Legislative Drafting Manual

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For further information concerning this document contact:

Library and Information Services
Office of Policy Analysis
Department of Legislative Services
90 State Circle
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Introduction

The *Legislative Drafting Manual* is published each year by the Department of Legislative Services to assist those involved in the drafting of bills and amendments for the Maryland General Assembly. It also is available online on the department's website (http://dls.state.md.us/).

The manual 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.

In an effort to enhance its utility, the 2017 *Legislative Drafting Manual* has been edited to delete obsolete references, clarify explanations, and provide more useful examples. In addition, the appendix of the manual incorporates examples and sample forms and the sources section lists additional sources of information on Maryland government and history, the legislative process, and legislative drafting. Readers are encouraged to use this manual in conjunction with the *Maryland Style Manual for Statutory Law*, available from the Department of Legislative Services.

Comments and suggestions directed at improving future editions of the *Legislative Drafting Manual* are welcome.

I will venture to affirm, that what is commonly called the *technical* part of legislation, is incomparably more difficult than what may be styled the *ethical*. In other words, it is far easier to conceive justly what would be useful law, than so to construct that same law that it may accomplish the design of the lawgiver.

– John Austin, *Jurisprudence*

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Chapter 1. The Law and the Power of the General Assembly

The Law and Where It Is Found

The statutory law of the State of Maryland generally is found in Michie's Annotated Code of Maryland and West's Annotated Code of Maryland. However, some law is not codified and can be found only in the Session Laws, the publication of all of the laws enacted during each session of the General Assembly. The Session Laws, published by the State and also referred to as the Laws of Maryland, are the basic source of State law. The Session Laws are organized chronologically by Chapter for each session or special session of the General Assembly. The Annotated Code, published by LexisNexis and West, is assembled from the Session Laws. The Code is a subject matter arrangement of the law organized by articles and annotated with case law, related citations, and appropriate notations. It is often said that the Session Laws are the "law," while the Annotated Code is "evidence" of the law. (*See* § 10-201 of the Courts and Judicial Proceedings Article and *Tereshuk v. State*, 66 Md. App. 193 (1986).) (Note that while § 10-201 of the Courts and Judicial Proceedings Article gives both Michie's Annotated Code and West's Annotated Code legal status as evidence of the law, Michie's Annotated Code is used by bill drafters at the Department of Legislative Services. Therefore, all references to the Code and descriptions of Code volumes in this manual are to Michie's Annotated Code.)

The Annotated Code contains much law that is "local" in application. Provisions concerning local school boards, alcoholic beverages, sheriffs, and treasurers (to name only a few) as they apply to specific counties or Baltimore City are contained in the Code. These are local laws and ordinarily are handled as such in the General Assembly. Other local laws are found in the separately published code of public local laws for each county and for Baltimore City. (*See* p. 98, "Code of Public Local Laws.") To determine the current status of a code of public local laws, it is necessary to check the Session Laws of the General Assembly enacted after the last respective edition of the code. Each year, the Department of Legislative Services prepares an unofficial compilation, entitled the *Compilation of the Changes in the Public Local Laws*, which can assist in updating the code of the political subdivision in question.

Power of the General Assembly to Legislate

Statewide

The General Assembly has full power to legislate for the State, subject only to limitations imposed by the United States Constitution and the Maryland Constitution, as well as any case law restrictions.

Local Governments

The General Assembly has the power to legislate for the various forms of local government in Maryland, subject to the restrictions and limitations briefly described here. A more thorough discussion is included in the *Legislative Desk Reference Manual* (Department of Legislative Services, Office of Policy Analysis, 2009) and the *Legislative Handbook Series*, Volume VI (Department of Legislative Services, Office of Policy Analysis, 2014).

Commission Counties

The commission counties, governed by boards of county commissioners, are: Calvert, Carroll, Garrett, St. Mary's, Somerset, and Washington. The General Assembly has full power to legislate for these jurisdictions. The Local Government Article details the powers of the commission counties.

Charter Home Rule Counties

The charter home rule counties are: Anne Arundel, Baltimore, Cecil, Dorchester, Frederick, Harford, Howard, Montgomery, Prince George's, Talbot, and Wicomico. Article XI-A, § 2 of the Maryland Constitution requires the General Assembly to provide a grant of express powers to counties that adopt charter home rule. The list of express powers is contained in the Express Powers Act, Title 10 of the Local Government Article. On adoption of a charter, the county has full power to amend or enact local laws on matters covered by the Express Powers Act, including the power to amend local laws previously enacted by the General Assembly (Article XI-A, § 3 of the Maryland Constitution).

The General Assembly may not enact a public local law that affects only one charter county on any subject covered by the express grant of powers (Article XI-A, § 4 of the Maryland Constitution). However, the General Assembly may enact a law dealing with an express power if that law affects any two or more counties, even if the second county is not a charter county. Inclusion of the second county makes the

enactment a public general law. The General Assembly also may legislate for all charter counties as a group by amending the express grant of powers for charter counties found in Title 10 of the Local Government Article.

City of Baltimore

Essentially the same provisions of Article XI-A of the Maryland Constitution concerning charter counties are applicable to Baltimore City. The express grant of powers to Baltimore City is found in Article II of the Charter of Baltimore City. Although the General Assembly lacks the authority to amend the express powers of any single charter county, it may amend the express powers of Baltimore City.

Code Home Rule Counties

Code home rule is provided for in Article XI-F of the Maryland Constitution. Allegany, Caroline, Charles, Kent, Queen Anne's, and Worcester counties have adopted this form of home rule. A code county has exclusive power to amend or enact the laws found in its code of public local laws, with certain exceptions (Article XI-F of the Maryland Constitution). In 1997 the General Assembly classified the code counties into four classes based on the four geographic regions of the State: Central Maryland, Eastern Shore, Southern Maryland, and Western Maryland. Currently, four of the six code counties (Caroline, Kent, Queen Anne's, and Worcester) are in the Eastern Shore region, while Allegany County is the sole code county in the Western Maryland region, and Charles County is the sole code county in the Southern Maryland region. The General Assembly may enact a law dealing with the express powers of code counties only if all code counties are affected equally, or if all code counties in a particular class are affected equally. Note that this differs from the rule applicable to enactments affecting the express powers of charter counties, which requires only that at least two counties be affected. (*See* p. 2, "Charter Home Rule Counties.")

Bicounty and Multicounty Entities

The General Assembly may legislate for several entities that cross jurisdictional boundaries and serve two or more counties. For example, the Maryland National Park and Planning Commission (MNCPPC) and the Washington Suburban Sanitary Commission (WSSC) were created by the General Assembly and operate largely in Montgomery and Prince George's counties. The WSSC law is found in Division II of the Public Utilities Article, and the MNCPPC law is found in Division II of the Land Use Article. The Tri-County Council for Southern Maryland, created as a regional planning and development agency for Calvert, Charles, and St. Mary's

counties, is an example of a multicounty entity. The provisions of law that establish and regulate the activities of the Tri-County Council are found in Title 13, Subtitle 6 of the Economic Development Article. Another example of a multicounty entity is the Tri-County Council for Western Maryland, which includes Allegany, Garrett, and Washington counties and is governed by Title 13, Subtitle 7 of the Economic Development Article.

Municipalities

Because of the broad home rule powers of municipalities under Article XI-E of the Maryland Constitution, the General Assembly generally may legislate on matters relating to the incorporation, organization, government, or affairs of these units of local government only by public general laws that apply to all municipalities (Article XI-E, § 1 of the Maryland Constitution). However, the General Assembly, as a concurrent power, may amend the charter of a single municipality if the subject matter of the legislation is the regulation of the maximum municipal property tax rate or the maximum amount of municipal debt (Article XI-E, § 5 of the Maryland Constitution). The General Assembly also may legislate for less than all municipalities or for a single municipality if the law relates to a subject under the exclusive jurisdiction of the General Assembly – alcoholic beverages and Sunday blue laws (Article XI-E, § 6 of the Maryland Constitution), which laws usually are drafted to the Annotated Code, and urban renewal powers for slum clearance (Article III, § 61 of the Maryland Constitution), which laws are drafted to the charter of a municipality. (Note that despite this latter power of the General Assembly, municipalities have the authority to take property for a "public purpose," and Maryland courts have construed this to include slum clearance and urban renewal purposes. Thus municipalities, through their powers of eminent domain, can legislate in this area, and the Office of the Attorney General has specifically advised that they may enact ordinances to limit their exercise of eminent domain authority. *See* Letter to the Honorable Maggie McIntosh dated March 21, 2006.)

Conflict between Statewide and Local Law

With respect to the several forms of local home rule in Maryland, a statewide law (public general law) enacted by the General Assembly prevails over any local home rule enactment. However, a public local law passed by the General Assembly prevails over a statewide law. (*See* § 1-206 of the General Provisions Article.)

Chapter 2. The Legislative Process (How a Bill Becomes Law)

In General

The General Assembly consists of 47 Senators and 141 Delegates. The Senate of Maryland is presided over by the President of the Senate and currently is organized into four primary standing committees. The House of Delegates is presided over by the Speaker of the House and currently is organized into six primary standing committees. Note that the rules of the House and Senate specify additional standing committees, including the Senate Rules Committee and the House Rules and Executive Nominations Committee, to which bills occasionally are assigned.

Each bill introduced into the General Assembly must be sponsored by a member of the General Assembly and assigned to a standing committee. A bill sponsored by a Delegate is initially presented in the House of Delegates, and a bill sponsored by a Senator is initially presented in the Senate of Maryland. The place where a bill is initially presented is referred to as the bill's "house of origin."

House of Origin

First Reading

When the House or Senate convenes, the reading clerk reads the bill number, title, and committee assignment of each bill introduced into that day's proceedings. This is the first of three readings given the bill in the house of origin, as required by Article III, § 27 of the Maryland Constitution.

At this time, the officially introduced typed copy is printed by the legislative print shop. This printing of a bill is the first of several possible printings and is known by its technical name, the "first reading file bill" or "first reader."

Second Reading

The next step in the passage of a bill is second reading and floor consideration. A first reading file bill is reported to the floor of the house of origin by the committee to which it was assigned. The report may be favorable, unfavorable, or with no recommendation. If favorable, it may be with or without committee amendments. If there are committee amendments, they are presented and considered at this time. The members of the house of origin may vote that the committee amendments be

adopted or rejected, either in whole or in part. Following action on the committee amendments, the bill and the committee amendments are open to amendment from individual members on the floor. When the floor amendments have been voted on and no more are offered, the bill is ordered printed for third reading. All of this activity, which may occur over the course of several days, comprises the second reading of the bill.

Third Reading

After a bill has been ordered printed for third reading, it is brought back to the Department of Legislative Services for the insertion of any adopted amendments and is reprinted. This printing, referred to as a "third reading file bill" or "third reader," incorporates any amendments adopted by the house of origin. A "third reading file bill" will indicate, just below the sponsor and committee assignment information at the top of the bill, the committee and floor action taken on the bill. The bill is then returned to the house of origin on another "legislative" day, placed on the third reading calendar, and a vote is taken simply to pass or reject the bill. (The rules may be suspended to permit a third reading vote immediately after the second reading vote, which usually only occurs late in the session.) No amendments may be presented at this stage and, in order to pass, the bill must receive the affirmative vote of a majority (or three-fifths for an emergency measure or a proposed Constitutional amendment) of the elected membership. This vote constitutes the third reading of the bill. If the bill passes on third reading, it is sent to the opposite house.

Committee Reprints

On occasion, after a bill is assigned to a committee, the committee may propose extensive amendments to it and then want to see how the bill would appear with the amendments incorporated into it. In this case, the committee chair, with the approval of the presiding officer, orders the bill reprinted with the proposed committee amendments. These bills are identified by the words "Committee Reprint" printed at the top of the first page of the bill. Generally, committee reprints are prepared using a different color of paper to further distinguish them from other bills. With the exception of the operating and capital budget bills considered on second reading and committee reprints of House bills being considered in the House of Delegates, a "Committee Reprint" is for working purposes only and has no official status as a bill. Unless the Committee Reprint has official bill status, amendments may not be drafted to it. (*See* House Rule 52 and Senate Rule 52.) The rules may be waived, however, as has occurred on occasion for the Budget Reconciliation and Financing Act.

Bill As Printed for Third Reading

On occasion, a bill that has been printed for third reading will be removed from the third reading calendar by the appropriate motion and placed on the second reading calendar so that additional amendments may be considered. The "third reading file bill" that had been printed for consideration on the third reading calendar is still the printing before the body. However, since the bill now has been removed from the third reading calendar, it cannot be referred to as the "third reading file bill." Instead, it is given the technical name, the "bill as printed for third reading." If the proposed amendments are adopted, the bill must be reprinted incorporating the adopted amendments, and again placed on the third reading calendar for a final vote. If the amendments are rejected, then the "bill as printed for third reading" again becomes the "third reading file bill" and is placed back on the third reading calendar. If the bill passes on third reading, it is sent to the opposite house.

Opposite House

First Reading

When the "third reading file bill" arrives in the opposite house, it receives three readings just as in the house of origin, again as required by the Maryland Constitution. However, on all of its readings in the opposite house, the bill considered is the "third reading file bill" which retains the bill number assigned to it in the house of origin. The "third reading file bill" is assigned to a standing committee in the opposite house by the presiding officer. The reading clerk then reads the bill number, title of the bill, and its committee assignment.

Second Reading

When the "third reading file bill" has been considered by the committee to which it was assigned, it is placed on the second reading calendar and reported in the same manner as in the house of origin. Unlike the house of origin, the opposite house may amend the "third reading file bill" on both its second and third readings.

Third Reading

When the committee amendments, if any, and the floor amendments, if any, have been considered, the "third reading file bill" with any adopted amendments is placed on the third reading calendar and adopted or rejected as in the house of origin. As a rule, because of time limitations, there is no reprinting of the "third reading file

bill" in the opposite house for the consideration of the members on the third reading vote. (The rules may be suspended to permit a third reading vote immediately after the second reading vote, which usually only occurs late in the session.)

If no amendments are adopted by the opposite house, the "third reading file bill," after being passed in the opposite house, is sent to the Governor for approval or veto.

Concurrence Votes and Conference Committees

If the opposite house adopts amendments to the "third reading file bill," the bill must be returned to the house of origin for the sole purpose of permitting that house to accept or reject the amendments added to the bill by the opposite house. If the house of origin refuses to accept or concur in the amendments of the opposite house and the opposite house refuses to recede from its insistence that the amendments be made, a conference committee composed of three members from each house may be appointed by the presiding officers. The conference committee meets and attempts to resolve the differences and reach a compromise. It makes recommendations concerning the adoption or rejection of amendments adopted in the opposite house, and may suggest further conference committee amendments necessary to make the bill acceptable to both houses. If the conference committee resolves the differences, it issues a conference committee report incorporating its recommendations. The conference committee report may not be amended by either house. If the conference committee report is adopted by both houses, the bill is passed, reprinted if necessary to incorporate any adopted conference committee amendments, and sent to the Governor. If a conference committee is not appointed, or if the report of the conference committee is not adopted, the bill fails. (*See also* p. 225, "Conference Committee Reports.")

Enrollment and Recall

The bill sent to the Governor must reflect the amendments adopted by both the Senate and the House of Delegates. Therefore, a printing of the bill is prepared that incorporates the amendments attached by both houses. This printing of the bill is known as the "enrolled bill." On rare occasions, a bill passed by the General Assembly and sent to the Governor will be recalled from the Governor's desk in order to consider further amendments. In these instances, if the "enrolled bill" is recalled and amendments to it are adopted, it is reprinted to incorporate these amendments and becomes known as the "re-enrolled bill." The "re-enrolled bill" is then sent to the Governor.

This concludes the course of the passage of a bill through a session of the General Assembly. (*See* p. 10 for chart depicting the steps of the "Legislative Process.")

Special Sessions

Under Article II, § 16 of the Maryland Constitution, the Governor shall convene a special session of the General Assembly "on extraordinary occasions." The Governor also is required under Article III, § 14 of the Maryland Constitution to issue a proclamation convening the General Assembly in "extraordinary session" if a majority of the members elected to the Senate and a majority of the members elected to the House of Delegates jointly petition the Governor to do so. (Note that the General Assembly has done this only once since being given the authority in 1970.) A special session convened by proclamation of the Governor is limited to 30 days and cannot be extended (Maryland Constitution, Article III, § 15(1)). A proclamation by the Governor of a special session for a particular reason cannot limit the subject matter of legislation introduced at the special session, and bills on any subject may be requested, introduced, and considered by the General Assembly. However, recent practice has been to refer any legislation not related to the reason for the special session to the rules committee of each house of the General Assembly where the legislation typically has died.

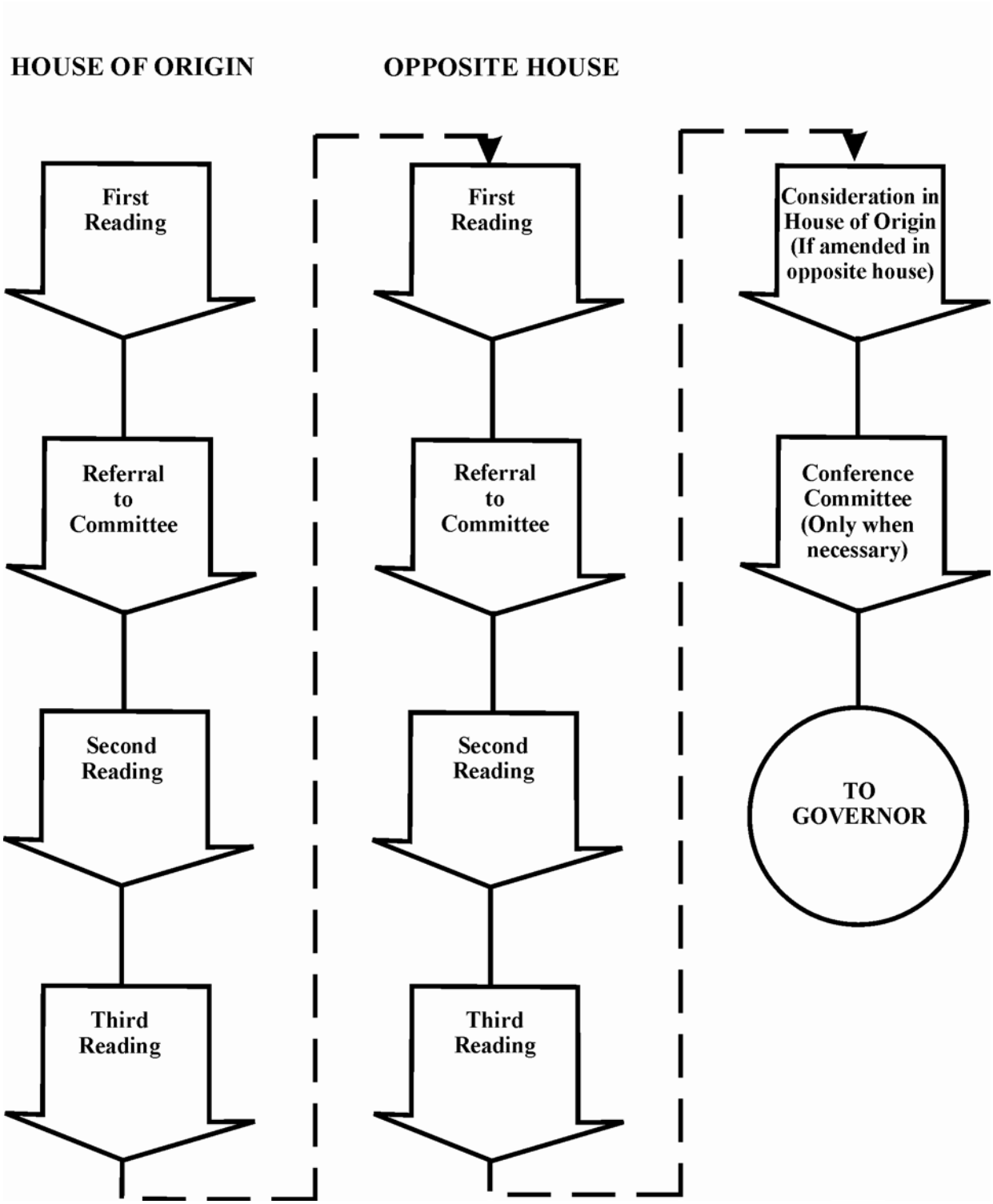
Since committee involvement in the enactment of legislation is not mandated by the Maryland Constitution, a standing committee may consider and approve legislation referred to the committee either before or after a special session begins.

Special sessions that have been convened in recent years, and the primary topics of each special session, are listed below:

2004 ..... Medical Professional Liability Insurance; Malpractice Actions
2006 ..... Sexual Offenders; Electric Industry Restructuring
2007 .... Tax Reform; Gaming; Transportation Funding; Health Care Coverage
2011 ..... Congressional Redistricting
2012 – First Special Session ..... Budget Reconciliation; Taxation
2012 – Second Special Session .....Gaming Expansion

For a discussion of effective dates for bills introduced during a special session, *see* p. 146, "Effective Dates for Special Session Legislation."

LEGISLATIVE PROCESS



Chapter 3. Overview of the Bill Drafting Process

Bill Requests

A request from a Senator or Delegate who wants to sponsor a bill initiates the bill drafting process. While the initial communication requesting legislative drafting services often comes directly from the sponsor (by phone, letter, email, facsimile, or personal visit), it is frequently made by a legislative aide and on occasion by a lobbyist. When the request is not received directly from the sponsor or a member of the sponsor's staff, make certain that the sponsor knows of the request and approves of the preparation of the bill by asking the individual requesting the bill to have the sponsor contact you with approval. The subject matter and sponsor of each bill request must be kept confidential unless the sponsor indicates otherwise.

In order to avoid delays and confusion when taking a request, certain information should be obtained and recorded on a pink Bill Request Notes Sheet or in the LR Bill Status system. (*See* p. 235, "Sample Bill Request Notes Sheet.") It is often helpful to fill in the spaces on the paper or online request form at the beginning of the conversation with the requester. Accuracy and clarity in taking information for a request are essential. Note that the Maryland Court of Appeals has looked to request sheets for information relating to legislative history, including the intent of the sponsor. (*See, e.g., State v. One 1983 Chevrolet Van*, 309 Md. 327 (1987).)

In taking a request, first determine who is the sponsor of the bill. If there is more than one sponsor, verify the order in which the names are to be listed. The sponsorship line may include more information than a name or names. Occasionally, a standing committee or some other "institutional" sponsor (*e.g.*, a task force or a county delegation) will sponsor a bill. Although there is some flexibility in the process, the preferred format for these bills would cite the name of a legislator, followed by the name of the group.

Example

Senator Smith (Chair, Joint Committee on Health Care)

The name and telephone number of the individual requesting the bill must be listed on the Bill Request Notes Sheet or in LR Bill Status so that the individual can be contacted if questions arise during research and drafting. If the request is being logged into LR Bill Status and the requester is not listed in the "Requested By" drop down box, the individual taking the request should select "Add, Requestor (410-000-

0000)" and, if available, enter the requester's name and telephone number in the "Special Handling" field. A bill drafting coordinator will then enter the requester information in the Bill Requester Table or, if necessary, call the sponsor's office to obtain the information and enter it in the table.

Care should be taken in completing the "Subject" line on the Bill Request Notes Sheet or in LR Bill Status, since this is the information that will be included in the acknowledgment sent by email to the sponsor. Accuracy at this stage will facilitate communications with the sponsor and computer tracking of the request.

The file code line on the Bill Request Notes Sheet or in LR Bill Status should be filled in at the time a bill request is taken. While only a maximum of three file codes will appear on a bill, the individual taking the request should assign as many file codes as are appropriate from the list of file codes contained in the appendix of this manual. (*See* p. 260, "File Codes – 2017 Session.") It is the responsibility of the drafter, however, to make sure that all appropriate file codes are entered in LR Bill Status and that they are correct. Note that file codes should be listed in the order of their relevance to the subject matter of the bill request. (*See also* p. 157, "File Codes.")

Each bill request is assigned a number (called the "lr" number for "legislative request") by the Department of Legislative Services. This number is used to aid in tracking the bill request and appears in the upper right corner of the pink Request Sheet that is printed out when an "lr" is moved to either "Supervisor Area" or "Drafter Hold" in the LR Bill Status system. (*See* p. 233, "Sample Request Sheet.") The "lr" number consists of the last digit of the session year, the letters "lr," and the four-digit sequential number assigned to the request. For example, the first "lr" number assigned to a 2017 bill request would be "7lr0001."

The Bill Drafting Process

In General

The process of legislative drafting consists of a number of stages through which the drafter transforms a legislator's often broadly defined policy objectives into clear and concise statutory language that accomplishes the legislator's goals.

Various factors, such as the degree of autonomy afforded the drafter by the sponsor, the complexity of the legislative proposal, and time constraints, will impact the drafting process. Nonetheless, every legislative drafter goes through each of the following stages to some degree in the process of drafting a bill.

Determining the Sponsor's Intent

Communication with the sponsor is imperative during this stage as the drafter begins to establish the parameters of the legislative proposal. Because the individual requesting a bill may not have detailed information or supporting research on the proposed legislation, it is important to ask questions during the initial bill request conversation and throughout the drafting process. Depending on the nature of the request, the drafter should consider the following:

- What is the sponsor's objective?
- What is the problem the sponsor seeks to remedy?
- What is the current situation?
- Who will be affected by the bill?
- When will the bill be effective? Is it an emergency bill?
- Where is additional information available?
- What unusual features does the bill request contain?
- How can the sponsor's objective be implemented?

A bill request to raise the speed limit, for example, likely would require the drafter to answer some or all of the following questions in order to get a clear idea of the sponsor's objective:

- What will the new speed limit be?
- To which vehicles will the new speed limit apply?
- Which highways will be affected?

- What will the penalty be for a violation?

- How will the new law be enforced?

The drafter should feel free to consult with the sponsor or the sponsor's designee whenever necessary to ensure that there is an accurate understanding of the sponsor's intentions.

Researching the Existing Law

It is essential for the drafter to have a working understanding of the current law relating to the subject of the bill request. With knowledge of the existing statutory scheme and, where appropriate, the relevant case law, the drafter can determine precisely what changes to the law are required to accomplish the sponsor's goals. In addition, in defining the legal context in which the bill is to be drafted, the drafter also must consider:

- State and federal constitutional provisions (*e.g.*, is the General Assembly's power to legislate in this area limited?);

- federal statutory law (*e.g.*, has the federal government preempted the field?); and

- regulations (*e.g.*, has the problem identified by the sponsor been addressed administratively by regulation?).

Developing an Outline

Developing an outline assists the drafter in conceptualizing how best to approach the sponsor's legislative request. The goal at this stage is to achieve the greatest possible clarity and the most logical organization. A well-considered outline will help eliminate gaps, duplication, and contradiction.

Preparing a First Draft

At this stage, the drafter should develop a rough draft of the bill, concentrating on the substantive "big picture" and paying less attention to details and precision in language. Typically at this stage, additional questions regarding the substance of the bill will arise and further discussions with the sponsor may be required.

Revising (And Revising Again!)

The ability of the drafter to think and read critically is crucial at this stage. The drafter should try to read the draft objectively, as someone else would reading it for the first time. This requires the drafter to focus on what the bill says, not on what it is intended to say.

