *Miscellaneous unsolicited gifts:* If such gifts do not exceed \$20 in cost, they may be accepted unless they are prohibited meals, alcoholic beverages, or sports tickets.
- *Personal and Private Gifts:* Gifts from family members are not regulated. Other personal gifts may be exempted by the Ethics Committee under special circumstances.
- *Gifts from Governmental Entities:* Whether in Maryland or outside the State, gifts from governmental entities are not regulated under the Ethics Law.

Gifts – Solicitation on Behalf of Others

Legislators are prohibited from directly soliciting or facilitating the solicitation of a gift, on behalf of another person, from an individual regulated lobbyist. Solicitation of gifts for others from non-lobbyists (including business entities that employ lobbyists) is *permitted*, but it should be restricted to efforts on behalf of non-profit community organizations, non-profit educational entities, and charitable institutions and causes. Solicitations on behalf of other entities or individuals are not authorized. When soliciting charitable contributions, there is a wide range of activity that is permitted. Members should consult the *Ethics Guide* for more information on this issue.

Prohibited Employment and Compensation

The Ethics Law contains some restrictions on a legislator's outside employment. The two main classes of restricted employment are compensated work for the State or a local government in the State, and certain kinds of compensated representation of clients in matters before a government entity in the State.

There are broad exceptions to both of these prohibitions, and consultation with the Ethics Counsel concerning specific job situations is the best way to address permissibility under the law. Employment that a new member held prior to filing for office is generally "grandfathered" under the law and may be continued.

Use of Prestige of Office

Under the law, intentional use of "prestige of office" for personal gain or that of another is prohibited, but the performance of usual and customary constituent services that are provided without compensation is allowed.

Generally, it is necessary to refrain from using one's legislative title (Senator or Delegate), or prominent identification as a legislator, for the legislator's private financial gain or the private gain of another. However, service in the General Assembly may be noted in a resume, employment-related biographical description, or public notice of a legislator's new employment. Official General Assembly letterhead should be used only for official General Assembly business or customary constituent services.

Use of Public Resources for Nongovernmental Purposes

The law specifies that "public resources may be used by members of the General Assembly only for public purposes" but specifically allows "incidental use of public resources for nonpublic purposes." The Ethics Committee has determined that resources such as telephones, computers, e-mail, and fax machines should not be used in any systematic way for business, personal, or political campaign purposes. Occasional use for business or personal use (especially when the need for timely communication reasonably precludes use of non-public resources) is permissible but should be guided by each member's common sense as to what is "occasional and incidental" versus "systematic." Campaign-related content is not allowed in communications on General Assembly stationery or the legislature's e-mail system. Public resources should never be used by a legislator or the legislator's staff as part of a campaign fundraising function. The use of a State-supplied computer to prepare campaign finance reports is permissible if the member does not own another computer.

Lobbyists

The public's interest in the lawmaking process manifests itself in many ways – in requests for new legislation, in proposals to change existing laws, or in expressions for or against pending legislation. Individual citizens make appearances before committees of the General Assembly during the session and during the interim to support or oppose issues under consideration. They may also write a letter, send an e-mail, or make a phone call urging action on a bill. However, Maryland citizens are more likely to voice an opinion through the many organized interest groups that exist in the State. Interest groups are numerous. Some appear regularly at each session; others are created for special causes and disband when their work is finished. Groups appearing regularly include a broad area of interests, such as manufacturing, labor, education, banking, insurance, savings and loans, veterans, watermen, environment, hospitals, mental health, counties, municipalities, trucking, and motor vehicles.

Organized interest groups commonly are represented in Annapolis by lobbyists, most of whom are required to register with the State Ethics Commission. The Maryland Public Ethics Law establishes requirements for lobbyists, including reporting requirements and a list of prohibited activities.

Chapter 3. Legislation

Sponsorship, introduction, and the consideration of legislative proposals are some of the most important functions of the members of the General Assembly. During the 90-day session, the members typically introduce and consider well over 2,000 bills and joint resolutions (Exhibit 3.1). This chapter identifies the various types of legislative proposals considered each year and explains the process by which they are reviewed.

Types of Legislation

The legislature expresses its will and intent through bills, resolutions, amendments, motions, orders, and messages. By motions and orders, the legislature takes actions, orders something done, or expresses its opinion. Messages are used to communicate between the two houses and with the executive. The most important actions of the General Assembly take the form of bills and resolutions.

Bills

A bill is the principal form by which legislative will, with respect to the passage of laws, is expressed. Article III, Section 29 of the Maryland Constitution decrees that “all Laws shall be passed by original bill,” and requires all bills to include the language “Be it enacted by the General Assembly of Maryland.” This section also states that every law enacted shall embrace but one subject, which shall be described in its title, and provides that no law or section of law shall be amended or restored by reference to its title or section only, making it necessary that new laws be set out in their entirety.

The concept of the “original bill” is an integral part of the process. The original bill is the copy of the legislation prepared for introduction on which the reading clerk and other desk officers make notations of action. It is sent to the committee assigned the bill, signed by the chairman reporting the committee actions on the bill, and used as the basis of second reading. A printed version of the third reader is then used as the original bill and is considered by the second house. The original bill (the first reading and then the third reading version) must be in the possession of the Senate or the House and present in the chamber before action on it can be taken.

Exhibit 3.1
Legislation – Regular Sessions

<u>Legislation Introduced</u>	<u>1999</u>	<u>2000</u>	<u>2001</u>	<u>2002</u>	<u>2003</u>	<u>2004</u>	<u>2005</u>	<u>2006</u>
Senate Bills	795	907	901	903	774	934	1018	1107
Senate Joint Resolutions	11	12	16	23	13	10	11	16
Total Senate	806	919	917	926	787	944	1029	1123
House Bills	1219	1440	1464	1462	1185	1548	1614	1749
House Joint Resolutions	24	28	27	39	20	11	13	10
House Simple Resolutions				1				
Total House	1243	1468	1491	1502	1205	1559	1627	1759
Total Bills	2014	2347	2365	2365	1959	2482	2632	2856
Total Joint Resolutions	35	40	43	62	33	21	24	26
<u>Legislation Passed By Both Houses</u>	<u>1999</u>	<u>2000</u>	<u>2001</u>	<u>2002</u>	<u>2003</u>	<u>2004</u>	<u>2005</u>	<u>2006</u>
Senate Bills	333	366	352	307	252	285	350	334
Senate Joint Resolutions	6	8	4	10	0	0	0	2
Total Senate	339	374	356	317	252	285	350	336
House Bills	497	518	575	485	377	421	476	489
House Joint Resolutions	7	9	10	15	0	1	0	3
Total House	504	527	585	500	377	422	476	492
Total Bills	830	884	927	792	629	706	826	823
Total Joint Resolutions	13	17	14	25	0	1	0	5
<u>Action by Governor</u>	<u>1999</u>	<u>2000</u>	<u>2001</u>	<u>2002</u>	<u>2003</u>	<u>2004</u>	<u>2005</u>	<u>2006</u>
Bills Vetoed	125	184	190	203	153	154	209	204
Bills Enacted	705	700	737	589	476	557	617	636

Source: Department of Legislative Services

Most bills propose changes in the Annotated Code of Maryland, the State's body of codified law. In cases where a bill has a temporary effect and in other specialized instances, the bill, or sections of it, may be uncoded. For example, the annual budget bill and bond authorization bills are not codified, but as law are published in the *Laws of Maryland* of the year enacted. Some bills propose changes to the codes of public local laws of various counties that are not home rule counties; such counties do not have authority to enact public local laws.

Resolutions

A resolution is an expression of legislative intent. There are three types of resolutions: joint resolution, simple resolution, and resolution. A joint resolution requires passage by both houses, while a resolution and a simple resolution normally require only a majority vote in the house of origin.

Resolutions expressing congratulations or condolences ordinarily are not referred to committees, do not require separate readings, and usually are adopted on the day they are introduced. The simple resolution is the vehicle used when a single house needs to state a policy or take official action independent of the other house. In the House of Delegates and the Senate, a resolution expressing congratulations, condolences, or appreciation is called a House/Senate Resolution, while a resolution expressing a substantive policy affecting only one chamber is a House/Senate Simple Resolution.

There are two types of joint resolutions. One type expresses the sense of the General Assembly on a public issue. In the other, the General Assembly takes official action, in accordance with the Maryland Constitution and the law, different from the enactment of statutory laws but having a similar effect.

Joint resolutions of the first type do not have the force and effect of law. They can be significant, however, because they reflect the judgment and the will of the legislature on matters of public policy. In many instances, provisions laid down in these resolutions are carried out as if they were the law. Frequently, the General Assembly uses joint resolutions to make official requests of the Governor or other government officials. Joint resolutions requesting the Governor to establish special task forces are an example.

The other type of joint resolution does have the force and effect of law, and indeed, in some instances, is codified as a part of Maryland's body of laws. Usually these joint resolutions are prescribed by the constitution, by statute, or by court interpretation of the laws. For example:

- In the apportionment of the membership of the General Assembly after each decennial census, the State constitution prescribes that the Governor present a plan of apportionment to the President and Speaker who shall introduce it as a joint resolution. The joint resolution becomes the law if no other plan, introduced as a joint resolution, is adopted by the General Assembly.
- The Governor has the authority under the constitution to reorganize the executive branch of the government. But if the reorganization changes the existing law or creates new governmental programs, the changes must be submitted to the General Assembly by executive order in statutory form. If the General Assembly does not disapprove the order within 50 days of the date of its submission, the order becomes law. If the General Assembly disapproves, it does so by joint resolution.
- Salaries of the members of the legislature, the Governor, and judges are established by a formal resolution of separate compensation commissions. The General Assembly may accept or decrease the proposed salaries but may not increase them. It does this by joint resolution.

As with bills, joint resolutions must be read on three different days in each house and require approval by a majority of the elected members of each house. Approval by the Governor of joint resolutions is not required.

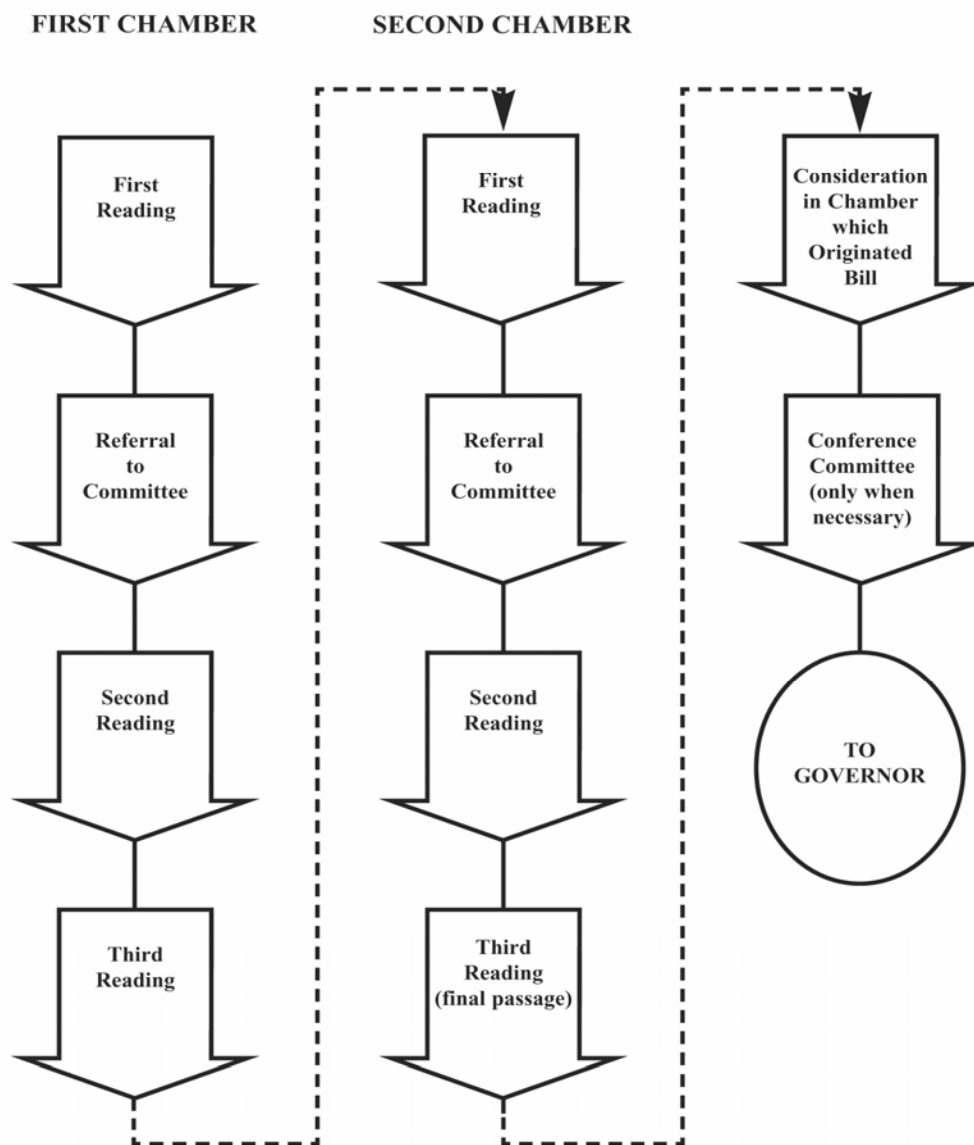
The Legislative Process

For a bill to become a law or for a joint resolution to be adopted, it must be introduced by a member and “read” three times in each house. Article III, Section 27 of the Maryland Constitution provides that no bill shall become law “until it is read on three different days of the session in each House, unless two-thirds of the members elected to the House where such bill is pending determine by yeas and nays....” that the bill will have two readings on the same day.

By a constitutional amendment adopted in 1972, each house by rule may adopt a “consent calendar” procedure allowing bills and resolutions to be voted on as a single group on both second and third reading. Legislators must receive reasonable notice of the bills to be placed on the consent calendar. Any bill or resolution placed on a consent calendar can be removed by the request of any member. In 1988 the use of consent calendars was extended to the first reading of bills and the consideration of vetoed bills.

Exhibit 3.2

The Legislative Process



Source: Department of Legislative Services

For the first reading requirement, bills are not read in full. The reading clerk merely reads the first part of the title to conform with the constitutional mandate. Consideration of a favorable or unfavorable report by a standing or select committee on a bill or resolution constitutes the second reading. As a matter of “legislative courtesy,” committee reports and amendments are available to legislators one session in advance of floor action. This allows members time to consider the bill, amendments, and committee report prior to voting. Some members request printed copies of these materials, while others access electronic copies of them on their laptops. The “24 hour rule” is discontinued in the final days of the legislative session.

A bill or resolution that passes second reading is printed and placed on the third reading calendar. One of the printings – which are called third reading file copies – becomes the official copy of the bill. The presiding officer determines the date on which the bill will appear on the third reading calendar, usually a day or two following the second reading.

Introduction of Legislation

The concept for new legislation may come from a number of sources – a legislator, the Governor, an individual citizen, a citizen group, a study committee, or legislation passed in other states. Drafting of legislation is provided by the Office of Policy Analysis within the Department of Legislative Services. The Attorney General or a member of the executive staff frequently drafts administration measures. Local laws are sometimes drafted by county or municipal officials. Legislators may draft legislation for introduction, but it must be reviewed by the Department of Legislative Services and processed by the department’s bill preparation center. The final section of this chapter discusses practices involved in drafting legislation.

Filing of a bill with the Chief Clerk of the House or the Secretary of the Senate, known as dropping the bill in the “hopper,” initiates the legislative process. Legislative sponsors personally file the necessary copies at least four hours before the convening of the session at which the bill or resolution will receive its first reading. Before being introduced, the original copy must be approved for form and codification by the Department of Legislative Services. The bill receives a number and is prepared for first reading. Sponsorship of a bill requires one or more members. By custom and courtesy, the President and the Speaker introduce administration bills and committee chairmen introduce departmental bills.

The original copy of a bill or joint resolution is attached to a durable backing, white for the Senate and blue for the House. Backings contain space for inserting the

names of the author(s), the number, and title of the bill or resolution. A “Constitutional Amendment” or “Emergency Bill” must be so labeled.

Legislation is usually introduced within the first few weeks of the 90-day session. In fact, “no bill shall originate in either House during the last thirty-five calendar days of a regular session, unless two-thirds of the members elected thereto shall so determine by yeas and nays” (Article III, Section 27). Additional limitations involve committee action. In the Senate, all bills and resolutions introduced after the 24th day are referred to the Senate Rules Committee. In the House, after the 30th day all bills and resolutions are referred to the House Rules and Executive Nominations Committee. In both houses, a motion with two-thirds support of the respective committee is required to return all legislation back to the floor.

In recent years the Senate and the House have established “courtesy dates” for introduction of bills during the session. Bills introduced before these dates are guaranteed the courtesy of a hearing. Courtesy dates have evolved into key legislative deadlines in the 90-day session.

First Reading

After a bill is introduced, it is “read across the desk” the first time and assigned to a standing committee or select committee. On the day a bill receives its first reading, a brief, one paragraph summary of the bill is included in the Synopsis that is prepared and distributed each day by the Department of Legislative Services and available on the Maryland General Assembly web site.

After the first reading, the “first reading file bill” (usually called the “first reader”) is prepared and printed. Copies of the bills are distributed to legislators and committees.

State law specifies that a bill cannot be voted on unless a fiscal note accompanies the bill. Fiscal notes are therefore prepared on all bills and joint resolutions prior to a public hearing. The Office of Policy Analysis of the Department of Legislative Services prepares the fiscal notes, which analyze the bills’ impact on State and local government revenues and expenditures over a five-year period and identify any mandate on local government. Fiscal notes also include analyses of the economic impact of the bills on small businesses. The analysis section of the fiscal note summarizes the bill, briefly describes current law, and often provides background information on the issue.

Prior to the hearing on a bill or resolution, print copies of the fiscal note are furnished to the sponsor of the bill or resolution and to the standing committee assigned the bill or resolution. Fiscal notes also are available to all members on their laptop

computers. If an amendment adopted by the first house modifies the original estimate, a revised fiscal note is prepared for the bill hearing in the second house. The fiscal note and any revisions also become a part of the legislative history of each bill and are available on the General Assembly web site.

Committee Action

The presiding officer assigns bills of statewide effect to one of the principal standing committees. Local bills may be referred to select committees (see the section on special types of legislation in this chapter). This stage of a bill's progress is crucial. Unfavorable committee action usually ends a bill's chance of becoming law. Committees, however, do not have unlimited authority because, under certain circumstances defined by House and Senate rules, bills may be petitioned to the floor from standing committees by 16 members of the Senate and 47 members in the House. In practice, this rarely occurs.

Usually, all bills receive public committee hearings in their house of origin. Hearings are scheduled by the committee, and notice of upcoming hearings is published in a weekly committee hearing schedule issued by the Department of Legislative Services on the General Assembly web site. Print copies of the schedule are also distributed. At the hearing, any interested party or member of the public may testify. People testifying may urge the bill's approval or its rejection. They may suggest amendments. In some cases, testimony is purely informative or clarifying, with the person taking no specific position on the bill. Persons wishing to testify on a bill or resolution are usually required to sign a witness sheet before the hearing. Committee chairmen frequently request that written testimony be provided, with enough copies for all committee members. At the discretion of the committee, a time limit may be imposed on testimony, or testimony may be restricted to considerations not previously heard by the committee.

If any amendments to the bill are to be considered by the committee, they are drafted by the Office of Policy Analysis committee staff or by the staff of the Department of Legislative Services' Amendment Office located in the State House.

At some time after the hearing, the committee chairman schedules the bill for a voting session. Any proposed amendments are considered, and the committee votes on a recommendation for the bill. The recommendation may be favorable, favorable with amendments, unfavorable, defer, or request re-referral. The roll call vote on the final committee action on a bill is filed in the committee and is available from the Library and Information Services unit of the Department of Legislative Services and on the General Assembly web site, though not immediately.

Second Reading

When the committee chairman presents a report on the floor, the reading clerk reads its title for the second time. At this point, committee amendments are considered for approval by the full house, and members may offer other amendments for consideration (floor amendments). A vote, usually a voice vote, is taken on the report and any amendments, and the bill is ordered to be printed for “third reading.” All of this activity comprises the “second reading” of the bill. Once a bill in the house of origin has passed second reading, it cannot be amended before the final vote. Upon suspension of the rules, however, a bill that has passed second reading may be placed back on second reading for further amendments.

