THE LEGISLATIVE PROCESS

The legislative process, the mechanism through which the laws of Maryland are enacted, is dynamic and complex. One hundred and eighty-eight men and women are elected every four years to serve in the State's legislative branch to enact laws that protect the interest of Marylanders.

Legislation introduced in the General Assembly is a legislator's response to the needs or desires of his or her constituency.

In Maryland, an idea or concept must pass through many processes before it becomes law. Citizens of Maryland must approach their legislators to introduce a bill. If the legislator agrees to sponsor the legislation, the bill is drafted by the Department of Legislative Services, reviewed by the legislator, and prepared for introduction. Bills or resolutions may be introduced in advance of regular sessions.

First Reading: When the session convenes, the Reading Clerk reads the numbers and titles of the bills being introduced and indicates the committee to which they have been referred by the presiding officer.

Referral to Committee: The committees meet daily during the session to receive testimony and take action on bills referred to the committee. Since the legislature is instrumental in integrating public demands with public policy, citizens are encouraged to present their views on the proposed bills by mail or by personal appearance. Lobbyists representing organized interest groups, officials from State agencies, local government representatives, and other interested citizens speak at these hearings, to either oppose or support the proposed legislation.

The Department of Legislative Services prepares a fiscal analysis for each bill, and these fiscal notes are considered during the committee deliberations.

Second Reading and Floor Consideration: The bill is reported back to the floor by the committee with its recommendation (favorable, unfavorable, favorable with amendment, or rarely, no recommendation). If the bill is amended by the committee, a vote is taken on the amendment, and if passed, another vote is taken on the bill as amended. Committee action may be reversed, but this is infrequent.

Amendments can then be offered from the floor by any member. After all amendments are considered, the presiding officer orders the bill to be printed for its third and final reading.

Third Reading: The bill must be printed in its final version with all amendments included for third reading. No amendments may be presented on third reading in the bill's chamber of origin, and the bill must be passed by a majority of the elected membership.

Second Chamber: The procedure follows a pattern identical to that of the chamber in which the bill originated, except amendments may be proposed during third reading, as well as during second reading. If not amended in the second chamber, final passage may occur without reprinting.

Consideration of Bills Originating in One Chamber and Amended in the Second Chamber: If amended in the second chamber, the bill is returned to the chamber of origin where a vote is taken on a motion to concur or reject the amendments. If concurrence is voted, a final vote is taken on the bill as amended, and action is complete. The bill is reprinted, or enrolled, to include the added amendments before it is presented to the Governor.

If the amendments are rejected, two courses of action are possible: 1) the amending chamber may be requested to withdraw its amendments or 2) upon refusal to withdraw the amendments, either chamber may request a conference committee to resolve the differences between the two chambers.

Conference Committee: Three members from each chamber are appointed to a conference committee by the presiding officers to reach a settlement on the proposed legislation. A report of a conference committee goes back to both chambers to be adopted or rejected without amendment. If the conference committee report is adopted, the bill is voted upon for final passage in each house. If the conference committee report is rejected by either house, the conference committee may be directed to reconvene, new members may be appointed, or the bill fails.

Presentation of Bills to Governor: Except for constitutional amendments and the budget bill, presentation of all bills to the Governor is mandatory. The budget bill becomes law upon its final passage and cannot be vetoed. Bills must be presented to the Governor within twenty days after adjournment of a session, and in the case of such bills, the Governor may veto within thirty days after presentation. If the Governor does not veto a bill, it becomes law. The Governor may not veto a constitutional amendment.

Veto Power: The power to override a veto rests with the legislature. If a bill is vetoed during a regular session, the veto message is considered immediately. If a bill presented after the session is vetoed, the veto message must be considered immediately at the next regular or special session of the legislature, except that the legislature during the first year of a new term may not override a veto. A three-fifths vote of the elected membership in each house is necessary to override a veto.

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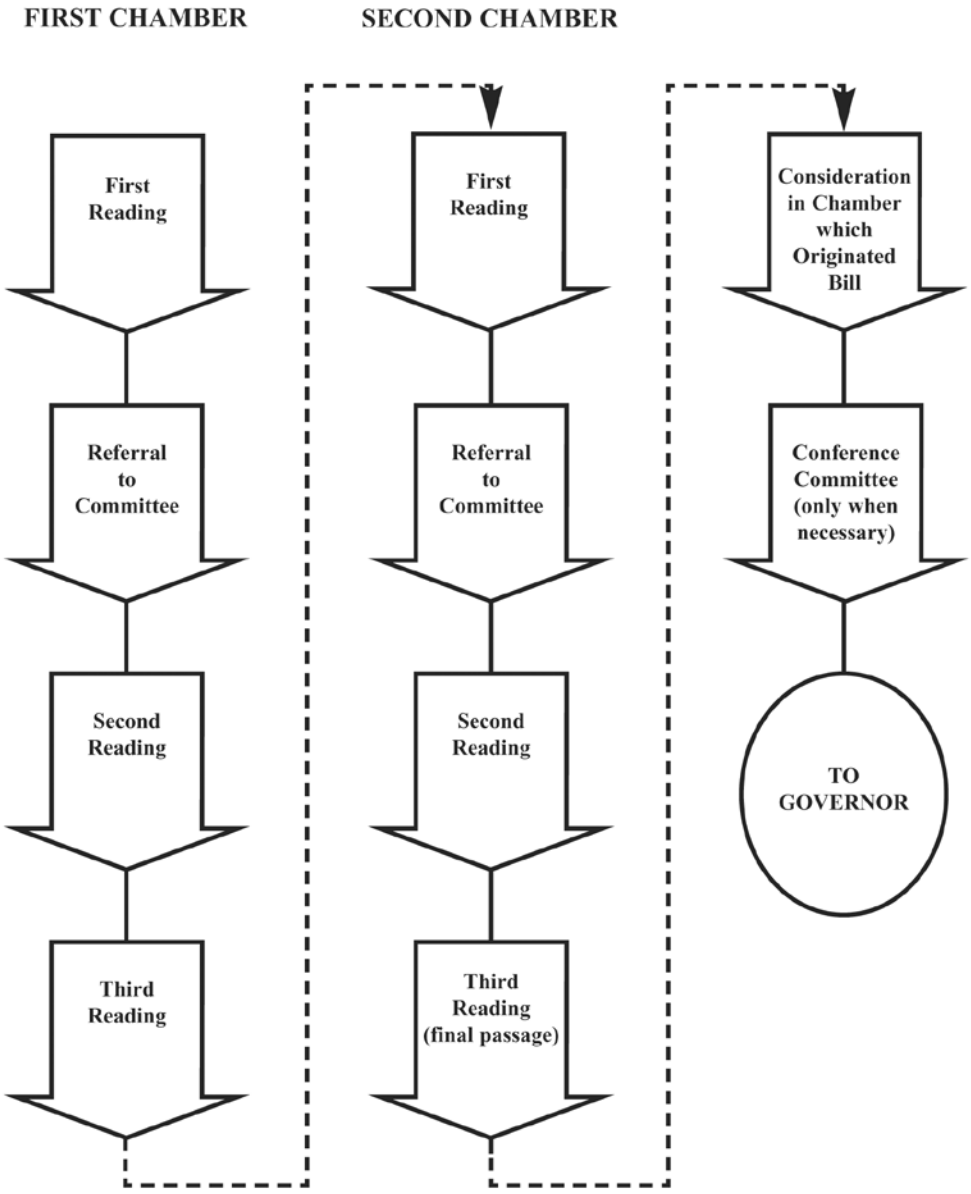
The Progress of a Bill