Note the words of Lord Halsbury in *Hilder v. Dexter*, 1902 A.C. 474, 477:

> ... in construing a statute I believe the worst person to construe it is the person who is responsible for its drafting. He is very much disposed to confuse what he intended to do with the effect of the language which in fact has been employed.

In revising the draft, the drafter should consider the following:

- Is the bill clear and unambiguous? (For instance, is it clear to a person reading the bill for the first time what activity is prohibited and who is prohibited from doing it?)

- Is the bill internally consistent? (For instance, is the same term used to convey the same idea throughout the bill?)

- Is the bill externally consistent? (For instance, does the proposed statutory language fit in with the surrounding provisions of current law?)

As a final step before submitting the draft bill for review, the drafter should go over each item on the Bill Drafting Review Checklist (*see* p. 243, "Sample Bill Drafting Review Checklist") and make sure it has been addressed.

Submitting the Draft Bill for Review

Having an experienced drafter review a draft bill with "a fresh pair of eyes" is invaluable in producing a quality product. A good reviewer may raise questions about apparent gaps or "loopholes" in the draft bill and suggest ways to enhance clarity and consistency. The drafter should carefully consider the reviewer's comments in polishing the final draft. The ability to accept and utilize constructive criticism to improve the draft of a bill is a prized quality in a drafter.

Bill Preparation

Online Drafting

During the 1993 session of the General Assembly, under the guidance of the Office of Legislative Data Processing, analysts in the former Department of Legislative Reference began using a new computer system for bill drafting. With the Annotated Code as well as bills and "lrs" from previous sessions available online, this system made it possible to call up sections of the Code (or a prior year's bill or "lr") directly on the drafter's computer, make any necessary changes (*e.g.*, add new text, repeal existing language, and update function paragraphs and effective dates) (*see* discussion of use of symbology, p. 90, "Bill Text"), and electronically submit a draft bill for supervisory review and final bill preparation.

As part of a comprehensive new bill preparation system, the 1993 online drafting system was replaced during the 2007 legislative session. While differences exist between the two online drafting systems, the new system, like its predecessor, saves a great deal of time and speeds up the entire bill preparation process.

While the technical details of computerized bill drafting are beyond the scope of this manual, the Department of Legislative Services' Office of Policy Analysis provides training in the techniques of online bill drafting. For drafters in the department, the "2017 Legislation Preparation System" document provides detailed instructions on how to use the online bill drafting system and may be accessed online by clicking on the "Help" tab either in LR Bill Status or on the Maryland General Assembly Bill Drafting System Login Screen.

Cut and Paste: Drafting the "Old-fashioned Way"

Notwithstanding the predominance of computer-aided drafting, it remains necessary to discuss the process of manual bill drafting since there may be situations in which the "old-fashioned" way is necessary (for example, when drafting to a public local law) and since there are many people outside of the Department of Legislative Services who draft bills but do not have access to the department's online drafting system.

In the case of a bill that amends or repeals existing law, the bill drafter must photocopy the portions of the source law (Annotated Code, public local laws, or Session Laws) affected by the draft bill. (Computer-generated sections of the Code also may be used.) Note that both the Code and the in-house computer database containing the Code are updated annually and are exhaustively proofread to ensure

accuracy. Therefore, do not rely on newly typed or handwritten versions of current law; it is too easy to inadvertently add or delete text.

If the proposed bill, for example, "repeals and reenacts, with amendments," a section of law (*see* p. 46, "Repeal and Reenact, with Amendments"), photocopy (or print out) the pertinent pages of the source law. Strike through any catchlines, captions, and annotations since they are not part of the law, and show the changes being made as described below:

- Place brackets **[.....]** around language to be **repealed**.

- Print language to be **added** in CAPITAL LETTERS either in the margin of the page or on a separate sheet, indicating by arrow or other direction to the document technician where the new language belongs. However, rather than trying to squeeze large blocks of new text into the margin or using "insert" references to other pages, it is preferable to "cut and paste" as necessary to show the text in the order in which it is to appear in the bill. A clear, easy to follow draft will greatly assist the reviewers, document technicians, and legislative editors.

In the case of a bill that **only** adds a new section or subsection to the current law without making any other changes, it may not be necessary to show any portion of the current law. (Note that the drafter nonetheless may decide to include other portions of law in the bill simply to provide information and context to enhance a reader's understanding of the bill.) Simply write out the new text and print "CAPS" in the margin. The page containing the new text should indicate the number (if drafting to a public local law) and name of the article of the Code or public local law where the new section or subsection will be added. (*See also* p. 48, "Adding Material to the Code," p. 90, "Bill Text," and p. 240, "Sample Bill Draft (Cut and Paste).")

A drafter with access to the online drafting system should create the title of the bill online, print it out, and attach the bill text to the printout.

Review of Draft

Finally, before submitting the draft bill for review, the pages should be stapled together in the following order:

- pink Request Sheet (printed out when "lr" is sent to "Supervisor Area" or "Drafter Hold") and pink Bill Request Notes Sheet (*see* p. 233, "Sample Request Sheet" and p. 235, "Sample Bill Request Notes Sheet");

- Reviewer Copy of "lr" (*see* p. 238, "Sample Reviewer Copy (Online Drafting)");

- correspondence, research papers, drafts, and related materials (the first page of which should be labeled "Work Papers" so they are not mistaken for text);

- synopsis of the bill (*see* p. 175, "Bill Synopses" and p. 241, "Sample Synopsis Sheet"); and

- Bill Drafting Review Checklist ("blue sheet") (*see* p. 243, "Sample Bill Drafting Review Checklist").

Note that since the second "lr" of a cross-filed pair of "lrs," and the second of an identical "lr," are prepared from the first "lr," a "Reviewer Copy" is not necessary for the second "lr." Similarly, a "Reviewer Copy" is not needed for a bill that is a prior introduction if the "lr" will be prepared from a marked up copy of the previously introduced bill, which the drafter should include behind the pink Request Sheet and Bill Request Notes Sheet. (*See* p. 157, "Prior Introductions and Similar Bills" for a discussion of drafting prior introductions.)

Note also that a "blue sheet" is not necessary for the second "lr" of a cross-filed pair of "lrs" or for the second of an identical "lr."

The draft will be reviewed by senior analysts in the Department of Legislative Services for form, style, and content. The draft may go through several revisions before it is ready to be sent to Legislative Document Management to be typed or formatted, proofread and edited, and printed for delivery to the sponsor.

Revising an "LR" Prepared for Introduction

A sponsor may request changes to an "lr" after the review and editing of the "lr" has been completed. Requested changes can be incorporated into the "lr" by "yellow sheeting" or, after session begins, by marking up the "backing." "Backings" are stiff paper folders (blue for House bills, white for Senate bills) into which the "original" copy of the draft bill is stapled. The preferred method to be used depends on whether the "lr" has been prepared in a backing for introduction, the extent of the requested changes, and any time constraints.

"Yellow Sheeting"

Changes should be made through the "yellow sheeting" process in the online drafting system if (1) the changes are requested before the backing has been prepared for introduction or (2) the backing has been prepared, the requested changes are extensive, and there is time to put the "lr" back through the full review and editing process. The preferred method is to make the changes by hand to the official PDF copy of the "lr." If, however, the changes are extensive, the changes should be made to the electronic copy of the "lr" in the online drafting system.

Whether changes are made by hand or electronically, before submitting the revised "lr" for review, the pages should be stapled together in the following order:

- yellow Request Sheet (printed out when the "yellow sheet" button is clicked on the "Workflow" tab of the online drafting system and the "lr" is moved to "Drafter Hold") (*see* p. 249, "Sample Revision Request Sheet") with the appropriate information filled out by the drafter;

- Reviewer Copy of the revised "lr" (either the handmarked or printed electronic copy of the revised "lr");

- the Compare Copy of the revised "lr" (printed out with the Reviewer Copy if the changes were made electronically) (*see* p. 251, "Sample First Page of a Compare Copy") and any correspondence, research papers, drafts, and related materials (the first page of which should be labeled "Work Papers" so they are not mistaken for text); and

- synopsis of the bill (*see* p. 175, "Bill Synopses" and p. 241, "Sample Synopsis Sheet").

Note that a "blue sheet" is not necessary for a revised "lr" that is attached to a "yellow sheet."

Marking Up the Backing

Changes are made to an "lr" by marking up the backing if the backing has been prepared for introduction and the requested changes are not extensive or there is insufficient time to send the "lr" back through the full review and editing process. When marking up the backing, changes should be made by hand in **blue** ink to one of the copies of the "lr" included in the backing. Language that would be shown in **BOLD SMALL CAPS** if typed should be written in CAPITAL LETTERS. Note that

longer changes may be typed as inserts and attached to the "lr" with the appropriate insertion points marked in **blue** ink. Note also that it is critical that the changes made are legible and stylistically and grammatically correct, and that any title, conforming, or other related changes are made since the "first reader" will be prepared to exactly match the marked-up backing copy.

Once the changes are made, the drafter must have a designated reviewer review and approve the changes and sign off on the front of the backing. The drafter then makes six copies of the marked-up "lr." Note that the drafter should be careful to ensure that each copy is complete and clearly shows the changes being made. Of the six copies, five are returned, along with the original marked-up "lr" in the backing, to the sponsor. The drafter must mark the first page of the remaining copy as the "DLS Copy" and include the name of the drafter, the name of the reviewer, and the date on which the changes were made and reviewed. Any workpapers, marked as such, also should be stapled to the "DLS Copy." The copy is then taken to the bill drafting office for filing.

Computer Processing of Draft Bills

The computer processing of draft bills by the Department of Legislative Services continues in Legislative Document Management (LDM). Generally, a document technician will open the "Reviewer Copy" of the draft bill (*see* p. 238, "Sample Reviewer Copy (Online Drafting)"), check it for formatting and typing errors, key in any handwritten changes made by reviewers, and otherwise ensure that it is ready for editing. (Some draft bills, however, such as prior introductions, the second of a pair of cross-filed bills, identical bills, Administration bills, and departmental bills, are created in LDM by document technicians.)

Once this process is completed, legislative editors check the draft bill against the current codified law, as well as the drafter's text. It also is checked for spelling, punctuation, and conformity to stylistic requirements. The legislative editors will contact the drafter with any questions they have during this process. Those questions will have to be addressed before the draft bill can proceed further.

After necessary corrections are made by the document technicians and the legislative editors have signed off on the draft bill for the last time, seven copies are printed (*see* p. 246, "Sample LR"), and the draft bill is produced in a format known as a "backing."

At this time, copies of the draft bill are packaged together with the backing according to the rules of the respective houses in preparation for introduction by the

sponsor. In addition to the original draft bill stapled inside the backing, the package includes five copies clipped to the backing (one of which will be retained by the sponsor and four of which will be distributed to various offices after the draft bill has been filed or "dropped in the hopper"). The seventh copy is stapled together with an updated pink Bill Request form printed by the staff of the Office of Policy Analysis Coordinator, the original Bill Request form and Bill Request Notes Sheet, the Reviewer Copy of the "lr," and any work papers, and is filed in the legislative drafting office under the draft bill's "lr" number. The synopsis, with the legislative editors' copy of the draft bill attached to the back, is filed in LDM.

Delivery of Draft Bills for Introduction

The complete draft bill package then is ready to be delivered to the sponsor (or the primary sponsor if there are multiple sponsors). Under the rules of both houses (Senate Rule 29 and House Rule 29), only the sponsor of a draft bill (or the primary sponsor if there are multiple sponsors) may file a draft bill for introduction with the office of the Secretary of the Senate or the Chief Clerk of the House of Delegates.

When a draft bill is filed with the Secretary or Chief Clerk, it is assigned to the appropriate committee in the house of origin under the direction of the presiding officer, dated (with its introduction date), given a bill number, and initialized into the computerized LR Bill Status system. All copies of the introduced bill are numbered, dated, and stamped with the committee reference. The original copy of the introduced bill in its backing is the official copy from which the bill is printed on pre-drilled 6¾ inch by 9½ inch paper (blue for House bills and cream for Senate bills) for distribution to the members of the General Assembly and the public. Of the five duplicate copies of the introduced bill attached to the backing, one copy is retained in the Secretary's office or Chief Clerk's office, three are returned to the Department of Legislative Services, and one is returned to the sponsor of the bill.

The process of delivering draft bills to sponsors is different during the "prefile" period in the interim. Section 2-1502 of the State Government Article provides for prefiling, which is the filing of a bill before the legislative session begins. Under § 2-1502, on or before November 15 (or November 20 in a Maryland legislative election year), a member or member-elect of the General Assembly may request the Department of Legislative Services to prepare a bill for prefiling. The proposed legislation is drafted by department staff and two copies are mailed to the sponsor. If the sponsor wants the department to file the draft bill for introduction, the sponsor must make any necessary changes or corrections on one of the copies, initial the copy, and return it to the department on or before the second Friday following Thanksgiving (or December 10 in a Maryland legislative election year). If the sponsor

chooses not to prefile the legislation, it is prepared in the "backing" format and delivered to the sponsor on the first day of session.

Computerized Bill Status Information

Once a sponsor introduces a bill, the bill number, title, sponsor, committee assignment, and subject of the bill are entered in the computerized LR Bill Status system. Each time that any action is taken on the bill during the session, such as a committee hearing, floor consideration, or report, that action is recorded in the system. This information is available on the Maryland General Assembly's website (mgaleg.maryland.gov).

Chapter 4. General Considerations for Drafting

Source Materials for Bills

In drafting a bill, the writer should consider the vast array of resources available. Three primary resources for drafting bills are:

- sections of the Annotated Code on the same general subject;
- similar statutes from other states' codes (available in the Department of Legislative Services' library); and
- bills introduced during previous sessions of the General Assembly (referred to as "prior introductions").

Full text versions of bills introduced during the legislative session are available on the Maryland General Assembly's website (mgaleg.maryland.gov) beginning with the 1996 session. This database can be searched by sponsor, subject, file code, committee, and statute.

The Department of Legislative Services also publishes several indices which may be consulted for information on previously introduced bills. These indices, as described below, are available in the department's library along with copies of previously introduced bills:

- Subject Index – lists the bill number, short title, and final status of each bill introduced during the legislative session, indexed by subject.
- Statute Index – lists the articles and sections of the Annotated Code affected by bills introduced during the legislative session.
- Sponsor Index – lists the bill number, short title, and final status of each bill introduced during the legislative session, arranged by sponsor name.
- Committee Index – lists the bill number, short title, and final status of each bill introduced during the legislative session, arranged by committee name.

In addition to these indices, during each legislative session the department publishes the *Synopsis*, a description of each bill introduced on a given day during the session. The *Synopsis*, which is reprinted in the *Maryland Register*, lists the bill

number, short title, committee assignment, primary sponsor, and effective date of each bill introduced and provides a short summary of the bill. The synopses also are available on the Maryland General Assembly's website (mgaleg.maryland.gov).

Committee bill files also may be available. Often, statements of witnesses who testified on a given bill and other background materials are maintained in these files. Generally, committee files on bills introduced in the immediately preceding session are kept in the committee offices, while committee files from other sessions are kept in the department's library. The library's committee files are available beginning with the 1975 session.

Recordings of floor proceedings and committee hearings may be available as well. Both Senate and House floor proceeding recordings are available on the Maryland General Assembly's website (mgaleg.maryland.gov) beginning with the 2000 session. Recordings of Senate and House committee hearings are available on the Maryland General Assembly's website (mgaleg.maryland.gov) beginning with the 2011 session. The library, however, has recordings of Senate proceedings and committee hearings going back to the 1992 session.

When using prior introductions, statutes from other states, or other source materials in drafting a bill, consider adapting and improving, rather than simply copying the material. It is likely that the source material, while close to what is needed, will have to be altered and updated. Nonetheless, much time and effort can be saved by refining rather than recreating.

The department's library is available for the use of the drafting staff. The library has extensive resource materials, including those listed below, for legislative drafting needs.

General Resource Materials

- U.S.C.A., Annotated Code of Maryland, and codes of all other states and the District of Columbia
- Session Laws of Maryland
- Federal legal materials (digests, treatises, etc.)
- State agency publications
- Law reviews

- Books, pamphlets, reports, and periodicals on topics related to law, legislation, and government

- Files of news clippings on issues of interest

Online Database Research Capability

- **Annotated Code of Maryland**, as well as Md. Reports and Md. App. Reports, can be searched on the LexisNexis CD, accessible to bill drafters in the Department of Legislative Services by double clicking on the desktop icon. The Annotated Code also can be searched from the Maryland General Assembly's website (mgaleg.maryland.gov).

- **Proques**t has a wide range of databases, some of which deal generally with social issues while others are concerned with narrower subjects such as criminal justice, child abuse, economics, the law, psychology, sociology, demographics, environment, energy, health, and management. There are over 500 databases in all.

- **National Conference of State Legislatures (NCSL) Website (http://www.ncsl.org)** provides access to NCSL's publications and the publications of state legislatures and their staff agencies throughout the country. The publications range from one-page memoranda to book-length reports on topics of interest to state legislatures. The NCSL website also provides links to the websites of all state legislatures that have a website.

- **Westlaw** has online full text decisions of the U.S. Supreme Court, U.S. Courts of Appeals, U.S. District Courts, Maryland Court of Appeals, and Maryland Court of Special Appeals, as well as the appellate courts of each state. The codes of the 50 states and the District of Columbia are available, as well as the Code of Federal Regulations and the United States Code. Various newspapers, legal treatises, and law review articles also are available.

- **World Wide Websites** for other states.

Uniform and Model Laws

Uniform and model laws are prepared on many subjects by the Commissioners on Uniform State Laws and the American Law Institute. Other laws are prepared

each year by the Suggested State Legislation Committee of the Council of State Governments.

Other Resources

A number of additional resources are listed in the sources section of this manual. (*See* p. 269, "Sources.") In addition, there are many people who can be consulted for information, including legislative liaison personnel with various State and federal agencies, staff contacts with organizations such as the National Conference of State Legislatures, and legislative staff from other states. The staff of the Department of Legislative Services' library can assist the drafter in contacting these sources. Library staff also can provide assistance and instruction in using print and online resources, as well as reference and inter-library loan services.

Style

General Considerations

The object of statutory drafting is to set forth ideas clearly, succinctly, and consistently. The organization of sections and paragraphs should enhance the intended meaning. The drafter should observe the rules of formal writing and good English usage. Avoid use of long sentences and long sections. Use short, familiar words and phrases. Do not use several words if one is sufficient.

The purpose and effect of a statute should be clear from its language, and the language should convey a simple meaning. A statute that requires an explanation to be understood, therefore, may not be drafted as well as it could be.

As required by § 2-1238 of the State Government Article, the Office of Policy Analysis maintains a *Maryland Style Manual for Statutory Law* (Department of Legislative Services, Office of Policy Analysis, July 2008). The style manual includes all of the basic rules of organization, grammar, usage, and style for precise legislative drafting. These rules should be followed in the drafting of all bills and amendments, subject to the structural requirements of the article being amended. (*See* additional discussion at p. 95, "The Codification of Bills.") Consideration of an article's existing structure is especially important when drafting to the Alcoholic Beverages Article. The structure of that article is two divisions, with Division I containing provisions that generally apply statewide and Division II containing 25 titles, one for each of the counties as well as Baltimore City and the City of Annapolis. To maintain the unique structure of the Alcoholic Beverages Article, the drafter must consider whether to

amend provisions in Division I, Division II, or both. For more information regarding drafting to the article, the drafter should consult *Drafting to the Alcoholic Beverages Article: A Guide* (Department of Legislative Services, Office of Policy Analysis, September 2016).

While a bill drafter must carry out the wishes of the sponsor of a bill, as long as the principal purpose of the bill is not obscured by the stylistic changes, most sponsors will not object to stylistic improvement in language and general modernization as a secondary purpose of the legislation. Note, however, that in a bill that is subject to abrogation (*i.e.*, it will "sunset" at a given time), the drafter should avoid making stylistic changes since there could be confusion regarding the status of the stylistic changes after the bill sunsets.

Drafting Defects Resulting in Vetoes

In General

Failure of the drafter to consider several other important elements that go into drafting could result in a veto of the bill by the Governor. The following summary was compiled from a study of veto messages taken from past sessions of the General Assembly. It demonstrates that bills rejected by a Governor for nonpolicy reasons usually have been held to contain:

- defective titles, including:
    - incorrect description of subject matter;
    - incorrect description of effect; and
    - title too narrow; or
- unconstitutional subject matter, including:
    - vague language;
    - violation of equal protection guarantee;
    - nonuniformity of taxation;

- improper delegation of authority;
- extra compensation for past services;
- holding two offices of profit;
- violation of separation of powers doctrine;
- improper enactment of local laws; and
- violation of "one subject" rule.

Defective Titles

A bill must be confined to a single subject, and that subject must be adequately described in the bill's title. (For a full discussion of bill titles, *see* p. 37, "The Title of a Bill.")

Incorrect Description of Subject Matter or Effect

Some examples of inadequate descriptions of subject matter or effect that resulted in vetoes are:

H.B. 349 of 1994 changed the standard of proof for a violation of certain civil zoning provisions from a criminal standard to a "clear and convincing" standard. The bill's title indicated that the change was to a "preponderance of evidence" standard.

H.B. 1484 of 1992 was vetoed, in part, because the title of the bill was misleading in that it did not adequately reflect the central issue of the bill; namely, a requirement in the bill that the Legislative Policy Committee was to determine if the Maryland Housing Fund had to seek an investment grade credit rating. (Note that this requirement also was seen as a "legislative veto" provision of questionable constitutionality.)

H.B. 825 of 1979 required educational institutions to provide a list of persons who had reasonable assurances of continued employment and who therefore were excluded from unemployment benefits. The title of the bill indicated that the unemployment insurance exclusion itself was to be altered.

H.B. 1712 of 1979 abolished the St. Mary's County Youth Commission, while the title indicated that a different body was to be substituted for the commission.

S.B. 460 of 1972 made two changes to a statute relating to public library records. The bill's title reflected only one change.

H.B. 223 of 1963 concerned racetrack licensees in "any adjoining state." The title, however, contained the language in "any other state."

H.B. 728 of 1963 provided for appointment of two judges in Prince George's County. The title mentioned only one judge.

Title Too Narrow

If a bill's subject matter is broader than its title, the bill is unconstitutional because the requirement of proper notice to legislators and citizens is not fulfilled.

H.B. 1157 of 1971 modified scholarship programs at teachers' colleges. The title was thought not sufficiently broad to encompass all of the bill's eight subsections.

H.B. 91 of 1969 was vetoed because the bill recited that the Act was to apply to all premises. The title, however, restricted application of the bill to business premises only.

Occasionally, there is the opposite situation in which the title is broader than the body of the bill. Generally, the Court of Appeals has not held these titles to be invalid, and the extra matter in the title is treated as mere surplusage. Thus, a title was held valid that purported to repeal sections not referred to in the body of the Act (48 Md. 292); a title was held valid that referred to a law as statewide in effect, while the body of the Act exempted a number of counties (111 Md. 561); and a title was held valid that indicated the law was statewide in effect, although the body of the Act applied only in three counties (187 Md. 67).

Note, however, that several veto messages appear not to accept these cases from the Court of Appeals on surplusage in a title.

H.B. 367 of 1966 refers in the title to a statewide prohibition on leasing certain oyster beds. On the advice of the Attorney General's Office, the bill was vetoed because only two counties were exempt from its provisions.

S.B. 291 of 1967 is a similar situation, with the title apparently statewide and the body of the bill exempting only one county.

H.B. 921 of 1967 also was similar, with six counties exempted.

It should be noted that often a defective title results from amendments to the body of a bill that are not reflected in amendments to the title, thus spoiling what in the original bill may have been a good title. (*See* p. 194, "Checking the Title after Drafting a Change to the Body of a Bill.")

Unconstitutional Subject Matter

Vagueness

Constitutional principles require that legislation be written with a reasonable degree of certainty so that citizens of average intelligence are not required to guess at the meaning of the statute and its application. Examples of terms that have resulted in vetoed bills are "unauthorized person," "obscene," "loitering," "installment sales," "interest," and "loans." Note that whether a term is unconstitutionally vague will depend on the context in which it is used, and the usage of any of these terms is permissible provided the drafter ensures that the constitutional principles discussed above are met. *See also Levin v. State*, 1 Md. App. 139 (1967), *cert. denied* 247 Md. 740 (1967), *cert. denied* 389 U.S. 1048 (1968), in which the Court of Special Appeals held that the term "obscene" as used in former Article 27, § 418(a) of the Code is not unconstitutionally vague when read in light of current Supreme Court case law.

H.B. 329 of 1979 was vetoed because it was "nearly unintelligible." The Governor stated in his veto message: "If sense can be derived from the amended language, it can be accomplished only with an inordinate amount of effort, thereby opening the door to needless controversy regarding the proper construction of the enactment."

Equal Protection Guarantee

The Equal Protection Clause of the Fourteenth Amendment to the U.S. Constitution imposes restrictions on the extent to which the State may treat different classes of people in different ways. While the Maryland Constitution does not contain an express equal protection guarantee, the Court of Appeals has held that the concept of equal protection is embodied in the due process requirement of Article 24 of the Maryland Declaration of Rights. *Hornbeck v. Somerset County Board of Education*, 295 Md. 597 (1983).

Generally, a statute that draws distinctions between different classes of people will be upheld under an equal protection analysis if the statute is rationally related to a legitimate governmental purpose. However, a statute that classifies people along "suspect" lines (*e.g.*, race, nationality, alienage), or that infringes on a fundamental interest (*e.g.*, voting, interstate travel, access to courts), will be subject to "strict

scrutiny," which requires that the statute be shown to be necessary to achieve an overriding statutory purpose or a compelling State interest.

Classifications based on gender are subject to an "intermediate" level of scrutiny and will be upheld by a court only if they serve important governmental objectives and are substantially related to the achievement of those objectives. In addition, the Maryland Equal Rights Amendment (Article 46 of the Maryland Declaration of Rights) includes a specific guarantee of equal protection which prohibits the General Assembly from passing legislation that draws lines between men and women in the allocation of benefits, rights, burdens, and responsibilities.

There are many cases that support the conclusion that statutes that treat people differently based on their county of residence are subject to rather higher than normal rational basis scrutiny, including *Frankel v. Board of Regents*, 361 Md. 298 (2000); *Verzi v. Baltimore County*, 333 Md. 441 (1994); and *Bruce v. Director, Department of Chesapeake Bay Affairs*, 261 Md. 585 (1971). These should be distinguished, of course, from statutes that apply in only one county, but affect any person coming into the county equally.

H.B. 71 of 1965, which limited the taking of crabs from certain counties to residents of those counties, was held to be discriminatory against nonresidents.

The Equal Protection Clause of the Fourteenth Amendment to the U.S. Constitution has been interpreted by the U.S. Supreme Court to require legislative voting districts to have about the same population. *Reynolds v. Sims*, 377 U.S. 533 (1964). S.B. 657 and H.B. 1239 of 2007 were vetoed because of the determination by the Attorney General that the bills violated the one-person, one-vote requirement.

Nonuniformity of Taxation

Article 15 of the Maryland Declaration of Rights requires the State to fix and levy taxes under uniform rules.

H.B. 387 of 1969 tried to exempt residents of one county from payment of a distribution and production tax on natural gas. The result was held to be nonuniformly favorable tax treatment for some taxpayers.