Debate on bills on second reading may be extensive, particularly on major issues of public policy. If the committee has proposed extensive amendments to the bill, a committee reprint, incorporating the proposed amendments, may be distributed at second reading. In both chambers, both the Budget Bill (operating budget) and the Maryland Consolidated Capital Bond Loan (capital budget) are reported on second reading as committee reprints. In most other instances, committee reprints are distributed for informational purposes. However, the Speaker of the House may authorize use of a reprint as the original bill for purpose of amendment and debate when doing so would facilitate consideration of the legislation.

Third Reading

The State constitution requires that “no bill shall be read a third time unless it shall have been actually engrossed or printed for a third reading.” An engrossed bill is one written in longhand for third reading, a practice now outmoded. All bills are now ordered to be reprinted for third reading at the time they pass second reading in the house of origin. This reprinted bill, the “third reading file bill,” includes any committee amendments or floor amendments adopted on second reading. If any amendments affect the fiscal impact or summary of the bill, the fiscal note and synopsis are revised.

Generally, the vote on third reading occurs two days after second reading, depending on the time involved in reprinting the bill and other items on the schedule. No amendments may be offered on the third reading vote. This vote is recorded and journalized. On rare occasions, a third reader is printed in advance. In this case the rules must be suspended in order for the bill to pass second and third reading on the same day.

If a majority of the total membership vote 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.

If the bill receives a favorable report from the committee, it is read across the desk a second time. The committee report, the committee amendments, and floor amendments, if any, are considered and voted on. In the second house, the bill is not reprinted after second reading.

The bill is scheduled for third reading, 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 his signature.

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 chairman 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. If the chairman 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 chairman.

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, then each house 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 by a majority of the total membership in a roll call or recorded vote.

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 web site.

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 has a limited amount of time to sign or veto a bill after it is presented. 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, which 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. Bills may be made effective on other specific dates in the future. Generally, only emergency legislation may become effective prior to June 1. To notify the public, the Department of Legislative Services publishes an

effective dates list prior to June 1, July 1, October 1, and January 1 of each year that is available in print copy and on the General Assembly web site.

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 vetoes are made because a bill duplicates the effect of another bill 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.

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, bills vetoed from the previous session are not returned. These 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 or item veto on a supplementary appropriations bill. In practice, this means the Governor may strike items in the annual general capital loan bill. Occasionally the Governor will also veto a bond bill or a portion of a bond bill. In these cases, the item vetoed 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.

Local Legislation

Legislation that affects only one local jurisdiction is handled differently than legislation with statewide impact. In the house of origin, the bill is frequently referred to the select committee for the affected jurisdiction. When the select committee makes its report, deference to its recommendation is almost always observed as a matter of "local courtesy." In the second house, local bills may be referred to either a select committee or a principal standing committee.

Constitutional Amendments

Bills proposing amendments to the Maryland Constitution require approval by three-fifths of the elected membership to pass third reading. A constitutional amendment does not require the Governor's approval, nor is the Governor's veto power applicable to a constitutional amendment. The proposed amendment is then submitted to the voters of the State 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. A constitutional amendment that affects only one county or only Baltimore City must receive a majority of votes cast in that jurisdiction as well as statewide.

Emergency Legislation

The Maryland Constitution provides that a bill may not take effect until June 1 following its enactment unless it is an emergency bill. Emergency bills must be clearly marked as such and contain the constitutional language that they are necessary for the immediate preservation of the public health or safety. To be adopted, these bills must pass third reading in each house with three-fifths of the elected membership voting in the affirmative. Emergency bills may take effect immediately upon approval by the Governor or at a specified date prior to June 1. The constitution does not allow bills creating or abolishing any office, changing the salary of any officer, granting any franchise or special privilege, or creating any special right or interest to be the subject of an emergency effective date.

Referendum

Article XVI of the Maryland Constitution establishes the power of referendum to enable the voters of Maryland essentially to veto an enactment of the General Assembly. The referendum provision in the constitution was adopted by the General Assembly in 1914 and ratified by the voters in 1915. As originally introduced, the provision would have also provided for the power of voter initiative, but the initiative provisions were stricken prior to final passage. An initiative allows voters to bypass the legislature in creating a new law. Since 1937, when voters exercised the power of referendum for the first time, 17 enactments have been validly petitioned to statewide referendum. The most recent successful petition to statewide referendum placed a 1991 chapter pertaining to abortion on the 1992 ballot as Question 6. The voters approved the question, thereby adopting the 1991 legislation.

The constitution exempts from referendum liquor laws and any appropriations for maintaining the State government or maintaining or aiding any public institution.

Maryland courts have applied the exclusion for “appropriations for maintaining State Government” to preclude referendums on enactments that provided funding for Medicaid abortions; established housing for State officers and employees; and created an additional motor vehicle fuel tax.

To petition a referendum, voters must follow sharply defined constitutional and statutory requirements. Among them is the requirement that the petition have the signatures of 3 percent of the registered voters of the State calculated on the basis of the number of votes cast for Governor at the last gubernatorial election. No more than half of the signatures may be from any one county or Baltimore City. For public local laws, a referendum petition must be signed by 10 percent of the qualified voters calculated on the basis of the number of votes cast for Governor in the county affected by the enactment. If an enactment is adopted by referendum, it becomes effective 30 days after the general election in which it appeared on the ballot.

Drafting of Legislation

The drafting and preparation of bills, resolutions, and amendments is a vital part of the legislative process and is performed by staff in the Office of Policy Analysis of the Department of Legislative Services. This section discusses only some of the major considerations in bill drafting.

Drafting Services

The Department of Legislative Services employs a staff of analysts with legal training to meet the bill drafting requirements of the legislators. The function of the drafting staff is similar to that of attorneys who prepare legal documents for their clients; however, the drafting attorneys are nonpartisan staff and are not permitted to lobby for the passage or defeat of legislation.

Requests for drafting legislation are submitted to the Legislative Drafting Office. All requests are treated with strict confidence and are not discussed outside the immediate staff. If a conference with another person or agency appears desirable, the drafter assigned the bill will ask the sponsor's permission before taking such action. The legislator is assured that both the request and the bill will be confidential. Drafting requests should be submitted as early as possible before the session to give the staff adequate time to prepare the measures. Every effort is made to handle a request promptly. However, bills may require considerable time for preparation and may occasionally require several drafts.

Requests for the drafting of legislation come from members in a variety of ways, including personal contact, letters, and through legislators' staff. The instructions a legislator gives the bill drafter varies depending on the complexity and scope of the subject matter. In many instances, once a bill has been requested, the final copy will be delivered to the sponsor without further consultation.

In order to reduce the number of identical bills introduced in the same chamber, the drafter may contact the various sponsors to inquire whether they are interested in jointly sponsoring a single bill. The first step for the drafter is to inquire whether the sponsor will permit his or her name to be revealed to another sponsor or sponsors.

Once the bill drafter's work is completed, the bill is reviewed by supervisory drafting personnel and is processed by the Department of Legislative Services. Copies in uniform backing (often called "backs and titles") are then delivered to the sponsor. Introduction of the bill is accomplished by the sponsor delivering it with a request for introduction to the Secretary of the Senate or the Chief Clerk of the House.

Constitutional Provisions

As referenced earlier in this chapter, Article III, Section 29 of the Maryland Constitution includes several provisions relating to the drafting of bills. All bills must incorporate the language "Be it enacted by the General Assembly of Maryland." The General Assembly, when amending laws, must enact the laws as they would read when amended; an entire section, subsection, or other subdivision of the law must be included with the proposed measure. Laws must be enacted in articles and sections arranged in the same manner as the Annotated Code of Maryland.

Several provisions of the Maryland Constitution reference a bill's title. One requires that "every Law enacted by the General Assembly shall embrace but one subject, and that shall be described in its title." These few words in the constitution have been argued and reargued in literally hundreds of cases before the Court of Appeals. The main purpose of this requirement is to avoid the possibility of passing a bill that contains unrelated provisions. A second provision specifies that no law or section of law shall be amended or restored by reference to its title or section only. New laws must be set out in their entirety. A third requirement directs that a law shall not be construed by reason of its title to grant powers or confer rights not expressly contained in the body of the act.

Contents of Bills

Bills are composed of two general parts – the title and the body. The order of a bill by its sections and clauses is as follows:

Title
Body of Bill
Codified Sections
Uncodified Sections
Effective Date Clause Sections

The body of the bill may have several sections, and there may be several uncodified sections and effective date clauses.

Title

The title contains the codification of the bill and a summary of the content and legal effect of the bill sufficient to satisfy provisions of Article III, Section 29 of the Maryland Constitution that state:

...every Law enacted by the General Assembly shall embrace but one subject, and that shall be described in its title; ... nor shall any Law be construed by reason of its title, to grant powers, or confer rights which are not expressly contained in the body of the Act....

This means that there can be only one subject in a bill, and the title must be at least as broad in scope as the body of the bill. If the title is not as broad as the body, it violates the title requirements of the Maryland Constitution. On the other hand, a title that is greater in scope than the general subject of the bill will probably be accepted by the courts. Essentially, there has to be a single theme to which all provisions must be germane.

The main point of titles is to alert the reader as to the contents of a bill. This does not mean that the title must include all of the details of the bill, but simply a fair indication of the bill's subject matter.

Titles to legislation have three primary parts: (1) the short title; (2) the purpose paragraph; and (3) the function paragraph(s). Please refer to Exhibit 3.3, a model of a first reader for a legislative session, for an example of a title.

Body of a Bill/Resolution

The body of a bill includes successively numbered sections. Each section of a bill begins with an enacting clause. The sections of a bill should not be confused with the section numbers of codified law that may be affected by the bill.

In the preparation of bills, that part of the law which remains unchanged is typed or printed with normal upper case/lower case usage. New matter to be added to the existing law is printed with every letter capitalized. Matter stricken from existing law is enclosed in single brackets. When indicating amendments in third readers and enrolled bills, new text added to the bill is underlined, and new material added by amendment in the opposite house is printed both with underlining and italics. If the new matter adds to existing law, it is underlined with every letter capitalized. All other new matter is underlined and typed or printed with normal upper case/lower case usage. Matter stricken from the bill by amendment is shown by using strikethroughs. Enrolled copies of legislation are printed with matter added by the opposite house or by a conference committee shown in italics and underlined.

Exhibit 3.4, a model enrolled bill for a legislative session, demonstrates the use of brackets, capital letters, strike-outs, italics, and underlining in legislation.

In resolutions, text is typed or printed in upper case/lower case. New text added by amendments is underlined and text stricken by amendments is printed with a line through it. The budget bill and bond bills are typed or printed with normal upper case/lower case usage in the introductory or first reading copy. Amendments to the budget bill and to bond bills are treated as in other bills.

Special Sections

Frequently, an uncodified section will be added to a bill to condition the application of the legislation, aid in its interpretation, or address matters of short-term duration. These provisions are shown in normal upper/lower case. Examples of uncodified sections include severability clauses, referendum clauses, repeal of inconsistent law clauses, prospective and retrospective effect clauses, contingency clauses, and sunset date clauses. Regardless of how many uncodified special sections are used in a bill, the effective date clause is always numbered as the last section.

Exhibit 3.3 -Model First Reading File Bill**Bill Number****Chamber of Origin****File Code****Prior Introduction (If Applicable)****Sponsor****First Reading****Committee Assignment****Title of Bill****Short Title****Purpose Paragraph****Function Paragraph(s)**

**Legislative Request (LR)
Number (Initial Numeral
Indicates the Year)**

HOUSE BILL 709

M4
HB 578/04 – ENV

5lr0218
CF 5lr0122

By: **Chairman, Environmental Matters Committee (By Request –
Departmental – Agriculture)**
Introduced and read first time: February 8, 2005
Assigned to: Environmental Matters

A BILL ENTITLED

**Cross-Filed LR or Bill
Number (If Applicable)**

1 AN ACT concerning

2 **Secretary of Agriculture – Regulation of Poultry to Control Avian Influenza**

3 FOR the purpose of requiring certain live poultry markets, poultry production
4 facilities, and poultry dealers to obtain a certain annual license; authorizing the
5 Secretary of Agriculture to adopt a certain animal health protection program;
6 prohibiting certain persons from keeping poultry unless the persons register
7 with the Secretary; requiring a person who keeps poultry to complete and
8 submit to the Secretary a certain registration form; authorizing the Secretary to
9 refuse to issue a license or registration, or suspend or revoke a license or
10 registration, under certain circumstances; providing for the suspension or
11 revocation of a license or certificate; making certain records confidential; and
12 generally relating to the regulation of persons or facilities to control and prevent
13 the spread of avian influenza.

14 BY adding to

15 Article – Agriculture

16 Section 3–801 through 3–806 to be under the new “Subtitle 8. Regulation of
17 Poultry to Control Avian Influenza”

18 Annotated Code of Maryland

19 (1999 Replacement Volume and 2004 Supplement)

20 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
21 MARYLAND, That the Laws of Maryland read as follows:

22 **Article – Agriculture**
Line Numbers

23 **SUBTITLE 8. REGULATION OF POULTRY TO CONTROL AVIAN INFLUENZA.**

24 **3–801.**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



Exhibit 3.4 - Model Enrolled Bill

SENATE BILL 26

J3

(5lr0606)

ENROLLED BILL

— Finance/Health and Government Operations —

Introduced by **Senators Forehand, Britt, Garagiola, Grosfeld, Hogan, Kramer, Ruben, and Teitelbaum**

Read and Examined by Proofreaders:

Proofreader._____
Proofreader.Sealed with the Great Seal and presented to the Governor, for his approval this
____ day of _____ at _____ o'clock, _____ M._____
President.

CHAPTER _____

**Underlining indicates
amendments to bill**

1 AN ACT concerning

2 **Health – Maryland Health Care Commission – Membership**3 FOR the purpose of increasing the number of members on the Maryland Health Care
4 Commission; altering the qualifications for membership on the Maryland
5 Health Care Commission; establishing additional requirements for the
6 appointment of members to the Maryland Health Care Commission; and
7 generally relating to the membership of the Maryland Health Care
8 Commission.9 BY repealing and reenacting, with amendments,
10 Article – Health – General
11 Section 19–104
12 Annotated Code of Maryland
13 (2000 Replacement Volume and 2004 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.*Italics indicate opposite chamber/conference committee amendments.***Explanation
of
Symbology**

Body of Bill

Enacting Clause

SENATE BILL 26

1 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
2 MARYLAND, That the Laws of Maryland read as follows:

Article of Code Affected

Article – Health – General

4 19-104. ← **Section of Article Treated**

5 (a) (1) The Commission shall consist of ~~13~~ **15** members appointed by the
6 Governor with the advice and consent of the Senate.

7 ~~(2) (i) Of the 13 members, seven shall be individuals who do not~~
8 ~~have any connection with the management or policy of a health care provider or payor.~~

9 (ii) Of the remaining six members, only two shall be physicians
10 and only two shall be payors, as defined in § 19-132 of this article.

11 **(2) OF THE 15 MEMBERS:**

12 **(I) NINE SHALL BE INDIVIDUALS WHO DO NOT HAVE ANY**
13 **CONNECTION WITH THE MANAGEMENT OR POLICY OF A HEALTH CARE**
14 **PROVIDER OR PAYOR; AND**

15 **(II) OF THE REMAINING SIX MEMBERS:**

16 **1. TWO SHALL BE PHYSICIANS; AND**

17 **2. TWO SHALL BE PAYORS, AS DEFINED IN § 19-132**
18 **OF THIS ARTICLE;**

19
20 (b) (1) The term of a member is 4 years.

21 (2) The terms of members are staggered as required by the terms
22 provided for members of the Commission on October 1, 1999.

23 (3) At the end of a term, a member continues to serve until a successor
24 is appointed and qualifies.

25 (4) A member who is appointed after a term has begun serves only for
26 the rest of the term and until a successor is appointed and qualifies.

27 (5) The Governor may remove a member for neglect of duty,
28 incompetence, or misconduct.

29 (6) A member may not serve more than two consecutive terms.

30 (c) **WHEN APPOINTING MEMBERS TO THE COMMISSION, THE**
31 **GOVERNOR SHALL:**

Existing text
appears in
lower case.

Strike out indicates matter stricken
from the bill by amendment.

Capitals indicate matter added to existing law.

Exhibit 3.4 - Model Enrolled Bill (continued)

SENATE BILL 26

3

1 (1) ASSURE THAT: ~~EACH COUNTY WITH A POPULATION OF OVER~~
 2 ~~250,000 IS REPRESENTED BY AT LEAST ONE OF ITS RESIDENTS AS A MEMBER ON~~
 3 ~~THE COMMISSION~~

4 (I) AT LEAST FIVE MEMBERS ARE RESIDENTS OF
 5 DIFFERENT COUNTIES WITH A POPULATION OF 300,000 OR MORE; AND

6 (II) AT LEAST THREE MEMBERS ARE RESIDENTS OF
 7 DIFFERENT COUNTIES WITH A POPULATION OF LESS THAN 300,000, OF WHICH
 8 AT LEAST:

9 1. ONE SHALL BE A RESIDENT OF THE EASTERN
 10 SHORE;

11 2. ONE SHALL BE A RESIDENT OF ALLEGANY
 12 COUNTY, GARRETT COUNTY, ~~OR~~ WASHINGTON COUNTY, CARROLL COUNTY, OR
 13 FREDERICK COUNTY; AND

14 3. ONE SHALL BE A RESIDENT OF SOUTHERN
 15 MARYLAND; AND

16 (2) To the extent practicable, [when appointing members to the
 17 Commission, the Governor shall] assure geographic balance and promote racial,
 18 ETHNIC, AND GENDER diversity in the Commission's membership

19 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
 20 October 1, 2005.

Effective Date Clause

Italics indicate opposite
chamber/conference
committee amendments.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.

Chapter 4. Appropriations

The exclusive power of the legislature to appropriate funds, “the power of the purse,” is a key element in the system of checks and balances among the three branches of the State government. The appropriation power is exercised through the passage of the capital and operating budget bills and supplementary appropriation bills. The Maryland Constitution has a balanced budget requirement, along with the strongest executive budget process of the 50 states.

This chapter is not a fully detailed explanation of Maryland’s system of preparing and approving the State’s annual budget. *Maryland’s Budget Process*, Volume IV in the Legislative Handbook Series, covers the subject in great detail. This chapter merely summarizes the legislative aspects of the annual appropriations process and related items.

Spending Affordability

The Spending Affordability Committee plays an important role in Maryland’s sound fiscal policy. At the beginning of the 1981 session, the legislative leadership developed and issued a policy statement with the following stipulations:

- The State’s operating budget, on average, should grow more slowly than the State’s economy as measured by such factors as personal income.
- Tax relief should continue to be a primary legislative goal.
- The growth in the number of State employees should be related to new facilities or new programs, not merely expansion of the bureaucracy.
- Surpluses should be used for non-recurring purposes such as pay-as-you-go capital construction.
- State debt should continue to be managed through the debt affordability process.
- State financial aid to local governments should be evaluated and monitored to reflect prudent and economic use of the funds consistent with State policies.

The Legislative Policy Committee implemented the provisions of this policy statement by creating the Spending Affordability Committee during the 1981 session. The committee and its membership were officially established by statute at the 1982 session. The efforts of this committee have contributed to Maryland’s maintenance of a

AAA credit rating and designation as one of the best financially managed states in the nation.

Capital Debt Affordability

Another reason for Maryland's sound fiscal well-being is the Capital Debt Affordability Committee. The concept of debt affordability was developed in response to an analysis prepared by legislative fiscal staff in the mid 1970s, and the Capital Debt Affordability Committee was created as part of the executive branch in 1978. The committee is required to review annually the size and condition of the State debt and to submit to the Governor and General Assembly an estimate of the maximum amount of new general obligation debt that prudently may be authorized for the next fiscal year. The Comptroller of the Treasury, the State Treasurer, the Secretary of the Department of Budget and Management, the Secretary of the Department of Transportation, and a public member appointed by the Governor are members of the committee.

Operating Budget

Introduction of the Budget/Balanced Budget Requirement

The constitution requires the Governor to submit a budget to the General Assembly one week after the opening of the regular session (Article III, Section 52). In a new Governor's first year, an additional two days are provided. The Governor delivers the three or more volumes that comprise the budget and the budget bill to the presiding officer of each house. The presiding officers then introduce the budget bill into the legislative process. The budget covers the next ensuing fiscal year, which runs from July 1 to June 30, as well as any deficiencies arising in the current fiscal year. Total proposed appropriations in the budget may not exceed total estimated revenues.