H.B. 505 of 1963 provided for an annual permit fee for trailers in Carroll County. The bill improperly imposed a fee (tax) on the basis of size, instead of value.

Improper Delegation of Authority

H.B. 1162 of 1965 required that the concurrence of the legislative delegation of certain counties be obtained before game seasons may be declared open. The bill was vetoed because of unconstitutional delegation of administrative authority by the General Assembly to a smaller group of legislators.

S.B. 373 of 1963 attempted to give insurance companies broad powers in case of national emergency. The granting of such broad powers was thought to be an improper delegation of legislative authority.

Extra Compensation for Past Services

Some rejected legislation has attempted to provide salary increases or other compensation for certain government officials. These measures were considered a violation of Article III, § 35 of the Maryland Constitution, which prohibits the General Assembly from authorizing extra compensation to a public "Officer, Agent, Servant or Contractor" for services already rendered, or any increase or decrease, during the current term of office, in the salary or compensation of a public officer serving a term of four years or less. Note that providing government-funded health insurance to a public officer has been found to be an unconstitutional increase in compensation, while including the public officer in a noncontributory pension system has not. *See* 78 *Opinions of the Attorney General* 296 (1993).

For a discussion and examples of special section language that should be used in legislation increasing the salary or other compensation of a public officer, *see* p. 118, "Salary Increase or Decrease Not to Affect Incumbent."

Holding Two Offices of Profit

Article 35 of the Maryland Declaration of Rights prohibits a person from holding, at the same time, more than one "office of profit created by the Constitution or Laws of this State." (For an analysis of what constitutes an "office," *see* p. 118, "Salary Increase or Decrease Not to Affect Incumbent.") If it is determined that the position in question is an "office," the next question is whether it is "of profit." If the legislative body creating the office determines that compensation is a benefit of the position, the office is one "of profit" even if particular office holders choose not to accept the compensation. *See* 76 *Opinions of the Attorney General* 347 (1991). Note that the courts have held that when a person accepts a second office of profit, the first office is deemed to have been vacated. (*See, e.g., Truitt v. Collins*, 122 Md. 526 (1914).)

S.B. 1096 of 1979 was vetoed because it violated the constitutional prohibition against holding two offices of profit.

Separation of Powers

Article 8 of the Maryland Declaration of Rights mandates that the "Legislative, Executive and Judicial powers of government ... be forever separate and distinct from each other."

With respect to the separation of powers doctrine and the Executive Branch, the Attorney General has stated that:

> While the cases define "Executive Power" only in quite general terms, it is clear that the essential attribute of this power is the power to carry out, implement and administer laws. It is this essential core power which the separation of powers doctrine protects from usurpation of another branch.

Letter of May 26, 1979, from Attorney General Stephen H. Sachs to Governor Hughes concerning House Bill 1589.

H.B. 1484 of 1992 was vetoed, in part, because the bill contained a nonseverable legislative veto provision of questionable constitutional validity. A legislative veto denotes a legislative action that countermands an action of the Executive without passage of a bill by both houses of the legislature and presentment to the Executive.

S.B. 857 and H.B. 952 of 1984 attempted to establish a ten-member State Donations Oversight Committee to include six legislators. The committee's purpose was to certify State projects for which private donations could be solicited. The bill was vetoed because the proposed committee was to exercise an essential or "core" executive power (deemed by the Attorney General in this case to be "the implementation of policy") and the inclusion of legislators would have violated the separation of powers clause. (*See* bill review letter for S.B. 857 of 1984 by Attorney General Stephen H. Sachs.)

S.B. 376 of 1966 attempted to give revocation, review, and other licensing duties to the courts as the primary licensing authority. The bill was vetoed.

Note that the common practice of creating an advisory commission composed of Legislative, Judicial, and Executive Branch appointees does not pose a

constitutional problem if the commission is merely advisory and does not exercise an essential power of one branch of government.

Improper Enactment of Local Legislation

The powers of the General Assembly to enact legislation affecting units of local government are limited by both the Maryland Constitution and statutory law.

H.B. 579 of 1963, which attempted to create a special tax zone in a municipality in Anne Arundel County, was held to be in violation of Article XI-E of the Maryland Constitution. Article XI-E prohibits the General Assembly from enacting certain local and special laws for municipalities. (*See also* p. 4, "Municipalities.")

H.B. 1368 and H.B. 1385 of 1979 were vetoed because they violated Article XI-A, § 4 of the Maryland Constitution, which prohibits General Assembly action "on any subject covered by the express powers" that are given to charter counties. (*See also* p. 2, "Charter Home Rule Counties.")

"One Subject" Rule

Under Article III, § 29 of the Maryland Constitution, a bill may embrace only "one subject." The purpose of this requirement is to prevent the combination in one Act of totally unrelated matters that would not receive support if offered independently. The "one subject" rule helps to "avoid the necessity for a legislator to acquiesce in a bill he or she opposes in order to secure useful and necessary legislation." *Porten Sullivan Corp. v. State of Md.*, 318 Md. 387, 408 (1990) (striking down a portion of Chapter 244 of the Acts of 1989 which imposed mandatory ethical requirements on Prince George's County Council members regarding zoning matters and extended the Council's authority to impose certain taxes).

The basic test for determining whether a bill embraces more than one subject is whether or not all portions of the bill are "germane" (*i.e.*, connected, related, pertinent) or whether they are foreign to one another. Note that absent an express nonseverability clause, all enactments of the General Assembly are presumed to be severable. (*See* § 1-210 of the General Provisions Article.) Therefore, on determining that a law embraces more than one subject, a court will attempt to define and give effect to the principal subject of the enactment and separate out the dissimilar subjects. For an analysis of the application of the "one subject" rule to a legislative enactment, *see Migdal v. State*, 358 Md. 308 (2000).

S.B. 788 of 1974 was found to contravene the "one subject" rule. Although the bill generally concerned Calvert County, it both altered the salary of the County

Treasurer and permitted the County Commissioners to lend money for public streets. The only tie between the two matters was that they both occurred in Calvert County. This nexus was insufficient and the bill was vetoed.

Miscellaneous Constitutional Violations

Legislative drafters should be especially careful in drafting provisions that could raise potential constitutional problems. In the past, such problems have arisen regarding, for example, eminent domain, impairment of contracts, the supremacy clause (federal preemptive legislation), due process, and the First Amendment. (*See generally Bill Review Letters – An Analysis of Selected Bill Review Letters of the Attorney General of Maryland* that is published annually by the Department of Legislative Services.)

For a further discussion of constitutional provisions that may impact on bill drafting, *see Legislative Desk Reference Manual* (Department of Legislative Services, Office of Policy Analysis, 2009).

Constitutional Amendments

Although a proposed Constitutional amendment is usually drafted in a bill that is separate from a bill that would add, repeal, or amend law contingent on the passage of the Constitutional amendment, the Attorney General has advised that the combination of the proposed Constitutional amendment and the statutory changes in a single bill does not violate the Maryland Constitution. (*See* Letter to the Honorable Robert J. Garagiola dated January 17, 2011.) For an example of a bill that contains both proposed Constitutional amendments and statutory changes, *see* Chapter 261 of the Acts of 2014 (H.B. 1415) and S.B. 161 of 2015.

Chapter 5. The Title of a Bill

Legal Requirements

Bills are composed of two main parts, the title and the body. The title specifies the codification of the bill (if any) and contains a summary of the content and legal effect of the bill sufficient to satisfy the requirements of Article III, § 29 of the Maryland Constitution, which states:

> ... 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; ... .

Because Maryland has one of the strictest title requirements of the 50 states, care must be taken when drafting titles. The title must put a reader on notice as to the contents of the bill. This does not mean that the title must include all of the details of the bill, but the title must provide a fair indication of the real nature and subject matter of the bill. Titles that are misleading or deceptive must be avoided. As a general rule, the title of a bill is drafted after the body of the bill is completed.

There may be only one subject in a bill (Article III, § 29 of the Maryland Constitution), and the title must be at least as broad in scope as the body of the bill; it is fatal to the bill if the title is not as broad as the body of the bill. Note, however, that a portion of the bill that is adequately covered by the title may be upheld. (*See Porten Sullivan Corp. v. State of Md.*, 318 Md. 387, 568 A.2d 1111 (1990).)

A title that is too broad may be accepted by the courts as being no more serious than surplusage, although the Attorney General's Office has been critical of such titles. (*See, e.g.,* the veto messages in 1967 for S.B. 291, S.B. 372, and H.B. 921 (1967 Session Laws, pp. 1,748, 1,749, and 1,773).)

Forms of Titles

The format and structure of titles have changed substantially over the years in an effort to take advantage of computer techniques and to improve clarity of presentation. The essential legal elements of the title, however, remain the same; the changes are in arrangement and simplification.

With a few exceptions, all titles have three parts: the short title, the purpose paragraph, and one or more function paragraphs.

The Short Title

The purpose of the short title is to give a general indication of the content of the bill. The short title tells the reader what the bill is about. As a rule, no more than six to eight words need be used, and the drafter should avoid short titles that exceed 100 characters in length. Short titles commonly state the general subject of the bill first, followed by successively more detailed phrases separated by dashes. If a bill relates to only one or two counties, their names should appear first, with a word or two about the subject matter after the dash. Bicounty agency bills should include the full name of the agency, followed by a very brief description of the content of the bill. A local bill number, assigned by the county delegation that is sponsoring the bill, may appear on a separate line.

Examples

AN ACT concerning

Housing – Real Property Closing Costs

AN ACT concerning

Vehicle Laws – Abandoned Vehicles – Definition

AN ACT concerning

Washington County – Transient or Temporary Vendors – Licensure

AN ACT concerning

Prince George's County – Board of Education – Compensation

AN ACT concerning

Washington Suburban Sanitary Commission – Minority Business Program – Graduation

MC/PG 119–17

The Purpose Paragraph

The purpose paragraph is the part of the title that describes in constitutionally acceptable detail what the bill does. The language in the purpose paragraph may be as broad or as narrow as necessary to describe adequately the intent of the legislation. This is the part of the title to which the constitutional test of Article III, § 29 of the Maryland Constitution is applied. *(See* discussion at p. 37, "Legal Requirements.")

A purpose paragraph consists of descriptive clauses separated by semicolons, using the "ing" form of a verb (*e.g.*, "altering," "authorizing," "requiring," "exempting," "establishing," "prohibiting"). It is preferred that the drafter use these "action" verbs instead of "providing that ... ." For instance, use "requiring the Director to ..." rather than "providing that the Director shall ..." and "prohibiting a person from ..." instead of "providing that a person may not ... ."

It is not necessary to include in the purpose paragraph every change, large and small, proposed in a bill. Rather, the purpose paragraph should contain a summary by categories of the changes proposed. Also, it is not necessary to describe the present law in the purpose paragraph. What is necessary is to summarize the proposed changes as they apply to existing law.

Some of the elements of a bill that should be mentioned in the purpose paragraph are:

- the establishment or alteration of a criminal, civil, or administrative penalty;
- the imposition of a tax, fee, or other charge;
- an abnormal effective date;
- a referendum clause in the case of a public local bill subject to a referendum (*see* p. 124, "Local Referendum Provisions"); and
- uncodified "special sections." (*See* discussion of "special sections" with examples of standard corresponding purpose paragraph clauses at p. 113, "Special Sections.")

Some examples of unnecessary clauses in the purpose paragraph are:

- "creating a Preamble;";

- "making technical corrections;" (this clause sometimes may be appropriate to describe technical changes, such as cross-reference corrections, necessitated by changes made in the substantive provisions of a bill); and

- "renumbering certain subsections;" (where all you have done is renumber subsection designations to accommodate other changes).

With the exception of bond bills, avoid placing exact figures (dollar amounts, dates, measures, and other expressions of numerals) in the title of a bill since the figures may be amended several times during the legislative process. For example, salaries proposed in an introductory bill frequently are subject to change by amendment. If the purpose paragraph contains the precise amount of the salary, the failure to amend the purpose paragraph to reflect the change made to the body of the bill by the amendment would make the bill invalid.

It is preferable in a bill that alters dollar amounts, dates, measures, etc., to use a purpose paragraph clause analogous to the following example:

Example

FOR the purpose of altering (or increasing) the salary of the treasurer of St. Mary's County;

Do not use:

FOR the purpose of increasing to $50,000 the salary of the treasurer of St. Mary's County;

The word "certain" also may be used in place of exact figures or dates, as in "requiring that certain taxes be paid by a certain date."

In most circumstances, a broad catchall provision should be added at the end of a purpose paragraph, such as "and generally relating to freestanding health care clinics." The "generally relating to" phrase is a useful tool for drafting constitutionally acceptable titles as it provides the necessary notice for minor changes made by a bill that might not have been specifically addressed in the purpose paragraph.

Do not use the catchall phrase "and generally relating thereto." In the past it frequently was used, but in 1972 the Attorney General's Office recommended veto of a bill that included this phrase. The intent in its use was to refer back to the overall subject matter of the bill, but the Attorney General's Office construed it to refer back only to the matters already specifically mentioned in the bill's purpose paragraph. While this construction makes the phrase meaningless and redundant, the Attorney General's criticism may be avoided by expanding the phrase to include reference to the bill's overall subject matter, as "and generally relating to the sale and distribution of alcoholic beverages in Charles County."

Other commonly used catchall provisions in the purpose paragraph are used to describe simple changes in style or language, such as "making stylistic changes;", "making conforming changes;", or "clarifying language;".

For a further discussion of bill titles, *see* C. Everstine, "Titles of Legislative Acts," 9 *Maryland Law Review* 197 (1948).

The Function Paragraph

In General

The function paragraph describes the action being taken, specifies the article and section of the Annotated Code or public local law or the Session Law that the bill affects, and identifies where the affected law is found. The function paragraph generally includes the function line, the article line, the section line, and the volume and supplement citation line. (For a discussion of when a fifth line may need to be added to a function paragraph, *see* p. 44, "The Fifth Line.")

Example

BY repealing and reenacting, with amendments,
Article – Education
Section 8–304(a) and (b)(2)
Annotated Code of Maryland
(2014 Replacement Volume and 2016 Supplement)

The structure of the function paragraph is controlled strictly. The basic rule for using more than one function paragraph is that multiple function paragraphs will be necessary if:

- the bill is drafted to more than one article of the Code (or more than one volume if the article is contained in two volumes with different publication dates); or

- the bill employs more than one function to accomplish the objective of the bill (even if only one article is affected).

Function paragraphs serve as a kind of "table of contents" of a bill, and multiple function paragraphs generally are listed in the sequence in which the changes appear in the body of the bill. (*See* p. 90, "Bill Text.") Note, however, that each function paragraph will contain ***all*** sections within a given article that are affected by that function, regardless of where the changes may appear in the bill.

If a section is repealed and a new section is added to replace it, the "repeal" function paragraph should appear before the "add" function paragraph. Similarly, if a section is renumbered and a new section is added where the renumbered section previously appeared, the renumbering function paragraph should come first. Good examples of the use of multiple function paragraphs can be found in Chapter 303 of the Acts of 2002 (S.B. 176) and Chapter 440 of the Acts of 2005 (H.B. 1562).

The Function Line

The function line describes the action being taken with respect to existing provisions of the Annotated Code, public local laws, or Session Laws. The most common actions that appear in a function line are:

- BY repealing and reenacting, with amendments;

- BY repealing;

- BY adding to; and

- BY repealing and reenacting, without amendments.

In some instances, a special action may appear in the function line such as:

- BY renumbering;

- BY transferring;
- BY repealing and reenacting, with amendments, and transferring; or
- BY repealing and reenacting, with amendments, and transferring to the Session Laws.

The Article Line

The articles of the Annotated Code are organized by subject matter, as indicated by an article's name, such as "Transportation," "Education," or "Family Law." The article name is placed on this line to the right of the dash.

Example

Article – Family Law

The Section Line

The word "Section" is always singular regardless of the number of sections listed.

Example

Section 12–314(a), 12–315, and 12–406(b) and (d)

Include the name of a title, subtitle, or part only if there is to be a new or amended title, subtitle, or part, or if a title, subtitle, or part is being repealed. Only the name of the largest unit being added or repealed should be included. For example, if a new title composed of several subtitles is being added, the names of the subtitles should not be shown in the section line of the function paragraph. Note that, in a bill with multiple function paragraphs, the name of the title, subtitle, or part being added, amended, or repealed need only be included in one function paragraph that corresponds to the change being made to the title, subtitle, or part. For a further discussion and examples, *see* p. 46, "Repeal and Reenact, with Amendments," p. 47, "Total Repeal of a Section or Other Portion of the Code," and p. 48, "Adding Material to the Code."

Note that the section line of a bill amending an interstate compact will need to follow the format of the law's codification. The following example is based on Chapter 209 of the Acts of 2000, Section 3 (S.B. 204, Section 3), which amended the Washington Metropolitan Area Transit Authority Compact, § 10-204 of the Transportation Article:

Example

Section 10–204 Title III Article VI Section 14(c)(3) and 15(a)(10)

The Volume and Supplement Citation Line

Always list the year of both the volume (or replacement volume) and the supplement to the volume (or replacement volume). The correct year appears on the spine and title page of the volume (or replacement volume) and on the title page of the pocket part or free-standing supplement. If there is a volume and a supplement (some volumes may not have supplements if the volumes were printed recently), both must be cited. It is incorrect to refer only to the volume (or replacement volume) if there is a supplement or only to the supplement, even if a bill is drafted only to the volume (or replacement volume) or only to the supplement.

Example

Annotated Code of Maryland
((year) Replacement Volume and (year) Supplement)

The Fifth Line

It may be necessary to add a fifth line to the function paragraph of a bill to indicate that the bill, or a portion of the bill, is being drafted to a Chapter of the Session Laws or to a provision that is added or amended earlier in the same bill, rather than to the Annotated Code.

Example

(As enacted by Chapter 268 of the Acts of the General Assembly of 2015)

Example

(As enacted by Section 1 of this Act)

A fifth line must be added to the function paragraph if the bill:

- adds, amends, renumbers, or transfers material in one section of the bill and then makes further changes to the same material in another section (for discussion and examples *see* pp. 47, 52 and 53, 56 and 57, and 58 and 59);

- amends a previously amended Code section and the prior changes have not been printed in a cumulative supplement (*see* p. 61, "Amending Previously Amended Code Section");

- amends a Code section incorrectly codified by the publishers (*see* p. 62, "Amending Code Section Incorrectly Codified by the Publishers");

- amends a Code section with a delayed effective date (*see* p. 63, "Amending Code Section with a Delayed Effective Date");

- amends a Code section that is subject to a contingency or is reversionary text (*see* p. 64, "Amending Code Section That Is Subject to a Contingency or Is Reversionary Text");

- amends a Code section that is subject to an overridden veto (*see* p. 65, "Amending Code Section That Is Subject to an Overridden Veto"); or

- affects a section of a public local law that was amended by the General Assembly and the changes have not yet been included in the Code of Public Local Laws (*see* discussion under the heading "Public Local Laws" at pp. 69 and 70\).

Forms of Function Paragraphs

Repeal and Reenact, with Amendments

This is the most commonly used function paragraph. It is used when existing language is altered in some manner, but is not repealed or added in its entirety. It also is used when an existing section, subsection, paragraph, item, etc. is renumbered and the text of the material is being shown in the body of the bill. If only a portion of the existing language in a section is repealed, or if some new language is added to an existing section and the entire section is shown, it is appropriate to use "BY repealing and reenacting, with amendments," to describe the action. Include the name of a title, subtitle, or part only if it is being amended.

Example

BY repealing and reenacting, with amendments,
Article – Transportation
Section 21–901 through 21–910 to be under the amended subtitle "Subtitle 9. Miscellaneous Vehicle Laws"
Annotated Code of Maryland
((year) Replacement Volume and (year) Supplement)

If *only* the title, subtitle, or part name is being repealed and reenacted, with amendments, the following form, modified as necessary, may be used:

Example

BY repealing and reenacting, with amendments,
Article – Health Occupations
The subtitle designation "Subtitle 2. State Board of Chiropractic and Massage Therapy Examiners" immediately preceding Section 3–201
Annotated Code of Maryland
((year) Replacement Volume and (year) Supplement)

BY repealing and reenacting, without amendments,
Article – Health Occupations
Section 3–201
Annotated Code of Maryland
((year) Replacement Volume and (year) Supplement)

Note that the subtitle number and the changes made to the subtitle name (using brackets and **BOLD SMALL CAPS**) should be shown in the body of the bill, followed by the text of § 3-201, without change.

If the material being amended in one section of a bill is being further amended in a subsequent section that has a delayed effective date, it is necessary to use a fifth line in the second "repealing and reenacting, with amendments," function paragraph to indicate that the material being amended in the subsequent section is the material that was amended in the previous section of the bill. The following example is from H.B. 1142 of 2015:

Example

BY repealing and reenacting, with amendments,
Article – Tax – General
Section 13–936
Annotated Code of Maryland
(2010 Replacement Volume and 2014 Supplement)

BY repealing and reenacting, with amendments,
Article – Tax – General
Section 13–936(a)
Annotated Code of Maryland
(2010 Replacement Volume and 2014 Supplement)
(As enacted by Section 1 of this Act)

Total Repeal of a Section or Other Portion of the Code

If a section or another portion of the Annotated Code is to be repealed in its entirety, it is appropriate to use the "BY repealing" function paragraph. Note that if the same numbered section is replaced with new language, it also is necessary to use a "BY adding to" function as described below. (*See* p. 53, "Repeal of a Section and Enactment of a New Section to Replace It.") Note also that while the Maryland Constitution and drafting rules do not require the repealed section to be shown enclosed in brackets as part of the body of the bill, it is preferable to do so, particularly if the section is relatively short in length. Since the section number, as well as the text, is being repealed, the opening bracket should be placed before the section number. If two or more sections in a series are being repealed, each section should be enclosed in a separate set of brackets. (For an alternative to showing the repealed material in the body of the bill, *see* p. 89, "Short Repealer.")

Example

BY repealing
Article – Public Utilities
Section 22–103 through 22–105
Annotated Code of Maryland
((year) Replacement Volume and (year) Supplement)

The function paragraph shown below describes the repeal of an entire subtitle. This language may be modified to describe the repeal of a title or a part.

Example

BY repealing
Article – Health – General
Section 20–301 through 20–314 and the subtitle "Subtitle 3. Nuisance Control"
Annotated Code of Maryland
((year) Replacement Volume and (year) Supplement)

Note that only the name of the largest unit being repealed should be included. For example, if a title composed of several subtitles is being repealed, the names of the subtitles should not be shown in the section line of the function paragraph.

Example

BY repealing
Article – Health – General
Section 20–101 through 20–1304 and the title "Title 20. Miscellaneous Health Provisions"
Annotated Code of Maryland
((year) Replacement Volume and (year) Supplement)

Adding Material to the Code

If a totally new section is added to an existing article, or if a new subsection, paragraph, item, etc. is added to an existing section and the entire section is not shown, use "BY adding to" in the function line.

Example

BY adding to
Article – Health – General
Section 19–731(c)
Annotated Code of Maryland
((year) Replacement Volume and (year) Supplement)

If a new subsection, paragraph, item, etc. is being added using the designation of an existing subsection, paragraph, item, etc., the existing subsection, paragraph, item, etc. is being renumbered as a result, and the entire section is not being shown, the following form should be used:

Example

BY adding to
Article – Health Occupations
Section 4-508(f)
Annotated Code of Maryland
((year) Replacement Volume and (year) Supplement)

BY repealing and reenacting, with amendments,
Article – Health Occupations
Section 4-508(f)
Annotated Code of Maryland
((year) Replacement Volume and (year) Supplement)

If a new title, subtitle, or part also is being added, it must be so stated in the section line of the function paragraph. The new name and number of the title, subtitle, or part should be included in quotation marks.

Example

BY adding to
Article – Health – General
Section 20–301 through 20–314 to be under the new subtitle "Subtitle 3. Nuisance Control"
Annotated Code of Maryland
((year) Replacement Volume and (year) Supplement)

Note that the form used to add new sections under a new subtitle will vary slightly depending on the number of sections being added. If three or more sections are being added, the following form should be used:

Example

Section 9–1501 through 9–1505 to be under the new subtitle "Subtitle 15. Cleaning Agents"

If only two sections are being added, the following form should be used:

Example

Section 9–1501 and 9–1502 to be under the new subtitle "Subtitle 15. Cleaning Agents"

If only one section is being added, the following form should be used:

Example

Section 9–1501 to be under the new subtitle "Subtitle 15. Cleaning Agents"

Note that only the name of the largest unit being added should be included. For example, if a new title composed of several subtitles is being added, the names of the subtitles should not be included in the section line of the function paragraph.

Example

BY adding to
Article – Health – General
Section 23–101 through 23–410 to be under the new title "Title 23. Children's Products Safety Act"
Annotated Code of Maryland
((year) Replacement Volume and (year) Supplement)

While not included in the function paragraph, the drafter should include the number and name (in **BOLD SMALL CAPS**) of each subtitle being added in the body of the bill.

If *only* a new title, subtitle, or part name is being added, the following form, modified as necessary, may be used:

Example

BY adding to
Article – State Personnel and Pensions
New part designation "Part I. Membership Generally" to immediately precede Section 26–201
Annotated Code of Maryland
((year) Replacement Volume and (year) Supplement)

BY repealing and reenacting, without amendments,
Article – State Personnel and Pensions
Section 26–201
Annotated Code of Maryland
((year) Replacement Volume and (year) Supplement)

Note that as an alternative to showing the new title, subtitle, or part and the section that follows it in the body of the bill, the following enacting clause form, modified as necessary, may be used:

Example

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the new part designation "Part I. Membership Generally" be added to immediately precede Section 26–201 of Article – State Personnel and Pensions of the Annotated Code of Maryland.

If material is being added to the Annotated Code under a new subtitle and it also is necessary to amend the name of the title in which the new subtitle will appear, the following form, from Chapter 497 of the Acts of 2007 (H.B. 785), may be used:

Example

BY adding to
Article – Business Regulation
Section 16–601 through 16–610 to be under the new subtitle "Subtitle 6. Fire Safety Performance Standard for Cigarettes" and the amended title "Title 16. Cigarettes"
Annotated Code of Maryland
(2004 Replacement Volume and 2006 Supplement)

If the material being added in one section of a bill also is being amended in a subsequent section that has a delayed effective date, it is necessary to use a fifth line in the "repealing and reenacting, with amendments," function paragraph to indicate that the material being amended in the subsequent section is the material that was added in the previous section of the bill. The following example is from Chapter 3 of the Acts of 2013:

Example

BY adding to
Article – Public Utilities
Section 7–704.1 and 7–704.2
Annotated Code of Maryland
(2010 Replacement Volume and 2012 Supplement)

BY repealing and reenacting, with amendments,
Article – Public Utilities
Section 7–704.1(e)
Annotated Code of Maryland
(2010 Replacement Volume and 2012 Supplement)
(As enacted by Section 1 of this Act)

On occasion, it may be necessary to add a new article to the Code. The following form of function paragraph may be used for this purpose:

Example

BY adding
New Article Local Government
Section 1–101 through 30–108 and the various titles
Annotated Code of Maryland

For examples of legislation enacting new articles of the Code, *see* Chapter 119 of the Acts of 2013 (H.B. 472), Chapter 94 of the Acts of 2014 (H.B. 270), and Chapter 41 of the Acts of 2016 (S.B. 724).

Repeal of a Section and Enactment of a New Section to Replace It

If changes are made in a particular section that substantially alter the former wording, it is often desirable to repeal the old section in its entirety and to set out the new wording as an unbroken whole. This requires the use of two function paragraphs. The first function paragraph is a "BY repealing" paragraph, and the second function paragraph is a "BY adding to" paragraph.

Example

BY repealing
Article – Tax – Property
Section 14–513

Annotated Code of Maryland
((year) Replacement Volume and (year) Supplement)

BY adding to
Article – Tax – Property
Section 14–513
Annotated Code of Maryland
((year) Replacement Volume and (year) Supplement)

Note that a change made to a subdivision of a section also may require the use of both a "BY repealing" and a "BY adding to" function paragraph. For example, if an item in a subsection is being replaced in its entirety by new language, and the entire subsection is not being shown in the bill, this change should be accomplished as follows:

Example

Article – Criminal Law

3–101.

(b) "Licensed health care professional" means a duly licensed or certified:

[(12) pharmacist; or**]**

(12) PHARMACY ASSISTANT OR ANY OTHER DESIGNATED PERSON LISTED IN ITEMS (1) THROUGH (11) OF THIS SUBSECTION; OR

In this situation, both a "repealing" and an "adding to" function paragraph are necessary, as shown below:

Example

BY repealing
Article – Criminal Law
Section 3–101(b)(12)

Annotated Code of Maryland
((year) Replacement Volume and (year) Supplement)

BY adding to
Article – Criminal Law
Section 3–101(b)(12)
Annotated Code of Maryland
((year) Replacement Volume and (year) Supplement)

Alternatively, the drafter could show all of subsection (b) and use a "BY repealing and reenacting, with amendments," function paragraph.

Renumbering

This is a technical form of function paragraph used for the purpose of renumbering sections (or subdivisions of a section) of an article of the Annotated Code or a public local law without making any change in the text of the sections (or the subdivisions of a section). Note that the text of the material being renumbered is not shown in the body of the bill; the renumbering is accomplished simply by the use of the renumbering function paragraph in conjunction with the proper enacting clause. (*See* p. 87, "Renumbering.") If the text of the material being renumbered is shown in the body of the bill, the "BY repealing and reenacting, with amendments," function paragraph should be used.

Example

BY renumbering
Article – Tax – Property
Section 13–305
to be Section 13–306
Annotated Code of Maryland
((year) Replacement Volume and (year) Supplement)

The renumbering function paragraph may be used to renumber several sections or subdivisions of a section sequentially by using the word "respectively."

Example

BY renumbering
Article – Tax – Property
Section 13–305(d), (e), and (f), respectively
to be Section 13–305(f), (g), and (h), respectively
Annotated Code of Maryland
((year) Replacement Volume and (year) Supplement)

If a section or a subdivision of a section is being renumbered to "make a space" for new material being added, the "renumbering" function paragraph should be placed before the "adding to" function paragraph.

For a discussion of an alternative to renumbering the subsections of a section when adding a new subsection, *see* p. 96, "Subdivision of Sections."

If a title, subtitle, or part designation also needs to be renumbered, the following form, modified as necessary, may be used:

Example

BY renumbering
Article – Insurance
Section 15–1301 through 15–1307, respectively, and the subtitle "Subtitle 13. Interdepartmental Committee on Mandated Health Insurance Benefits"
to be Section 15–1501 through 15–1507, respectively, and the subtitle "Subtitle 15. Interdepartmental Committee on Mandated Health Insurance Benefits"
Annotated Code of Maryland
((year) Replacement Volume and (year) Supplement)

Note that whenever renumbering occurs, the drafter must ensure that no internal cross-references are rendered incorrect by the renumbering. If internal cross-references are rendered incorrect, the drafter should correct them.

If the material being renumbered through the use of a nonstandard renumbering enacting clause also is being amended in a subsequent section of the

bill, it is necessary to use a fifth line in the "repealing and reenacting, with amendments," function paragraph to indicate that the material being amended in the subsequent section is the material that was renumbered in the previous section of the bill. The following example is from H.B. 1093 of 2015:

Example

BY renumbering
Article – Insurance
Section 19–509.1
to be Section 19–509.2
Annotated Code of Maryland
(2011 Replacement Volume and 2014 Supplement)

BY repealing and reenacting, with amendments,
Article – Insurance
Section 19-509.2
Annotated Code of Maryland
(2011 Replacement Volume and 2014 Supplement)
(As enacted by Section 1 of this Act)

Transferring

The "transferring" function is used to move sections of one article to another article. It is not necessary to show the sections being transferred in the body of the bill; however, a "transferring" enacting clause must be used. (*See* p. 88, "Transferring.")

Example

BY transferring
Article – Tax – General
Section 7–228 and 7–231(e), respectively
Annotated Code of Maryland
((year) Replacement Volume and (year) Supplement)
to be
Article – Estates and Trusts
Section 2–213 and 2–214, respectively

Annotated Code of Maryland
((year) Replacement Volume and (year) Supplement)

If a title, subtitle, or part designation also is being transferred, the following form, modified as necessary, may be used:

Example

BY transferring
Article – Environment
Section 6–301 through 6–304, respectively, and the subtitle "Subtitle 3. Lead–Based Paint"
Annotated Code of Maryland
((year) Replacement Volume and (year) Supplement)
to be
Article – Health – General
Section 17–601 through 17–604, respectively, and the subtitle "Subtitle 6. Lead–Based Paint"
Annotated Code of Maryland
((year) Replacement Volume and (year) Supplement)

If the material being transferred also is being amended, it generally is appropriate to first transfer the material and then make any necessary changes. This will necessitate the use of two function paragraphs, as shown in the following example from H.B. 419 of 2003:

Example

BY transferring
Article – Business Occupations and Professions
Section 5.5–101 through 5.5–702, respectively, and the title "Title 5.5. Docking Masters"; and 11–101 through 11–802, respectively, and the title "Title 11. Pilots"
Annotated Code of Maryland
(2000 Replacement Volume and 2002 Supplement)
to be

Article – Transportation
Section 5.5–101 through 5.5–702, respectively, and the title "Title 5.5. Docking Masters"; and 5.7–101 through 5.7–802, respectively, and the title "Title 5.7. Pilots"
Annotated Code of Maryland
(2001 Replacement Volume and 2002 Supplement)

BY repealing and reenacting, with amendments,
Article – Transportation
Section 5.5–201 and 5.7–201
Annotated Code of Maryland
(2001 Replacement Volume and 2002 Supplement)
(As enacted by Section 1 of this Act)

Use of the form shown above allows the drafter to use a nonstandard transferring enacting clause (*see* p. 88, "Transferring") instead of showing all the transferred sections in the bill, and to show only the transferred sections that are being amended. Note that, as shown in the example above, a fifth line is necessary in the "repealing and reenacting, with amendments," function paragraph to indicate that the sections being amended are those that were transferred in Section 1 of the bill.

While the form shown in the example above is preferred, the following function paragraph form, from H.B. 90 of 2001, may be appropriate when most or all of the transferred sections also are being amended:

Example

BY repealing and reenacting, with amendments, and transferring
Article – Tax – General
Section 7–228 and 7–231(e)
Annotated Code of Maryland
(1997 Replacement Volume and 2000 Supplement)
to be
Article – Estates and Trusts
Section 2–213
Annotated Code of Maryland
(1991 Replacement Volume and 2000 Supplement)

For an example of an enacting clause to use with the function paragraph shown above, *see* H.B. 90 of 2001, Section 4 (p. 17).

Repeal and Reenact, without Amendments

If existing law is reprinted in a bill for informational purposes only, without changes, it is correct to use "BY repealing and reenacting, without amendments," in the function line to identify the unchanged provision.

Example

BY repealing and reenacting, without amendments,
Article – Education
Section 2–303(h)(1), 8–411(c), and 22–203(c)
Annotated Code of Maryland
((year) Replacement Volume and (year) Supplement)

Renaming

On occasion, an article of the Annotated Code may have its name changed by a bill.

Example

BY renaming
Article – Health – Environmental
to be Article – Environment
Annotated Code of Maryland
((year) Volume and (year) Supplement)

The renaming of a title, subtitle, or part may be accomplished by showing the name change in the body of the bill and including the new name of the title, subtitle, or part in the function paragraph that describes the changes made to the title, subtitle, or part. The following example shows the addition of six new sections to an existing subtitle (Subtitle 5. Child Care; Foster Care), as well as the renaming of the subtitle:

Example

BY adding to
Article – Family Law
Section 5–590 through 5–595 to be under the amended subtitle "Subtitle 5. Child Care Facilities"
Annotated Code of Maryland
((year) Replacement Volume and (year) Supplement)

The following example shows changes made to one section of the Code as well as the renaming of the subtitle:

Example

BY repealing and reenacting, with amendments,
Article – State Personnel and Pensions
Section 5–301 to be under the amended subtitle "Subtitle 3. Maryland Whistleblower Law"
Annotated Code of Maryland
((year) Replacement Volume and (year) Supplement)

Amending Previously Amended Code Section

If a bill being drafted contains a section that already has been amended, either during the same legislative session (and the other bill has been signed by the Governor) or at a previous legislative session and the changes have not yet been printed in a cumulative supplement, it is necessary to include the changes in the section made by the earlier bill and to add a fifth line to the function paragraph that refers to the earlier Act. The fifth line is necessary to provide notice that the bill being drafted, or some part of the bill, is being drafted to a Chapter of the Session Laws and not to the Annotated Code. This form of function paragraph rarely is used.

Example

BY repealing and reenacting, with amendments,
Article – Criminal Law
Section 12–301.1(a) and (b)
Annotated Code of Maryland
(2002 Replacement Volume and 2011 Supplement)
(As enacted by Chapter 603 of the Acts of the General Assembly of 2012)

Example

BY repealing and reenacting, with amendments,
Article – State Government
Section 6–303
Annotated Code of Maryland
(2004 Replacement Volume)
(As enacted by Chapter 5 of the Acts of the General Assembly of the 2004 Special Session)

Amending Code Section Incorrectly Codified by the Publishers

Since the Session Laws are "the law," while the Annotated Codes published by LexisNexis and West are merely "evidence of the law," the Session Laws control if there is a conflict between the two. While every effort is made by the publishing companies to avoid the introduction of errors into the Code, such errors, and therefore conflicts, occasionally do arise. When the drafter is aware of codification errors, the Code sections should be printed in a bill in a manner consistent with the Session Laws, not the erroneous codification. An additional fifth line is added to the function paragraph to provide notice that the Session Laws, rather than the Code, serve as the source for the Code sections printed in the bill. The following example is from a bill introduced in the 2015 session:

Example

BY repealing and reenacting, with amendments,
Article 2B – Alcoholic Beverages
Section 9–217(e)
Annotated Code of Maryland
(2011 Replacement Volume and 2014 Supplement)
(As enacted by Chapter 144 of the Acts of the General Assembly of 2013)

Amending Code Section with a Delayed Effective Date

Occasionally, a bill must be drafted to a section of the Annotated Code that has not yet become effective because it was enacted by the General Assembly with a delayed effective date. In this case, it is necessary to add an additional fifth line to the applicable function paragraph of the bill being drafted to provide notice that the source law to which the bill is drafted is actually a Chapter of the Session Laws, and not the Code. Note, however, that the same provisions contained in the Session Laws also will appear in the Code, but will be printed in italics to alert the reader that the provisions are not yet in effect.

Example

BY adding to
Article – Insurance
Section 15–1205(h)
Annotated Code of Maryland
(2011 Replacement Volume and 2012 Supplement)
(As enacted by Chapter 152 of the Acts of the General Assembly of 2012)

Example

BY repealing and reenacting, with amendments,
Article – Election Law
Section 2–201(l)
Annotated Code of Maryland

(2010 Replacement Volume and 2014 Supplement)
(As enacted by Chapter 102 of the Acts of the General Assembly of 2012, as amended by Chapters 47 and 105 of the Acts of the General Assembly of 2014)

Note that if there are two or more Chapters that amend the first Chapter law shown in the fifth line, they should be listed chronologically from the earliest year of enactment to the latest.

Note also that the requirement to add a fifth line to the function paragraph applies even if the bill being drafted is effective on the same date as the provisions with a delayed effective date. For example, since bills for a regular session of the General Assembly must be drafted to the law in effect on January 1 of the year of the legislative session, a bill drafted for the 2017 session to provisions taking effect on October 1, 2017, must contain a fifth line (even if the bill has an October 1, 2017, effective date) because as of January 1, 2017, the provisions being amended are not yet in effect.

For a discussion and an example of special section language that must be included in a bill amending a Code section with a delayed effective date, *see* p. 144, "Delayed Effective Date."

Amending Code Section That Is Subject to a Contingency or Is Reversionary Text

The requirement for a fifth line discussed above also applies if the section of the Annotated Code being amended is not yet in effect because it is subject to a contingency that has not been met, or because the section being amended is reversionary text, *i.e.*, a version of the current law that will become effective at a future date when the current law terminates. In each case, the Code section being amended will need to be double drafted (*see* discussion beginning at p. 153, "Double Drafting"), a separate function paragraph for the Code section currently in effect and the Code section effective at a future date is required, and the function paragraph for the Code section not yet in effect must include a fifth line that refers to the Chapter law that enacted the Code section.

For a discussion of double drafting and an example of special section language that must be included in a bill amending a Code section with a delayed effective date, *see* p. 154, "Drafting to Provision with a Delayed Effective Date."

For a discussion of double drafting and an example of special section language that must be included in a bill amending reversionary text, *see* p. 153, "Drafting to Code Section Subject to Termination."

Amending Code Section That Is Subject to an Overridden Veto

Under Article II, § 17 of the Maryland Constitution, a bill that passes both houses of the General Assembly and subsequently is vetoed by the Governor must be returned to its house of origin for reconsideration. If, after reconsideration by both houses of the General Assembly, at least three-fifths of all members of each house vote to pass the bill over the Governor's veto, the bill takes effect 30 days after the veto is overridden or the date specified in the bill, whichever is later, except for an emergency bill which takes effect when enacted (*i.e.*, the date on which the opposite chamber overrides the veto). Since the provisions of law contained in the Chapter law that results from a veto override will not be published in the Annotated Code until sometime after the session in which the veto override occurs, it is necessary to add a fifth line to the function paragraph of a bill drafted to that law to indicate that it is drafted to a Chapter of the Session Laws, and not the Code.

For example, during the 2015 regular session, the legislature passed S.B. 517. The Governor vetoed the bill, the legislature overrode the Governor's veto during the 2016 regular session, and S.B. 517 became Chapter 4 of the Acts of 2016. During the 2016 regular session, S.B. 902 was introduced which amended § 5-601 of the Criminal Law Article, which had also been amended by Chapter 4. Therefore, the provisions of S.B. 902 amending § 5-601 had to be drafted to the Chapter Laws, and not the Code. The following example, taken from S.B. 902, shows the function paragraph for § 5-601:

Example

BY repealing and reenacting, with amendments,
Article – Criminal Law
Section 5–601
Annotated Code of Maryland
(2012 Replacement Volume and 2015 Supplement)
(As enacted by Chapter 4 of the Acts of the General Assembly of 2016)

Special Title Requirements

Constitutional Amendments

In General

Although a bill that proposes a constitutional amendment is not subject to the constitutional standard for titles under Article III, § 29 of the Maryland Constitution (*see Hillman v. Stockett,* 183 Md. 641, 647 (1944)), the guidelines applicable to bill titles generally should be followed in drafting the title of a constitutional amendment. Note, however, that the phraseology of the purpose paragraph and the function paragraph of the title of a constitutional amendment are different from an ordinary bill.

A constitutional amendment always has a constitutional referendum clause in the body of the bill in place of the effective date clause (*see* p. 121, "Statewide Referendum – Constitutional Amendments"), and the purpose paragraph must contain the corresponding phrase "submitting this amendment to the qualified voters of the State for their adoption or rejection." A special function paragraph also is used for proposed changes to the Maryland Constitution or Declaration of Rights, as illustrated in the examples below.

Amending a Section of the Constitution

Example

BY proposing an amendment to the Maryland Constitution
Article III – Legislative Department
Section 3

Adding a New Section to the Constitution

Example

BY proposing an addition to the Maryland Constitution
Article III – Legislative Department
Section 3

Adding a New Article to the Constitution

Example

BY proposing an addition to the Maryland Constitution
New Article XIX – Video Lottery Terminals
Section 1

Repealing a Section of the Constitution

Example

BY proposing a repeal of the Maryland Constitution
Article III – Legislative Department
Section 3

Note that whether the function paragraph indicates that an amendment to, an addition to, or a repeal of the Maryland Constitution is being proposed, the purpose paragraph language "proposing an amendment to the Maryland Constitution to …" should be used, followed by a description of the change being made.

Example

FOR the purpose of proposing an amendment to the Maryland Constitution to impose a certain limit on the number of consecutive terms that an individual may serve in the office of Senator or Delegate in the General Assembly; …

Withdrawing, Recalling, and Repealing a Bill Proposing a Constitutional Amendment

The Court of Appeals has held that the General Assembly may withdraw, recall, and repeal a bill that proposed an amendment to the Maryland Constitution and was duly passed at an earlier session of the General Assembly, and substitute a revised version of the proposed amendment (as occurred in Chapter 532 of the Acts of 1970), before notice of the originally proposed amendment is published in

accordance with the requirements of Article XIV, § 1 of the Maryland Constitution. *See Bourbon v. Governor of Maryland*, 258 Md. 252 (1970). The following form of function paragraph should be used to withdraw, recall, and repeal a previously passed bill proposing a constitutional amendment:

Example

BY withdrawing, recalling, and repealing
Chapter _____ of the Acts of the General Assembly of _____

Amending, Adding to, or Repealing the Declaration of Rights

A similar function paragraph form to that shown in the examples above is used to amend, add to, or repeal an article of the Declaration of Rights.

Example

BY proposing (an amendment to) (an addition to) (a repeal of) the Maryland Constitution
Declaration of Rights
Article 8

Article XIV, § 1A and Article XVIII of the Maryland Constitution should be consulted for provisions of limited duration. (*See also* p. 121, "Statewide Referendum – Constitutional Amendments.")

For an example of an amendment to the Maryland Constitution and an amendment to the Declaration of Rights, *see* Chapter 481 (H.B. 417) and Chapter 480 (S.B. 119) of the Acts of 2010, respectively.

Public Local Laws

Repeal and Reenact, with Amendments

This form, used for amending all codes of public local laws (*see* p. 98, "Code of Public Local Laws"), is similar to the function paragraph used for repealing and reenacting, with amendments, material found in the Annotated Code.

Example

BY repealing and reenacting, with amendments,
The Public Local Laws of Prince George's County
Section 21A–112
Article 17 – Public Local Laws of Maryland
(2011 Edition, as amended)

Adding a New Section or Subsection

Example

BY adding to
The Public Local Laws of Frederick County
Section 1–5–26
Article 11 – Public Local Laws of Maryland
(2004 Edition and February 2016 Supplement, as amended)

Repealing a Section or Subsection

Example

BY repealing
The Public Local Laws of Somerset County
Section 2–102(b) through (f)
Article 20 – Public Local Laws of Maryland
(2015 Edition)

Note that when a bill affects a section of a public local law that was amended by the General Assembly after the most recent edition or supplement of the Code of Public Local Laws was printed, or if the changes made by the bill occurred before that edition or supplement was printed but have not been included, it is necessary to include a fifth line in the function paragraph referencing the Chapter number of the Act that amended the section, as shown in the following example from Chapter 237 of the Acts of 2001 (H.B. 490):

Example

BY repealing and reenacting, with amendments,
The Public Local Laws of Calvert County
Section 5–103(c)
Article 5 – Public Local Laws of Maryland
(1986 Edition and July 1991 Supplement, as amended)
(As enacted by Chapter 49 of the Acts of the General Assembly of 1996)

If the Chapter law that amended the public local law section is itself subsequently amended, reference to that Chapter number also must be included in the fifth line, as shown in the following example from Chapter 598 of the Acts of 2005 (H.B. 1272):

Example

BY repealing and reenacting, with amendments,
The Public Local Laws of Washington County
Section 2–701
Article 22 – Public Local Laws of Maryland
(1991 Edition and December 1997 Supplement, as amended)
(As enacted by Chapter 468 of the Acts of the General Assembly of 2003, as amended by Chapter 398 of the Acts of the General Assembly of 2004)

Note that if there are two or more Chapters that amend the first Chapter law shown in the fifth line, they should be listed chronologically from the earliest year of enactment to the latest.

Municipal Charters

The charter of a single municipality may be amended by the General Assembly only under very limited circumstances. (*See* discussion at p. 4, "Muncipalities.")

Amendment to Grant Urban Renewal Power

Article III, § 61 of the Maryland Constitution authorizes the General Assembly to permit counties and municipalities to engage in urban renewal projects for slum clearance. This section expressly prevails over the home rule restrictions in Article

XI-A and Article XI-E of the Maryland Constitution; that is, urban renewal is *not* within the home rule powers of counties and municipalities. *See* 80 *Opinions of the Attorney General* 232 (1995).

When a bill request seeks to grant this authority to a county, the bill should be drafted to the public local laws of the county. (*See* p. 68, "Public Local Laws" and p. 98, "Code of Public Local Laws.") When a bill request concerns a municipality, the following title format should be used:

Example

AN ACT concerning

Town of Hurlock (Dorchester County) – Urban Renewal Authority for Slum Clearance

FOR the purpose of authorizing the Town of Hurlock, Dorchester County, to undertake and carry out certain urban renewal projects for slum clearance and redevelopment; prohibiting certain land or property from being taken for certain purposes without just compensation first being paid to the party entitled to the compensation; declaring that certain land or property taken in connection with certain urban renewal powers is needed for public uses or purposes; authorizing the legislative body of the Town of Hurlock by ordinance to elect to have certain urban renewal powers exercised by a certain public body; imposing certain requirements for the initiation and approval of an urban renewal area; providing for the disposal of property in an urban renewal area; authorizing the municipality to issue certain bonds under certain circumstances; clarifying that a certain appendix may be amended or repealed only by the General Assembly of Maryland; defining certain terms; and generally relating to urban renewal authority for slum clearance for the Town of Hurlock in Dorchester County.

BY adding to
Chapter 77 – Charter of the Town of Hurlock
Section A1–101 through A1–114 to be under the new heading "Appendix I – Urban Renewal Authority for Slum Clearance"
Public Local Laws of Maryland – Compilation of Municipal Charters
(1990 Replacement Edition and 2005 Supplement)

Note that in the example shown above (based on Chapter 279 of the Acts of 2007 (H.B. 1364)), the enactment adds powers of urban renewal by way of an appendix to the municipal charter, rather than by adding new sections to the body of the charter. Because legislation relating to the urban renewal powers for slum clearance is under the exclusive jurisdiction of the General Assembly, only the General Assembly may add to or amend an appendix to a municipal charter.

To date, approximately 50 percent of the 156 municipalities in the State have been granted urban renewal powers. The most recent grant of authority was to the Town of Hurlock (Dorchester County) by Chapter 279 of the Acts of 2007 (H.B. 1364).

Amendment to Fix Tax Rates for Municipalities

The form for this type of bill is required under Article XI-E, § 5 of the Maryland Constitution that, as an exception to the general prohibition in that article against municipal enactments by the General Assembly, permits the General Assembly to modify by local law the maximum tax rate for a municipality. Note that this power of the General Assembly is permissive and, by ruling of the Court of Appeals, it is a concurrent power; that is, a municipality also may amend its charter to change the maximum tax rate.

Example

AN ACT concerning

(City)(Town) of _____ (_____ County) – Modification of Tax Limits

FOR the purpose of modifying the tax limit of the (City)(Town) of _____, subject to the provisions of Section 5 of Article XI–E of the Maryland Constitution; and submitting this Act to the required referendum of the voters.

BY repealing and reenacting, with amendments,
Chapter _____ – Charter of the (City)(Town) of _____
Section _____ (or Article _____, Section _____)
Public Local Laws of Maryland – Compilation of Municipal Charters
((year) Replacement Edition and (year) Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Public Local Laws of Maryland – Compilation of Municipal Charters read as follows:

(text)

SECTION 2. AND BE IT FURTHER ENACTED, That the effectiveness of this Act is subject to the requirements of Article XI–E, § 5 of the Maryland Constitution, that no such local law shall become effective in regard to a municipality until and unless it has been approved at a regular or special municipal election by a majority of the voters of the municipality voting on the question.

SECTION 3. AND BE IT FURTHER ENACTED, That, subject to the provisions of Section 2 of this Act and for the sole purpose of providing for the referendum required by Section 2 of this Act, this Act shall take effect _____, (year).

Amendment to Regulate Maximum Debt Created by Municipalites

The form for this type of bill is required under Article XI-E, § 5 of the Maryland Constitution that, as an exception to the general prohibition in that article against municipal enactments by the General Assembly, permits the General Assembly to regulate by local law the maximum amount of bonded indebtedness created by a municipality. Note that this power of the General Assembly is permissive and, by ruling of the Court of Appeals, it is a concurrent power; that is, a municipality also may amend its charter to change the maximum debt limitations.

Example

AN ACT concerning

(City)(Town) of _____ (_____ County) – Maximum Amount of Bonded Indebtedness

FOR the purpose of regulating the maximum amount of debt which may be incurred by the (City)(Town) of _____ pursuant to the provisions of Section 5 of Article XI–E of the Maryland Constitution; and submitting this Act to the required referendum of the voters.

BY repealing and reenacting, with amendments,
Chapter _____ – Charter of the (City)(Town) of _____
Section _____ (or Article _____, Section _____)
Public Local Laws of Maryland – Compilation of Municipal Charters
((year) Replacement Edition and (year) Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Public Local Laws of Maryland – Compilation of Municipal Charters read as follows:

(text)

SECTION 2. AND BE IT FURTHER ENACTED, That the effectiveness of this Act is subject to the requirements of Article XI–E, § 5 of the Maryland Constitution, that no such local law shall become effective in regard to a municipality until and unless it has been approved at a regular or special municipal election by a majority of the voters of the municipality voting on the question.

SECTION 3. AND BE IT FURTHER ENACTED, That, subject to the provisions of Section 2 of this Act and for the sole purpose of providing for the referendum required by Section 2 of this Act, this Act shall take effect _____, (year).

Baltimore City Charter Amendment

The Charter of Baltimore City may be amended by the General Assembly under certain circumstances. (*See* discussion at p. 3, "City of Baltimore.")

Example

AN ACT concerning

Baltimore City Charter Amendment – Powers, Parking of Vehicles, and Revenue Bonds

FOR the purpose of adding a new section to Article II of the Charter of Baltimore City, to authorize the Mayor and City Council of Baltimore by ordinance to pledge revenue derived from the parking of motor vehicles for the payment of revenue bonds issued in accordance with Section (50) of Article II of the Charter of Baltimore City; establishing a fund by the Commissioners of Finance; and generally relating to revenues from motor vehicle parking and to revenue bonds.