Maryland's budget bill appropriates funds for the legislature, judiciary, and all executive agencies. The General Assembly may increase or decrease appropriations relating to the legislature and the judiciary, but may neither increase nor transfer funds from one program to another for the executive agencies. Consequently, the legislature's role for over 98 percent of the appropriations in the budget is restricted to reducing or restricting the amount requested by the Governor.

While the budget bill is introduced into both houses after being received from the Governor, as a matter of practice only one version of the first reading file bill is printed (with both a House and a Senate bill number at the top) to save paper and printing costs. According to conventional practice, the two houses alternate years for beginning

consideration of the budget. Thus, the Senate “moved the budget” (*i.e.*, began the consideration) in 2006, and the House of Delegates will move the budget in 2007.

The budget bill is referred to the Budget and Taxation Committee in the Senate and to the Appropriations Committee in the House of Delegates. These committees have subcommittees that each handle a portion of the budget, although in the Senate some items are considered by the full committee.

Hearings

The constitution requires executive officials to appear before the General Assembly to explain and answer questions about their budgets. The budget committees or their subcommittees hold public hearings on the budget bill following a schedule for various agencies prepared by the Office of Policy Analysis of the Department of Legislative Services and approved by the chairmen of both committees. The schedule provides for agency hearings during the third through the seventh weeks of the session. At hearings, representatives of governmental agencies explain their budgets and, in particular, attempt to persuade legislators of the need for the level of funding proposed by the Governor. Policy matters relating to an agency frequently are discussed at budget hearings as well.

Committee/Subcommittee Decisions

After the budget hearings are completed, the decisions concerning the retention, reduction, or elimination of appropriations and expressions of legislative intent and fiscal policy for each agency are determined. The decisions concerning changes to the proposed appropriation may be applied as specific item reductions or programmatic reductions. The predominant form of budget reduction is the “item” reduction, in which the item being eliminated or reduced is specifically identified, and the resulting reduction is applied to the appropriate budget program.

In some cases the committee reduces a budget program allowance, leaving the specific functions or items to be affected to the discretion of the agency or department. Similarly, across-the-board reductions may be made to specific categories of expenditures across agencies, usually through a separate section in the budget bill. The committees may also propose language for inclusion in the budget bill restricting the expenditure of funds or expressing legislative intent as to the use of funds.

All the committee changes (including those proposed by a subcommittee and accepted by the committee) are included in the appropriate committee’s report to the

floor, which generally encompasses several hundred proposed amendments. A committee reprint of the budget bill incorporating the proposed amendments is prepared for the members' consideration during second reading.

Floor Action

The budget is generally brought to the floor of the house that first moves the budget about the ninth week of the session. Consideration and votes on second and third readings are conducted the same as with other legislation, except the reprint of the committee report (committee amendments incorporated) is used as the basis for legislative action.

Second House Action

Concurrent with the first house, the budget committee in the second house undertakes its consideration of the budget. Thus, once the budget bill is received in the second house, it can be referred to committee, reported back for second reading (with the committee amendments), and passed on the floor in a matter of days. Second house action on the budget is generally completed during the tenth week of the session.

Conference Committee

There are usually differences between the House and Senate versions of the budget. These differences are resolved by a conference committee of five senators and five delegates, similar to other legislation passed by both houses in differing versions. However, in the case of the budget bill, conference committee action is limited to the specific subjects of difference between the houses.

Supplemental Budgets

The constitution provides that the Governor may amend or supplement the budget bill, with the consent of the General Assembly, before final action. These supplemental budgets automatically become part of the budget bill once accepted. The constitution specifies that a budget supplement shall be for the purpose of correcting an oversight, providing funds contingent upon passage of pending legislation, or for an emergency. The restrictions applied to supplemental budgets are reinforced in Section 7-102 of the State Finance and Procurement Article, which states in part that the Governor may use a supplemental budget amendment only to "(i) correct a mechanical error in the proposed budget; or (ii) provide funding for legislation enacted during the session." However, adherence to this restriction has not been strict.

Enactment

With the approval by both houses of a conference committee report and final passage of the bill, the budget becomes law without further action. If the budget has not been passed on or before the eighty-third day of the regular session, the constitution requires the Governor to extend the session beyond the ninetieth day, if necessary, to pass the budget. During the extension beyond the ninetieth day, no matter other than the budget may be considered (except for a provision for the cost of the extended session). The signature of the Governor is not required to enact the budget, and the budget cannot be vetoed.

Joint Chairmen's Report

The final report detailing every action taken by the General Assembly on the budget bill is called the *Joint Chairmen's Report* and is submitted by the Chairman of the Senate Budget and Taxation Committee and the Chairman of the House Appropriations Committee. It is journalized prior to adjournment *sine die*. The *Joint Chairmen's Report* contains an explanation of each budget change, statements of legislative policy and intent that were accepted by both budget committees, and the fiscal status of the budget as enacted by the General Assembly. The *Joint Chairmen's Report* is used by each agency to comply with legislative direction in executing its budget and preparing studies or special reports required by the General Assembly. Because it is a statement of legislative intent, the *Joint Chairmen's Report* carries implied force without the authority of law.

Supplementary Appropriation Bill

Though rarely used other than in bond bills, a supplementary appropriation bill allows the General Assembly to add an appropriation to the State budget. The appropriation in a supplementary appropriation bill must be limited to a single purpose, must include tax revenues to cover the amount of the appropriation, and is subject to the Governor's veto. This is because the annual budget bill must be balanced (that is, the appropriations cannot exceed the revenues that will cover the appropriations). Any supplementary appropriation provided by legislation separate and apart from the budget bill cannot throw the budget out of balance. By the constitutional requirement for a revenue source to be included in a supplementary appropriation bill, the State balanced budget mandate is maintained.

Capital Program

The construction, renovation, and equipping of State facilities are principally financed through the issuance of State general obligation bonds approved by the General Assembly and sold by the State to major institutional investors. The proceeds of the sale of the bonds are essentially borrowed by the State to fund the appropriations in the capital budget specified for the construction or renovation of State facilities. The bonds sold are backed by the full faith and credit of the State, thus obligating the State to repay the holder the principal and interest on the bonds when they are redeemed. The term “capital budget” usually is considered synonymous with the “consolidated capital bond loan” – the bond bill which finances the majority of the State’s capital programs as well as various bond bills sponsored by individual legislators. The State’s overall capital program includes many items: (1) State facilities; (2) State grants for local facilities – schools, community colleges, jails, sewage treatment facilities, flood management projects, and water supply facilities; (3) State grants for providers of services – community health facilities and day care, elderly, and juvenile centers; (4) State grants for economic development and housing programs; (5) State grants for facilities at private colleges, universities and hospitals; and (6) State grants for local projects – historic sites, jails, and recreational and cultural facilities.

The Capital Debt Affordability Committee annually recommends the maximum amount of new general obligation debt to the Governor and the General Assembly. The Department of Legislative Services prepares a separate analysis of debt affordability for the Spending Affordability Committee. This committee also issues a report with recommendations to the Governor and the General Assembly.

Consolidated Capital Bond Loan (Capital Budget)

The Department of Budget and Management reviews all proposed projects and presents recommendations to the Governor for consideration. The final projects are placed into the consolidated capital bond loan bill and presented to the General Assembly. The consolidated capital bond loan bill is introduced by the presiding officer of each house as an administration bill. The consolidated capital bond bill sets forth the amount of State debt to be created and details the amount to be allocated to specific purposes for each proposed capital project. It also specifies the source of funds to pay the debt created – the State property tax. The operating budget also contains general funds to cover the cost of debt service. The consolidated capital bond bill is assigned to the budget committees and cannot be passed until the operating budget bill has been enacted.

The committees may review proposed projects in the consolidated capital bond loan bill at the same time the operating budget is being reviewed or may utilize a separate

capital budget subcommittee. The committees bring the consolidated capital bond loan bill to the floor in a manner similar to the operating budget bill using a committee reprint.

Individual bond bills primarily for local projects are sponsored by members of the General Assembly and are processed and reviewed in the same manner as all other bills. In recent years, the General Assembly has amended the capital budget bill to provide funding for some projects for which individual bond bills were originally introduced. At the same time, the General Assembly has not passed any individual bond bills.

Unlike the operating budget, the General Assembly has the power to modify the capital budget bill in any manner since it is a supplementary appropriation bill. The projects proposed by the Governor may be deleted, the amounts allocated for specific purposes of a project may be increased or decreased, or the General Assembly may add specific projects and dollar amounts. The bond bill must contain an effective date (usually June 1 of the session year), and it is not enacted until signed by the Governor. The Governor has veto power or may exercise partial (line-item) veto of the capital budget.

PAYGO (Pay-As-You-Go) Expenditures

Some State capital improvements are funded from the operating budget instead of the proceeds of general obligation bonds sold by the State. PAYGO capital items may be budgeted under the Board of Public Works or may be included as part of an agency's budget. Appropriations in this program are used to finance the planning, construction, and equipping of State-owned facilities or for State capital grants and loans. In past years, a substantial part of the large general fund surplus was used for PAYGO. Since payment is from current operating funds that do not require coverage of the State's debt service burden, PAYGO projects are, in the long term, less expensive than items financed from bond proceeds. PAYGO appropriations can also include proposed expenditures of special and federal funds for capital purposes.

Chapter 5. Legislative Oversight

The executive branch is responsible for administering State government, while oversight of executive activity is an important function of the legislature. This legislative oversight may be exercised by the General Assembly, a committee, an individual member, or legislative staff.

The oversight function is continuous and ongoing, and it may occur as a by-product of other legislative activities. Through the annual appropriations process, for instance, State agencies and administrators must justify their proposed expenditures. Likewise, the development of new legislative proposals may require a survey of existing government activities. Since it involves constant monitoring, inquiry, and communication, oversight does not, for the most part, have the formalized processes and forms of the legislative and appropriations functions. Nevertheless, it is possible to identify a number of mechanisms by which the General Assembly oversees executive action. This chapter discusses four mechanisms: formal, budget-related, legislative, and informal.

Formal Mechanisms

Audits

The Office of Legislative Audits, Department of Legislative Services is responsible for conducting audits of all agencies within the executive and judicial branches of State government. Audit reports are submitted to the Joint Audit Committee of the General Assembly, the agency audited, as well as other State officials. Copies of audit reports are also available to the public either in print or through the Internet.

Section 2-1220 of the State Government Article provides that at least once every three years the Office of Legislative Audits must conduct a fiscal/compliance audit of all agencies. These audits determine whether an agency has properly managed its fiscal operations, established effective systems and controls, used State resources as intended, and complied with legal requirements. Electronic data processing operations of State agencies are also included in these audits. The office also conducts performance audits and financial statement audits. A performance audit may evaluate whether an agency is operating in an economic, efficient, and effective manner or determine whether desired program results have been achieved. Financial statement audits express an opinion regarding whether an agency's financial statements are fairly presented.

Furthermore, the office may conduct special audits and reviews at the request of the Joint Audit Committee. The office also reviews the annual financial statements of local governments, community colleges, boards of education, and library boards.

Standing, Statutory, and Special Committees

Committees of the General Assembly are continually involved in oversight. For example, the Joint Audit Committee focuses much of its efforts on reviewing agency actions, and the Joint Committee on Administrative, Executive, and Legislative Review reviews the activities of State agencies with regards to regulations.

From time to time the General Assembly establishes special committees to monitor executive action or to consider a particular problem. The relevant executive agencies report to the special committee and address any concerns their members express. Examples of special committees created in recent years include those that addressed issues relating to electric utility deregulation, medical malpractice insurance, higher education affordability, drug and alcohol abuse, and agricultural land preservation.

Oversight of Proposed Agency Regulations

Many executive agencies are authorized to adopt regulations to carry out the laws they administer. Maryland's Administrative Procedure Act (Sections 10-101 through 10-139 of the State Government Article) establishes the process for adopting proposed regulations. It provides the legislature a means for overseeing the issuance of regulations and encourages cooperation and discussion between the legislative and executive branches.

The Joint Committee on Administrative, Executive, and Legislative Review (AELR) is an integral part of the regulatory approval process. The Administrative Procedure Act requires agencies to submit proposed regulations to the joint committee 15 days before the regulations may be sent to the *Maryland Register* for publication. Publication of a proposed regulation triggers a 45-day review period. The agency may not formally adopt a regulation until the review period expires. If the committee cannot complete an appropriate review within 45 days, it may extend the review period.

The committee, through the assistance of the Department of Legislative Services, reviews regulations for conformity with statutory authority, compliance with legislative intent, and fiscal impact. It is not required to take any action during the review period. Although this permits the regulation to take effect, it is not construed as active committee approval. By a majority vote, the committee may oppose the adoption of the regulation.

In this case, the agency may withdraw the regulation, propose a modified regulation, or refuse to either modify or withdraw the regulation.

When the committee opposes a regulation and the agency refuses to withdraw or modify it, the law instructs the Governor to “consult with the Committee and the [agency] in an effort to resolve the conflict” (Section 10-111.1 of the State Government Article). After notifying the President, the Speaker, and the committee, the Governor may instruct the agency to modify or withdraw the regulation, or may approve its adoption.

The process differs for an emergency regulation. An emergency regulation may take effect immediately if the adopting agency declares that emergency adoption is necessary, submits the regulation to the committee, and receives the committee’s approval. Committee approval is usually given by a majority vote of the committee, although it also may be given by the committee chairman, or if the chairman is unavailable, by the vice chairman. If any committee member so requests, approval may be given only by a majority vote of members present at a public meeting. (The committee staff polls the committee by phone or in writing to obtain the vote of the committee and to determine if there is a request for a public meeting.) The committee may impose conditions for its approval of an emergency regulation, including a time limit for its adoption in a regular process. By majority vote at a public meeting, the committee may rescind approval of an emergency regulation.

In addition to overseeing the issuance of individual regulations, the committee is responsible for review of the entire regulatory program. Every eight years each agency is required to prepare an evaluation report that contains proposed amendments, repeals, or reorganizations of regulations. The committee reviews the report and may submit comments and recommendations.

Program Evaluation (“Sunset” Review)

In 1978, joining a nationwide trend, the General Assembly initiated a formal approach to the evaluation of numerous executive branch regulating entities with the enactment of the Maryland Program Evaluation Act, otherwise known as the Sunset Law (Sections 8-401 through 8-413 of the State Government Article). The Sunset Law establishes the time frame and procedures for legislative review of those agencies. The agencies subject to review include professional and occupational licensing boards, other regulatory agencies and commissions such as the Insurance Administration and the Division of Labor and Industry, and advisory or special-function agencies – the number of such agencies fluctuates due to consolidations, eliminations, and creations.

The evaluations themselves are more commonly known as “sunset reviews” because all but a few of the almost 70 agencies subject to evaluation automatically terminate unless legislative action is taken to reauthorize them, generally for a 10-year period. Occasionally, extensions are granted for longer, or considerably shorter, periods. Most evaluations are concentrated within a four- to five-year period or cycle of activity; however, in any given year, one or more evaluations may be underway. Most agencies subject to evaluation have undergone review at least three times.

The law requires the Department of Legislative Services to prepare evaluation reports to assist designated legislative committees in determining whether the agencies should be terminated, modified, or continued without change. Generally, the focus of evaluations has shifted from whether there is a continued need for State regulation or involvement to whether the agency has complied with statutory policy objectives. In addition, the evaluations determine the accountability, efficiency, and effectiveness of agency operations and finances and make recommendations for improving management.

The process for sunset review involves three distinct phases, as shown below.

- *Preliminary Evaluation:* Agencies subject to sunset review typically undergo preliminary evaluation three years before their scheduled termination date. The Department of Legislative Services conducts these evaluations during the interim and makes recommendations to the Legislative Policy Committee in the fall. That leadership body determines whether the agency should undergo further or “full” evaluation the following year. Legislation usually must be enacted to reauthorize agencies that are waived from further evaluation.
- *Full Evaluation:* The presiding officers designate the legislative committees responsible for reviewing each agency that will undergo full evaluation. Two years prior to the terminate date, the Department of Legislative Services undertakes a full evaluation on behalf of these committees, with a report issued by October 31.
- *Public Hearing and Legislative Action:* The designated committees hold a public hearing at which the Department of Legislative Services presents the findings and recommendations of the evaluation. The committees must report their recommendations to the General Assembly by the twentieth day of the legislative session. Again, usually legislative action must be taken to reauthorize the agencies that have undergone full evaluation and to implement other statutory recommendations.

Executive Appointments

Many important executive branch appointments require the advice and consent of the Senate. These appointments include all cabinet secretaries and members of various boards and commissions. Judges appointed to the District Court and the appellate courts by the Governor also must receive Senate consent.

Nominations are considered by the Executive Nominations Committee in the Senate. House confirmation is limited to local appointments as required by statute, with nominations considered by the House Rules and Executive Nominations Committee. Hearings and deliberations on nominations allow the General Assembly to consider the qualifications of the Governor's nominees and examine their perspectives on their roles in the positions to which they are appointed. The committee may recommend for or against confirmation of the nominee. Confirmation by the Senate or the House requires approval by a majority of those voting.

Budget-related Mechanisms

There are a number of legislative actions associated with the budget process that can serve as oversight mechanisms, such as budget hearings, budget language, and the *Joint Chairmen's Report*. A brief review of these actions follows.

Budget Hearings

Hearings before the budget committees bring executive agencies into contact with legislators on a regular basis. The agencies support their budgets and, by extension, their programs. It is not unusual for legislators to question agencies on the policy implications of the programs, not just the budgetary aspects. Budget hearings are conducted only during session.

Budget Language

In some cases the General Assembly inserts language into the budget bill to impose conditions or restrictions on agency expenditures. As part of the enacted budget bill, this language has the force of law. The conditions may require reports or involve the passage of related legislation.

Joint Chairmen's Report on the Budget

As part of the *Joint Chairmen's Report* on the budget bill, the budget committees include “narrative” that expresses the committees’ intent. This language may include recommendations or instructions to agencies and usually requests that the agencies report back to the budget committees at a specified date. This narrative is not part of the budget bill, is not passed by the General Assembly, and therefore, does not have force of law. Nevertheless, as an expression of the legislature’s intent, it has considerable impact on the executive agencies. The legislature’s budget staff from the Department of Legislative Services follows up on items in the *Joint Chairmen's Report* and reports its findings and recommendations to the budget committees.

Legislative Mechanisms

Bills

Often legislative requirements, conditions, or statements of intent are written directly into bills that are reflective of the legislative oversight role. Statements of legislative intent may be included in a bill’s uncodified preamble or in a codified or uncodified section of the bill. The text of a bill may include language that places requirements, restrictions, or conditions on the actions of the executive agency responsible for carrying out the legislation. Bills also contain oversight mechanisms such as special reporting, advice and consent, and special auditing requirements.

Joint Resolutions

The intent of the legislature is sometimes embodied in a joint resolution. Again, as part of its oversight function, the legislature will utilize resolutions to request an executive agency to study a problem or recommend that the Governor and General Assembly either take or refrain from taking a specified action. While most joint resolutions do not have force of law, they have considerable impact because they are passed by both houses of the General Assembly and are expressions of legislative interest and concern. (For further discussion of resolutions, please see Chapter 3 of this handbook.)

Termination Provisions

In some cases the legislature includes a termination provision in a bill that will nullify the force and effect of the bill after a specific period of time, usually one to three

years. Termination provisions are frequently used when the legislature wishes to enact new programs but does not want them to function indefinitely.

Contingency Provisions

When the legislature wishes to impose certain conditions before an enactment can take effect, it will include contingency language (usually uncodified) that delays or prevents the enactment from taking effect until a specific event or occurrence takes place.

Reporting Requirements

Frequently, the General Assembly exercises oversight by statutorily requiring an executive agency to issue a report that is later reviewed by the legislature (usually through a committee). Many agencies are required to issue regular annual reports on various aspects of their operations. In many cases reports are mandated on specific issues.

Agency reports give legislators the opportunity to be informed about executive action and make further inquiries. In some cases a committee will hold a hearing at which an agency will present its report and respond to inquiries.

The distribution of agency reports to the General Assembly is governed by Section 2-1246 of the State Government Article. Reports are sent to the Department of Legislative Services, added to the legislature's library collection, and delivered to individual legislators upon request. Reports are distributed to all members only if the Speaker and the President approve.

Legislative Committee Review Requirements

Occasionally, the General Assembly includes provisions in bills that require legislative review before an executive agency can take an action. This review can take a number of forms. In some cases an agency must notify either the Legislative Policy Committee or a specified standing committee before taking action. This notification triggers a review period during which the committee can offer comments or request further information. In other provisions, the approval of the General Assembly (usually by joint resolution) is required before the agency may act.