BY adding to
The Charter of Baltimore City

Article II – General Powers
Section (48)
(2007 Replacement Volume, as amended)

Many bills relating to the authority of Baltimore City are drafted to Article II of the Baltimore City Charter, since this is where most of the "express powers" of Baltimore City are located. (*See* example shown above.) Note that when drafting to Article II, the lead-in language of that article must be included in the body of the bill. For an example of the appropriate lead-in language to use, *see* Chapters 39 and 40 of the Acts of 2009 (S.B. 180 and H.B. 92, respectively) and Chapter 510 of The Acts of 2013 (S.B. 631).

Uncodified Acts – In General

Some Acts are not codified because they are of temporary effect. Some examples of uncodified Acts of temporary effect are:

- Acts granting authority to sell bonds;
- Acts granting authority to a State agency to condemn property;
- the annual State operating budget (Budget Bill); and
- the annual Maryland Consolidated Capital Bond Loan (Capital Budget) (which also may contain one or more codified provisions).

Uncodified Acts generally do not have a function paragraph. However, an uncodified Act that amends an earlier uncodified Act does have a unique function paragraph as described below. (*See* p. 81, "Amending an Uncodified Act or Provision.")

An uncodified Act appears only in the Session Laws for the year in which it is enacted. While an uncodified Act does not appear in the Annotated Code, it may be referred to in editor's notes or other Code annotations. (For a further discussion, *see* p. 103, "Uncodified Acts.")

Uncodified Acts of Short-term Duration – Examples

Example

AN ACT concerning

Maryland Historical Trust – National Register of Historic Places – Essex Skypark

FOR the purpose of requiring that, on or before a certain date, the Director of the Maryland Historical Trust determine whether a certain property is eligible for listing in the National Register of Historic Places in accordance with a certain provision of law; and generally relating to the Maryland Historical Trust.

Example

AN ACT concerning

Department of Health and Mental Hygiene – Certified Community Behavioral Health Clinic Demonstration Program – Grant Application

FOR the purpose of requiring the Department of Health and Mental Hygiene to apply to the federal Department of Health and Human Services for a planning grant for the establishment of certified community behavioral health clinics; and generally relating to the Department of Health and Mental Hygiene and federal demonstration programs.

Example

AN ACT concerning

Society for the Restoration of Port Tobacco, Inc.

FOR the purpose of providing that the Society for the Restoration of Port Tobacco, Inc., be solely responsible for the Court House Restoration.

State Budget and State Debt

The executive budget consists of two major bills: the operating budget, generally referred to as the Budget Bill, and the capital budget, since 1990 referred to as the Maryland Consolidated Capital Bond Loan Bill. Under Article III, § 52 of the Maryland Constitution, the Governor submits the Budget Bill, which includes all appropriations for the General Assembly, the Judiciary, and the Executive Department. The Budget Bill is usually about 200 pages long and consists of three major parts: the specified appropriation for each State government unit; a detailed section with specific directions on the expenditure of each unit's appropriation; and the "Budget Summary."

The Budget Bill and the Maryland Consolidated Capital Bond Loan Bill are both introduced in each house of the General Assembly, sponsored by the presiding officers. The General Assembly may increase or decrease the appropriations in the Budget Bill relating to the General Assembly and the Judiciary but may not increase or transfer funds from one program to another for the executive agencies. With respect to the Maryland Consolidated Capital Bond Loan Bill, the General Assembly has the power to amend the bill in any manner. The Budget Bill is an uncodified Act that appears only in the Session Laws, while the Maryland Consolidated Capital Bond Loan Bill may contain some provisions drafted to the Annotated Code.

Example

Budget Bill

(Fiscal Year 2018)

FOR the purpose of making the proposed appropriations contained in the State Budget for the fiscal year ending June 30, 2018, in accordance with Article III, Section 52 of the Maryland Constitution; and generally relating to appropriations and budgetary provisions made pursuant to that section.

In addition to appropriations in the Budget Bill, Article III, § 52(8) of the Maryland Constitution authorizes appropriations to be made through "Supplementary Appropriation Bills," subject to the limitations contained in Article III, § 52(8). These bills originate with the General Assembly in the same manner as ordinary bills, and are subject to the Governor's veto power. Individual bond bills, discussed below, are a common type of Supplementary Appropriation Bill; however, bills that add or increase appropriations for the operating budget are relatively rare.

For a further discussion of the State budget, *see Legislative Desk Reference Manual* (Department of Legislative Services, Office of Policy Analysis, 2009).

Individual bond bills generally are introduced and sponsored by members of the General Assembly. The title for a State bond bill, shown below, is authorized by § 8-117 of the State Finance and Procurement Article. Note that there is no function paragraph in a new bond bill.

Example

AN ACT concerning

Creation of a State Debt – (Name of Project)

FOR the purpose of authorizing the creation of a State Debt (not to exceed) (in the amount of) $_____, the proceeds to be used as a grant to (name of grantee) for (here generally describe the purpose to which the proceeds are to be applied).

The text of a State bond bill also is authorized by § 8-117 and should be substantially adhered to. It is known as bond bill "boilerplate." Section 8-117 provides a simplified format for enabling Acts authorizing the creation of a State debt through the sale of State general obligation bonds.

For a more detailed discussion, *see Bond Bill Drafting Guide* (Department of Legislative Services, Office of Policy Analysis, October 2006).

County Bond Issues

The exact language used for a county bond issue should be that of the last previous bond issue for the particular county. Note that Article III, § 54 of the Maryland Constitution prohibits counties from contracting certain debts unless authorized by an Act of the General Assembly. As to charter counties, the General Assembly is authorized by the Maryland Constitution, Article XI-A, § 2 to provide a grant of powers. In § 10-203 of the Local Government Article, the General Assembly has authorized charter counties to borrow money, and it has specified certain conditions and limitations on the borrowing. Note that there is no function paragraph in county bond issue legislation.

Example

AN ACT concerning

Washington County – Bonding Authority – Public Facilities

FOR the purpose of authorizing and empowering the County Commissioners of Washington County, from time to time, to borrow not more than $1,000,000 to finance the cost of certain public facilities in Washington County, as herein defined, and to effect such borrowing by the issuance and sale at public or private sale of its general obligation bonds in like par amount; empowering the County to fix and determine, by resolution, the form, tenor, interest rate or rates or method of determining the same, terms, conditions, maturities, and all other details incident to the issuance and sale of the bonds; empowering the County to loan or grant the proceeds of certain bonds authorized under this Act to the Board of Trustees of Hagerstown Junior College and to enter into a certain agreement in connection with the issuance and use of proceeds of the bonds; empowering the County to issue refunding bonds for the purchase or redemption of bonds in advance of maturity; empowering and directing the County to levy, impose and collect, annually, ad valorem taxes in rate and amount sufficient to provide funds for the payment of the maturing principal of and interest on the bonds; exempting the bonds and refunding bonds, and the interest thereon and any income derived therefrom, from all State, county, municipal, and other taxation in the State of Maryland; and generally relating to the issuance and sale of such bonds.

Baltimore City Bond Issues

The purpose of this type of Act is to comply with Article XI, § 7 of the Maryland Constitution, which requires debt created by the City of Baltimore to be authorized by an Act of the General Assembly or by approval of the Baltimore City Delegation to the General Assembly. Further conditions relating to the creation of debt by the City are found in Article VI, § 7 of the Maryland Constitution. Note that all other municipalities in the State are governed by Article XI-E, § 5 of the Maryland Constitution, under which the General Assembly and the municipality have (by judicial construction) a concurrent power to regulate the maximum amount of debt that may be incurred by the municipality. (*See* p. 73, "Amendment to Regulate Maximum Debt Created by Municipalites.")

The form used for this purpose for Baltimore City is a special form, which is included below. These bills normally are drafted by the Law Department of Baltimore City.

Example

AN ACT concerning

Baltimore City – Bond Issue

FOR the purpose of authorizing the Mayor and City Council of Baltimore to create a debt, and to issue and sell its certificates of indebtedness as evidence thereof, to an amount not exceeding $_____, the proceeds derived from the sale of the certificates of indebtedness, to be used for the acquisition, by purchase, condemnation, or any other legal means, of land and property, or any rights therein, in the City of Baltimore, and constructing and erecting on the land or property, or on any land or property now or hereafter owned by the Mayor and City Council of Baltimore, new school buildings, athletic and other auxiliary facilities, and for additions and improvements to, or the modernization or reconstruction of, existing school buildings or facilities, and for equipment for any and all new facilities authorized to be constructed or erected by the provisions hereof, and for architectural or engineering services or surveys, and any other activities relating to planning for the purposes above mentioned or relating to planning for future projects of the same general character which may be constructed out of future loans; conferring certain powers upon the Board of School Commissioners of Baltimore City; imposing certain conditions in connection with the expenditure of the proceeds derived from the sale of the certificates of indebtedness; authorizing the municipality to submit an ordinance or ordinances for this purpose to the legal voters of Baltimore City; and providing generally for the issuance and sale of the certificates of indebtedness.

Legalization of Revisions to Public Local Laws

If a county makes nonsubstantive revisions to its code of public local laws, the revised code must be "legalized" by the General Assembly to the extent that local laws enacted by the General Assembly and contained in the county's code are affected by the nonsubstantive revisions. This is accomplished through an uncodified Act that appears only in the Session Laws for the year of enactment. An example of the purpose paragraph form for this type of legislation, taken from Chapter 159 of the Acts of 2015 (S.B. 330), is as follows:

Example

AN ACT concerning

Baltimore County Code of Public Local Laws – 2015 Edition – Legalization

FOR the purpose of legalizing the 2015 Edition of the Baltimore County Code of Public Local Laws and any supplement to the extent to which that code or supplement contains laws enacted by the General Assembly; and generally relating to the 2015 Edition of the Baltimore County Code of Public Local Laws.

For additional examples of this type of uncodified Act, *see* Chapter 578 of the Acts of 2006 (H.B. 471), Chapter 253 of the Acts of 2007 (H.B. 722), Chapter 482 of the Acts of 2008 (S.B. 1009), and Chapter 253 of the Acts of 2016 (H.B. 147).

Amending an Uncodified Act or Provision

An uncodified Act from a prior year, such as a bond authorization bill, may be amended by treating the prior enactment in much the same way as a codified provision of the Annotated Code. The enactment is cited in the function paragraph by its Chapter number and year of enactment. If only a portion of the Chapter law is to be amended, for example, when an uncodified termination (or "sunset") provision is being extended or repealed, cite the section number corresponding to the enacting clause containing the uncodified provision being amended (*e.g.*, SECTION 2. AND BE IT FURTHER ENACTED, That ... at the end of September 30, **[**2015**] 2019** ... this Act shall be abrogated and of no further force and effect.).

The function paragraph describing this change (*i.e.*, extending the termination date) would appear as follows:

Example

BY repealing and reenacting, with amendments,
Chapter 123 of the Acts of the General Assembly of 2015
Section 2

If an uncodified Act or provision has been amended previously, the function paragraph should cite each applicable Chapter number chronologically from the earliest year of enactment to the latest as shown in the example below from Chapter 368 of the Acts of 2014 (S.B. 1040):

Example

BY repealing and reenacting, with amendments,
Chapter 280 of the Acts of the General Assembly of 2005, as amended by Chapter 21 of the Acts of the General Assembly of 2006 and Chapter 624 of the Acts of the General Assembly of 2008
Section 14

Note that the heading that follows the enacting clause for the uncodified Act that is being amended also should list each applicable Chapter number chronologically from the earliest year of enactment to the latest.

Example

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

Chapter 280 of the Acts of 2005, as amended by Chapter 21 of the Acts of 2006 and Chapter 624 of the Acts of 2008

Interstate Compacts

The function paragraphs used in legislation relating to an interstate compact may need to be modified from the standard form in order to be consistent with the style conventions of the particular compact. The following example is from Chapter 209 of the Acts of 2000 (S.B. 204), which amended the Washington Metropolitan Area Transit Authority Compact:

Example

BY repealing and reenacting, with amendments,
Article – Transportation
Section 10–204 Title III Article VI Section 14(c)(3) and 15(a)(10)
Annotated Code of Maryland
(1993 Replacement Volume and 1999 Supplement)

Model Titles – Examples

The following examples are titles of bills from prior sessions of the General Assembly that combine and demonstrate the elements of a good title:

Example

AN ACT concerning

Vehicle Laws – Covered Loads

FOR the purpose of requiring the beds of vehicles carrying loose loads to be fully enclosed on top; prescribing the type of cover to be secured to the top of the bed of a vehicle carrying a load of loose material; authorizing the dropping of certain loose materials from load-carrying vehicles for a certain purpose; exempting a certain class of vehicles from the enclosure requirements under this Act; clarifying language; and generally relating to a requirement that beds of vehicles carrying loose loads be enclosed on top.

BY repealing and reenacting, with amendments,
Article – Transportation
Section 24–106(a) and 24–106.1
Annotated Code of Maryland
(1987 Replacement Volume and 1990 Supplement)

Example

AN ACT concerning

Adoption – Consent of Natural Parent – Revocation

FOR the purpose of altering the period of time during which a consent to an adoption may be revoked after the consent has been filed; prohibiting an individual or agency from revoking consent to an adoption under a certain condition; and generally relating to revocation of consent to an adoption.

BY repealing and reenacting, with amendments,
Article – Family Law
Section 5–311
Annotated Code of Maryland
(1984 Volume and 1990 Supplement)

Example

AN ACT concerning

Pharmacists – Pharmacist Rehabilitation Committees

FOR the purpose of designating certain groups and persons as pharmacist rehabilitation committees; granting pharmacist rehabilitation committees immunity from certain civil liability under certain circumstances; providing that the proceedings, records, and files of pharmacist rehabilitation committees are not discoverable and not admissible in evidence in certain civil actions; and generally relating to pharmacist rehabilitation committees.

BY adding to
Article – Health Occupations
Section 12–315
Annotated Code of Maryland
(1991 Replacement Volume)

Chapter 6. The Body of a Bill

In General

The body of a bill generally consists of one or more numbered sections (enacting clauses) that set out the precise legal effect of the bill, the text of the law affected by the bill, and one or more "special sections."

Enacting Clauses

In General

Article III, § 29 of the Maryland Constitution requires that each bill contain the phrase "BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND." For the great majority of bills, which are drafted to the Annotated Code or public local laws, current use dictates that a single enacting clause with standardized wording be set out, as shown in the example below and in the "Sample First Reading File Bill," p. 253, in the appendix of this manual, followed by the text of the law affected.

Example

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

The enacting clause shown in the example above also is used in a bill introduced as an emergency measure. (For a discussion and examples of purpose paragraph and special section language that must be included in an emergency bill, *see* p. 145, "Emergency Effective Date.")

In drafting an uncodified bill, the following enacting clause should be used:

Example

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That:

If a bill amends a previously enacted uncodified Act, the following enacting clause, followed by the Chapter number of that Act (and the Chapter numbers of any other bills that amended that Act listed chronologically from the earliest year of enactment to the latest) should be used:

Example

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

Chapter 337 of the Acts of 2009, as amended by Chapter 200 of the Acts of 2011 and Chapter 57 of the Acts of 2013

See also discussion at p. 81, "Amending an Uncodified Act or Provision," second example on p. 82, and p. 103, "Uncodified Acts."

Constitutional Amendment

A bill that proposes an amendment to the Maryland Constitution must contain an enacting clause in the following form:

Example

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, (Three–fifths of all the members elected to each of the two Houses concurring), That it be proposed that the Maryland Constitution read as follows:

See also p. 35, "Constitutional Amendments," relating to the combination of a proposed constitutional amendment and statutory changes in a single bill, discussion beginning at p. 66, "Constitutional Amendments," relating to special title requirements for bills proposing a constitutional amendment, and p. 121, "Statewide Referendum – Constitutional Amendments," relating to special sections required for bills proposing a constitutional amendment.

Nonstandard Enacting Clauses

In a small number of situations, nonstandard enacting clauses may be used as an alternative to including the text of the law affected in the bill. For example, if a bill inserts language in the middle of a section so that the numbering of later subsections must be altered, the renumbering may be done by a nonstandard renumbering enacting clause without the need to show the text of the renumbered current law in the bill. (*See* discussion of an alternative to renumbering subsections at p. 96, "Subdivision of Sections.") This renumbering clause is followed by a standard enacting clause that sets out the language to be added. Similarly, provisions of law contained in one article of the Annotated Code may be transferred to another article, without showing the provisions being transferred, by using a transferring enacting clause. It also is possible to repeal sections of the Code through the use of a nonstandard enacting clause known as a "short repealer," again without showing the text that is being repealed. Note that, when a nonstandard short repealer enacting clause is used, it is essential that the purpose paragraph describe the provisions being repealed in sufficient detail.

While it is often preferable to show all changes being made by setting out the entire text affected, these shortcuts may be used, for example, when it is desirable to put emphasis on the new material by keeping the text of the bill concise. Note that when using these shortcuts, it is still necessary to use the appropriate function paragraph to describe the changes in the law made by the bill. (*See* p. 41, "The Function Paragraph.")

Examples

Renumbering

Annotated Code

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That Section(s) 13–305(d), (e), and (f), respectively, of Article – Tax – Property of the Annotated Code of Maryland be renumbered to be Section(s) 13–305(f), (g), and (h), respectively.

Annotated Code – Subtitle Renumbered

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That Section(s) 15–1301 through 15–1307, respectively, and the subtitle "Subtitle 13. Interdepartmental Committee on Mandated Health Insurance Benefits" of Article – Insurance of the Annotated Code of Maryland be renumbered to be Section(s) 15–1501 through 15–1507, respectively, and the subtitle "Subtitle 15. Interdepartmental Committee on Mandated Health Insurance Benefits".

Public Local Laws

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That Section(s) 10–1 of Article 12 – Garrett County of the Code of Public Local Laws of Maryland be renumbered to be Section(s) 10–3.

Transferring

Annotated Code

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That Section(s) 7–228 and 7–231(e), respectively, of Article – Tax – General of the Annotated Code of Maryland be transferred to be Section(s) 2–213 and 2–214, respectively, of Article – Estates and Trusts of the Annotated Code of Maryland.

Annotated Code – Subtitle Transferred

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That Section(s) 6–301 through 6–304, respectively, and the subtitle "Subtitle 3. Lead–Based Paint" of Article – Environment of the Annotated Code of Maryland be transferred to be Section(s) 17–601 through 17–604, respectively, and the subtitle "Subtitle 6. Lead–Based Paint" of Article – Health – General of the Annotated Code of Maryland.

Short Repealer

Annotated Code

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That Section(s) 8–215 through 8–218 of Article – Alcoholic Beverages of the Annotated Code of Maryland be repealed.

Annotated Code – Subtitle Repealed

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That Section(s) 20–301 through 20–314 and the subtitle "Subtitle 3. Nuisance Control" of Article – Health – General of the Annotated Code of Maryland be repealed.

Public Local Laws

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That Section(s) 11–1 through 11–18 of Article 2 – Anne Arundel County of the Code of Public Local Laws of Maryland be repealed.

Chapter of the Acts

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That Chapter(s) 360 of the Acts of the General Assembly of 2005 be repealed.

Chapter of the Acts – Section Cited

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That Section(s) 2 of Chapter 614 of the Acts of the General Assembly of 2004 be repealed.

Chapter of the Acts – Chapter Amended by Subsequent Acts – Section Cited

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That Section(s) 1 of Chapter 169 of the Acts of the General Assembly of 1999, as amended by Chapter 141 of the Acts of the General Assembly of 2001, Chapter 348 of the Acts of the General Assembly of 2004, and Chapter 538 of the Acts of the General Assembly of 2006 be repealed.

Renaming Article

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That Article – Health – Environmental of the Annotated Code of Maryland be renamed to be Article – Environment of the Annotated Code of Maryland.

Bill Text

Following the enacting clause of a bill drafted to the Annotated Code (or to a public local law), the full name of the article of the Code (or the article number and name in the case a public local law) affected by the bill is inserted preceding the actual Code (or public local law) text. For an uncodified bill, the text of the law follows directly after the enacting clause. (*See* p. 85, "Enacting Clauses – In General" and discussion at p. 103, "Drafting Uncodified Acts.") In the case of a bill amending an uncodified Act, *see* discussion at p. 81, "Amending an Uncodified Act or Provision," second example on p. 82, and discussion and examples beginning at p. 103, "Amending Previously Enacted Uncodified Provisions."

If a bill is drafted to more than one article of the Code, a separate article heading is inserted before the text drafted to each article. Unless the meaning or continuity of a bill requires otherwise, in a bill that is drafted to more than one article, the material should be arranged so that articles appear alphabetically (*e.g.*, provisions drafted to the Agriculture Article should be arranged before material drafted to the Education Article). If a bill is drafted to both the Code and a public local law, the drafter may place either the Code or the public local law material first, unless the meaning or continuity of the bill requires a particular order. This rule also applies to a bill drafted to the Code or a public local law and the Charter of Baltimore City.

After the article heading, designate the section number but do not include the symbol for a section (§). In addition, if using the "cut and paste" drafting method (*see* p. 16, "Cut and Paste: Drafting the 'Old-fashioned Way'") and photocopied Code or public local law text, delete catchlines, captions, and annotations since they are not part of the law. Note that if a title, subtitle, or part designation also is being added or amended, it should be shown before the section number, centered directly under the article heading. A new title, subtitle, or part designation, or a change to a current title, subtitle, or part designation, should be shown in **BOLD, SMALL CAPS** font (or CAPITAL LETTERS if using the "cut and paste" drafting method).

If a subtitle being added contains parts, or if parts are being added to an existing subtitle, the drafter should reserve two section numbers between each part for future use. For example, in adding a new Subtitle 5 with three parts to Title 8 of an article, the numbering sequence would be as follows:

SUBTITLE 5. (NAME).

PART I. (NAME).

8–501. (TEXT).
8–502. (TEXT).
8–503. RESERVED.
8–504. RESERVED.

PART II. (NAME).

8–505. (TEXT).
8–506. RESERVED.
8–507. RESERVED.

PART III. (NAME).

8–508. (TEXT).
8–509. (TEXT).

Note that if a new Part IV were to be added at some future date, the drafter should reserve two sections at the end of Part III and use the number following the reserved sections as the first section in Part IV. For example, assume that § 8–511 is the last numbered section in Part III at the time a new Part IV is to be added. The numbering sequence would be as follows:

8–512. RESERVED.
8–513. RESERVED.

PART IV. (NAME).

8–514. (TEXT).

Note that the function paragraph will indicate only the addition of the new § 8-514 (and the new part number and name), and not §§ 8-512 and 8-513 since these section numbers are merely "place holders." For an example of a bill adding reserved sections and a new part, *see* Chapter 141 of the Acts of 2015 (H.B. 943).

In drafting the text of a bill, use **[**brackets**]** to delete existing language from the Code or public local laws, and **BOLD, SMALL CAPS** font (or CAPITAL LETTERS if using the "cut and paste" drafting method) to indicate any new language, including subsection designations, *i.e.*, "**(A)**," "**(B)**," "**(C)**," Arabic numerals used to designate paragraphs (or items), *i.e.*, "**(1)**," "**(2)**," "**(3)**," and Roman numerals used to designate subparagraphs (or items), *i.e.*, "**(I)**," "**(II)**," "**(III)**." (For a further discussion of drafting using the "cut and paste" method, *see* p. 16, "Cut and Paste: Drafting the 'Old-fashioned Way.'" *See also* p. 240, "Sample Bill Draft (Cut and Paste)."

Do not amend existing catchlines or captions and, as a general rule, do not draft new catchlines or captions. Section 1–208 of the General Provisions Article provides that the catchlines and captions that appear in the Code preceding the various sections and subsections, whether in bold print, italics, or otherwise, are not law, but rather are intended to be mere catchwords to indicate the contents of the sections or subsections. Unless otherwise provided by law, they may not be considered as a title of the section or subsection or as a title if the section, subsection, catchline, or caption is amended or reenacted. (*See, e.g.*, § 1-107 of the Commercial Law Article, which provides that "[s]ection captions are part of the Maryland Uniform Commercial Code.")

On occasion, however, a large piece of legislation will have catchlines or captions supplied by the drafter. When catchlines or captions are part of the original enactment of the General Assembly, and not merely inserted later by the publishers of the Code, they are part of the law (*Smelser v. Criterion Insurance Co.*, 293 Md. 384 (1982)). To avoid having catchlines or captions become part of the law, legislation containing catchlines or captions supplied by the drafter must include an uncodified "special section" declaring that the catchlines or captions are **not** part of the law. For an example of the "special section" language to be used, *see* p. 137, "Catchline Not Part of the Law."

During the formal bulk revision of the Code, code revisors in the Office of Policy Analysis inserted "Revisor's Notes" in the new revised articles. Revisor's Notes are an extrinsic aid designed to explain changes in the law that result from the revision process, and to assist the reader in using and interpreting the revised statute. While Revisor's Notes are never amended, they can be of value to drafting staff in the preparation and research of legislation. Revisor's Notes also have been used by courts to determine the intent of the General Assembly and the legislative history of statutory provisions. (*See, e.g., Sanchez v. Potomac Abatemen*t, 198 Md. App. 436 (2011).) Although the formal bulk revision of the Code was completed in 2016, the Office of Policy Analysis will continue to maintain the Code by engaging in a more limited revision process in which "Revisor's Notes" will continue to be used.

Special Sections

The third component of the body of a bill is one or more "special sections." These uncodified clauses follow the text of a bill, and often contain provisions that qualify or clarify the substantive provisions of the bill. One special section found in each bill (except one proposing a constitutional amendment, which instead has a constitutional referendum clause) is the effective date clause, which is always numbered and placed last. Note that while special sections are uncodified, they have the same force and effect of law as the codified provisions of a bill.

For a more detailed explanation and examples of special sections, *see* the discussion beginning at p. 113, "Special Sections."

Chapter 7. The Codification of Bills

Annotated Code Organization – In General

The Annotated Code consists of a series of volumes, called articles, bound in red. The articles are divided into titles and subtitles that are designated by subject matter such as "Definitions," "Court Personnel," "Prohibited Acts; Penalties," etc. The primary unit within each title or subtitle is a numbered section designated with the symbol "§" followed by an Arabic number. All articles of the Code use a hyphenated numbering system.

Note that when a numbered section designated as "Reserved" is encountered in the Code, the section should not be repealed and may be used to add new text to the existing law. Similarly, the section number of provisions of law that have been repealed or have abrogated (as indicated below the section number) may be used to add new text.

Numbering System – In General

A drafter must use a hyphenated numbering system (*e.g.*, 12-205) within each article of the Annotated Code. This number designates the section; it also is a multipurpose designator. The digit or digits to the left of the hyphen designate the title within an article. The first digit or digits to the right of the hyphen designate the subtitle within the title. The remaining digits designate the section within the subtitle. Thus, the section number 12-205 designates Title 12, Subtitle 2, Section 5.

Titles are numbered consecutively throughout an article, subtitles consecutively throughout a title, and sections consecutively throughout a subtitle. When adding a new subtitle between two existing subtitles, it is necessary to employ a number and letter system. For example, a new subtitle added between Subtitles 2 and 3 of Title 11 of an article is numbered Subtitle 2A. A double hyphen system is used to number the sections of the new subtitle: § 11-2A-01, § 11-2A-02, etc.

When adding a new title between existing titles, the decimal system is used. Thus, a new title added between Title 7 and Title 8 is numbered Title 7.5. A new title added between Title 7 and Title 7.5 is numbered Title 7.3, and a new title added between Title 7.5 and Title 8 is numbered Title 7.7 (*See Maryland Style Manual for Statutory Law* (Department of Legislative Services, Office of Policy Analysis, July

2008), p. 53.) The decimal system also is used when adding a new section between existing sections. Thus, § 3-204.1 is inserted between § 3-204 and § 3-205.