Staff Effort

The Department of Legislative Services has broad statutory authority to review and study the administration and operation of State agencies and to prepare reports for consideration by the General Assembly. The activities, including management studies and performance audits, are carried out by units of the agency, usually in conjunction with a legislative committee.

Informal Mechanisms

Legislative oversight does not always occur through a formal process. Instead, legislators influence executive action through informal avenues.

Hearings

Hearings, especially during the legislative interim, are frequently used as a means of focusing attention on an issue of concern to a committee. A committee may use a hearing to ask an executive official to explain a given action or to outline plans for future action.

Site Visits

During the legislative interim, committees will often arrange to visit State facilities. These site visits express legislative interest in the operations of a facility and give legislators the opportunity to view its operations firsthand.

Constituent Inquiries

Legislators and their staffs frequently contact executive agencies on behalf of constituents. This constituent service familiarizes legislators with the workings of government programs and may highlight problem areas.

Monitoring

Public meetings or hearings of various executive bodies are frequently attended by legislators or legislative staff. In this way, the General Assembly monitors the activities of these units and reflects its interest in them.

Informal Interaction

Legislators and staff frequently contact executive officials by telephone, mail, and in person. This informal interaction promotes consultation between the branches of government, sharing of information and data, and identification of points of dispute.

Chapter 6. Legislative Services

The Department of Legislative Services provides central nonpartisan staff services to the General Assembly of Maryland. Departmental staff provides support and assistance to the General Assembly as a whole, to its committees and subcommittees, and to individual legislators. In addition, the Office of Counsel to the General Assembly, which is a part of the Office of the Attorney General of Maryland, provides legal advice to the legislature with respect to requests from legislators and committees.

The Department of Legislative Services

The organizational structure, responsibilities, and duties of the Department of Legislative Services are codified in Title 2, Subtitle 12 of the State Government Article. In general, the Department of Legislative Services is responsible for providing:

- budget and fiscal review, analysis, research, studies, and reports;
- legislative drafting and statutory revision services;
- legal research, review, analysis, studies, and reports;
- general research and policy analysis;
- fiscal/compliance, financial statement, and performance audits of units of the State government;
- legislative research, legislative document and material collection and preservation, and other library services;
- public information services about legislative activities;
- document preparation and publication services;
- legislative information systems maintenance, development, and support; and
- administrative support services for the department and, where appropriate, for the General Assembly relating to finance, personnel, distribution, telecommunications, printing and copying, supplies, housekeeping, and maintenance.

The Executive Director of the department serves in a nonpartisan capacity and is appointed jointly by the President of the Senate and the Speaker of the House. Subject to the policies and directives of the presiding officers and the Legislative Policy Committee, the Executive Director has general administrative control of the operation of the department and its four divisions: the Office of the Executive Director, the Office of Legislative Audits, the Office of Information Systems, and the Office of Policy Analysis. The department employs approximately 350 people. With the exception of the Office of Legislative Audits located in Baltimore, all departmental offices are in the Legislative Services Building at 90 State Circle in Annapolis.

Office of the Executive Director

The Executive Director has overall responsibility and ultimate authority for the administration of the department and provides overall direction for its functions and activities. The Office of the Executive Director performs services related to administration, finance, human resources, and document management (data entry, proofreading, graphic design, and printing) for both the department and the General Assembly. The office also provides ethics counsel to the General Assembly.

Ethics Counsel

The General Assembly employs a full-time Ethics Counsel who is responsible for advising legislators regarding the applications of the Ethics Law. Each member is required by law to meet individually with the Ethics Counsel at least once a year. The relationship between the Ethics Counsel and each member is one of attorney and client, and all communications are confidential unless the member chooses to make them public. For more information on the Ethics Counsel's responsibilities, please see Chapter 2 of this handbook.

Finance and Administrative Services

Finance and Administrative Services manages all financial services in the department and the Maryland General Assembly including accounts payable and receivable, budgeting, fiscal planning and reporting, procurement, facilities management, telecommunications, and distribution services. Accounting and finance staff processes requests for reimbursement for payment of legislative expenses such as district office rent, secretarial and other services, telephone and other communication expenses, furniture and equipment, supplies, and in-state and out-of-state travel, including the payment of invoices and travel reimbursement for members and staff of the legislature.

Responsibilities of the Procurement unit include the purchase of equipment, supplies, and the service of copiers for the department. Routine maintenance and housekeeping functions – including service calls for heat, air conditioning, lighting, housekeeping, and room setup for the department – are handled by the Facilities and Inventory unit. The unit maintains a complete inventory of items that are the property of the General Assembly.

Staff in the Telecommunications unit manages the telephone system of the department and the General Assembly, operates the central switchboard, and provides training in use of the system. A brochure on the telephone system is available to assist legislators and other staff.

Finally, staff is responsible for document distribution services for the department and the General Assembly. The Legislative Mail Room manages the receipt and delivery of the U.S. mail and courier mail, as well as internal document distribution. The Legislative Distribution Center staff manages sales of documents to the public. Legislative Bill Room staff is responsible for the storage and distribution of all bills and resolutions. There is an automatic distribution of bills, resolutions, and synopses to the House and Senate chambers, all legislators' offices, committee rooms, and designated areas in the Department of Legislative Services. Additional copies of all versions of legislation are available to members, staff, and the public from the Bill Room. Hearing schedules, rosters, calendars, and other documents pertinent to the legislative process, which are also available at the Information Desks in the complex, are delivered to individual offices and committee rooms.

Human Resources

Human Resources is responsible for personnel activities for the employees of the Department of Legislative Services and for the Maryland General Assembly. Specific functions include recruitment, training and orientation, benefits coordination, records processing, payroll, retirement, and related activities required to maintain personnel services. This unit advises management on pertinent employment issues, provides guidance to employees regarding departmental procedures, and maintains oversight of legal issues in the labor and employment area. Other responsibilities include meetings with job applicants to provide general information on employment with the department, General Assembly, and member offices. This unit also coordinates the General Assembly's page and intern programs that provide opportunities for students from Maryland high schools and colleges to participate in the work of the legislature.

Legislative Document Management

Legislative Document Management is a multifaceted operation. Responsibilities include data entry, proofreading, graphic design, and the operation of a full service print shop. Staff is responsible for preparing, processing, and printing documents integral to the legislative process and the business of the General Assembly. Included are bills, joint resolutions, amendments, enacted laws, vetoed bills, journals and rules of the Senate and House of Delegates, synopses of legislation, hearing schedules, staff studies, and various other reports. This unit also prepares letterhead stationery and business cards for members and staff and maintains the Department of Legislative Services web site.

The services of Legislative Document Management are available to the General Assembly, its committees, legislators, and staff. To assist legislators in using its services, a brochure on the Legislative Print Shop is available. During the legislative session, a satellite copy center is located on the ground floor of the State House.

Student Intern/Page Program

The Intern/Page Coordinator in Human Resources administers the General Assembly's two student programs – the Legislative Intern Program and the Student Page Program. The Legislative Intern Program offers approximately 100 of Maryland's college and university students the opportunity to provide research and staff assistance to legislators during the legislative session and have both an educational and practical work experience in State government. After students have applied to their respective college or university intern coordinators and have been selected for participation in the program, students interview for placement with legislators, committees, or caucuses. A stipend is awarded to each intern to help defray the cost of living expenses and transportation. The total stipend varies, depending on the number of days per week that the intern works in Annapolis.

The Student Page Program provides Maryland high school seniors with insight into the legislative process as they assist senators and delegates during floor sessions in their respective chambers. The Student Page Program is a nonpatronage program and selection is done through the local school systems. Each county has a County Page Coordinator who conducts the process used by the county's public and nonpublic schools to choose the participants. A county is allocated one page and one alternate position and receives additional positions based on its high school senior population. Each selected page serves two nonconsecutive weeks in either the Senate or House and receives a small stipend. Lodging and meals must be paid by the page.

Office of Policy Analysis

The Office of Policy Analysis is the largest group in the department. Staff is assigned to work in one of three functional areas: Fiscal and Policy Analysis, Legislation and Committee Support, and Library and Information Services. Fiscal and Policy Analysis staff work in the areas of budget and fiscal review and analysis. They also prepare an estimate of the fiscal impact and a summary of every bill introduced during the legislative session. Legislation and Committee Support includes legislative drafting, statutory revision, and legal review and analysis, as well as the committee staff who provide professional services to legislative committees, subcommittees, commissions, and task forces. Library and Information Services serves legislators, staff, and the public through the operation of the legislative library and the provision of public information services about legislative activities.

In addition to their functional responsibilities, office staff work in policy-related work groups that operate during the interim to review and analyze issues in subjects such as business, technology, and economic development; courts, criminal justice, and civil matters; education; health and human services; intergovernmental matters and public administration; natural resources, environment, and transportation; and taxes and fiscal planning. Through the work groups, analysts further develop their subject area expertise to better support the multi-disciplinary research needs of the legislature during the interim and to answer legislative inquiries.

The office also maintains an active publication program to fulfill its statutory charge to conduct general research studies, develop options, make recommendations, and report to the General Assembly on various fiscal and policy matters. Legislators automatically receive certain documents such as the *Issue Papers* that provide informative reports on current legislative issues prior to each session, *The 90 Day Report* that provides a comprehensive summary of each session's legislative activity, and the *Major Issues Review* that summarizes legislative activity at the end of each four-year term. Members may also choose to receive any other documents and publications of specific interest. These publications would include, for example, *Local Government Finances*, *Sunset Review*, *Overview of Maryland Local Governments*, and reports such as the *Effect of the Long Term Debt on the Financial Condition of the State*, the *Effect of the 2006 Legislative Program on the Financial Condition of the State*, and the reports issued jointly by the chairmen of the legislative budget committees on the annual operating and capital budgets.

Fiscal and Policy Analysis

Fiscal and policy analysis services focus on analyzing the Governor's operating and capital budgets, estimating the fiscal and economic impacts of proposed legislation, and providing additional support for the budget committees.

During the session, staff is intensely involved with analyzing and reporting on the changes in the budget; identifying and evaluating new initiatives, programs, and policies; making recommendations; presenting findings before the budget committees; and preparing and processing the operating and capital budgets and supporting documentation.

In addition, for each bill that is introduced, staff prepares a fiscal and policy note that contains an estimate of the fiscal effect of the bill on the revenues and expenditures of State and local governments during the year in which the bill is to become effective and for the next four years following that year. If a bill imposes a mandate on a local government unit, the fiscal note also must contain a statement that identifies the imposition of the mandate and an estimate of the fiscal impact of the mandate and, if applicable and if the data is available, the effect on local property tax rates. The note also includes a summary of the bill, a description of current law related to the bill, an estimate of the bill's impact on small businesses, and other background information. Fiscal and policy notes are published and distributed prior to the bill hearings and revised to reflect changes in the bill as necessary.

Fiscal and policy analysis, including budget review, is a year-round process. Subsequent to the adoption of the State budget, other amendments are proposed that must be reviewed. In addition to the post-session review of budget amendments, the ongoing budget analysis process includes activities such as forecasting trends in the State budget, identifying significant financial policies of public agencies, determining the fiscal impact of regulations, and conducting revenue and expenditure forecasts and sunset reviews.

Legislation and Committee Support

Legislative drafting is one of the primary duties of the Office of Policy Analysis and is encompassed in the broad range of activities of the Legislation and Committee Support function of the office. Each year, policy analysts draft, review, and prepare several thousand bills and amendments to bills. An experienced drafting staff is available to research, prepare, and discuss with legislators proposed legislation on a year-round basis, although the most active period of bill drafting occurs during the first four to six weeks of the session.

Office of Policy Analysis staff also assists the General Assembly in its oversight of the executive branch. On behalf of the Joint Committee on Administrative, Executive, and Legislative Review, the statutory legislative committee that is responsible for the review of the State regulatory process, staff analyzes the legal sufficiency of regulations and other issues relating to regulations proposed for adoption by executive branch agencies because regulations have the force and effect of law. Staff analysis and review helps insure that the agencies proposing the regulations are in compliance with statutory authority and legislative intent.

Another major function of the office is to provide professional staff support to the ten standing committees of the General Assembly. Policy analysts assigned to committees are responsible for a myriad of tasks with respect to the consideration of legislation assigned to those committees. These tasks include the close review and analysis of legislation to identify legal, constitutional, and policy issues; attendance at hearings and participation in voting and work sessions on the bills; drafting of amendments, floor reports, and informational documents to assist the chairmen and members of the committees during the course of the legislative process; maintaining effective communication and working relationships with other members of the General Assembly, staff, and participants in the legislative process; and being responsive and available to meet the needs of the chairmen and members in a hectic, fast-paced work environment.

Still another important function of the office is the preparation of the formal, ongoing, nonsubstantive bulk revision, reorganization, and restatement of the statutory laws of Maryland, structured along major subject areas, such as education, criminal law, business regulation, environment, natural resources, and so forth. The State committed to this effort in 1970; the process should be completed by about 2012. As it has evolved over the years, the statutory revision effort is one of the most thorough and painstaking in the country, with a more logically organized and understandable body of law resulting from that effort. Legally trained staff analysts are assigned to research and produce drafts of revised law for review by an article review committee composed of attorneys selected for their expertise in the subject area encompassed by a proposed revised article. When the review of the revision work product is complete, it is submitted in legislative bill form for consideration and passage by the General Assembly.

The Office of Policy Analysis also assigns policy analysts to support a number of individual and regional delegations in the Senate and the House. Delegation staffing often involves the drafting and explaining of amendments, responding to information requests, understanding parliamentary procedural matters, and working with representatives of local governments.

Staff assigned to the Legislation and Committee Support function, as well as to the Fiscal and Policy Analysis function, also respond to requests from legislators for opinions and advice pertinent to legislation. They also participate in the staffing of statutory, special joint, and special legislative committees and task forces and study groups that are often jointly appointed by the presiding officers and the Governor. Staff reviews and summarizes bill review letters of the Attorney General's office as part of an ongoing effort to improve the legislative drafting effort. A more obscure but no less important duty is the preparation of annual supplements to the charters of municipal corporations as part of the legal review function of the office. Finally, staff participates in the activities involved with the department's responsibility in the program evaluation (Sunset Review) of various executive branch regulatory boards, commissions, and agencies.

Library and Information Services

Library and Information Services provides reference and research services to the General Assembly and its staff and legislative information to the public. The library contains over 100,000 volumes including the Laws of Maryland since 1637, House and Senate Journals since 1826, as well as all other state and federal laws. An extensive collection of materials related to bills introduced in previous legislative sessions consists of committee files and votes, floor votes, indexes, and other valuable documents. Furthermore, by law, the library serves as the official depository for all Maryland State agency publications and for all county government codes. Librarians use these resources and others in the collection, as well as standard library resources including online databases and the Internet, to provide information on public policy topics and other reference information of interest to the legislature. *Maryland Documents*, a listing of the State agency publications, is distributed by the library each month to legislators and staff. The library catalog is accessible on the Maryland General Assembly web site. The Department of Legislative Services librarians index bills, laws, and other legislative publications.

In addition to traditional library functions, staff also writes, edits, or coordinates the preparation of legislative documents and materials for a variety of audiences. These include publications such as the daily *Synopsis*, the weekly *Legislative Wrap-Up*, the *Committee Meetings and Hearing Schedules*, the *Roster and List of Committees*, and the *Annapolis Report* newsletters. Staff also prepares the *Maryland Clipper*, a compilation of newspaper clippings of interest to the legislature, daily during session and weekly during the interim. Information desk staff responds to requests for legislative information from the public over the telephone, via e-mail, in person, and through the distribution of numerous legislative documents.

Coordinating the General Assembly's educational and visitor programs for school children, constituents, public interest groups, and international dignitaries, many of whom are legislators in their own countries, is an important part of this unit's work. On request, staff arranges and conducts programs throughout the year, customizing each visit to specific areas of interest. Requests may come from legislators, directly from citizens, or from teachers and parents. Visits to the General Assembly by officials from other states and countries are usually coordinated by library staff in conjunction with the United States Information Agency, Congressional Research Service, National Conference of State Legislatures, World Trade Center Institute, Maryland Sister States Program, or other similar agencies and organizations. Staff also conducts workshops and orientations about the legislative process and the General Assembly on request.

Office of Legislative Audits

The Office of Legislative Audits is responsible for conducting audits of each department, agency, unit, and program within the executive and judicial branches, and for reporting the findings to the Joint Audit Committee of the General Assembly. Beginning in fiscal 2005, the office was also required to audit the financial management practices of each of the State's local school systems by 2010. The office, located in Baltimore City, is organized into five divisions:

- The Fiscal Compliance Audit Division plans and conducts audits of all agencies in the executive and judicial branches at least once every three years.
- The Performance Audit Division plans and conducts audits and reviews of State agencies to assess economy, efficiency, effectiveness, and program results. These audits and special reviews are frequently conducted based on special requests by the General Assembly. This division is also responsible for conducting financial management audits of local school systems and audits of State agency performance measures under the State's Managing for Results initiative.
- The Information System Audit Division is responsible for auditing the State's information systems and providing technical support for other audit operations. This division also develops and maintains the office's computer network, management information systems, and web site.
- The Quality Assurance Division ensures the overall reliability and integrity of the office's work products. The division also provides research and technical assistance for the development and maintenance of audit policies to ensure compliance with professional standards. Staff also monitors the financial

reporting practices and financial conditions of local governments by reviewing the audited financial statements of local governments and community colleges.

- The Professional Development and Administration Division coordinates staff recruiting, training, and professional development activities, and performs various administrative functions.

The Office of Legislative Audits issues reports of all of its audits and examinations including reports resulting from the toll-free fraud hotline initiated in 2002. Reports are posted on the office's web site at www.ola.state.md.us and are also available in print copy.

Office of Information Systems

The Office of Information Systems is the primary information technology support group for the Department of Legislative Services and the General Assembly. The office is responsible for the design, development, maintenance, and support of custom legislative systems such as legislative bill drafting, bill status, budget analysis, fiscal notes, and Senate and House chamber automation. It supports 1,200 personal computers and laptops in the Annapolis complex and operates the data center and campus infrastructure, including Dell and Unisys servers, as well as other related facilities.

Members of the General Assembly are provided laptop computers with an integrated legislative office package, wireless capability, and high-speed Internet service for their Annapolis and district offices. The office has a dedicated user-support and training team that develops and supports legislative applications for the Department of Legislative Services and the General Assembly.

The Office of Information Systems also maintains and manages the Maryland General Assembly web site at <http://mlis.state.md.us>. Since 1996, the web site has offered access to information about the legislative process to the public, legislators and staff. The web site contains the history and status of legislation, text of legislation, amendments, bill synopses, fiscal and policy notes, hearing schedules, and calendars. Also offered are both audio and written proceedings for the Senate and House, floor votes, and indexes to legislation by sponsor, subject, file code, and statute – updated nightly. The Department of Legislative Services' library catalog and Maryland statutes are also available.

Up-to-the-minute updates of web site information are accessible from all terminals located within the Annapolis complex and to outside users for a subscription fee of

\$800.00 per year. Up-to-the-minute information provides immediate access to floor proceedings, calendars, bill profiles, and agendas.

Attorney General – Counsel to the General Assembly

Under the Maryland Constitution, the Attorney General is charged with the responsibility of rendering legal advice to the General Assembly (Article V, Section 3). To better fulfill that responsibility, the Attorney General has established an Office of Counsel to the General Assembly, located on the first floor of the Legislative Services Building and staffed by several Assistant Attorneys General, one of whom is designated the Counsel to the General Assembly.

The office renders legal advice with respect to requests from legislators and committees. For example, during both the legislative session and the interim, members and committees considering the pros and cons of proposed legislation may seek the advice of this office with respect to the constitutionality or construction of the legislation or other significant legal issues. As a general rule, the office does not draft legislation. Depending upon the time available, the nature of the inquiry, and the state of the law, such advice is rendered by means of formal opinions of the Attorney General, written advice of counsel, or informal oral observations. The office also may be used by members, committees, and task forces of the legislature, their staff, and the Department of Legislative Services as a liaison between the legislative branch and the Attorney General's staff assigned to various State agencies.

The Office of Counsel to the General Assembly is primarily responsible for coordinating the review of all passed legislation for constitutionality and for preparing the Attorney General's bill review letters that are submitted to the Governor prior to the approval or veto of the bills. The office also defends legislators and legislative staff who are sued or subpoenaed for official actions and goes to court to defend the constitutionality of legislation challenged by litigation.