Subdivision of Sections

Use the following order of subdivision within a section:

12–502. Section

(a) Subsection

(1) Paragraph (Item)

(i) Subparagraph (Item)

1. Subsubparagraph (Item)

A. Subsubsubparagraph (Item)

The subdivision of sections is referred to as "tabulation." Note that subdivisions that are not grammatically complete sentences are referred to as "items." Using the proper nomenclature is essential to ensure accuracy when drafting cross-references. For example, it could create confusion to refer to "subsection (iv)" or "paragraph (a)" when the correct designations are "**subparagraph** (iv)" and "**subsection** (a)," respectively. Also, note that tabulation is intended to enhance clarity; therefore, avoid overtabulation that is hard to follow and is more likely to confuse the reader. The drafter should consult the *Maryland Style Manual for Statutory Law* (Department of Legislative Services, Office of Policy Analysis, July 2008) for more detailed instructions on tabulation.

The Maryland Uniform Commercial Code (Commercial Law Article, Titles 1 through 10 of the Annotated Code) uses hyphenated section numbers, but in unrevised titles (Titles 2, 2A, 6, and 10) Arabic numerals rather than lower case letters are used for subsections. Here, the numbering system was purposely left unchanged from the form adopted by the Uniform Laws Commissioners. Other uniform laws or interstate compacts also may use unique numbering systems. (*See, e.g.*, Washington Metropolitan Area Transit Authority Compact, § 10-204 of the Transportation Article.)

However, almost all sections in the articles of the Annotated Code contain subsections designated by lower case letters in parentheses: (a), (b), (c), etc. To add

a new subsection between existing subsections (a) and (b), the drafter should consider designating the new subsection "(a–1)" if renumbering would require shifting more than eight subsections. Note, however, that a hyphenated designation should not be used to insert a new paragraph (or item) between paragraphs (or items). For example, do not use the designation "(1-a)" to add a new paragraph between paragraphs (1) and (2). Rather, the existing paragraphs (or items) should be renumbered, using either of the forms shown below:

Example

(c) (1) At the time of service, the plaintiff shall pay to the Commissioner a fee of $20 for each service of process.

(2) THE FEE SHALL BE PAID IN THE MANNER REQUIRED BY THE COMMISSIONER.

[(2)**]** **(3)** If the plaintiff prevails in the suit, the plaintiff may recover, as part of the taxable costs, any fee paid under this subsection.

Example

(c) (1) At the time of service, the plaintiff shall pay to the Commissioner a fee of $20 for each service of process.

(2) **THE FEE SHALL BE PAID IN THE MANNER REQUIRED BY THE COMMISSIONER.**

(3) If the plaintiff prevails in the suit, the plaintiff may recover, as part of the taxable costs, any fee paid under this subsection.

Whenever sections or subsections are shifted by renumbering, the drafter should check to see that existing cross-references within the Code remain accurate.

Editions of Codes

Annotated Code

The present edition of the Annotated Code is the 1957 Edition, except that now there are replacement volumes for all of the original 1957 volumes, and each year a

cumulative "pocket part" supplement (or a replacement volume) is issued. The bill drafter must insert into the function paragraph of the bill title references to both the volume or replacement volume and the supplement, if any. (*See* p. 44, "The Volume and Supplement Citation Line.")

Code of Public Local Laws

The original edition of the Code of Public Local Laws is the two-volume 1930 Edition, which assigned a numerical designation to each county and Baltimore City. An example is:

"The Public Local Laws of Garrett County, being Article 12 of the Public Local Laws of Maryland (1930 Edition)."

Since each major jurisdiction now has a more recent edition, the reference is to that edition and any supplements to it, plus a reference to the article number assigned to the county or Baltimore City in the original 1930 local code.

Example

The Public Local Laws of Garrett County
Section _____
Article 12 – Public Local Laws of Maryland
(2005 Edition and September 2015 Supplement, as amended)

(*See also* discussion at p. 69, "Repealing a Section or Subsection.")

Because the various editions of the public local laws of the major political subdivisions are updated often and at irregular intervals, it is imperative that the drafter carefully check the date of the edition and its supplement (if applicable) when drafting a bill to these local laws. The drafter may use the following list as a guide; however, because changes may have occurred since the publication of this manual, the drafter should not rely solely on this list.

County	**Article in 1930 Edition**	**Current Reference**
Allegany	1	2011 Edition and September 2015 Supplement, as amended
Anne Arundel	2	2005 Edition and April 2016 Supplement, as amended
Baltimore	3	2015 Edition
Baltimore City	4	1979 Edition and 1997 Supplement, and 2000 Supplement, as amended
Calvert	5	2002 Edition and May 2015 Supplement, as amended
Caroline	6	1996 Edition and May 2015 Supplement, as amended
Carroll	7	2014 Edition and January 2016 Supplement, as amended
Cecil	8	2012 Edition and January 2016 Supplement, as amended
Charles	9	2013 Edition and December 2015 Supplement, as amended
Dorchester	10	1984 Edition and September 2015 Supplement, as amended
Frederick	11	2004 Edition and February 2016 Supplement, as amended
Garrett	12	2005 Edition and September 2015 Supplement, as amended

County	Article in 1930 Edition	Current Reference
Harford	13	1986 Edition and February 2016 Supplement, as amended
Howard	14	1977 Edition and August 2008 Supplement, as amended
Kent	15	1994 Edition and February 2016 Supplement, as amended
Montgomery	16	2004 Edition and May 2016 Supplement, as amended
Prince George's	17	2011 Edition, as amended
Queen Anne's	18	1996 Edition Reprinted 2004 and May 2016 Supplement, as amended
St. Mary's	19	2007 Edition and March 2014 Supplement, as amended
Somerset	20	2015 Edition
Talbot	21	2001 Edition and February 2016 Supplement
Washington	22	2007 Edition and October 2010 Supplement, as amended
Wicomico	23	1997 Edition and April 2014 Supplement, as amended
Worcester	24	1994 Edition and February 2016 Supplement, as amended

For a discussion and example of the title of a bill amending the Baltimore City Charter, *see* p. 74, "Baltimore City Charter Amendment."

Chapter 8. Uncodified Acts

Drafting Uncodified Acts

Provisions of law need not be codified in order to be legally binding. Some bills, such as bond bills and the Budget Bill, are always uncodified. A general rule is that a provision that can stand on its own and will be effective for a relatively short period of time should be uncodified. An example is the creation of a task force that will study a certain issue, prepare a final report, and disband on a certain date. (*See, e.g.*, S.B. 234 or S.B. 1074 of 2013.) To avoid clogging the Annotated Code with provisions that will rapidly become obsolete, the law would be uncodified and would be cited by its Chapter number. Note that annual reporting requirements and annual funding requirements should be placed in the codified provisions of a bill.

Unlike codified material, the body of an uncodified Act is drafted in regular, upper and lower case type, not **BOLD, SMALL CAPS** type, even though it is "new language." Another difference is that there is no function paragraph because there is no codification or existing text to refer back to. In all other respects – short title, purpose paragraph, enacting clause (although without the phrase "the Laws of Maryland read as follows"), subdivision of sections, and effective date – an uncodified law conforms to codified bill drafting requirements. (*See also* p. 75, "Uncodified Acts – In General," p. 85, "Enacting Clauses – In General," and p. 90, "Bill Text.")

Amending Previously Enacted Uncodified Provisions

Occasionally, an uncodified enactment from a previous legislative session is changed. A common example is a change in the requirements of a bond authorization.

It also has become increasingly common for the General Assembly to include in an otherwise codified law an uncodified termination (or "sunset") provision that specifies that, on a certain date, the law will cease to be effective. (*See* p. 148, "Effective Date with a Termination Proviso (Sunset).") To extend the termination date or remove the sunset entirely, it is necessary to go back to the uncodified provision to make the change.

When amending a previously enacted uncodified provision, treat the text of the provision as if it were codified; *i.e.*, place brackets before and after text to be repealed, and insert new material in **BOLD, SMALL CAPS** type (or all CAPITAL LETTERS if using the "cut and paste" drafting method).

Example

Chapter 180 of the Acts of 2012

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2012. It shall remain effective for a period of **[**1 year**] 5 YEARS** and, at the end of September 30, **[**2013**] 2017**, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.

Note that in amending a previously amended uncodified provision, the drafter needs to remove all bracketed language and show language previously added in regular type. For example, assume that the bill amending Section 2 of Chapter 180, as shown above, became Chapter 5 of the Acts of 2013. If a bill was requested during the 2017 session to extend the sunset for another nine months, the bill text would appear as follows:

Example

Chapter 180 of the Acts of 2012, as amended by Chapter 5 of the Acts of 2013

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2012. It shall remain effective for a period of 5 years **AND 9 MONTHS** and, at the end of **[**September 30, 2016**] JUNE 30, 2018**, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.

Note also that when cross-filed bills both have been enacted, the text of both Chapter laws, with identical changes, should be shown in the body of the bill amending the Chapter laws, and each Chapter law should be referenced in a separate function paragraph. *See, e.g.,* Chapter 393 of the Acts of 2012 (H.B. 786), Chapters 64 and 65 of the Acts of 2013 (S.B. 600 and H.B. 836, respectively), and Chapters 276 and 277 of the Acts of 2014 (S.B. 160 and H.B. 704, respectively).

Unless it is too lengthy, the drafter should set out, without amendment, any provision of codified law that is necessary to show the context of the change that is being made to an uncodified provision of law in the bill being drafted. (*See also* p. 60, "Repeal and Reenact, without Amendments," p. 81, "Amending an Uncodified Act or Provision," p. 85, "Enacting Clauses – In General," and p. 90, "Bill Text.")

Chapter 9. Resolutions

In General

Resolutions have one important feature that distinguishes them from bills: they generally are not law but are merely requests or expressions of the opinion of the General Assembly. Under Senate Rule 25 and House Rule 25, there are three types of resolutions – a Senate or House Joint Resolution, a Senate or House Simple Resolution, and a Senate or House Resolution.

Joint resolutions differ from simple resolutions and resolutions in that joint resolutions are referred to a committee and must receive the same readings as a bill in both houses, whereas simple resolutions and resolutions are presented only in the house of origin. A simple resolution is referred to a committee in the house of origin and, if reported back by the committee, may be adopted or rejected in the house of origin, which concludes action on the simple resolution. A resolution may be adopted immediately on introduction in the house of origin without being referred to a committee.

There also are differences in the subject matter of the three types of resolutions. For example, a matter that relates to public policy must be introduced as a joint resolution; a directive to staff or one concerning the internal operations of a particular chamber must be introduced as a simple resolution; and an expression of appreciation, condolences, or congratulations must be introduced as a resolution.

Whether a resolution is a joint resolution, a simple resolution, or a resolution, it is governed by the Senate Rules and the House Rules.

Joint Resolutions

In General

A matter that is of general import, is substantial, or relates to public policy must be introduced as a joint resolution. A joint resolution can express the opinion, either as approval or disapproval, of both bodies of the General Assembly on a subject, and often is directed to the members of the Maryland Delegation of the United States Congress or to the Governor urging action on a particular subject. Joint resolutions also may be used to request the establishment of a temporary or ad hoc task force, committee, or commission to study and report on one or more issues.

The General Assembly is required by the Maryland Constitution and other law to address the following subjects by joint resolution: reapportionment; executive reorganizations; compensation of members of the General Assembly, the Judiciary, and the Governor; and proposed amendments to the United States Constitution. In contrast to the majority of joint resolutions that merely make a request or express the opinion of the General Assembly, these joint resolutions have the force and effect of law.

Joint resolutions are prepared and passed in the same manner as bills. In form, however, a joint resolution is unlike a bill in that it does not contain a function paragraph or an enacting clause and is not drafted to the Annotated Code, the Session Laws, the Maryland Constitution, or the public local laws. (Note that, also unlike bills, a previously adopted joint resolution cannot be amended during a subsequent General Assembly session.) The following elements comprise a joint resolution: a title, one or more "WHEREAS" clauses, and one or more "RESOLVED" clauses.

Title

The title of a joint resolution contains a summary statement of what the joint resolution seeks or urges and contains only a short title and a purpose paragraph.

Example

A Senate Joint Resolution concerning

Geriatric Care Curricula

FOR the purpose of requesting the Governor to provide funding to develop a geriatric care curriculum at the University of Maryland School of Medicine and The Johns Hopkins University School of Medicine.

"WHEREAS" Clauses

The "WHEREAS" clauses recite the facts or circumstances showing a need for the action requested in the joint resolution. There can be as many of these clauses as needed. The word "WHEREAS" is capitalized, followed by a comma and the desired text.

Example

WHEREAS, By the year 2000, 36 million Americans will be 65 years of age or older; and

WHEREAS, This group of citizens will comprise approximately 13% of the population in the year 2000, as compared with 1% in 1980; now, therefore, be it

"RESOLVED" Clauses

The "RESOLVED" clauses state the action requested, such as the appropriation of funds or the appointment of a task force, committee, or commission.

Example

RESOLVED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Schools of Medicine at the University of Maryland and The Johns Hopkins University work in consultation with appropriate State agencies that are associated with geriatric care to develop and implement a geriatric care curriculum; and be it further

The final "RESOLVED" clause of most joint resolutions directs the Department of Legislative Services to forward copies of the joint resolution to the appropriate parties. Except for a joint resolution directed to the Governor, President of the Senate, or Speaker of the House of Delegates, the clause should include the complete name, title, street address, and zip code for each individual. When a joint resolution is to be forwarded to members of the Maryland Congressional Delegation, the drafter can simply "click" on "Boilerplate" on the bill drafting tab, select "Other Clauses," and select "Resolved – Copy to Congressional Delegation" to insert the appropriate information.

Example

RESOLVED, That a copy of this Resolution be forwarded by the Department of Legislative Services to the Maryland Congressional Delegation: Senators (name of each Senator in Delegation), Senate Office Building, Washington, D.C. 20510; and Representatives (name of each Representative in Delegation), House Office Building, Washington, D.C. 20515.

Likewise, for a joint resolution directed to the Governor, President of the Senate, and Speaker of the House of Delegates, the drafter simply may select "Resolved – Copy to Governor, President, and Speaker" to insert the appropriate information.

Example

RESOLVED, That a copy of this Resolution be forwarded by the Department of Legislative Services to the Honorable (name of Governor), Governor of Maryland; the Honorable (name of President of the Senate), President of the Senate of Maryland; and the Honorable (name of Speaker of the House), Speaker of the House of Delegates.

Note that a joint resolution that relates to state legislative actions on amendments to the U.S. Constitution must contain a special "RESOLVED" clause requiring the governor to forward copies of the resolution to the Vice President of the United States, the Majority Leader of the United States Senate, the Speaker of the House of Representatives of the United States, and the Archivist of the United States. For an example of the language to be used, *see* J.R. 3 of the Acts of 2014.

Also note that a joint resolution that is an application made to the U.S. Congress to call a convention to propose amendments to the U.S. Constitution under Article V of the U.S. Constitution must include several special "RESOLVED CLAUSES" that address certain issues related to the application, including whether the application constitutes a continuing application and whether delegates to the convention from Maryland may propose amendments that do not have the primary goals of addressing the goals listed in the joint resolution. For an example, *see* S.J. 2 of 2015.

Standard Form for Requesting Establishment of a Task Force, Committee, or Commission

When a joint resolution calls for the establishment of a temporary or ad hoc task force, committee, commission, or other panel to examine some subject, the "standard form" for joint resolutions is available from the Department of Legislative Services. The standard form provides specific guidelines for the structure and content of the joint resolution, including guidelines for establishing the membership, appointment procedure, staff, and reporting dates of the task force, committee,

commission, or other panel. It is not necessary, however, for the drafter to literally fit the resolution into the spaces provided on the form. Rather, the form is merely a guide.

Note that in providing for the staffing of a task force, committee, commission, or other panel, the department should not automatically be given this role. It is appropriate for the department to provide staff services if the entity to be established will have several legislators serving on it, the issues with which the entity is concerned have strong legislative involvement or interest, and the presiding officers or the Legislative Policy Committee of the General Assembly are requested to establish the entity. However, if there are only one or two (or no) legislators serving as members, if the entity is to conduct a study or other activity that is more within the realm of Executive Branch activity, or if the Governor or the secretary or other head of an Executive Branch agency is requested to establish the entity, it would be more appropriate for the agency or the Office of the Governor to provide staff services.

For a discussion and example of language to use in a bill establishing a task force, *see* p. 177, "Establishing a Task Force."

Simple Resolutions

Simple resolutions must be used to reflect an independent action of a particular chamber that is authorized by the chamber's rules, the Maryland Constitution, or other applicable law or to give a directive to staff or a directive concerning the internal operations of a particular chamber. Simple resolutions are drafted in a style and format similar to that of joint resolutions, but with two differences. First, instead of the word "JOINT," the word "SIMPLE" is used. Second, the "RESOLVED" clause should read "RESOLVED BY THE HOUSE OF DELEGATES/SENATE OF MARYLAND, That ... ." Simple resolutions have substantive import and, therefore, usually are prepared by the Department of Legislative Services. For examples of simple resolutions, *see* H.S. 1 of 2012, S.S. 1 of 2012, and H.S. 1 of 2010.

Resolutions

Resolutions express appreciation, congratulations, or condolences or concern other matters of a nonsubstantive or personal nature. House Rule 25 and Senate Rule 25 establish guidelines for determining when use of a resolution is appropriate.

By decision of the Legislative Policy Committee of the General Assembly, resolutions are prepared by, and handled through, the offices of the Chief Clerk of the House of Delegates and the Secretary of the Senate. Sponsors of resolutions should be asked to take their requests to the appropriate office.

Chapter 10. Special Sections

In General

There are a number of qualifying or clarifying clauses that may be written into bills. These clauses, generally called "special sections," follow the enacting clause and text of the law affected and are numbered consecutively.

A special section is not included as part of the codified text of a bill, but rather is uncodified language that will appear only in the Session Laws. A special section may be mentioned or quoted in a Code annotation, but will not be published in the Code as part of the statutory law. Some bills may contain more than one special section and, while there is no required order of placement, logic should indicate the most sensible order. However, the effective date clause always should appear last after any other special sections.

The following special sections have become fairly uniform over the years and should be used as needed. Most of these special sections are available to the drafter by clicking on "Boilerplate" on the bill drafting tab. (**Note**: Each special section example below is preceded by an example of the purpose paragraph clause that should be used whenever the special section is used. Most of the purpose paragraph clauses also are available by clicking on "Boilerplate" on the bill drafting tab.)

Severability Clause and Nonseverability Clause

Section 1-210 of the General Provisions Article states that provisions of statutes enacted after July 1, 1973, are severable unless the statute specifically provides that they are not. However, the following clause may be used to reinforce this rule:

Example

...; making the provisions of this Act severable; ...

SECTION 2. AND BE IT FURTHER ENACTED, That, if any provision of this Act or the application thereof to any person or circumstance is held invalid for any reason in a court of competent jurisdiction, the invalidity does not affect other provisions or any other application of this Act that can be given effect without the invalid provision or application, and for this purpose the provisions of this Act are declared severable.

Conversely, the General Assembly expressly may state its intent that the entire Act be void if any provision is found to be invalid.

Example

...; declaring that the provisions of this Act are not severable; ...

SECTION 2. AND BE IT FURTHER ENACTED, That, notwithstanding the provisions of § 1-210 of the General Provisions Article, the provisions of this Act are not severable, and if any provision of this Act or the application thereof to any person or circumstance is held invalid for any reason in a court of competent jurisdiction, no other provision or application of this Act may be given effect.

Note: If a severability provision does not apply to all provisions of a bill, the severability language should be included in the codified text of the bill rather than a special section and should specifically indicate which portions of the bill are severable. (*See, e.g.*, § 3-413 of the Courts and Judicial Proceedings Article.)

Repeal of Inconsistent Laws

Although special section language purporting to repeal inconsistent laws or parts of laws without specifically identifying and repealing those laws has been used on occasion, such language should be avoided. In the Bill Review Letter for S.B. 505/H.B. 777 of 2013 (footnote 12) (April 16, 2013), the Attorney General found that the following special section language did not comply with requirements of the Maryland Constitution and, therefore, was ineffective for its intended purpose:

"SECTION 2. AND BE IT FURTHER ENACTED, That all laws or parts of laws, public general or public local, inconsistent with this Act, are repealed to the extent of the inconsistency."

The Attorney General noted that Article III, § 29 of the Maryland Constitution requires that the legislature "in amending any article, or section of the Code of Laws of this State" must "enact the same, as said article, or section would read when amended." The Attorney General advised that "[i]f the legislature wishes to repeal a law, it needs to specifically identify which one."

While a drafter may use special section language to express the intent of the General Assembly with regard to provisions of law inconsistent with those of a bill being drafted, such language should not be used as a substitute for a thorough search of the law for inconsistent statutory provisions. To the extent possible, these provisions should be amended or repealed as is necessary to avoid any conflicts.

Applicability

A special section may be used to clarify the application of bills that affect existing contracts, pending litigation, or court cases, or that create tax exemptions, deductions, or credits.

Prospective Effect

Example

...; providing for the application of this Act; ...

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed to apply only prospectively and may not be applied or interpreted to have any effect on or application to any transportation construction contract awarded before the effective date of this Act.

Example

...; providing for the application of this Act; ...

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall apply to all policies, contracts, and health benefit plans issued, delivered, or renewed in the State on or after October 1, 2017.

Example

...; providing for the application of this Act; ...

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed to apply only prospectively and may not be applied or interpreted to have any effect on or application to any cause of action arising before the effective date of this Act.

Example

...; providing for the application of this Act; ...

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed prospectively to apply only to postconviction petitions that arise out of offenses that were committed on or after the effective date of this Act and may not be applied or interpreted to have any effect on or application to postconviction petitions that arise out of offenses that were committed before the effective date of this Act.

Retroactive Effect

Example

...; providing for the application of this Act; ...

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed to apply retroactively and shall be applied to and interpreted to affect any certificate of sale or assignment of certificate of sale recorded on or after January 1, 2017.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2017.

Note: Article 17 of the Maryland Declaration of Rights prohibits enactment of an *ex post facto* law that either makes criminal an act that was not a crime at the time the act occurred or increases a criminal penalty retroactively. (*See* special

section example above dealing with "postconviction petitions" that was drafted to respond to *ex post facto* concerns. *See also John Doe v. Department of Public Safety and Correctional Services*, 430 Md. 535 (2013), in which a three-judge plurality found that the retroactive application of the Maryland sex offender registration law to an individual as a result of statutes enacted after the commission of a crime violated the prohibition against *ex post facto* criminal laws contained in Article 17 of the Maryland Declaration of Rights.) In addition, retroactive laws that impair the obligation of a contract are invalid. A retrospective statute that abrogates vested property rights, including contractual rights, also has been found to violate the State Constitution. *See Dua v. Comcast Cable*, 370 Md. 604 (2002). *See also* p. 121, "Impairment of Rights or Contracts."

For a further discussion of legal issues relating to *ex post facto* laws, *see Legislative Desk Reference Manual* (Department of Legislative Services, Office of Policy Analysis, 2009).

Grandfather Clause

A "grandfather clause" is a provision used to prohibit application of new requirements to a specific group already engaged in the activity that the bill is regulating. The following example is from Chapter 594 of the Acts of 1990, Section 4:

Example

...; requiring the Commission to grant a waiver of certain requirements under this Act to certain individuals under certain circumstances; ...

SECTION 4. AND BE IT FURTHER ENACTED, That the Commission shall grant a waiver of the examination and classroom study requirements for licensing to any individual who:

(1) Is employed on January 1, 1991 as a real estate appraiser;

(2) Has obtained at least 5 years of real estate appraisal experience within the 7 years immediately before the date of application;

…

Note that a grandfather clause need not be drafted in an uncodified special section, but may be included in the codified portion of a bill. (*See, e.g.*, §§ 10-303 and 17-304.2 of the Health Occupations Article.)

Salary Increase or Decrease Not to Affect Incumbent

Article III, § 35 of the Maryland Constitution provides that neither the salary nor the compensation of any public officer may be increased or diminished during the official's term in office "except those whose full term of office is fixed by law in excess of 4 years." The test for determining whether a position is a public office, summarized below, was set out by the Court of Appeals in *Board of Supervisors of Elections v. Attorney General*, 246 Md. 417, 439 (1967):

- the position was created by law and casts upon the incumbent duties that are continuing in nature and not occasional;
- the incumbent performs an important public duty;
- the position calls for the exercise of some portion of the sovereign power of the State;
- the position has a definite term, for which a commission is issued, and a bond and an oath are required; and
- the position is one of dignity and importance.

Not all of these criteria are of equal importance. The Court of Appeals has ascribed the least significance to the "dignity and importance" component and has given the greatest weight to whether the person exercises some portion of the sovereign power of the State. (*See* 72 *Opinions of the Attorney General* at 288.)

The following positions have been found to be "public officers" subject to Article III, § 35 of the Maryland Constitution:

- State's Attorney;
- sheriff;
- clerk of a circuit court;
- orphans' court judge;
- register of wills;

- member of a local board of supervisors of elections;
- chair of a board of license commissioners;
- member of a board of license commissioners;
- commissioner of the Maryland-National Capital Park and Planning Commission;
- commissioner of the Washington Suburban Sanitary Commission;
- commissioner of the Washington Suburban Transit Commission; and
- county commissioner.

A deputy or assistant State's Attorney and a deputy sheriff, however, are not "public officers" subject to Article III, § 35 of the Maryland Constitution.

If legislation increases or diminishes the salary of a public officer, a special section modeled after the following language should be included:

Example

...; providing for the application of this Act; ...

SECTION 2. AND BE IT FURTHER ENACTED, That, pursuant to Article III, § 35 of the Maryland Constitution, this Act may not be construed to extend or apply to the salary or compensation of the President and members of the Montgomery County Board of Education while serving in a term of office beginning before the effective date of this Act, but the provisions of this Act concerning the salary or compensation of the President and members of the Montgomery County Board of Education shall take effect at the beginning of the next following term of office. This limitation does not apply to an individual appointed or elected after the effective date of this Act to fill out an unexpired term.

Example

...; providing for the application of this Act; ...

SECTION 2. AND BE IT FURTHER ENACTED, That, pursuant to Article III, § 35 of the Maryland Constitution, this Act may not be construed to extend or apply to the salary or compensation of the State's Attorney for Dorchester County while serving in a term of office beginning before the effective date of this Act, but the provisions of this Act concerning the salary or compensation of the State's Attorney for Dorchester County shall take effect at the beginning of the next following term of office. This limitation does not apply to an individual appointed or elected after the effective date of this Act to fill out an unexpired term.

Salary increases that are to be implemented in a step manner over a period of time are permissible if implemented before the beginning of the term (approval suggested in a Letter of Counsel to the Honorable John R. Hargreaves from the then Counsel to the General Assembly, Judson P. Garrett, Jr., Esq., dated January 17, 1978).

The Court of Appeals has held that the General Assembly could tie a State's Attorney's salary to that of a judge, but only as to salary being paid the judge when the State's Attorney's term begins, not subsequent judicial pay raises. *See Marshall v. Director of Finance*, 294 Md. 435 (1982). (*See also* A.G. Bill Review letter re: S.B. 187 of 1990.)

Supplemental Powers

Example

...; providing that the powers and authority conferred by this Act are supplemental to other powers of the (name of State department, board, agency, or other governmental unit); ...

SECTION 2. AND BE IT FURTHER ENACTED, That the powers and authority conferred by (cite to section or sections of Code added by bill), as enacted by Section 1 of this Act, shall be regarded as supplemental and additional to the powers and authority conferred by other laws on the (name of State department, board, agency, or other governmental unit) and may not be regarded as in derogation of any powers now existing in the (name of State department, board, agency, or other governmental unit).

Impairment of Rights or Contracts

The Contract Clause of the U.S. Constitution (Article 1, § 10, Clause 1) prohibits a state from passing any law impairing the obligation of contracts. A drafter may want to include the following special section language in a bill that may impact the rights and obligations of the parties to a contract:

Example

...; providing that existing obligations or contract rights may not be impaired by this Act; ...

SECTION 2. AND BE IT FURTHER ENACTED, That a presently existing obligation or contract right may not be impaired in any way by this Act.

For a further discussion of legal issues relating to the prohibition on the impairment of contracts, *see Legislative Desk Reference Manual* (Department of Legislative Services, Office of Policy Analysis, 2009).

Statewide Referendum – Constitutional Amendments

A bill that proposes an amendment to the Maryland Constitution must include the following special sections:

Example

...; and submitting this amendment to the qualified voters of the State for their adoption or rejection.

SECTION 2. AND BE IT FURTHER ENACTED, That the General Assembly determines that the amendment to the Maryland Constitution proposed by this Act affects (only one county/the City of Baltimore/multiple jurisdictions) and that the provisions of Article XIV, § 1 of the Maryland Constitution concerning local approval of constitutional amendments (apply/do not apply).

SECTION 3. AND BE IT FURTHER ENACTED, That the aforegoing section proposed as an amendment to the Maryland Constitution shall be submitted to the qualified voters of the State at the next general election to be held in November (year) for their adoption or rejection pursuant to Article XIV of the Maryland Constitution. At that general election, the vote on this proposed amendment to the Constitution shall be by ballot, and upon each ballot there shall be printed the words "For the Constitutional Amendment" and "Against the Constitutional Amendment," as now provided by law. Immediately after the election, all returns shall be made to the Governor of the vote for and against the proposed amendment, as directed by Article XIV of the Maryland Constitution, and further proceedings had in accordance with Article XIV.

Note that in using the constitutional amendment form shown above, the drafter must choose between the alternatives presented within the parentheses.

For a further discussion of legal issues relating to constitutional amendments, *see Legislative Desk Reference Manual* (Department of Legislative Services, Office of Policy Analysis, 2009).

See also discussion beginning at p. 35, "Constitutional Amendments," relating to the combination of a proposed constitutional amendment and statutory changes in a single bill, p. 66, "Constitutional Amendments," relating to special title requirements for bills proposing a constitutional amendment, and p. 86, "Constitutional Amendment," relating to the special enacting clause required for bills proposing a constitutional amendment.

Statewide Referendum – Commercial Gaming

Article XIX, § 1(e) of the Maryland Constitution, which authorizes video lottery operation licenses to be issued in the State, establishes an exception to the general rule that the General Assembly may not require a statewide bill to be subject to a referendum. Section 1(e) prohibits the General Assembly from authorizing additional forms or expansion of commercial gaming unless approval is granted through a referendum "authorized by an Act of the General Assembly, in a general election by a majority of the qualified voters of the State." To comply with Article XIX, § 1(e), the following referendum clauses should be used in a bill that provides for additional forms or expansion of commercial gaming:

Example

...; submitting this Act to a referendum of the qualified voters of the State; ...

SECTION 2. AND BE IT FURTHER ENACTED, That before this Act, which authorizes additional forms or expansion of commercial gaming, becomes effective it shall first be submitted to a referendum of the qualified voters of the State at the general election to be held in November of (year), in accordance with Article XIX, § 1(e) of the Maryland Constitution. The State Board of Elections shall do those things necessary and proper to provide for and hold the referendum required by this section. If a majority of the votes cast on the question are "For the referred law" the provisions of this Act shall become effective on (the 30th day following the official canvass of votes for the referendum) (a specified date), but if a majority of the votes cast on the question are "Against the referred law" the provisions of this Act are of no effect and null and void.

SECTION 3. AND BE IT FURTHER ENACTED, That, subject to the provisions of Section 2 of this Act and for the sole purpose of providing for the referendum required by Section 2 of this Act, this Act shall take effect July 1, (year).

Constitutional Amendment Contingency Clauses

To make a bill contingent on the passage of a constitutional amendment, the drafter should use a constitutional amendment contingency clause. If the number of a bill or Chapter has not been assigned yet, the drafter may leave a blank and refer to the measure by the "lr" number. Otherwise, reference to the "lr" number is unnecessary.

Example

...; making this Act contingent on the passage and ratification of a certain constitutional amendment; ...

SECTION 2. AND BE IT FURTHER ENACTED, That this Act is contingent on the passage of Chapter ____ (S.B. ____/H.B. ____) (__lr_____) of the Acts of the General Assembly of (year), a constitutional amendment, and its ratification by the voters of the State.

SECTION 3. AND BE IT FURTHER ENACTED, That, subject to the provisions of Section 2 of this Act, this Act shall take effect on the proclamation of the Governor that the constitutional amendment, having received a majority of the votes cast at the general election, has been adopted by the people of Maryland.

Local Referendum Provisions

Except for bills authorizing additional forms or expansion of commercial gaming (*see* p. 122, "Statewide Referendum – Commercial Gaming"), the General Assembly may not require a statewide bill to be subject to a referendum. To do so has been construed to be an improper delegation of the lawmaking power of the General Assembly. (*See Brawner v. Supervisors*, 141 Md. 586 (1922), voiding Chapter 448 of the Acts of 1922.) There is no objection, however, to making the effectiveness of a public local law subject to a referendum.

Note that in the following example, the drafter must choose between the alternatives presented within the parentheses:

Example

...; submitting this Act to a referendum of the qualified voters of (_____) County; ...

SECTION 2. AND BE IT FURTHER ENACTED, That before this Act becomes effective it shall first be submitted to a referendum of the qualified voters of (_____) County (at the general election to be held in November of (year)) (at a special election to be held on (date). The cost of the special election shall be paid by the County governing body). The County governing body and the (name of county) Board of Elections shall do those things necessary and proper to provide for and hold the referendum required by this section. If a majority of the votes cast on the question are "For the referred law" the provisions of this Act shall become effective on (the 30th day following the official canvass of votes for the referendum) (a specified date), but if a majority of the votes cast on the question are "Against the referred law" the provisions of this Act are of no effect and null and void.

SECTION 3. AND BE IT FURTHER ENACTED, That, subject to the provisions of Section 2 of this Act and for the sole purpose of providing for the referendum required by Section 2 of this Act, this Act shall take effect July 1, (year).

Occasionally, a sponsor will request to have a local referendum drafted that allows the voters to choose between two options, described in Sections 1 and 2 of the bill, respectively. The example below may be used as a model for the referendum clauses of the bill:

Example

...; submitting this Act to a referendum of the qualified voters of (_____) County; ...

SECTION 3. AND BE IT FURTHER ENACTED, That before this Act becomes effective it shall first be submitted to a referendum of the qualified voters of (_____) County (at the general election to be held in November of (year)) (at a special election to be held on (date). The cost of the special election shall be paid by the County governing body). The County governing body and the (name of county) Board of Elections shall do those things necessary and proper to provide for and hold the referendum required by this section. There shall be printed on the ballot to be used at this election the title of this Act and underneath the title, on separate lines, a square or box opposite the words "For (option No. 1)" and a corresponding square or box opposite the words "For (option No. 2)". A voter may choose only one of the two options. If a majority of the votes cast on the question are "For (option No. 1)" the provisions of Section 1 of this Act shall become effective on (the 30th day following the official canvass of votes for the referendum) (a specified date) and the provisions of Section 2 of this Act are of no effect and null and void. If a majority of the votes cast on the question are "For (option No. 2)" the provisions of Section 2 of this Act shall become effective on (the 30th day following the official canvass of votes for the referendum) (a specified date) and the provisions of Section 1 of this Act are of no effect and null and void.

SECTION 4. AND BE IT FURTHER ENACTED, That, subject to the provisions of Section 3 of this Act and for the sole purpose of providing for the referendum required by Section 3 of this Act, this Act shall take effect July 1, (year).

For a further discussion of legal issues relating to a local referendum, *see Legislative Desk Reference Manual* (Department of Legislative Services, Office of Policy Analysis, 2009).

Local Referendum Contingency Clauses

Occasionally, a bill is drafted to a section of the Annotated Code that is itself subject to a local referendum. If the intent is that the changes proposed by the bill being drafted also be subject to the same referendum, the following local referendum contingency clause is used:

Example

...; submitting this Act to a referendum of the qualified voters of (_____) County; ...

SECTION 2. AND BE IT FURTHER ENACTED, That Section 1 of this Act shall be subject to the same referendum for which provision is made by Section 2 of Chapter _____ of the Acts of the General Assembly of (year).

SECTION 3. AND BE IT FURTHER ENACTED, That, subject to the approval by the electorate at the referendum for which provision is made by Chapter _____ of the Acts of the General Assembly of (year), this Act shall take effect October 1, (year).

Contingent Bills

When two bills are to be introduced and one is to take effect only if the other is enacted, the following clause is used:

Example

...; making this Act subject to a certain contingency; ...

or

...; making this Act contingent on the taking effect of another Act; ...

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect _____, (year), contingent on the taking effect of Chapter ____ (S.B. ____/H.B. ____) (__lr ____) of the Acts of the General Assembly of (year), and if Chapter _____ (S.B. ____/H.B. ____) (__lr ____) does not become effective, this Act shall be null and void without the necessity of further action by the General Assembly.

The form shown above also may be used for reciprocally contingent bills. If the bill on which the other bill is contingent is cross-filed with another bill, both bills may be listed to account for the possibility that one of the cross-filed bills may take effect while the other does not.

On occasion, a sponsor may wish to make the effectiveness of a bill contingent on the passage of another bill by the General Assembly, rather than on the bill taking effect.

Example

…; making this Act subject to a certain contingency; …

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect _____, (year), contingent on the passage of S.B. ___/H.B. ___ (__lr ____) of (year) by both houses of the General Assembly, and if S.B. ___/H.B. ___ (__lr ____) of (year) is not passed by both houses of the General Assembly, this Act shall be null and void without the necessity of further action by the General Assembly.

Note that contingent bills are subject to the "one subject" rule; that is, a nexus must exist between the subject matter of the bills sufficient to satisfy the one subject requirement under Article III, § 29 of the Maryland Constitution. (*See* p. 34, ""One Subject" Rule," for a further discussion of this constitutional requirement.) *Cf. Andrews v. Governor of Maryland*, 294 Md. 285 (1982) (holding that reciprocally contingent bills both amending the Maryland Constitution were so functionally interdependent as to present a single subject and, therefore, did not violate Article XIV, § 1 of the Maryland Constitution, which requires a separate vote on each amendment to the Constitution).

The effectiveness of a bill also may be made contingent on the *failure* of another bill.

Example

...; making this Act subject to a certain contingency; ...

or

...; making this Act contingent on the failure of certain legislation; ...

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect _____, (year), contingent on the failure of S.B. _____ /H.B. _____ (___lr_____) during the _____ Session of the General Assembly. If S.B. _____ /H.B. _____ (___lr_____) is enacted, this Act shall be null and void without the necessity of further action by the General Assembly.

Hold Harmless Clause

On occasion, it is desirable to ensure that certain entities do not suffer a diminution of funds as a result of an enactment. To prevent this loss from occurring, a "hold harmless clause" is used.

Example

...; holding municipalities harmless for certain actions taken before the effective date of this Act; ...

SECTION 2. AND BE IT FURTHER ENACTED, That this Act confirms and codifies authority heretofore thought to exist, and in no instance may a municipality be required to refund any tax or fee, collected before the effective date of this Act, which would be valid under the terms of this Act.

"More Stringent" Provisions

Special sections have been used on occasion to clarify that an Act does not preempt or prevail over other legislation that has provisions "more stringent" than those in the Act.

Example

...; providing that this Act may not be construed to preempt or prevail over any ordinance, resolution, law, or rule more stringent than this Act; ...

SECTION 2. AND BE IT FURTHER ENACTED, That this Act may not be construed to preempt or prevail over any ordinance, resolution, law, or rule more stringent than this Act.

However, a word of caution against the use of such a provision. These provisions in a bill can get more than slightly ridiculous. They are generally found in a long, complicated bill with many provisions and provisos. When such a bill is compared to another complicated law, it can be "more" stringent in some respects and "less" stringent in other respects. It seems best simply to avoid the whole concept.

Staggered Terms of Office

Requests are sometimes made to establish or reconstitute a board, commission, committee, or similar entity so that the terms of the members are staggered. There are two aspects to implementing this request. First, the length of the terms and the manner of appointment and succession are stated in a codified part of the bill.

Example

...; specifying the terms of the initial members of the Board; ...

(SECTION NUMBER).

(_) (1) THE TERM OF A MEMBER IS ___ YEARS.

(2) THE TERMS OF MEMBERS ARE STAGGERED AS REQUIRED BY THE TERMS PROVIDED FOR MEMBERS OF THE BOARD ON (DATE) (use the proposed effective date of the bill, *e.g.*, October 1, 2017)**.**

(3) AT THE END OF A TERM, A MEMBER CONTINUES TO SERVE UNTIL A SUCCESSOR IS APPOINTED AND QUALIFIES.

(4) A MEMBER WHO IS APPOINTED AFTER A TERM HAS BEGUN SERVES ONLY FOR THE REST OF THE TERM AND UNTIL A SUCCESSOR IS APPOINTED AND QUALIFIES.

Second, an uncodified provision that describes the staggered initial terms of members is inserted at the end of the bill. Using uncodified language in this situation keeps the Annotated Code free of material that will be obsolete in a relatively short period of time.

Example

SECTION 2. AND BE IT FURTHER ENACTED, That the terms of the initial members of the Board of Examiners of Professional Counselors shall expire as follows:

(1) two members in 2018;

(2) two members in 2019; and

(3) two members in 2020.

While the form for establishing the terms of the initial members shown above, which specifies only the number of members whose terms expire in a particular year, is most commonly used, a sponsor also may want to specify which members' terms expire in a particular year. For an example of the language used in this situation, *see* Section 3 of Chapters 529 and 530 of the Acts of 2009 (S.B. 247 and H.B. 173, respectively).

Note that if the number of members of an existing board, commission, committee, or similar entity with staggered terms is being increased or decreased, the drafter should consider whether language clarifying the expiration of new or current members' terms going forward should be included in a special section of the bill. *See, e.g.*, Section 2 of Chapters 154 and 258 of the Acts of 2014 (S.B. 320 and H.B. 251, respectively) (providing for the implementation of the reduction of members of the Electrology Practice Committee), and Section 2 of Chapters 242 and 243 of the Acts of 2008 (S.B. 960 and H.B. 1563, respectively) (providing for the expiration of

the terms of members added to the State Board of Chiropractic and Massage Therapy Examiners).

Statement of Legislative Intent

Example

...; declaring the intent of the General Assembly; ...

SECTION 2. AND BE IT FURTHER ENACTED, That it is the intent of the General Assembly that enactment of this mandatory automobile safety belt usage law be compatible with support for federal safety standards requiring automatic crash protection and should not be used in any manner to rescind federal requirements of installation of automatic restraints in new cars.

Miscellaneous Special Sections

Legislative Mandate

A bill may require a unit of State government or a person to take an action that must be accomplished by a certain date or within a limited time period. Since the mandated action is of limited duration, it is appropriate to place the requirement in an uncodified special section.

Example

...; requiring the Department to take certain action on or before a certain date; ...

SECTION 2. AND BE IT FURTHER ENACTED, That the Department of Health and Mental Hygiene shall phase in the additional placements provided for in this Act, consistent with the funding provided in this Act, so that all of the specified placements are made on or before (date).

Example

...; requiring the Administration to work with certain committees of the General Assembly; ...

SECTION 2. AND BE IT FURTHER ENACTED, That the Motor Vehicle Administration shall work with the Senate Judicial Proceedings Committee and the House Economic Matters Committee to ...

Reporting Requirements

Often, the General Assembly will direct an agency, task force, commission, etc., to report to the Governor, the General Assembly, or a committee, staff agency, or employee of the General Assembly. If the bill requires a report to the General Assembly or a committee, staff agency, or employee of the General Assembly, the drafter should include a reference to § 2-1246 of the State Government Article, which relates to the distribution of publications submitted to the General Assembly and its committees, staff agencies, and employees. The reference to § 2-1246 of the State Government Article also should be included when requiring the submission of an electronic report, or when requiring that a report only be posted on a website, if the intent is that the report be authenticated and preserved.

Example

...; requiring the Department to report to the General Assembly on or before a certain date; ...

SECTION 2. AND BE IT FURTHER ENACTED, That, on or before (date), the Department of Transportation shall report to the General Assembly, in accordance with § 2–1246 of the State Government Article, on the implementation of this Act.

Example

...; requiring the Department to report to certain committees of the General Assembly on or before a certain date; ...

SECTION 2. AND BE IT FURTHER ENACTED, That, on or before (date), the Department of Transportation shall report to the Senate Finance Committee and the House Environment and Transportation Committee, in accordance with § 2–1246 of the State Government Article, on the implementation of this Act.

Note that if a report is to be made to a group of legislators who represent a particular subdivision (a county or Baltimore City), the appropriate way to refer to these individuals is "the members of the (_____ County) (Baltimore City) delegation to the General Assembly." The reference to § 2-1246 of the State Government Article also must be included.

A sponsor may request that a bill include a provision that requires an agency, task force, commission, etc., to submit both an interim and a final report. In this case, the following form, modified as necessary, may be used:

Example

…; requiring the Task Force to submit an interim and a final report to the Governor and the General Assembly on or before certain dates; …

(x) (1) On or before January 1, 2018, the Task Force shall submit an interim report of its findings and recommendations to the Governor and, in accordance with § 2–1246 of the State Government Article, the General Assembly.

(2) On or before December 1, 2018, the Task Force shall submit a final report of its findings and recommendations to the Governor and, in accordance with § 2–1246 of the State Government Article, the General Assembly.

Note that a requirement to report on an ongoing annual or other periodic basis should not be drafted as an uncodified special section, but rather should be part of the codified provisions of the bill. Also, if the bill merely requires an entity to submit a report, but does not include a task force (or similar entity) or a statutory provision that needs to terminate on a particular date, a termination proviso (Sunset) need not be included. *See* p. 148, "Effective Date with a Termination Proviso (Sunset)."

Government Reorganization

Legislation that transfers a unit of State government from the domain of one State agency to another should include an uncodified provision addressing the transition. For instance, the drafter should provide for the transfer of the records, papers, furniture, and employees of the agency to be transferred, perhaps specifying that there should be no diminution in salary, benefits, etc. The following example is based on S.B 764/H.B. 1146 of 2009, which transferred the functions, powers, duties, etc. of the Maryland Institute for Emergency Medical Services Systems to a newly-created Department of Emergency Services:

Example

SECTION 5. AND BE IT FURTHER ENACTED, That:

(a) The responsibility for carrying out the State's emergency medical services and emergency management services shall be transferred to the Department of Emergency Services on October 1, 2009.

(b) (1) All appropriations, including State and federal funds, held by the agencies and units of the State to carry out the functions, programs, and services transferred under this Act shall be transferred to the Department of Emergency Services on October 1, 2009.

(2) Funding for the services and programs under the Department of Emergency Services shall be provided for the new Department in the fiscal 2011 State budget.

(3) Federal fund grants directed to the State through other State agencies shall be transferred to the Department of Emergency Services on October 1, 2010.

(c) On October 1, 2009, all of the functions, powers, duties, books and records (including electronic records), real and personal property, equipment, fixtures, assets, liabilities, obligations, credits, rights, and privileges of the agencies, units, and entities that are transferred under this Act shall be transferred to the Department of Emergency Services.

SECTION 6. AND BE IT FURTHER ENACTED, That:

(a) As of October 1, 2009, the Maryland Institute for Emergency Medical Services Systems (Institute) is hereby abolished and the Department of Emergency Services created under this Act shall be the successor of the Institute.

(b) As of October 1, 2009, the State Emergency Medical Services (EMS) Board and the provider review panel to the Board are hereby abolished and the State Board of Paramedics created under this Act as part of the Department of Emergency Services shall be the successor of the EMS Board in regards to licensing emergency medical services providers.

SECTION 7. AND BE IT FURTHER ENACTED, That all employees who are transferred to the Department of Emergency Services as a result of this Act shall be transferred without diminution of their rights, benefits, employment, or retirement status.

SECTION 8. AND BE IT FURTHER ENACTED, That, except as expressly provided to the contrary in this Act, any transaction affected by or flowing from any statute added, amended, repealed, or transferred under this Act and validly entered into before the effective date of this Act, and every right, duty, or interest flowing from it remains valid after the effective date of this Act and may be terminated, completed, consummated, or enforced under the law.

SECTION 9. AND BE IT FURTHER ENACTED, That, except as otherwise provided by law, all existing laws, regulations, proposed regulations, standards and guidelines, policies, orders and other directives, forms, plans, memberships, contracts, property, investigations, administrative and judicial responsibilities, rights to sue and be sued, and all other duties and responsibilities associated with the functions of the agencies and units that are the subject of this Act prior to the effective date of this Act shall continue under and, as appropriate, are legal and binding on the Department of Emergency Services until completed, withdrawn, canceled, modified, or otherwise changed under the law.

SECTION 10. AND BE IT FURTHER ENACTED, That:

(a) Except as provided in subsection (b) of this section, nothing in this Act shall affect the terms of office of a member of any division, board, council, commission, authority, office, unit, or other entity that is transferred by this Act to the Department of Emergency Services. An individual who is a member of any such entity on the effective date of this Act shall remain a member for the balance of the

term to which the member is appointed, unless the member sooner dies, resigns, or is removed under appropriate provisions of law.

(b) The terms of each member of the State Emergency Medical Services Board and the provider review panel to the Board shall expire on September 30, 2009, and on October 1, 2009, all of the functions, powers, duties, books and records (including electronic records), real and personal property, equipment, fixtures, assets, liabilities, obligations, credits, rights, and privileges of the Board, that concern the licensing of emergency medical care providers under the provisions of Section 3 of this Act shall be transferred to the Board of Paramedics.

SECTION 11. AND BE IT FURTHER ENACTED, That any person licensed, registered, permitted, or certified under any department, agency, office, or unit transferred by this Act is considered for all purposes to be licensed, registered, permitted, or certified for the duration of the term for which the license, registration, permit, or certification was issued, and may renew that authorization in accordance with the appropriate renewal provisions provided under this Act. Any person that was originally licensed, registered, permitted, or certified under a provision of law that has been repealed by this Act as obsolete or inconsistent continues to meet the requirements of the license, registration, permit, or certification to the same extent as though that provision had not been repealed.

SECTION 12. AND BE IT FURTHER ENACTED, That the individual serving as Director of the Maryland Institute for Emergency Medical Services Systems on January 1, 2009, may not be appointed by the Governor as Secretary of the Department of Emergency Services.

SECTION 13. AND BE IT FURTHER ENACTED, That the publisher of the Annotated Code of Maryland, in consultation with and subject to the approval of the Department of Legislative Services, shall correct, with no further action required by the General Assembly, cross–references and terminology rendered incorrect by this Act or by any other Act of the General Assembly of 2009 that affects provisions enacted by this Act. The publisher shall adequately describe any such correction in an editor's note following the section affected.

See also Chapter 349 of the Acts of 1996 (H.B. 348), H.B. 660 of 2000, Chapter 440 of the Acts of 2005 (H.B. 1562), and Chapter 116 of the Acts of 2008 (H.B. 1443).

Catchline or Caption Not Part of the Law

If a catchline or caption is included in a bill, special section language also should be included to specify that the catchline or caption is not part of the law. The following example is from S.B. 708/H.B. 119 of 2015 which included a catchline:

Example

…; providing that a certain catchline is not law and may not be considered to have been enacted as part of this Act; …

SECTION 4. AND BE IT FURTHER ENACTED, That the catchline contained in this Act is not law and may not be considered to have been enacted as part of this Act.

Correction by Publisher of Incorrect Cross-references and Terminology

Legislation that alters the name of a department, council, committee, etc., repeals or adds large portions of law, or alters terminology may render cross-references or terminology used elsewhere in the Annotated Code incorrect. While an effort should be made to find and correct any cross-references or terminology, the following language may be included to require the publisher of the Code to make any necessary corrections that may have been missed:

Example

…; requiring the publisher of the Annotated Code of Maryland, in consultation with and subject to the approval of the Department of Legislative Services, to correct any cross-references or terminology rendered incorrect by this Act and to describe any corrections made in an editor's note following the section affected; …

SECTION 2. AND BE IT FURTHER ENACTED, That the publisher of the Annotated Code of Maryland, in consultation with and subject to the approval of the Department of Legislative Services, shall correct, with no further action required by the General Assembly, cross-references and terminology rendered incorrect by this

Act. The publisher shall adequately describe any correction that is made in an editor's note following the section affected.

Effective Dates

In General

Regardless of how many enacting clauses or special sections are used in a bill, the effective date clause is always numbered and placed last. Until 1968, the usual effective date for all Acts of a regular session of the General Assembly was June 1 following the end of the session of enactment as indicated (though not required) in Article III, § 31 and Article XVI, § 2 of the Maryland Constitution. In later years, the more typical effective date became July 1 after the session in which the bill was enacted. Current practice, however, calls for October 1 to be the usual effective date in order to extend the time available for the publication of new laws.

Fiscal bills that affect the State budget or a local budget may have a July 1 or later effective date, such as January 1 of the following year. Bills may be made effective on other specific dates in the future.

Article XVI, § 2 of the Maryland Constitution permits a bill to become effective before June 1 following the session of enactment by use of language declaring the Act to be an emergency law. In this case, the bill on third reading requires a three-fifths vote in each house of the legislature for passage, rather than a simple majority. If an emergency bill receives a three-fifths vote in each house, the bill takes effect immediately on signing by the Governor. An emergency bill that fails to receive a three-fifths vote in one or both houses still passes if it receives a majority vote in both houses, but would take effect no earlier than June 1 following the legislative session in which it was enacted.

Generally, only emergency legislation approved by an extraordinary majority vote may become effective before June 1 following the session at which the bill was enacted. However, because Article XVI, § 2 of the Maryland Constitution provides that a law "making any appropriation for maintaining the State Government" is exempt from the referendum provisions of Article XVI of the Maryland Constitution, it is governed not by Article XVI but rather by Article III, § 31, which permits nonemergency legislation to have a pre-June 1 effective date. (*See, e.g.*, Chapter 1 (H.B. 2), 1st Spec. Sess. of 1991, which was passed and signed by the Governor on June 26, 1991, and went into effect on June 28, 1991. Because the bill **made an appropriation for State government**, it was not necessary either to delay the

effective date to June 1, 1992, or to pass the bill as an emergency measure. *See also* Letter of Advice dated December 27, 2004, to Senator Thomas V. Mike Miller, Jr. from Assistant Attorney General Robert A. Zarnoch, Counsel to the General Assembly, discussing the effective date of S.B. 2 of the 2004 Special Session.) Note that Article XVI also exempts two other types of laws from referendum: those for "maintaining or aiding any public institution" (Article XVI, § 2) and those regulating alcoholic beverages (Article XVI, § 6) and, therefore, these measures also may be given a pre-June 1 effective date.