Chapter 7. Publications and Electronic Resources

Legislators receive hundreds of publications during the course of a year, some on a regular or one-time basis, others periodically. Publications come from legislative staff, executive agencies, national or regional associations, interest groups, and other sources. This section outlines some of the basic print and electronic resources available to legislators. For general information and requests for publications, contact Library and Information Services.

Electronic Resources

The Maryland General Assembly web site (<http://mlis.state.md.us>) provides information about bills and resolutions introduced during the session, from point of introduction to final disposition. This information is also available for bills and resolutions introduced since the 1996 session. The web site also includes the Daily Synopsis, daily Senate and House floor proceedings, floor vote tallies, audio of floor proceedings, and committee hearing schedules. The full text of proposed legislation, fiscal and policy notes, *The 90 Day Report*, *The Legislative Wrap-Up*, the *Joint Chairmen's Report*, budget analyses, and special study reports is also available.

The Department of Legislative Services web site (<http://dls.state.md.us>) offers comprehensive information on the department's mission, organizational structure, functions, programs, and services. Explanatory text is included on legislative processes such as how a bill becomes a law, operating and capital budget bill actions, committee jurisdictions and deliberations, and sunset review of State agencies. Other sections of the site address career opportunities, student page and intern programs, and assistance for individuals with disabilities. The public may also obtain maps of downtown Annapolis and the legislative complex, as well as information on security procedures, attending a floor session or committee hearings, educational programs, and communicating with their individual legislators. An extensive list of publications and documents is also available at this site.

The Office of Legislative Audits maintains its own web site (www.ola.state.md.us) that provides electronic access to copies of all of its reports and examinations.

Legal and Legislative Documents

Constitution of Maryland

After each election in which voters have approved amendments to the Constitution of Maryland, the Department of Legislative Services publishes the amended version. The publication also includes the Constitution of the United States.

Laws of Maryland

After the Governor signs or vetoes bills, the Department of Legislative Services publishes the *Laws of Maryland* (Session Laws) for that year. The Session Laws are a set of volumes containing all laws adopted during the previous session and all bills vetoed by the Governor with the veto messages. The Session Laws are published initially as paperbound volumes, called “advance sheets.” These are later replaced by hardbound volumes. Beginning with the 1999 session, the Session Laws are available electronically through the Chapters button on the “Search” link on the General Assembly web site.

Annotated Code of Maryland

The Annotated Code of Maryland, published by commercial publishers, is a multi-volume compilation of the permanent public general laws. This compilation gathers all the laws on the same subject or topic together in articles. Each year the publisher updates the Code using the newly passed laws found in the *Laws of Maryland*. Under Section 2-1247 of the State Government Article, all legislators are entitled to a set of the Annotated Code of Maryland, to be kept up-to-date at State expense as long as they are members of the General Assembly. Legislators receive their sets of the Annotated Code from Library and Information Services.

The Code, minus any copyrighted material owned by the publisher, is accessible on the legislature’s web site through the “Search” and “Statute Text” links. There is also a link to the publisher’s Maryland Code Online.

Journals of the Senate and House of Delegates

The journals, prepared by the Secretary of the Senate and the Chief Clerk of the House, are the official record of the proceedings of the Senate and the House for the entire session. These documents are published in both softbound and hardbound versions

and must be requested. Beginning with the 1996 session, the daily Senate and House proceedings are available on the General Assembly web site.

Since the 1992 session, the Senate has audiotaped its committee and floor proceedings. Copies at \$5.00 per cassette tape or \$7.00 per CD are available through the Information Desk, Library and Information Services. Tapes may also be reviewed at Library and Information Services by appointment. Furthermore, the audio portions of the current year's Senate and House floor proceedings are available on the General Assembly web site.

House committee hearings are occasionally taped on request of the committee chair. The respective committees may be contacted for further information.

Rules of the Senate and House of Delegates

At the beginning of each session, the Senate and House adopt rules to govern their respective chambers. The rules are published by the Secretary of the Senate and the Chief Clerk of the House.

Synopsis of Laws

The *Synopsis of Laws*, a quick reference that complements the use of the Session Laws, contains brief summaries of enacted session legislation, passed joint resolutions, and vetoed bills. The synopsis includes a subject index, as well as indexes that cross-reference bills to chapter numbers and to sponsors. Sections of the Annotated Code of Maryland and the Codes of Public Local Laws that were amended, added, or repealed during the session are also indicated.

Indexes to Legislation

The index series, printed from the online bill status system, are published in separate volumes by subject, sponsor, committee, and statute.

Final Status Report

This report contains a numerical listing of all legislation introduced during a session with each bill's short title and final status.

Daily Synopses

While the legislature is in session, a daily synopsis (or summary) is published of all bills and resolutions that are to be introduced. Copies are placed on legislators' desks before each floor session and are distributed throughout the legislative complex. Bill and resolution synopses may also be accessed on the General Assembly web site for the current session and for each session beginning with 1996.

Legislative Calendars

The Secretary of the Senate prepares a legislative calendar or agenda each day reflecting the matters to be considered during the floor session. The agenda includes committee reports, bills that have been "laid over" or "special ordered" from a prior session, bills on third reading, and other items of interest. In the House of Delegates, the Office of the Chief Clerk prepares individual calendars for each committee report, bills on third reading, or other items of legislative business to be considered at the floor session. The agendas are available on the General Assembly web site.

Meeting Schedules

A *Committee Meetings and Hearing Schedule*, issued each Thursday year-round, contains the dates, times, locations, and topics of all scheduled meetings of the General Assembly's committees. The schedule also includes other meetings of interest related to State government. Addenda to the weekly schedule are published as necessary. The schedule is distributed to legislators' offices and is also available on the General Assembly web site.

Roster and List of Committees

A *Roster and List of Committees* is issued for each session and interim. The roster contains biographies of legislators, committee membership lists, Senate and House membership lists, and various appendices providing other pertinent legislative information. The roster is also available on the General Assembly web site. In addition, a condensed, "pocket-size" roster, authorized by the Secretary of the Senate and the Chief Clerk of the House of Delegates, is prepared every session.

Notice of Legislative Unit Invitations to Meals and Receptions

The *Notice of Legislative Unit Invitations to Meals and Receptions*, issued each Thursday year-round, contains the date and locations of each upcoming meal or reception held by a regulated lobbyist to which a legislative unit has been invited. Addenda to the weekly notice are published as necessary. Regulated lobbyists are required to register the meal or reception with the Department of Legislative Services at least five days before the event. The notice is available at the Information Desks in the Annapolis legislative complex.

Official Dates of Interest Calendars

Legislative staff compiles a list of dates of interest for each session of the General Assembly and for each interim. The calendars are available at the Information Desks and on the General Assembly web site.

Committee Reports (Reflective of Interim Work)

Before the beginning of every session, each standing committee presents a written report on its activities over the preceding interim. These reports are included in the *Summary Reports of Committees* issued by the Legislative Policy Committee. This committee also publishes a compendium of its minutes for each interim.

In addition, statutory committees often present annual reports and special committees issue written reports upon the completion of their task or charge. These reports are usually included in the *Summary Reports of Committees*. In some cases they are issued as separate reports.

Issue Papers (Predictive of Session Work)

Prior to each session, the Department of Legislative Services prepares an information report on current issues that are likely to be considered during the next regular session. The *Issue Papers* publication is a compilation of the reports arranged by major topic. Each report is followed by an identification of the staff who worked on that particular topic. Members may contact the analyst(s) for additional information. Beginning in 2005, the *Issue Papers* are available on the General Assembly web site.

OPA Policy Spotlight

The *OPA Policy Spotlight* series is prepared periodically by the Office of Policy Analysis, Department of Legislative Services. Each issue provides the latest reported data concerning the State's performance in a selected policy area such as health, environment, transportation, education, and public safety.

The 90 Day Report – A Review of Legislation of the Annual Session

Several days after the end of the regular session each year, the Department of Legislative Services publishes *The 90 Day Report* – a comprehensive review of legislation that was considered during the session. *The 90 Day Report* is divided into 13 parts, each dealing with a major policy area. Each part contains a discussion of the majority of bills passed in that policy area, including comparisons with previous sessions and current law, background information, and a discussion of significant bills that did not pass. Information relating to the operating budget, capital budget, and aid to local governments is included. Each legislator receives a copy of *The 90 Day Report* during the week following the end of session. Beginning with the 1999 session, the reports are available on the General Assembly web site.

Bills Signed and Vetoed

A list of the bills signed and vetoed is available at the General Assembly web site for each session, beginning with 2000.

Major Issues Review

This document, published by the Department of Legislative Services during the interim of the fourth year of a four-year term, summarizes legislative activity over the term and includes discussion of all major issues, significant bills that did and did not pass, and gubernatorial vetoes of major legislation. Like *The 90 Day Report*, the *Major Issues Review* is divided into 13 parts, each dealing with a major policy area. Business and economic development, crime, education, health, State budget, taxes, and transportation are just some of the major issues discussed. The *Major Issues Review* for the 2003-2006 term is available on the General Assembly web site.

Effective Dates of Enacted Legislation

Enacted legislation may become effective on June 1, July 1, October 1, or at some other date as specified in the legislation. Other than emergency bills, which take effect as

soon as they are signed, June 1 is the earliest date for a bill to become effective. Budget, tax, and revenue bills usually take effect on July 1. By custom, October 1 is the usual effective date for most bills. However, bills may also have varying effective dates as specified in the bills. To notify the public, the Department of Legislative Services publishes an effective dates list prior to June 1, July 1, October 1, and January 1 of each year. Beginning with 2005, the effective dates lists are available on the General Assembly web site.

Bill Review Letters

Bill review letters, used as a part of the Governor's consideration of whether to sign or veto legislation, provide advice as to the legality and constitutionality of bills passed by the General Assembly. The Office of the Attorney General prepares these letters. For use in the drafting, review, and analysis of bills and amendments, each interim Legislative Services' staff prepares *An Analysis of Selected Bill Review Letters of the Attorney General of Maryland on Legislation Passed by the General Assembly*, which discusses constitutional and legal pitfalls.

Legislative Drafting Manual

The *Legislative Drafting Manual* is published annually to assist those involved in the drafting of bills and amendments for the General Assembly. It is intended to serve as a teaching text for those new to legislative drafting, a ready reference guide for veteran legislative staff, and a source of useful information on legislative drafting and process for the general public. The fundamental goal of the manual is to ensure accuracy, clarity, and uniformity in the drafting of legislation in Maryland by promoting compliance with constitutional principles, rules of law and statutory interpretation, and accepted practices regarding style, form, and process. Copies are available from Library and Information Services and on the Department of Legislative Services web site.

Maryland Style Manual for Statutory Law

Under Section 2-1238(10) of the State Government Article, the Department of Legislative Services is required to maintain a style manual for statutory law. Its rules should be followed, to the extent practicable, in preparing any legislation for the General Assembly.

Maryland Legislative Desk Reference Book

The *Maryland Legislative Desk Reference Book* is intended primarily to provide a quick source of information on the general state of the law in areas commonly encountered by legislative counsel in drafting legislation and providing other professional staff services to the General Assembly. It can also be useful to others who may have a more casual interest in Maryland law and legislation. Discussions of statutory issues, legislative procedure issues, constitutional issues, local government issues, administrative issues, and staffing issues are included.

Legislative Ethics Guide

The *Legislative Ethics Guide* is based on the Maryland Public Ethics Law, Title 15 of the State Government Article. Topics discussed in the guide include conflicts of interest, gifts, prohibited employment and compensation, and financial disclosure. Ethics opinions and forms are also included. This publication is available in print and on the General Assembly web site.

The Legislative Wrap-Up

Every week during session, Library and Information Services produces *The Legislative Wrap-Up* and distributes copies to members' offices in the legislative complex. The publication follows the progress of some of the most important bills and events throughout the session. Short, neutral narratives of important bills are grouped according to major subject categories. The last issue of *The Legislative Wrap-Up*, published shortly after *sine die*, reviews the final status of the majority of the bills that had been tracked since the beginning of the session. For prior sessions, the last issue of *The Legislative Wrap-Up* is available on the General Assembly web site, beginning with the 1996 session. For a current session, all issues are available on the General Assembly web site.

Budgetary and Fiscal Documents

Budget Books

Sets of the books on the budget – one volume on the capital budget, three volumes on the operating budget, and one volume on budget highlights – are distributed to members by the Department of Budget and Management on the day the Governor

submits the budget to the General Assembly. Electronic access is available through the Department of Budget and Management web site (<http://www.dbm.state.md.us>).

Fiscal Briefing

This overview of the budget and other significant fiscal issues is presented to the legislative committees by the Office of Policy Analysis, Department of Legislative Services shortly after the Governor's introduction of the budget to the General Assembly. Periodic updates on specific issues are prepared throughout the year, mostly at the request of the fiscal committees or individual legislators. Beginning with the 2002 session, the text is available under "Budget Information" on the General Assembly web site.

Analyses of the Maryland Executive Budget

The *Analysis of the Maryland Executive Budget* documents include an agency-by-agency analysis of the budget submitted by the Governor, a summary of the State's operating and capital budgets, a forecast of State revenues and expenditures, and special studies relating to the State budget. Beginning with the 2001 session, the analyses of the operating and capital budgets are available under "Budget Information" on the General Assembly web site.

Joint Chairmen's Report (Operating and Capital Budgets)

This report, by the chairmen of the Senate Budget and Taxation Committee and the House Appropriations Committee, incorporates detailed statements of all legislative reductions made to the operating and capital appropriations and includes narrative that expresses legislative intent and policy guidelines relative to the action taken. The report is released in April. Beginning with the 1998 report, the text is available on the General Assembly web site.

Local Government Finances in Maryland

This document, published each year by the Department of Legislative Services, summarizes revenues and expenditures of Baltimore City, counties, municipalities, and special taxing districts.

Fiscal & Policy Updates

These reports are published periodically by the Department of Legislative Services and are distributed to all members to help keep them abreast of the latest fiscal and policy issues, trends, and projections.

Fiscal Effects Report

After the Governor has signed the session's bills into law, the Department of Legislative Services publishes *The Effect of the Legislative Program on the Financial Condition of the State* (also "Fiscal Effects"). This report lists enacted legislation that affects State and local finances, summarizes State revenues and appropriations, and discusses the major fiscal issues of the session.

Fiscal Digest

Following the end of the session, the Department of Budget and Management publishes the *Fiscal Digest*, which summarizes and clarifies the final actions taken by the General Assembly on the operating and capital budgets.

Comptroller's Report

After the close of a fiscal year, the State Comptroller issues a report, the *Comprehensive Annual Financial Report of the State of Maryland*, detailing actual revenues and expenditures.

Capital Debt Affordability Committee Report

Under Section 8-112 of the State Finance and Procurement Article, the Capital Debt Affordability Committee is required to submit a recommended level of debt authorization for the next fiscal year to the Governor and the General Assembly in September of each year. This report contains the committee's recommendations.

Effect of Long Term Debt on the Financial Condition of the State

This annual report includes a review of the recommendations of the Capital Debt Affordability Committee, an independent affordability analysis, and a market analysis. The report is prepared by the Department of Legislative Services each November.

Spending Affordability Committee Report

In December of each year, the Spending Affordability Committee submits a report with recommendations on fiscal goals for the State budget to be considered at the next regular session of the General Assembly. In preparing the report, the committee reviews data concerning the economic status of Maryland, the budget and fiscal issues of previous fiscal years, projections for the next fiscal year, and the results of the Capital Debt Affordability Committee report. The text of the current report is available on the General Assembly web site.

Board of Revenue Estimates

Under Section 6-106 of the State Finance and Procurement Article, the Board of Revenue Estimates (Comptroller's Office) is required to submit an annual report to the Governor that (1) contains an itemized statement of the estimated State revenues from all sources for the fiscal year following the fiscal year in which the report is made; and (2) includes any recommendations of the board. The Governor is required to forward this report to the General Assembly.

The Board of Revenue Estimates' report is generally released in December for the purposes of informing the Governor of the State's revenue picture prior to submission of the State budget in January.

General Information

Maryland Documents

Under Section 2-1246 of the State Government Article, *Maryland Documents* is compiled each month for members of the General Assembly. This list of all State publications cataloged by Library and Information Services during the previous month is available on the Department of Legislative Services web site.

Maryland Manual

Every two years the State Archives publishes the *Maryland Manual*, which is a compendium of general information about the State and its government, including photographs and biographical sketches of all of the members of the General Assembly. By law, each member is entitled to ten copies of the *Maryland Manual*. Portions of the manual are linked to the General Assembly web site.

Maryland Register

Legislators also receive the *Maryland Register*, a biweekly publication of the Division of State Documents of the Office of the Secretary of State. It contains notices of official actions by all agencies of State government and serves as the temporary supplement to the *Code of Maryland Regulations (COMAR)*. Any change to the text of regulations published in *COMAR* must first be published in the *Maryland Register*. A complete set of *COMAR* is available in the library. *COMAR* and the *Maryland Register* are also accessible on the Secretary of State web site (www.sos.state.md.us).

Maryland Clipper

The *Maryland Clipper* is a compilation of newspaper articles of general interest selected from numerous local, State, and national newspapers. Legislators and staff receive the *Maryland Clipper* daily during the session and weekly during the interim from Library and Information Services. For use in the library, past issues of the *Maryland Clipper* beginning with 1988 are compiled in chronological order and also by subject.

State of Maryland Telephone Directory

A telephone directory of State employees is compiled biennially by the Department of Budget and Management. It includes a section arranged by organizational unit and one with individuals arranged alphabetically by last name. The directory is available on the Department of Budget and Management web site.

General Assembly Telephone Directory

Each session the Department of Legislative Services compiles the *Maryland General Assembly Telephone Directory*. The directory includes telephone numbers of

legislators, committees, Department of Legislative Services staff, the Governor's staff, and selected State agencies. Also included are legislative fax numbers, maps of Annapolis State buildings and parking facilities, and floor plans of the State House, Legislative Services Building, Senate Office Buildings, and House Office Building.

Legislative Handbook Series

The *Maryland Legislator's Handbook* is one volume of a series of books published every four years by the Department of Legislative Services. The other volumes are *Government Services in Maryland*; *Maryland's Revenue Structure*; *Maryland's Budget Process*; *Maryland State Personnel, Pensions, and Procurement*; *Maryland Local Government*; *Business Regulation in Maryland*; and *Maryland's Criminal and Juvenile Justice Process*.

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. The series is also available on the General Assembly web site, as well as on a CD.

Legislative Intern Handbook

The *Legislative Intern Handbook* provides legislative interns with an understanding of the processes, procedures, and nomenclature associated with the Maryland General Assembly. A description of the program is included on the Department of Legislative Services web site.

Guide to Legislative Printing

The *Guide to Legislative Printing* assists legislators and their staff in preparing documents for reproduction by the legislative Print Shop, consistent with guidelines established by the presiding officers.

Department of Legislative Services Brochure

This document familiarizes the General Assembly and the public with the organization and purpose of the Department of Legislative Services, and describes generally the programs, services, publications, and documents it provides. The

Department of Legislative Services web site also contains extensive information on the department, its mission, programs, and services.

Annapolis Report

The *Annapolis Report* summarizes legislation passed by the General Assembly. All legislators representing a district or sub-district must agree to order the report for their district. Printing and mailing costs are paid by these legislators and can be charged to the members' district office accounts. Addressing is the responsibility of the district. There is no obligation to order. For further information, legislators may contact Library and Information Services.

Your Voice in Annapolis

Your Voice in Annapolis, prepared by Library and Information Services, provides a short but comprehensive overview of the processes and procedures of the General Assembly. The booklet includes a brief history of the General Assembly, the roster of legislators current at the time of publication with Annapolis addresses, standing committee memberships, and chamber seating assignments. There is a description of the responsibilities of the General Assembly and the requirements mandated by the Maryland Constitution related to the passage of legislation. Information on how a bill becomes a law and on the process whereby standing committees consider legislation is also included. Copies are available at the Information Desk, Library and Information Services.

Under the Dome

Under the Dome is a commemorative chronicle of the Maryland General Assembly during the twentieth century. In chapters organized principally along broad subject areas of policy and law, the book contains a selection of issues, events, and photographs significant in the history of the State legislature.

Chapter 8. Facilities

State House

The focal point of legislative activities in Annapolis is the State House, situated within State Circle in the center of the city. This building is the oldest state capitol in continuous legislative use. The first floor contains the chambers of the Senate and the House of Delegates with the presiding officers and their staff occupying suites of offices on corridors that parallel the two chambers. Offices of the Secretary of the Senate and the Chief Clerk of the House of Delegates are located along the corridors. A lounge for members is located at the rear of each chamber.

The second floor houses the offices of the Governor, the Lieutenant Governor, and the Governor's legislative staff. The Governor's Reception Room, located in the Governor's suite, is the site of bill signings. Also on the second floor are the visitors' galleries of the House and Senate chambers.

The press occupies offices on the ground floor of the State House. A legislative information desk on that floor is operated full time during session for the benefit of legislators, staff, and the public. The Amendment Office of the Department of Legislative Services is also on the ground floor, and Legislative Document Management maintains auxiliary print facilities there as well.

Senate Office Buildings

The James Senate Office Building and the Miller Senate Building house offices for senators, committee offices, and public hearing rooms.

Offices for senators occupy the building at College Avenue and Bladen Street, the William S. James Senate Office Building, named for the Harford County senator who served as President of the body from 1963 to 1975. Each senator has a suite consisting of a private office and an office for staff, with a conference room for every four Senators. Ceremonial conference rooms are located on the first floor and a reception room on the second floor. The Majority Leader and the Minority Leader maintain offices on the second and fourth floors, respectively. Adjacent to their offices are meeting rooms for the majority and minority caucus meetings. The basement contains quarters for the Senate canteen that operates during each session.

The Miller Senate Building, dedicated January 9, 2001, and named after Maryland's longest serving Senate President, Thomas V. Mike Miller, Jr., provides

offices and meeting rooms for the primary standing committees of the Senate. Located on Bladen Street, the building is connected to the James Senate Office Building by glass-enclosed walkways.

Offices for the President of the Senate and staff are located in one section of the first floor, although the President also has an office in the State House. The first floor of the Miller Building also has two large conference rooms, a media center for recording and broadcasting committee hearings, and a legislative information desk staffed by the Department of Legislative Services during session. The first floor galleries offer permanent exhibit space for the Peabody Collection. A canteen and one of the two walkways to the James Senate Office Building are on this floor.

Offices for committee chairmen and vice chairmen of the Education, Health, and Environmental Affairs Committee and the Judicial Proceedings Committee are located on the second floor. Budget and Taxation Committee and Finance Committee offices and hearing rooms are located on the third floor. Each committee has office space for staff and a well-equipped public hearing room with a vestibule for those waiting to testify on legislation. Galleries on both floors provide space for guest exhibitions. The second walkway to the James Senate Office Building is on the second floor.

The President Pro-Tem occupies offices on the fourth floor along with staff offices, one additional committee hearing room, and two hearing rooms for subcommittees.

The Miller Senate Building also contains a legislative supply office and parking for senators on the lower levels of the building.

House Office Building

Situated directly across Bladen Street from the Senate Office Building complex is the House Office Building. The original building was completed in 1975 with a new addition completed in 2006. It provides offices for the delegates, hearing rooms, and other facilities.

The main floor of the House Office Building contains hearing rooms and offices of the chairmen, vice-chairmen, and staffs of the House Appropriations, Ways and Means, and Judiciary committees. There is meeting space for several county delegations, as well as additional offices for delegates and staff. A public lounge, media room, and a multipurpose room are also located on the first floor.

The second floor of the House Office Building contains the hearing rooms and offices for the chairmen, vice-chairmen, and staff of three House committees: Economic Matters, Environmental Matters, and Health and Government Operations. The remainder of this floor provides office space for delegates, staff, and additional meeting space.

On the third and fourth floors are offices of delegates and their staff and further meeting space. The computers for the legislative and telecommunications systems are also housed on the fourth floor. Beneath the main floor of the House Office Building there is parking for delegates and some staff.

Legislative Services Building

The Legislative Services Building, with five floors, is situated across State Circle from the State House. It houses the Department of Legislative Services.

The Library and Information Services unit is located in the basement. Also located on this floor are the legislature's printing facility and telecommunications office. The tunnel connecting the Legislative Services Building with the House and Senate office buildings is accessed on this floor.

A cafeteria, the mail room, the bill room, the legislative sales office, and the Office of Information Systems are on the ground floor. The tunnel connecting the Legislative Services Building with the State House leaves from this floor.

The Joint Hearing Room, the legislative drafting office, the offices of the Attorney General (counsel to the General Assembly), and the office of the State Police are located on the first floor. Some policy analysts and support staff in the Office of Policy Analysis, as well as staff in the Office of Information Systems and training facilities, also occupy offices on this floor.

The second floor is occupied by the Office of the Executive Director of the Department of Legislative Services, the Counsel to the Joint Committee on Legislative Ethics, and policy analysts and support staff of the Office of Policy Analysis. The third floor houses the offices of Finance and Administrative Services, Human Resources (General Assembly and departmental), Legislative Document Management, and the Legislative Intern and Page Coordinator, all units of the Office of the Executive Director.

Parking

Special parking areas are maintained for members of the General Assembly and their staff. Members of the Senate have parking spaces in the lower levels of the Miller

Senate Building. House members have spaces in the garage in the House Office Building. To gain access, members must scan their photo badges at sensors located at the entrance to these garages.

Special numbered automobile license plates bearing the inscription "Senate" or "House of Delegates" are issued to members by the Motor Vehicle Administration. Requests for these special tags are made through the offices of the President and the Speaker.

Some legislative employees are assigned parking spaces nearby during the legislative session and interim. Access is gained by scanning one's photo badge at sensors located at the garage entrances. Other legislative employees park at the Naval Academy Stadium. A shuttle trolley operates from the stadium parking lot to provide transportation between the lot and the Annapolis government complex. Legislative employees must scan their photo badges to gain access to reserved parking at the stadium and may ride the shuttle free of charge. A new garage, located on Calvert Street, is scheduled for completion in late 2006.

Security

Buildings in the capitol complex are accessible to the public only through specified entrances. The State House has two entrances open to the public, one on the first floor and the other on the ground floor. Both are on the Lawyer's Mall side of State Circle. Visitors must enter the Senate Building complex and the House Office Building at their main entrances on Bladen Street. The Legislative Services Building is accessible at the entrance on Lawyer's Mall.

To enter a building, visitors must present a photo identification card, such as a driver's license, and pass through a metal detector. Security officers also search bags and other personal effects. Temporary badges are then issued and must be visible for the duration of the visit.

Legislators and legislative staff are required to have photo badges and may access the buildings by scanning their badges at sensors located at various entrances. Other State employees are allowed access to the complex on presentation and display of their State photo badges.

Chapter 9. The General Assembly of Maryland – Historical Summary

Early History

On February 26, 1635, some eleven months after the first Maryland settlers landed on the island in the Potomac which they named for Saint Clement, the freemen of the new colony of Lord Baltimore gathered at St. Mary's City for the first General Assembly of the province.

They were there under summons of Leonard Calvert, Governor of the province and surrogate of Cecil Calvert, Lord Baltimore and Proprietary, acting under the charter issued by Charles I in 1632, giving the Proprietary authority to enact laws, "with the Advice, Assent and Approbation of the Free-Men, or their Delegates or Deputies, shall be called together for the framing of LAWS, when, and as often as Need shall require... ."

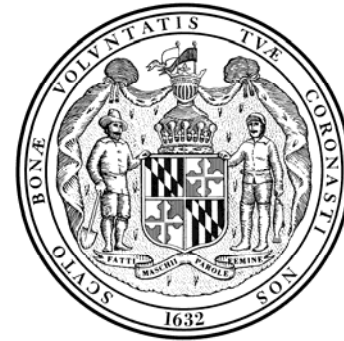
Due to lack of records, little is known of this General Assembly. It is certain, however, that it was a gathering of all the freemen of the province, in person or by proxy, in an atmosphere resembling a town meeting. The freemen mentioned in the charter and in the early archives were the male inhabitants, twenty-one years of age or older and free of bondage.

In large part, the first legislative assemblies of Maryland reflected conditions in the parent nation, and their struggle with the Proprietary over the meaning of "advice and assent" mirrored the fight of the English Parliament to supersede the monarch as the highest legislative authority.

The second session of the General Assembly opened on January 25, 1638, with Governor Calvert presiding. The Assembly gave Governor Calvert general supervision of the proceedings and the decorum of the body and proceeded to adopt a set of rules of order based on standards of conduct and procedure which had been developed over the centuries by the English Parliament. These included the hours of opening morning and afternoon sessions, the requirements for a quorum, and general rules of conduct while speaking. Another rule adopted at a later date during the session was "that all bills propounded to the house for lawes, should be 3 times read on 3 severall days afore they should be putt to the vote."

The Great Seal of Maryland

The Great Seal of Maryland is used by the Governor and the Secretary of State to authenticate Acts of the legislature and for other official purposes. The first Great Seal was sent from England shortly after settlement of the Colony. It remained in use, although slightly altered, until the Revolution. Maryland then adopted a new seal similar in form and spirit to those of other states. One hundred years later, the State of Maryland readopted its old seal (Joint Resolution No. 5, Acts of 1876).



REVERSE

The reverse consists of an escutcheon, or shield, bearing the Calvert and Crossland arms quartered. Above is an earl's coronet and a full-faced helmet. The escutcheon is supported on one side by a farmer and on the other by a fisherman. It symbolizes Lord Baltimore's two estates: Maryland and Avalon in Newfoundland. The Calvert motto on the scroll is "Fatti maschii parole femine," usually translated "strong deeds, gentle words." The Latin legend on the border (the last verse of Psalms 5 from the Vulgate) is translated "with favor wilt thou compass us as with a shield." The date, 1632, refers to the year the Maryland Charter was granted to Cecilius Calvert, second Lord Baltimore.



OBVERSE

The obverse of the seal shows Lord Baltimore as a knight in full armor mounted on a charger. The inscription translated is "Cecilius, Absolute Lord of Maryland and Avalon, Baron of Baltimore."

But the main business before this second General Assembly was whether it would accept the bills drafted and presented to it for “advice, assent and approbation” by the Lord Proprietor. The Assembly ignored these and on its own initiative passed other bills that were sent along to the Proprietary for his assent.

Cecil Calvert challenged the legality of the Assembly’s action, and when the legislative body met again in February 1639, it had before it another set of bills proposed by the Proprietary.

The freemen moved promptly to reject Lord Baltimore’s proposals. On the second day of the session they voted, 37 to 14, against the bills he proposed. The 14 affirmative votes were those of the Governor and his council, including the proxies they held. The journal of the session states that the proposal was “denied by all the rest of the assembly, being 37 votes.”

The legislators themselves had their own ideas about their prerogatives. They chose a committee of five members to draft a new set of bills. Forty-two of these were passed before adjournment on February 25. All were rejected at first by Lord Baltimore but then, in August of that year, he relented, settling once and for all the General Assembly’s right to initiate and pass laws, reserving to himself, of course, the right to veto.

Seeds of Bicameralism

Although these first assemblies in form were a single house comprised of all the freemen of the Province, either in person or by proxy, they contained the seeds of bicameralism and representative government, both well established in English legislative tradition.

The first two meetings (in 1635 and 1638), were attended by the Governor, his secretary and the members of his council, the freemen generally, in person or by proxy, and, in the 1638 meeting, by burgesses chosen by the inhabitants of Kent Island.

The idea of presence in the assembly by representation was pushed a step further in the writs of summons issued in the name of the Proprietary in the winter of 1638-1639 for the session that opened on February 25, 1639. Special writs were issued to members of the council and close associates of the Governor. General writs were issued commanding the inhabitants in the “hundreds” (civil subdivisions) to hold meetings and “chuse two or more discreet and honest men to be their deputies or burgesses...”

At the 1639 session the assembly passed what it entitled “An Act what persons shall be called to every Generall Assembly.” As the title suggests, it defined the constituency of the legislative body, with allotments as follows: (1) “everyone being of the Council of this Province,” (2) “any other Gentlemen of able judgment and quality Summoned by this Writt,” (3) “the Lord of every Mannor within this Province after Mannors are erected,” and (4) representatives of all the hundreds. The writs of summons specified that there be an election in each hundred to “chuse some one, two or more able and Sufficient men for the hundreds (as the said Freemen or the major part of them so assembled shall think good)...”

Another Act at the same session provided a quorum of 12 members, the “Lieutenant Generall (Governor) and Secretary of the Province to be alwaies two,” named the legislative body “the house of Assembly,” and decreed that a bill to become law require approval of the “major part of the Persons assembled” and the assent of “the Lieutenant Generall in behalf of the Lord Proprietarie.”

The apportionment of membership among the localities appeared to have been of no concern whatsoever until 1640, when the writs of summons began to indicate the number of burgesses the hundreds might be expected to send to the Assembly. For the session of October, 1640, the writ for Kent Island¹ specified that this jurisdiction select “one or more” burgesses, “not exceeding four.” St. Clement’s hundred was told to send one, and the remaining hundreds (St. Mary’s, St. George’s, and St. Michael’s) two each.

In addition to these, there were, of course, the special writs for the members of the council and special friends of the Governor.

Apportionment of the membership became a legal reality in an Act of 1650 creating two chambers, an upper house comprised of the Governor, the Secretary of the Province, and members of the council, and a lower house consisting of eleven members from St. Mary’s County, one member from “Ile of Kent County” and two members from that “part of the Province called Providence.”²

After the British revolution of 1688 and the installation of William and Mary as monarchs, Maryland became a crown colony. At the first General Assembly under the Royal Governor in 1692, the Act of Toleration was repealed, Anglicanism became the established religion, and there began a series of Catholic persecutions and repressions that continued in varying measures of severity until Maryland became an independent state in 1776.

¹ At the time a “hundred” of St. Mary’s County.

² Now Anne Arundel County.

The Mace and Speaker's Medallion

For over 300 years, the House of Delegates has not gone into session without displaying one of its most cherished possessions, the Mace – an ebony and silver staff measuring 24½ inches long by 1¾ inches in diameter. Traditionally used to bring witnesses before the House and to keep order, the Mace in use today is believed to be the same one first presented to the Speaker of the House of Delegates (then known as the Lower House of Assembly) by Governor Francis Nicholson in 1697 or 1698. It was offered in the English parliamentary tradition; the English House of Commons first used a mace as a symbol of resistance to King Charles I. At one point, the silver on the Maryland Mace was engraved with the 1794 Great Seal. Today, it remains a symbol of the independence and authority of the House.

In 1995 the Mace served as the inspiration for the Speaker's Medallion, an award now given annually to two individuals: one is a former member of the House of Delegates chosen in recognition of an outstanding career of service and one is an individual chosen for his or her exemplary service to the House and the State of Maryland. The Speaker's Medallion depicts the Mace backed by the Maryland flag on one side, and the 1794 Great Seal of Maryland encircled with the words, "Industry the Means, Plenty the Result", the State motto from 1794 to 1817, on the other.

Except for one or two brief intervals, the seat of government in Maryland had remained in St. Mary's City where it was established in 1634. In the minds of some Protestants, St. Mary's City symbolized Catholic-Calvert authority, and when the Protestants became the dominant political force, they began a clamor for the removal of the capital.

As St. Mary's City was the center of Catholic traditionalism, the center of Protestant insurgency in the Province was an area known variously as Proctor's Landing, Providence, Ann Arundel Town, and finally Annapolis. It was to here that Protestants wished to move the capital, and, over feeble protests of the inhabitants of St. Mary's City, the seat of government was established at this site on the Severn River in the winter of 1694-95.

The General Assembly met for the first time in the new capital in 1695, and there it has sat continuously since, with two exceptions. In April 1757 an epidemic of smallpox in Annapolis drove it to Baltimore, and in April 1861, it repaired to Frederick to escape the repressive atmosphere of Annapolis which had fallen into the hands of General Benjamin Butler and his Union troops.

Constitution of 1776

Elections for a constitutional convention were held in the summer of 1776, and on August 14 of that year the convention assembled in Annapolis. On November 3 a Declaration of Rights was adopted, and five days later the constitution itself was accepted.

The Declaration of Rights, adopted just a few months after the colonies declared themselves independent of British rule, reaffirmed the independence of Maryland as a state.

It provided for the separation of executive, legislative, and judicial powers. The essential rights of individuals, imbedded in the common law and in the English Bill of Rights of 1689, were recited – freedom of speech and assembly, the right of trial by jury and due process, freedom from unwarranted search and seizure, etc. Religious freedom in Maryland was restored, the protection being confined, however, to persons professing the Christian religion.

The Constitution of 1776 established a legislature consisting of “two distinct branches, a senate and a house of delegates, which shall be stiled the General Assembly of Maryland.”

In the House of Delegates, each of the 18 counties was allotted 4 delegates, and Annapolis and Baltimore were allotted 2 each. Delegates were chosen by popular vote for one-year terms. The Senate was composed of 15 members, 9 from the Western Shore, and 6 from the Eastern Shore, chosen by electors elected by the people, 2 from each county and 1 each from Annapolis and Baltimore. Senators were elected for five years.

Distrust of executive authority and reliance upon the legislature, deriving from years of unpleasant experience with Royal and Proprietary executive power, was evident in this first State constitution. Governors were elected by the General Assembly for one-year terms. The executive veto was abolished.

The first General Assembly under the constitution met February 10, 1777. It elected Thomas Johnson as Governor and set about enacting laws for the prosecution of the War of Independence.

First Citizen Awards

Each session the President of the Maryland Senate bestows “First Citizen Awards” to individuals who demonstrate their dedication and effectiveness as participants in the process of making government work for the benefit of all. First presented in 1992, the First Citizen Award is a citation embellished with a reproduction of a medal honoring Charles Carroll of Carrollton in 1826. It is given with a book devoted to a lengthy debate waged in the *Maryland Gazette* in 1773 between Charles Carroll of Carrollton and Daniel Delany, a well-known lawyer of the day. Signing his columns, “First Citizen,” Charles Carroll of Carrollton called for freedom and a restructuring of government based on the advice and consent of the people. He was a renowned Maryland legislator, helping to draft the State’s first Constitution, signing the Declaration of Independence in 1776, and serving as a member and the President of the Maryland Senate from 1777 to 1801. In his illustrious life, he also became one of Maryland’s first U.S. Senators.

Reforms of 1836-37

The structure of government remained essentially unchanged over the ensuing decades. Property qualifications for voting were removed in 1801 and for holding office in 1809. And then, in 1836-37, sweeping constitutional reforms, all democratic in trend, took place. The direct popular election of Governor and State senators was provided, the Governor for a term of three years. Seats in the Senate were apportioned among the counties and Baltimore City, and for the first time apportionment of House seats on the basis of population was given recognition.

The Senate was comprised of 21 members, each county and Baltimore City to be represented by one senator. Senators’ terms were for six years, staggered in a fashion to provide for a renewal of a third of the body’s membership every two years.

Two systems for the apportionment of the House seats were provided: one before and one after the taking of the decennial census of 1840.

Members of the House, still elected for one-year terms, were selected prior to the promulgation of the 1840 census with each county, Baltimore City, and Annapolis granted a designated apportionment. Baltimore City was allocated five delegates, as many as the largest counties.

After the census promulgation, the apportionment among the counties was made on the basis of population. Any county with over 35,000 people got the maximum six delegates. Baltimore City was entitled to as many delegates as the most populous county. Annapolis for apportionment purposes was considered a part of Anne Arundel County and lost its individual delegate.

By an amendment effective in 1846, the General Assembly began holding sessions biennially and delegates were elected to terms of two years.

Constitution of 1851

At the 1849 session, a constitutional convention was called; it convened in Annapolis on November 4, 1850. Controversy at the convention centered on the question of apportionment of legislative membership. The city of Baltimore, whose population had mushroomed principally as a result of heavy European immigration, clamored for the apportionment of both houses on the basis of population.

The counties, distrusting Baltimore and fearing what was termed “tyranny of the majority,” were willing to make a few concessions for representation in the House but persisted in retaining equal representation for all jurisdictions in the Senate. In the end, the counties won the battle, even to the point of counting slaves in the allotment of delegates on a limited population basis.

In the Constitution of 1851, the General Assembly was empowered to reapportion the House of Delegates after each federal census on the basis of population, with certain qualifications. The House was to be composed of no more than eighty and no fewer than sixty-five members. No county would have fewer than two members, and Baltimore City was to have four more than was allotted to the most populous county. The Senate apportionment remained unchanged – one senator from Baltimore City and each of the counties, elected to four-year terms, staggered to provide renewal of half the body every two years.

Obviously more than a decade would elapse before another federal census, and so an interim apportionment of the House was arranged, based somewhat upon population, but strongly favoring the smaller counties.

Civil War

Because of the Civil War and the social upheaval that accompanied it, the General Assembly ceased to be an effective instrument of government during the war.

Governor Thomas Holliday Hicks for months resisted the pleas of secessionists for a special session to vote on dissolution of ties with the Union. Finally, on April 26, 1861, he did call such a session to be held in Frederick, because Union troops had seized Annapolis. The Assembly promptly decided there was no constitutional authority for secession.

It voted to undertake the role of peacemaker between the Confederacy and the Union, but was never able to perform that role. When the two houses attempted to meet in September of that year, many of the members and officers were arrested and jailed by Federal troops.

Elections held in November 1861 reflected the division and disharmony that prevailed. With the help of Federal arms, Union sympathizers won the governorship and most of the seats in the General Assembly. Maryland remained under military authority for the remainder of the conflict.

Constitution of 1864

The Civil War constitution – the Constitution of 1864 – was notable primarily because it abolished slavery, declared the U.S. Constitution and the laws passed thereunder to be “the supreme law of the land” and denied the franchise to Southern activists and Southern sympathizers.

In its legislative provisions, the General Assembly expanded the principle of fair representation by allowing Baltimore City three senators and by improving the apportionment formula of the House of Delegates.

Baltimore City was divided into three legislative districts, each entitled, as was each county, to one senator. The formula for House apportionment, based on white population, was:

- for every population of 5,000, or fraction thereof greater than one-half, one delegate until a total of five delegates was reached;
- for the next 20,000, or fraction thereof greater than one-half, one delegate; and
- for every 80,000 thereafter, or fraction thereof greater than one-half, one delegate.

This formula was to be applied after the next decennial census, but, since a new constitution was adopted prior to that time, it never became effective.

Instead, interim provisions of the Constitution of 1864 were used. These provisions changed the House apportionment very little, the principal change being that Baltimore City's representation increased from 10 to 18.

The 1864 Constitution created the position of Lieutenant Governor, an officer to preside over the Senate and succeed the Governor in case of death, resignation, or removal from office.

Constitution of 1867

Some two years after the surrender at Appomattox, another constitutional convention met in Annapolis, and a new constitution, supplanting one scarcely three years old, was ratified by the people on September 18, 1867.

The new constitution revoked certain war measures and softened others aimed primarily at Southern sympathizers. It removed as obsolete the elaborate provisions for voting by soldiers, a device to assure Union control of the State during the war. Likewise, voting and office holding sanctions against supporters of the Confederate cause were repealed.

The anti-slavery articles were kept intact but were mollified somewhat to allow former slave owners to be compensated by the federal government, if such compensation were ever authorized. The statement in the Declaration of Rights that every Maryland citizen owed "paramount allegiance" to the constitution and government of the United States was attenuated into a statement that the federal constitution and laws passed thereunder is the "supreme law of the land."

This constitution established, for the first time under statehood, the executive veto. It terminated Maryland's first brief venture with a lieutenant governorship.

The apportionment issue was settled with little controversy in this convention. Allotment of Senate seats remained unchanged – one for each of the counties and for each of the three legislative districts in Baltimore.

A weighted apportionment formula based on population was continued for the House as follows:

Under 18,000	two delegates
18,000 - 28,000	three delegates
28,000 - 40,000	four delegates
40,000 - 55,000	five delegates
Over 55,000	six delegates

Each Baltimore City legislative district was entitled to the number of delegates of the largest counties. This formula was to be applied following decennial censuses, 1870 and afterward. An interim apportionment of the House varied only slightly from the formula of 1864.

The Constitution of 1867 remains Maryland's basic law. It has been amended repeatedly, however, and in the process has undergone some rather drastic alterations.

Apportionment of the membership of the two houses of the General Assembly remained unchanged for more than thirty years, until finally, in 1901, another legislative district was carved out in Baltimore, giving the city another senator and six more delegates. By an amendment approved in 1922, two more districts were added, giving the city six senators and thirty-six delegates.

This weighted apportionment formula, establishing maximums at a fairly low population level, obviously favored the smaller counties over the large counties and Baltimore City. With the remarkable population growth that followed World War II, it became so oppressive that in 1950 a constitutional amendment was adopted freezing the House of Delegates apportionment at the level prescribed by the 1940 census enumeration.

Conflicts Over Reapportionment

After the legislature in Maryland and in other states persistently refused to heed the growing demand for apportionment reform, the courts throughout the country intervened, and, beginning about 1962, a series of federal and State decisions enunciated the doctrine of "one man, one vote."

Maryland's first attempt to comply was to reapportion the House and leave Senate representation unchanged. The U.S. Supreme Court, however, ruled that both the Senate apportionment and the "stopgap" House reapportionment were unconstitutional, and a special session of the General Assembly was called in 1966 to reapportion both houses in conformity with court decrees.

By statute, the General Assembly reapportioned itself, providing a House of Delegates with 142 seats and a Senate with 43 seats. This apportionment, which was given judicial approval, became a part of the constitution in an amendment ratified November 3, 1970. The constitution was amended further in 1972 to provide a membership of 47 senators and 141 delegates beginning in 1975. By the 1970 constitutional amendment, reapportionment strictly on the "one man, one vote" principle is required after each decennial census, by the General Assembly, or, if it fails to act promptly, by the Governor. Membership in the two houses remains unchanged.

The General Assembly that convened in January 1967 was the first in which the membership of both houses was apportioned substantially upon population.

Terms and Sessions

By an amendment adopted in 1922, terms of members of the House of Delegates were increased from two years to four years.

Beginning in 1846 the General Assembly held regular sessions every two years. This continued, under the Constitutions of 1851, 1864, and 1867, until 1948, when an amendment was adopted providing for annual sessions, a 90-day session in odd-numbered years and a thirty-day session in even-numbered years, the latter to deal only with the budget, with emergency measures, and with matters "in the general public welfare."

In a 1965 amendment, 70-day annual sessions were approved, and in 1970 regular sessions were increased to 90 days, with an optional 30 extra days, if approved by a three-fifths vote in each house.

Changes to the Capitol Complex

In the late 1960s, the 1939 State Office Building was remodeled to create space for offices and committee rooms for the Senate; in 1974 it was dedicated to Senate President William S. James. In 1975 the new House of Delegates building at the corner of College Avenue and Bladen Street was built to provide office space for House

members for the first time, as well as adequate space for committees to meet. The House Office Building was named after former Speaker Thomas Hunter Lowe.

The Legislative Services Building was constructed in 1976 to provide central support facilities for the General Assembly and space for the nonpartisan professional staff. New tunnels connected the Legislative Services Building to the Senate and House office buildings, and space between the Governor's Mansion and the Legislative Services Building was closed and landscaped as a mall, now known as Lawyers' Mall.

Changes to the capitol complex have continued to the present time. A new Senate Office Building was finished in 2001. Named after the current President of the Senate, Thomas V. Mike Miller, Jr., the Miller Senate Building is now the home of the Senate standing committees and also contains some office space. The James Senate Office Building was renovated in 2001-2002 and rededicated in March 2003. A new addition to the House Office Building was completed in 2006. The new wing contains larger, more modern committee rooms and additional space to accommodate the public.

The General Assembly in the Digital Age

Perhaps the most significant change affecting the business of the General Assembly during the 1980s and 1990s has been the expansion of the use of personal computers and e-mail and the introduction of the Internet. In 1990 bill drafters began drafting legislation on-line using their personal computers. Late in 1996 the General Assembly posted its web site, allowing the public greater and easier access to the documents associated with policymaking in Maryland.

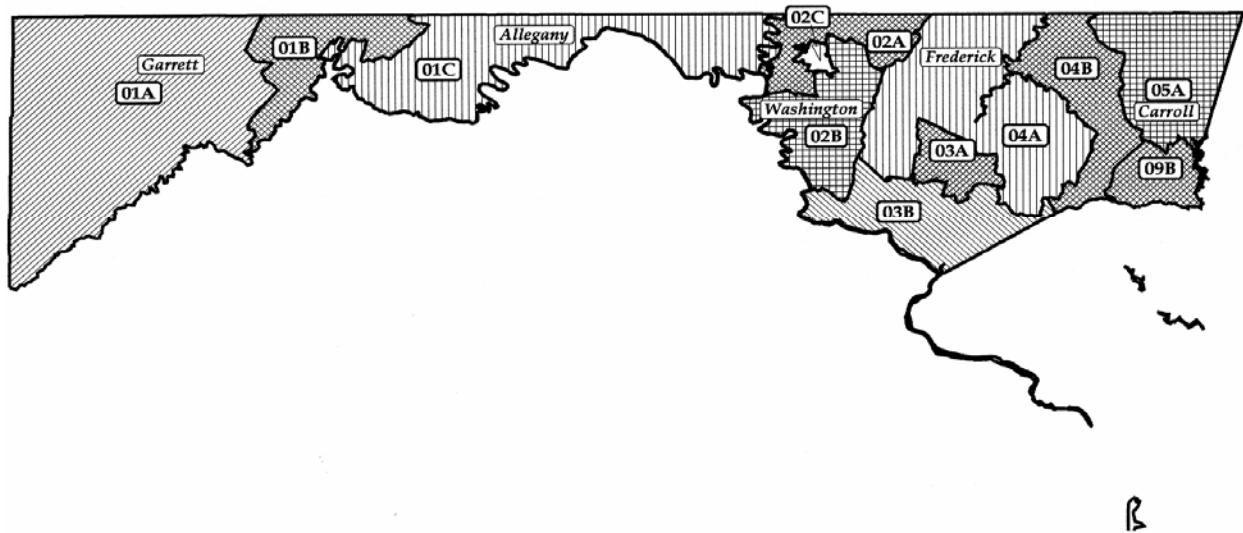
The General Assembly web site (<http://mlis.state.md.us>) provides copies of bills and their synopses, bill status information, the schedule of hearings and committee meetings, budget analyses, commission and task force reports, the roster and list of committees, and a myriad of other materials. In 2000 live audio proceedings of House and Senate sessions also began to be broadcast via the web site. The Department of Legislative Services also has a web site (<http://dls.state.md.us>) that provides a description of the mission and functions of the agency, the nonpartisan body supporting the General Assembly. These web sites have in many ways made the work of the General Assembly significantly more visible and accessible.

Appendix 1

Maps of Maryland – State Legislative Districts

Maryland Counties

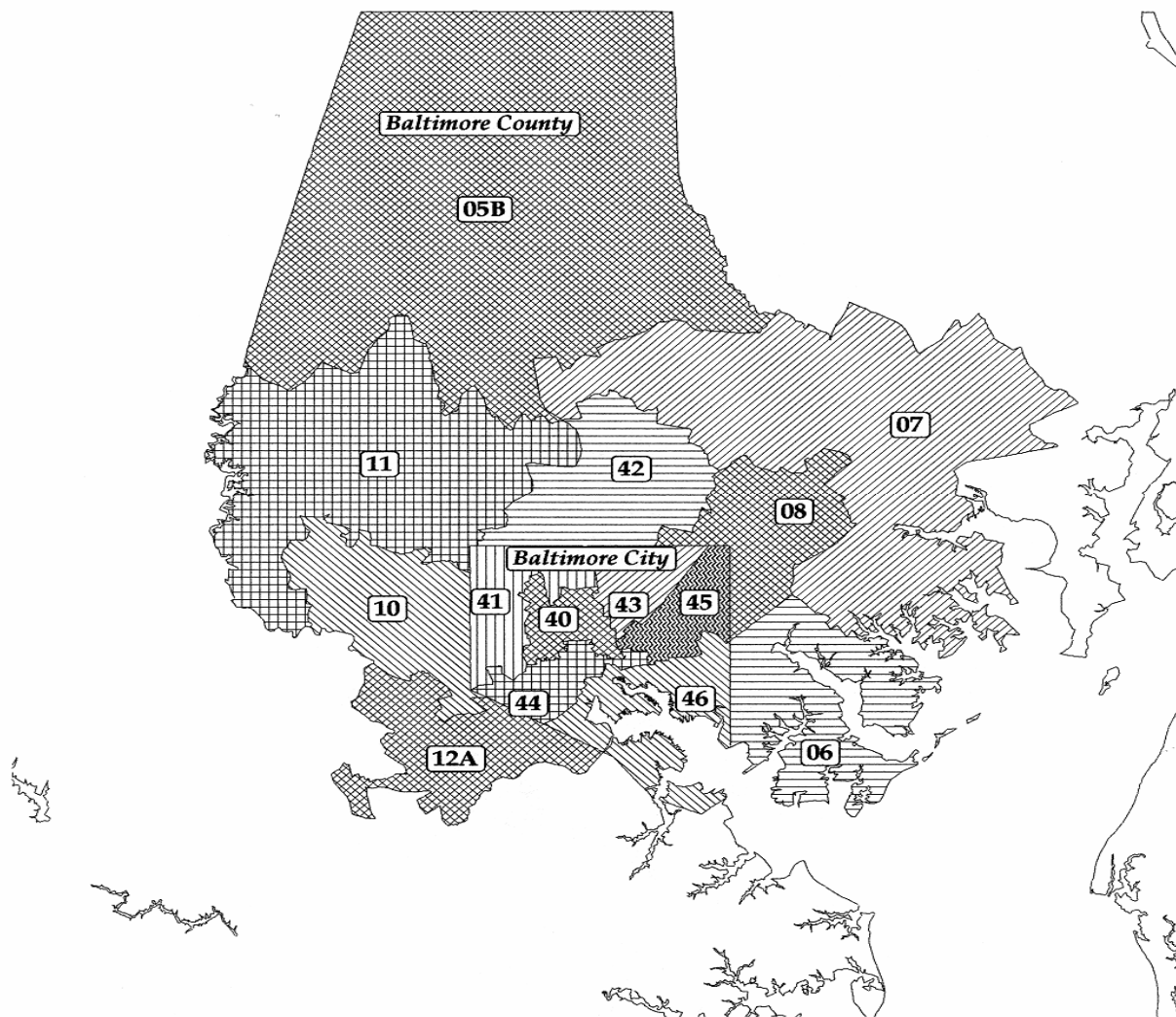




MAP 1 – State Legislative Districts

<u>County</u>	<u>District</u>
Garrett	1 (1A)
Allegany	1 (1A, 1B, 1C)
Washington	1 (1C), 2 (2A, 2B, 2C), 3 (3B)
Frederick	3 (3A, 3B), 4 (4A, 4B)
Carroll	4 (4B), 5 (5A), 9 (9B)

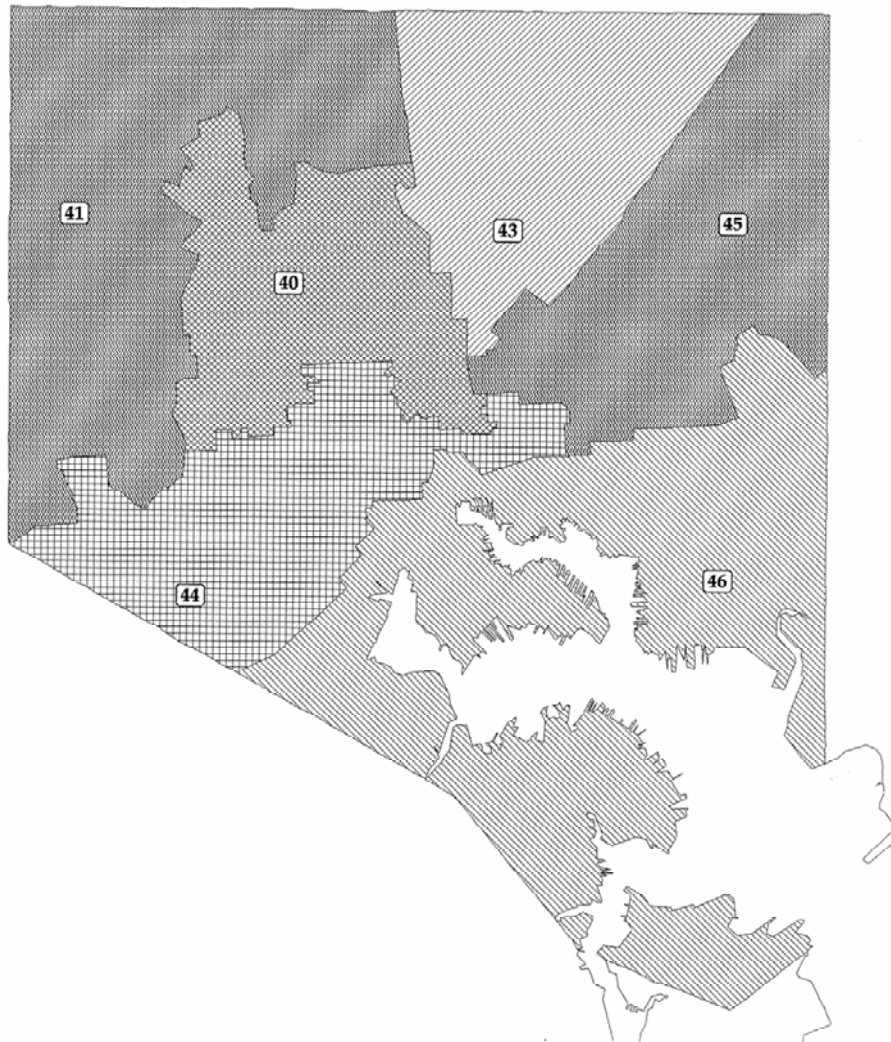
Source: Department of Legislative Services



MAP 2 – State Legislative Districts

<u>County</u>	<u>District</u>
Carroll	5 (5B)
Baltimore	5-8 (5B), 10-12 (12A), 42, 46
Harford	7
Baltimore City	40-41, 43-46

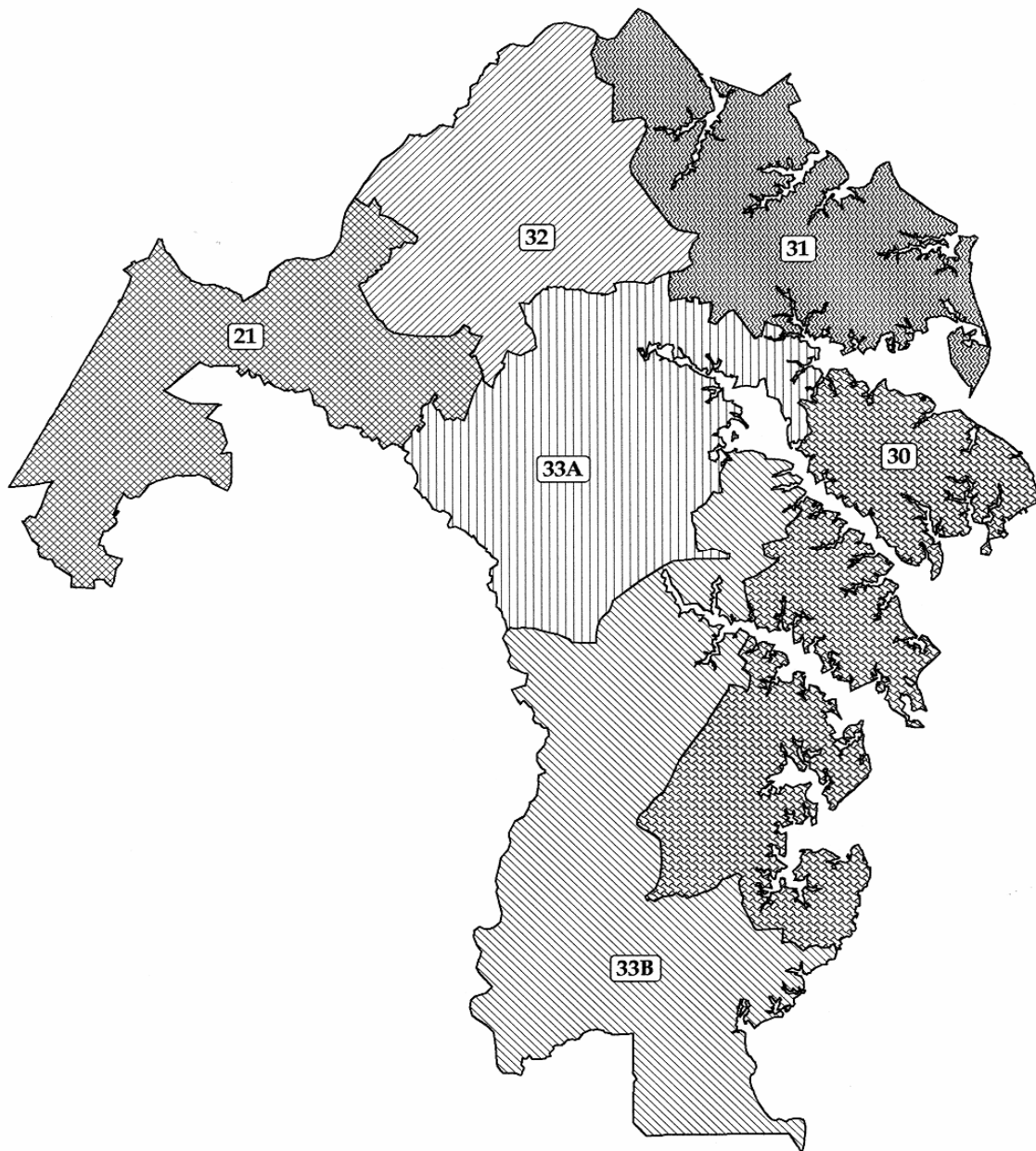
Source: Department of Legislative Services



MAP 3 – State Legislative Districts

<u>County</u>	<u>District</u>
Baltimore City	40-41, 43-46

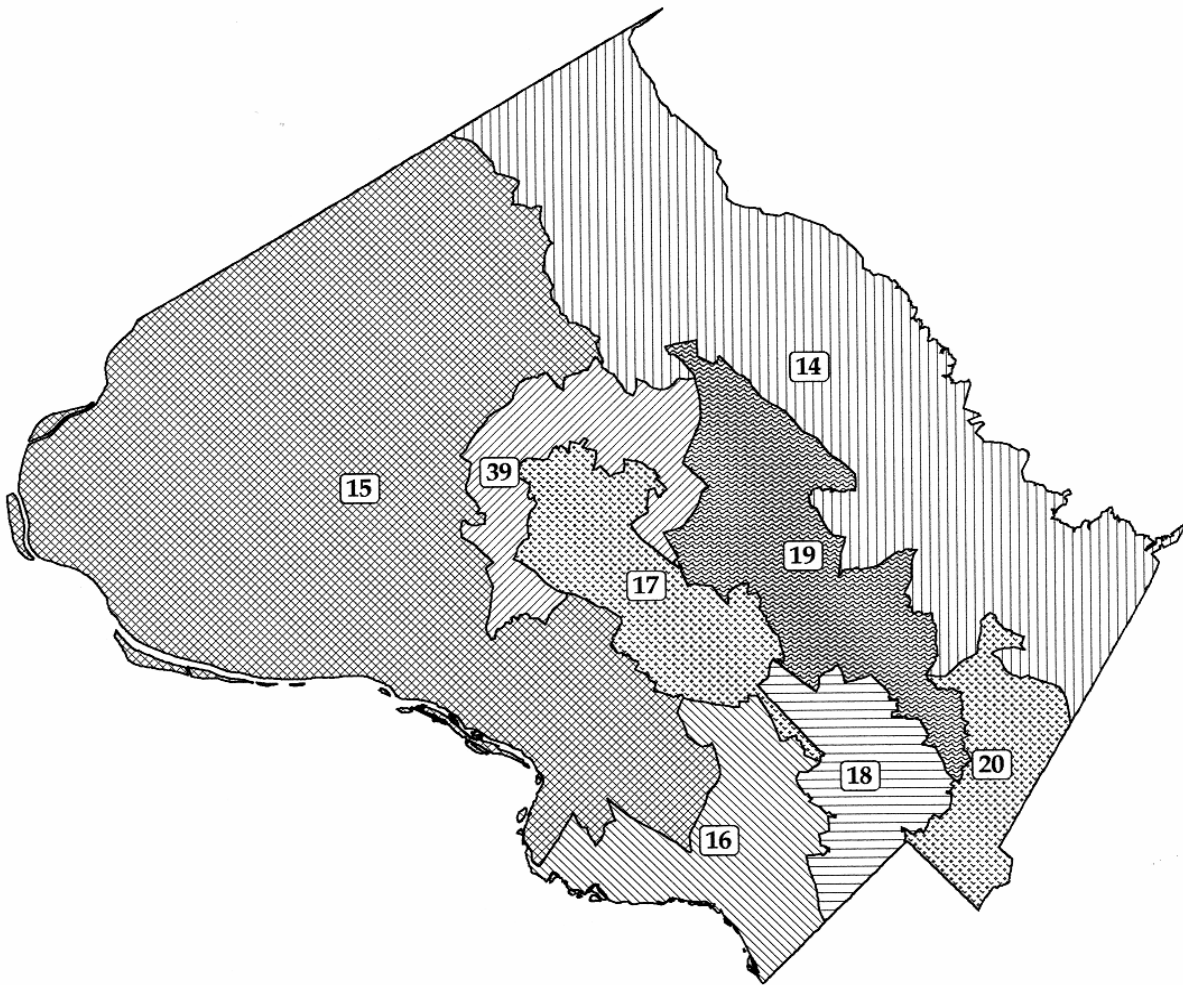
Source: Department of Legislative Services



MAP 4 – State Legislative Districts

<u>County</u>	<u>District</u>
Prince George's	21
Anne Arundel	21, 30-33 (33A, 33B)

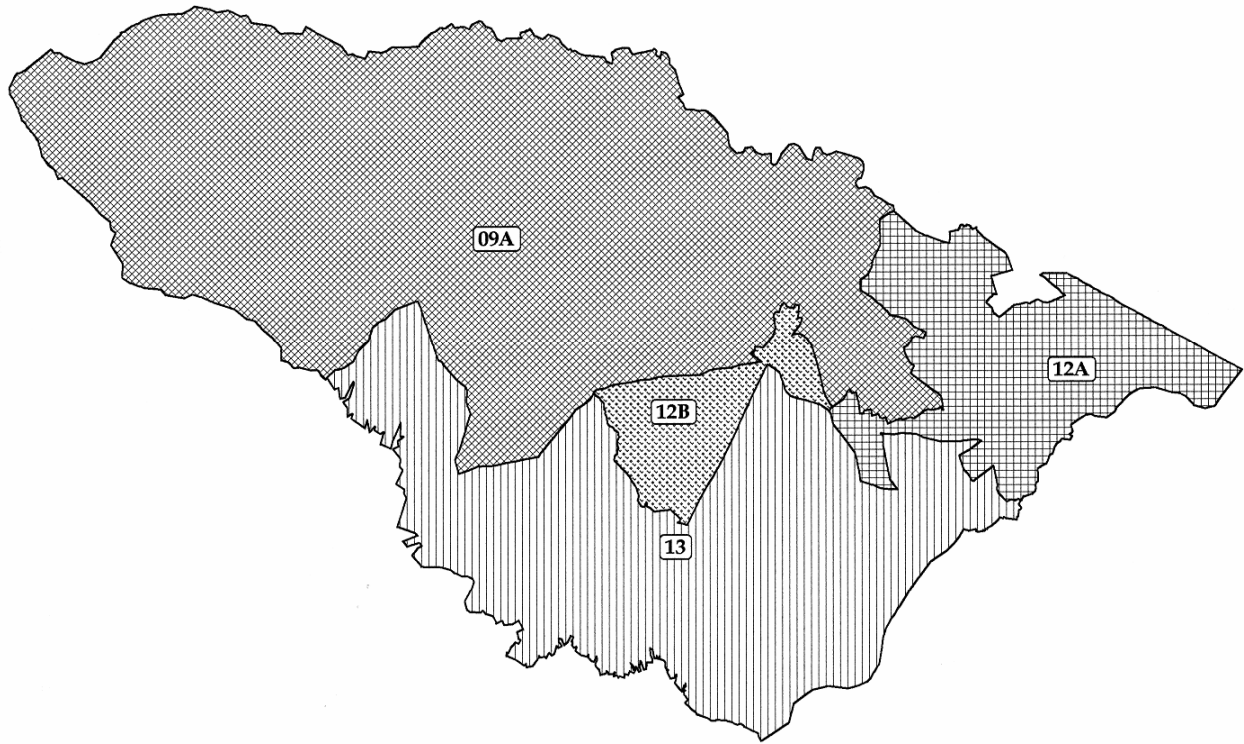
Source: Department of Legislative Services



MAP 5 – State Legislative Districts

<u>County</u>	<u>District</u>
Montgomery	14-20, 39

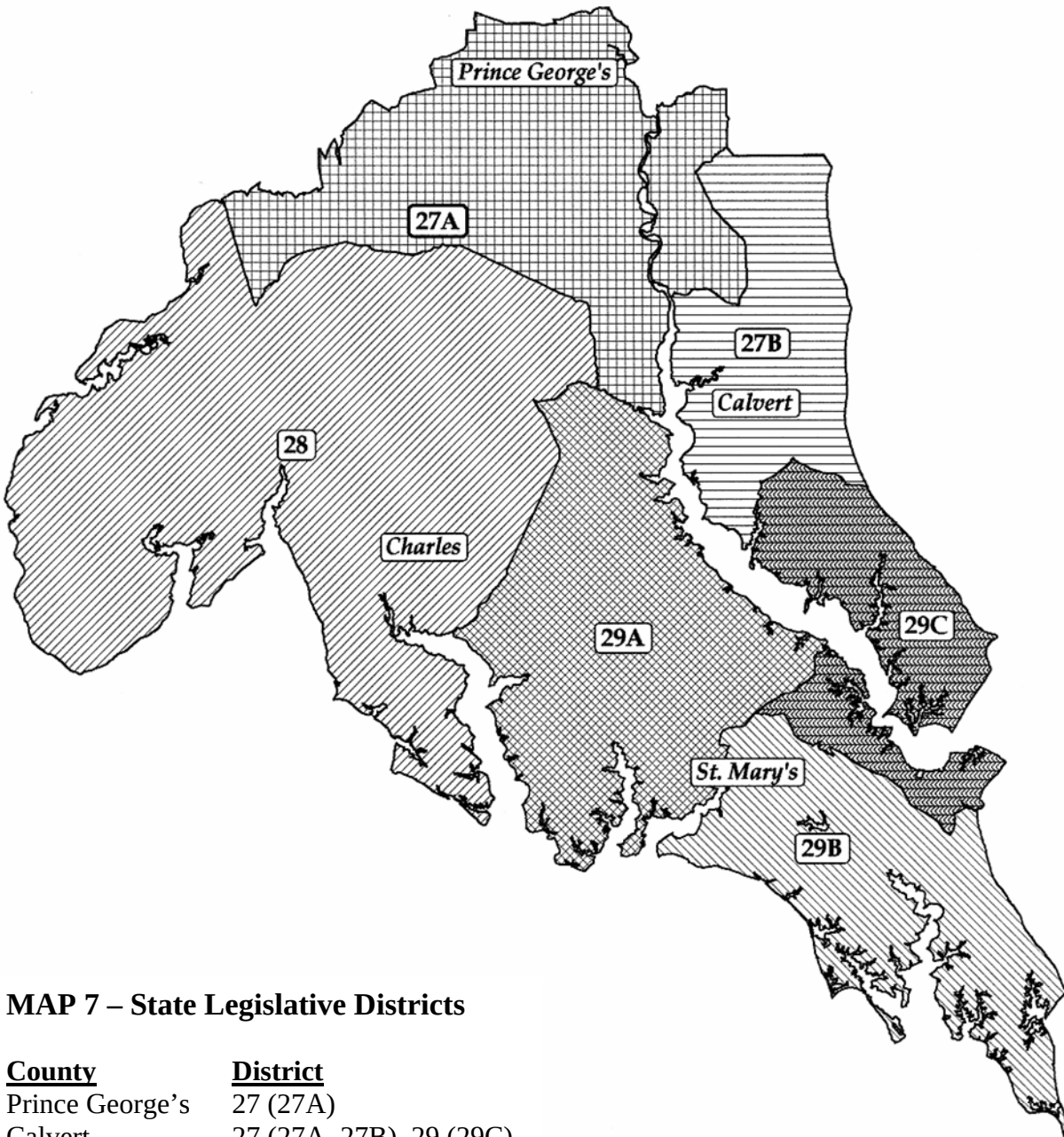
Source: Department of Legislative Services



MAP 6 – State Legislative Districts

<u>County</u>	<u>District</u>
Howard	9 (9A), 12 (12A, 12B), 13
Baltimore	12 (12A)

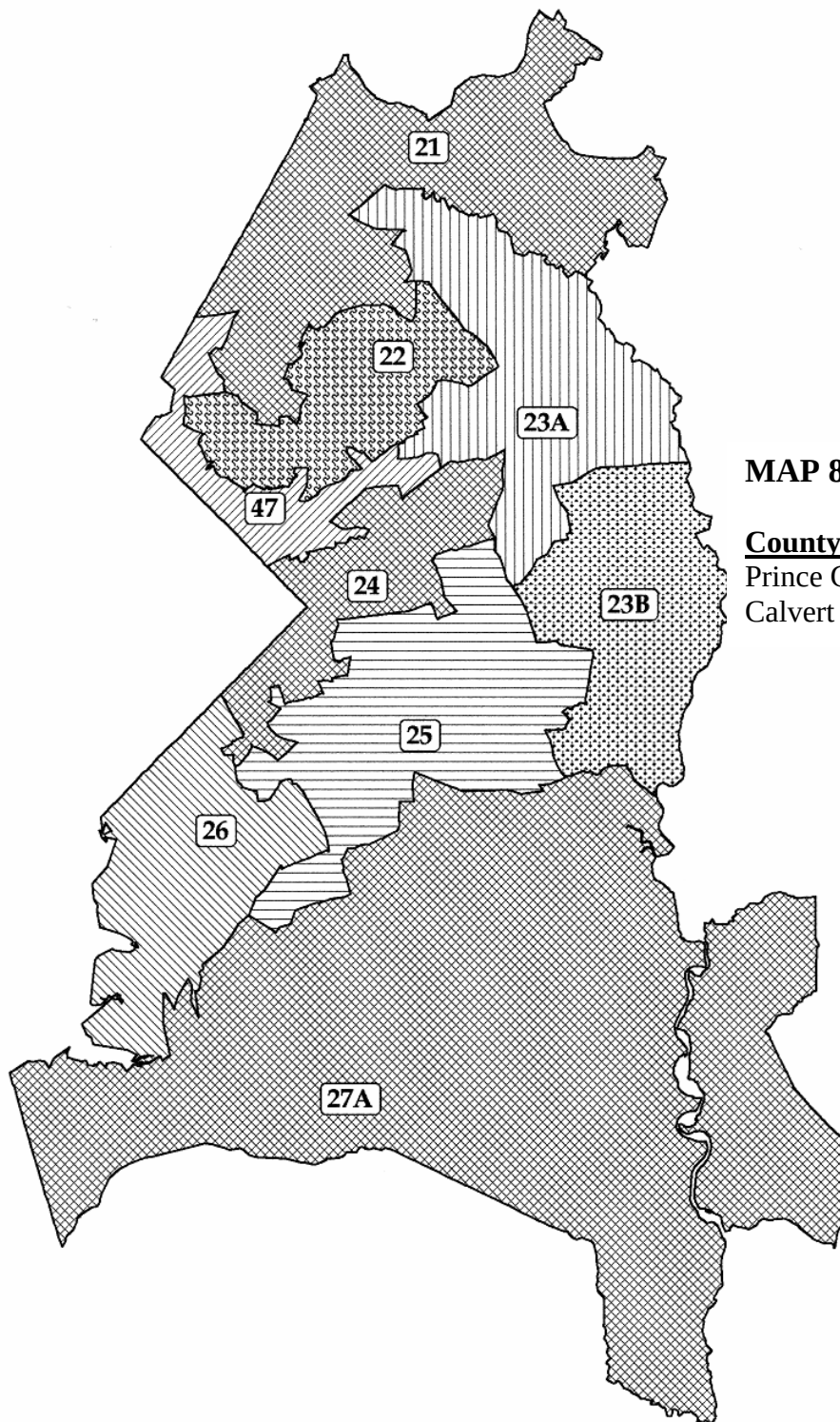
Source: Department of Legislative Services



MAP 7 – State Legislative Districts

<u>County</u>	<u>District</u>
Prince George's	27 (27A)
Calvert	27 (27A, 27B), 29 (29C)
Charles	28, 29 (29A)
St. Mary's	29 (29A, 29B, 29C)

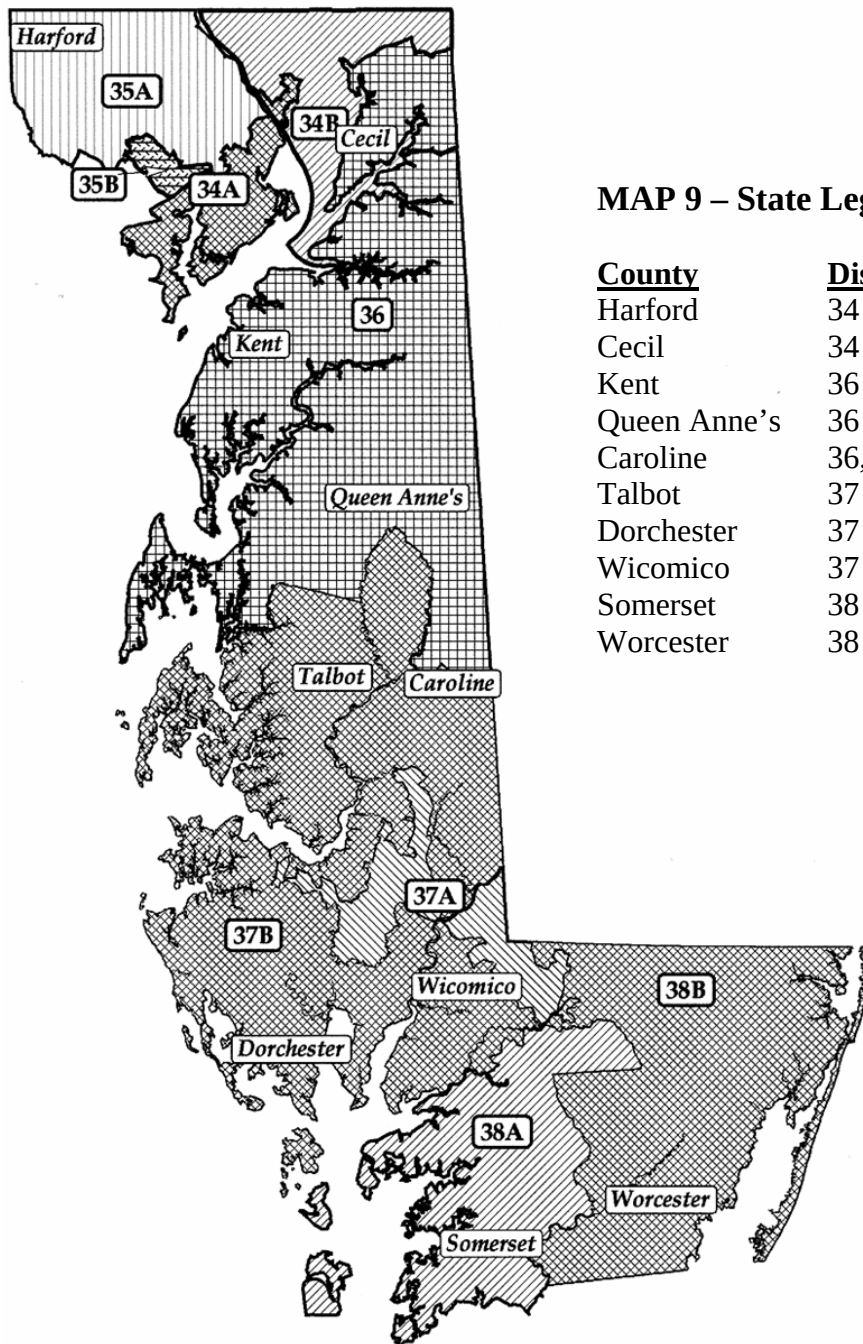
Source: Department of Legislative Services



MAP 8 – State Legislative Districts

<u>County</u>	<u>District</u>
Prince George's	21-27 (23A, 23B), 47
Calvert	27 (27A)

Source: Department of Legislative Services



MAP 9 – State Legislative Districts

<u>County</u>	<u>District</u>
Harford	34 (34A), 35 (35A, 35B)
Cecil	34 (34A, 34B), 36
Kent	36
Queen Anne's	36
Caroline	36, 37 (37B)
Talbot	37 (37B)
Dorchester	37 (37A, 37B)
Wicomico	37 (37A, 37B), 38 (38A, 38B)
Somerset	38 (38A)
Worcester	38 (38B)

Source: Department of Legislative Services

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