Particular care is necessary in assigning an effective date to a bill if the provisions of the bill conceivably could have retroactive effect. While constitutional provisions prohibit an *ex post facto* law in the criminal law area, laws with civil effect may apply retroactively. Thus, for example, if a bill modifies the procedural rights of a party to a civil case or adds a new ground for divorce, the question arises whether the changes made apply to circumstances occurring before the effective date of the bill, or only prospectively to circumstances occurring on or after the bill's effective date. Determining the application of a law is properly a legislative function that the drafter should consider and clarify if necessary. Failure to do so may require resolution of this question by a court. (*See* p. 115, "Applicability" for a discussion of special section language clarifying the application of a bill.)

It is permissible for one part of an Act to be effective on one date and another part on another date. Indeed, part of a bill may have a standard effective date and part may have an emergency effective date. In these instances, the effective dates of the different parts of the bill generally are established in uncodified special sections that follow the codified text of the bill.

It sometimes may be desirable, however, to specify the date on which a provision of a bill is effective in the codified portion of the bill, for example, a reporting requirement that begins after the effective date of the bill (*see*, *e.g.*, § 10-722(k)(1)(ix) of the Tax – General Article), or a provision such as a tax rate or credit that is subject to change effective on certain future dates (*see*, *e.g.*, § 8-406(b)(2)(iv) of the Tax – General Article). While these effective date provisions could be placed in an uncodified portion of the bill, they would be less accessible since they only would appear in the Session Laws.

An increasing number of bills have been given delayed or abnormal effective dates by the General Assembly. A policy behind delayed effective dates is to allow the public to become familiar with new legislation of a comprehensive nature. So, for example, Chapters 612 and 613 of the Acts of 2010, which require certain employers to provide shift breaks to certain employees, were given a March 1, 2011, effective date. Such legislation is printed in the Annotated Code in italics until the effective

date has passed, after which the provisions are reprinted in the next supplement in regular type.

Occasionally, bills are drafted with effective dates subject to contingencies. If the contingency is not of the "standard" variety (*e.g.*, effective contingent on the enactment or nonenactment of concurrent legislation, on a referendum, or on ratification by other signatories to an interstate compact), the drafter should give special care to the wording of the contingency. Because it is not always clear when, or whether, a contingency has been fulfilled, there may be uncertainty as to the legal status of the enactment. In drafting contingent effective date language (*i.e.*, describing what must occur before an Act may take effect), the drafter should strive to be as clear and precise as possible and should consider:

- the period of time within which the contingent event must take place (*i.e.*, avoid "open-ended contingencies" that leave the state of the law unclear for extended periods);

- what will happen if the contingency is **not** fulfilled; and

- who will monitor whether the contingency has been fulfilled and report back to the Department of Legislative Services (*e.g.*, the secretary of the affected agency, who may be in the best position to perform this function).

Since the Department of Legislative Services is charged with the responsibility of working with the publishers of the Annotated Code to ensure the accuracy and integrity of the Code, it is essential that bills with an effective date subject to a contingency contain a provision that will enable the department to determine whether, and when, the contingency has occurred. Usually, this will take the form of a notice provision requiring an appropriate individual or entity to report back to the department when the contingency has been fulfilled.

Note in the following example that each of the considerations discussed above is addressed, including the need for a report to the department within a defined time period on the status of the contingency:

Example

SECTION 3. AND BE IT FURTHER ENACTED, That, on or before July 1, 2017, the State Retirement Agency shall request a determination letter from the Internal Revenue Service confirming the continued qualification under § 401 of the Internal Revenue Code of the Correctional Officers' Retirement System, as amended by the Deferred Retirement Option Program established under Section 2 of this Act.

SECTION 4. AND BE IT FURTHER ENACTED, That Sections 1 and 2 of this Act shall take effect contingent on the receipt by the State Retirement Agency of a favorable determination letter from the Internal Revenue Service confirming that the Correctional Officers' Retirement System, as amended by the Deferred Retirement Option Program, is a qualified plan under § 401 of the Internal Revenue Code. If a favorable determination letter is received on or before July 1, 2019, Sections 1 and 2 of this Act shall take effect on the date notice of the letter is received by the Department of Legislative Services in accordance with this section. If the State Retirement Agency does not receive a favorable determination letter on or before July 1, 2019, Sections 1 and 2 of this Act, with no further action required by the General Assembly, shall be null and void and of no further force and effect. The State Retirement Agency, within 5 days after receiving the determination letter from the Internal Revenue Service, shall forward a copy of the letter to the Department of Legislative Services, 90 State Circle, Annapolis, Maryland 21401.

SECTION 5. AND BE IT FURTHER ENACTED, That, subject to Section 4 of this Act, this Act shall take effect June 1, 2017.

If a bill does not require an official or agency of State government to interact with a third party (*e.g.*, to request a determination letter from the Internal Revenue Service or submit a waiver request to the Centers for Medicare and Medicaid Services), the following example, modified as necessary, may be used:

Example

SECTION 2. AND BE IT FURTHER ENACTED, That this Act is contingent on the receipt of a Race to the Top grant of at least $200,000,000 by the Maryland State Department of Education. The Maryland State Department of Education shall notify the Department of Legislative Services within 5 days after the Race to the Top grant is received. If notice of the receipt of the grant is not received by the Department of Legislative Services on or before December 31, 2017, this Act shall be null and void without the necessity of further action by the General Assembly.

SECTION 3. AND BE IT FURTHER ENACTED, That, subject to Section 2 of this Act, this Act shall take effect July 1, 2017.

If certainty is the goal of good legislative drafting, the following Acts may be considered examples of language to avoid:

- Chapter 623 of the Acts of 1981 was contingent on "the availability" of matching federal funds;

- Chapter 587 of the Acts of 1981 provided that "if on July 1, 1981 any litigation challenging the construction of a contained area at the Hart-Miller-Pleasure Island chain is pending in any court, the effective date of this Act shall be delayed until 30 days after the conclusion of that litigation."; and

- Chapter 500 of the Acts of 1995 included the following *inadequate* contingency language:

"SECTION 2. AND BE IT FURTHER ENACTED, That Section 1 of this Act may not take effect until the beginning of the period covered by a waiver approved by the U.S. Department of Health and Human Services under § 1115 of the Social Security Act and shall be effective only as long as the period covered under the waiver.

SECTION 3. ...

SECTION 4. AND BE IT FURTHER ENACTED, That Section 1 of this Act may not take effect until the General Assembly gives legislative approval to the proposed plan of the Secretary of Health and Mental Hygiene to implement the program to require enrollment in managed care plans provided under this Act,

including the feasibility of expanding benefits to unserved individuals who are unable to afford health insurance or long–term care, or to other populations."

Each of the Acts discussed above shares the common characteristic of uncertainty as to their effective date, and each fails to require notice to the department regarding the status of the contingency provided in the Act.

Information about bills passed during the previous session that are subject to contingencies not yet met, have delayed effective dates, or are of limited duration is available on the department's Intranet under "OPA/Drafting and Legal Analysis/ Resources/Documents/Abnormal Effective Date List." This information also is available on the Maryland General Assembly's website (mgaleg.maryland.gov) under "Legislative & Legal – Other" on the Publications tab.

Standard Effective Dates

The usual effective date of a bill is October 1 following the session at which the bill was enacted, with the following exceptions:

- bond bills (June 1);
- tax and budget-related bills (June 1 or July 1 to coincide with the start of the State fiscal year);
- election law bills introduced in a general election year (June 1 or a delayed effective date of January 1, as necessary to avoid a bill becoming effective between the primary and general election);
- situations that logically require an earlier effective date (*e.g.*, adding additional members to a board if the terms begin July 1); and
- specific request by the sponsor.

Example

(No special purpose paragraph clause is necessary.)

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, (year).

Example

(No special purpose paragraph clause is necessary.)

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, (year).

June 1 Effective Date

A sponsor may request an effective date as early as June 1 following enactment, without making the bill an emergency measure.

Example

(No special purpose paragraph clause is necessary.)

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, (year).

Delayed Effective Date

There are often policy or technical reasons to delay the effective date of a bill; for example, to give the parties affected by the bill more time to become familiar with its provisions or to prepare for implementation of its requirements.

Example

...; providing for a delayed effective date; ...

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect January 1, 2018.

If a bill must be drafted to a section in the Annotated Code that has not yet become effective because it was enacted by the General Assembly with a delayed effective date, the following uncodified "SECTION 2." should be included in the bill:

Example

...; providing for the effective date of this Act; ...

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect ____, (year), the effective date of Chapter ____ of the Acts of the General Assembly of (year). If the effective date of Chapter ____ is amended, this Act shall take effect on the taking effect of Chapter ____.

Note that the function paragraph of a bill drafted to a Code section with a delayed effective date must contain a fifth line that refers to the Chapter law that enacted the Code section. For a discussion and an example of the use of a fifth line, *see* p. 63, "Amending Code Section with a Delayed Effective Date." (*See also* p. 154, "Drafting to Provision with a Delayed Effective Date.")

Emergency Effective Date

Under Article XVI, § 2 of the Maryland Constitution, a law may take effect immediately on signature by the Governor if it contains provisions declaring it "an emergency law ... necessary for the immediate preservation of the public health or safety ..." and it has received a three-fifths vote for passage in each house of the General Assembly. Note that the use of emergency effective dates is restricted by Article XVI, § 2, which provides that no measure changing the salary of an officer, granting a franchise or special privilege, or creating a vested right or interest may be enacted as an emergency law.

Example

...; making this Act an emergency measure; ...

SECTION 2. AND BE IT FURTHER ENACTED, That this Act is an emergency measure, is necessary for the immediate preservation of the public health or safety, has been passed by a yea and nay vote supported by three–fifths of all the members elected to each of the two Houses of the General Assembly, and shall take effect from the date it is enacted.

On occasion, it may be necessary for some provisions of a bill to have an emergency effective date, while other provisions have a normal or delayed effective

date. In this event, the drafter should group the provisions that will have an emergency effective date into "SECTION 1." of the body of the bill and the other provisions into "SECTION 2." and use separate effective date clauses, as follows:

Example

...; making this Act an emergency measure; providing for the effective date of certain provisions of this Act; ...

SECTION 3. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall take effect October 1, 2017.

SECTION 4. AND BE IT FURTHER ENACTED, That this Act is an emergency measure, is necessary for the immediate preservation of the public health or safety, has been passed by a yea and nay vote supported by three–fifths of all the members elected to each of the two Houses of the General Assembly and, except as provided in Section 3 of this Act, shall take effect from the date it is enacted.

Note that a bill that is introduced as an emergency measure but passes one or both houses by a simple majority rather than the three-fifths vote required for an emergency bill still becomes law if signed, or not vetoed, by the Governor within the time periods specified in Article II, § 17 of the Maryland Constitution, but it will not become effective before June 1 following the session in which the bill was enacted. *See County Council v. Carl M. Freeman Associates, Inc.*, 281 Md. 70 (1977).

For examples of special section language to be used with an emergency bill that is subject to termination, *see* p. 143. For a discussion of the steps a drafter must take to amend a bill to make it an emergency measure or to make an emergency measure into a bill with a standard effective date, *see* p. 209, "Amendment to Make a Bill an Emergency Measure."

Effective Dates for Special Session Legislation

The general rules regarding effective dates for bills drafted for a regular session of the General Assembly apply to bills drafted for a special session. Thus, whether drafted for a regular or special session, a bill may not take effect before the June 1 following the session at which the bill was enacted unless:

- the bill is an emergency measure (requiring approval by three-fifths of the members of each house of the General Assembly (*see* p. 145, "Emergency Effective Date"); or

- the bill is of the type that, under the Maryland Constitution, is not subject to referendum (*i.e.*, the process by which signatures are gathered on a petition to put an enactment on the ballot for approval of the voters).

Under Article XVI of the Maryland Constitution, the only laws that are not subject to referendum are those "making any appropriation for maintaining the State Government, or for maintaining or aiding any public institution" (§ 2), and those for "licensing, regulating, prohibiting, or submitting to local option, the manufacture or sale of malt or spirituous liquors" (§ 6). (*See also* discussion at p. 138, "In General.") Bills concerning these subject areas may take effect before June 1 even though they are not emergency measures. Any other bill introduced during a special session that does not fall within one of the exceptions noted above must take effect on or after June 1 following the special session in which it is enacted.

For a general discussion of special sessions, *see* p. 9, "Special Sessions."

Effective Date for Use with a Referendum Clause

Example

(No purpose paragraph clause is needed regarding the bill's effective date; however, the use of a referendum provision should be referenced in the purpose paragraph. *See* p. 124, "Local Referendum Provisions.")

SECTION 3. AND BE IT FURTHER ENACTED, That, subject to the provisions of Section 2 of this Act and for the sole purpose of providing for the referendum required by Section 2 of this Act, this Act shall take effect July 1, (year).

Effective Date Subject to a Contingency

The contingency language to be used for a bill that is contingent on another bill taking effect is stated below. If the Chapter numbers or bill numbers have not been assigned at the time the clause is drafted, the appropriate spaces should be left blank and the drafter should use the bill's "lr" number.

Example

(No purpose paragraph clause is needed regarding the bill's effective date; however, the use of a contingency provision should be referenced in the purpose paragraph. *See* p. 126, "Contingent Bills.")

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, (year), contingent on the taking effect of Chapter _____ (S.B. _____/H.B. _____) (__lr _____) of the Acts of the General Assembly of (year), and if Chapter _____ (S.B. _____/H.B. _____) (__lr _____) does not become effective, this Act shall be null and void without the necessity of further action by the General Assembly.

For examples of contingency language to use for a bill that is contingent on the passage and ratification of a constitutional amendment or on the mere passage of a bill by the General Assembly, *see* p. 123, "Constitutional Amendment Contingency Clauses" and p. 126, "Contingent Bills," respectively.

For a discussion of drafting "nonstandard" contingency effective date language, *see* p. 138, "In General."

Effective Date with a Termination Proviso (Sunset)

The following language should be used in the case of a bill that expressly provides for its own termination:

Example

...; providing for the termination of this Act; ...

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, (year). It shall remain effective for a period of ___ year(s) and, at the end of September 30, (year), with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.

If only part of a bill is subject to termination, and the parts of the bill have different effective dates, language similar to the following should be used:

Example

…; providing for the effective dates of this Act; providing for the termination of certain provisions of this Act; …

SECTION 3. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall take effect October 1, 2017. It shall remain effective for a period of 2 years and, at the end of September 30, 2019, with no further action required by the General Assembly, Section 2 of this Act shall be abrogated and of no further force and effect.

SECTION 4. AND BE IT FURTHER ENACTED, That, except as provided in Section 3 of this Act, this Act shall take effect July 1, 2017.

If only part of a bill is subject to termination, and the parts of the bill have the same effective date, language similar to the following should be used:

Example

...; providing for the termination of certain provisions of this Act; …

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2017. Section 1 of this Act shall remain effective for a period of 1 year and, at the end of June 30, 2018, with no further action required by the General Assembly, Section 1 of this Act shall be abrogated and of no further force and effect.

When drafting an emergency bill that is subject to termination, one of the following forms may be used:

Example

...; making this Act an emergency measure; providing for the termination of this Act; ...

SECTION 2. AND BE IT FURTHER ENACTED, That this Act is an emergency measure, is necessary for the immediate preservation of the public health or safety, has been passed by a yea and nay vote supported by three–fifths of all the members elected to each of the two Houses of the General Assembly, and shall take effect from the date it is enacted. It shall remain effective through (date), (year), and, at the end of (date), (year), with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.

Example

…; making this Act an emergency measure; providing for the termination of this Act; …

SECTION 2. AND BE IT FURTHER ENACTED, That this Act is an emergency measure, is necessary for the immediate preservation of the public health or safety, has been passed by a yea and nay vote supported by three–fifths of all the members elected to each of the two Houses of the General Assembly, and shall take effect from the date it is enacted. It shall remain effective for a period of ___ year(s) from the date it is enacted and, at the end of the ___-year period, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.

For a discussion of drafting a bill to a section of the Annotated Code that is *itself* subject to a termination provision, *see* p. 153, "Drafting to Code Section Subject to Termination." Note that a termination proviso is not needed in a bill that merely requires an entity to submit a report and does not include a task force (or similar entity) or a statutory provision that needs to terminate on a particular date.

Adding New Material to Provisions of Limited Duration

When drafting a bill that adds a new provision of law to a title, subtitle, section, or subdivision of a section that is of limited duration, if the intent is that the new provision being added will terminate at the same time as the law of limited duration, it may be necessary to clarify this intent if the material being added arguably could "stand alone" without the law that will terminate. In this case, if there are no provisions that will replace the law of limited duration when it terminates, the bill should contain the following uncodified "SECTION 2.":

Example

...; providing for the termination of this Act; ...

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, (year). It shall remain effective until the taking effect of the termination provision specified in Section _____ of Chapter _____ of the Acts of the General Assembly of (year). If that termination provision takes effect, this Act shall be abrogated and of no further force and effect. This Act may not be interpreted to have any effect on that termination provision.

Note that if the provisions of limited duration will be replaced by other law, the bill will need to be double drafted. For a discussion and examples of double drafting, *see* p. 153, "Double Drafting."

Effective Date Subject to Concurrence (Interstate Compacts)

The form shown below may be used to add a new interstate compact or modify the provisions of an existing interstate compact that requires the concurrence of the signatories to the compact and the approval of the United States Congress. This is actually just another type of contingency.

Example

...; making this Act subject to a certain contingency; ...

SECTION 2. AND BE IT FURTHER ENACTED, That this Act may not take effect until a similar Act is enacted by the Commonwealth of Virginia; that the Commonwealth of Virginia is requested to concur in this Act of the General Assembly of Maryland by the enactment of a similar Act; that the Department of Legislative Services shall notify the appropriate officials of the Commonwealth of Virginia and the United States Congress of the enactment of this Act; and that upon the concurrence in this Act by the Commonwealth of Virginia and approval by the United States Congress, the Governor of the State of Maryland shall issue a proclamation declaring this Act valid and effective and shall forward a copy of the proclamation to the Director of the Department of Legislative Services.

SECTION 3. AND BE IT FURTHER ENACTED, That, subject to Section 2 of this Act, this Act shall take effect October 1, (year).

Note that not all interstate compacts require congressional approval, and it is up to the drafter to determine if it is necessary.

For a further discussion of interstate compacts, including when congressional approval is required, *see Legislative Desk Reference Manual* (Department of Legislative Services, Office of Policy Analysis, 2009).

For an example of an interstate compact that does *not* require congressional approval, *see* Chapters 8 and 9 of the Acts of 2001 (S.B. 775 and H.B. 586, respectively).

Multiple Effective Dates

As a general rule, different effective dates for various provisions within a single piece of legislation require the use of multiple enacting clauses. For bills with multiple effective dates, one effective date that applies to the entire bill should be included. The effective date that applies to the entire bill generally should be the earliest effective date.

Example

...; providing for the effective dates of this Act; …

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

Article – Agriculture

5-906.

A PERSON WHO VIOLATES ANY PROVISION OF THIS SUBTITLE IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING $2,500.

SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

Article – Natural Resources

8-703.1.

THE DEPARTMENT SHALL DEVELOP AND IMPLEMENT AN EDUCATIONAL PROGRAM TO ADVISE BOATERS, BOATYARDS, MARINE SUPPLIERS, AND OTHER USERS OF ANTIFOULING PAINTS ON:

(1) THE PROVISIONS OF TITLE 5, SUBTITLE 9 OF THE AGRICULTURE ARTICLE AND OF THIS SECTION;

(2) THE TOXIC PROPENSITIES TO MARINE LIFE OF ANTIFOULING PAINTS CONTAINING TRIBUTYLTIN COMPOUNDS; AND

(3) THE AVAILABILITY OF SUBSTITUTE PAINTS.

SECTION 3. AND BE IT FURTHER ENACTED, That Section 1 of this Act shall take effect October 1, 2017.

SECTION 4. AND BE IT FURTHER ENACTED, That, except as provided in Section 3 of this Act, this Act shall take effect July 1, 2017.

Double Drafting

Drafting to Code Section Subject to Termination

The following example is meant to address problems related to drafting a bill that amends a statute that is subject to termination. Typically, the problems arise when the Annotated Code section to which the bill is being drafted was amended at a previous session and that amendment was to terminate, for example, in three years. The changes made by the bill currently being drafted are intended to remain in effect regardless of whether the termination occurs, and are not intended to affect the termination one way or the other. (Note that LexisNexis, publisher of Michie's Annotated Code, "flags" these situations and sets out the reversionary text in italics to show how the law will read after the termination proviso takes effect.)

When drafting in these circumstances, it may be necessary to double draft the text, with "SECTION 1." being the law now in effect and "SECTION 2." being the

posttermination reversion. In addition, uncodified sections substantially similar to the following should be included:

Example

...; providing for the effective date of certain provisions of this Act; providing for the termination of certain provisions of this Act; ...

SECTION 3. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall take effect on the taking effect of the termination provision specified in Section _____ of Chapter _____ of the Acts of the General Assembly of (year). If that termination provision takes effect, Section 1 of this Act shall be abrogated and of no further force and effect. This Act may not be interpreted to have any effect on that termination provision.

SECTION 4. AND BE IT FURTHER ENACTED, That, subject to the provisions of Section 3 of this Act, this Act shall take effect ____, (year).

Note that separate function paragraphs are required for the Code section shown in "SECTION 1." and in "SECTION 2." of the bill, and the function paragraph for the Code section shown in "SECTION 2." of the bill will need an additional fifth line that refers to the Chapter law that enacted the Code section. *See* discussion at p. 63, "Amending Code Section with a Delayed Effective Date."

Drafting to Provision with a Delayed Effective Date

Occasionally, a bill must be drafted to a law that, on a particular date in the future, will be repealed and replaced by another law. If the change being made in the bill is intended to both affect current law and be carried over into the new law when it becomes effective, it is necessary to double draft the text, with "SECTION 1." being the law now in effect and "SECTION 2." being the law as it will appear in the future. Since it is possible that the effective date of the provision with a delayed effective date might be amended before the provision takes effect, the following uncodified "SECTION 3.," "SECTION 4.," and "SECTION 5." should be included to address potential problems that would arise in that event:

Example

...; providing for the effective date of certain provisions of this Act; providing for the termination of certain provisions of this Act; ...

SECTION 3. AND BE IT FURTHER ENACTED, That Section 1 of this Act shall take effect _____, (year). It shall remain effective until the taking effect of Section 2 of this Act. If Section 2 of this Act takes effect, Section 1 of this Act shall be abrogated and of no further force and effect.

SECTION 4. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall take effect _____, (year), the effective date of Chapter ____ of the Acts of the General Assembly of (year). If the effective date of Chapter ____ is amended, Section 2 of this Act shall take effect on the taking effect of Chapter ____.

SECTION 5. AND BE IT FURTHER ENACTED, That, subject to the provisions of Sections 3 and 4 of this Act, this Act shall take effect _____, (year).

Note that separate function paragraphs are required for the Code section shown in "SECTION 1." and in "SECTION 2." of the bill, and the function paragraph for the Code section shown in "SECTION 2." of the bill will need an additional fifth line that refers to the Chapter law that enacted the Code section. *See* discussion at p. 63, "Amending Code Section with a Delayed Effective Date." *See also* p. 144, "Delayed Effective Date."

Chapter 11. Miscellaneous

File Codes

Up to three two-figure codes known as "file codes" appear in the upper left corner of each bill (*e.g.*, F2, D4). (*See* p. 253, "Sample First Reading File Bill.") The capitalized letter in a file code refers to one of 17 general subject areas, while the numerical designation refers to one of several subcategories. Space is provided on the pink Bill Request Notes Sheet (*see* p. 235, "Sample Bill Request Notes Sheet") and in LR Bill Status under the "File Code" tab for the appropriate file code or codes. While only a maximum of three file codes will appear on a bill, as many as are appropriate should be entered by the individual taking the bill request. However, it is the responsibility of the drafter to make sure that the correct file codes have been entered in LR Bill Status before an "lr" is sent to review. Note that file codes should be listed in the order of their relevance to the subject matter of the "lr." A list of current file codes is included in the appendix of this manual. (*See* p. 260, "File Codes – 2017 Session.")

Prior Introductions and Similar Bills

Except as discussed below, if a bill has been introduced in a previous session of the General Assembly, that fact is noted in the upper left corner of the bill under the bill's file code or codes. (*See* p. 253, "Sample First Reading File Bill.") The prior introduction notation is composed of the bill number, the year of introduction, and the committee to which the bill was assigned in the house of origin. For example, the notation for House Bill 219 introduced in the 2017 session and assigned to the Economic Matters Committee would appear as "HB 219/17 – ECM." Space is provided on the pink Bill Request Notes Sheet (*see* p. 235, "Sample Bill Request Notes Sheet") and in LR Bill Status under the "Related" tab for this information, which should be entered at the time the bill request is taken. The drafter should make sure the prior introduction notation appears correctly in LR Bill Status.

In drafting a "reintroduction," the drafter should make any necessary changes by hand on a copy of the bill. Be sure to check recent enactments to ascertain whether the source law has changed since the bill was first drafted, and note on the Bill Request Notes Sheet that this has been done. Update the volume and supplement citation line of the function paragraph as necessary, as well as the bill's effective date. Also, check whether the prior bill was printed as a third reading file bill and, if so, whether the sponsor intends in the new draft to carry over any amendments that may

have been included in the "third reader." Remove all cosponsor names unless the requester has specifically instructed otherwise. Finally, while it certainly is not necessary to start from scratch, read through the bill carefully to see if the bill could be improved or clarified.

If a bill from a previous session is similar but not substantively identical to the bill being drafted, this should be indicated on the "Similar To" line provided on the Bill Request Notes Sheet, using the same notation as is used for a prior introduction. (*See* p. 235, "Sample Bill Request Notes Sheet.") Space also is provided in LR Bill Status under the "Related" tab to enter the year and bill number of the similar legislation. The drafter should make sure that this information appears correctly in LR Bill Status.

Cross-filed and Identical Bills

If an identical bill has been "cross-filed" in the opposite house, that fact is noted in the second line from the top in the upper right corner of the bill under the "lr" number. (*See* p. 253, "Sample First Reading File Bill.") Space is provided on the pink Bill Request Notes Sheet (*see* p. 235, "Sample Bill Request Notes Sheet") and in LR Bill Status under the "Related" tab for this information, which, if available, should be entered at the time the bill request is taken. The drafter should make sure the cross-filed bill information appears correctly in LR Bill Status.

Note that two bills may be identical, but may not be "official" cross-files. In this case, the bills are considered "identical" bills and not "cross-files," and the drafter should make sure the identical bill information appears correctly in LR Bill Status. The drafter should determine whether a bill is a "cross-file" or an "identical" request based on the intent of the sponsor making the second request. Note that while a bill may have only one "cross-file," there may be two or more identical bills.

Straw Ballots

Occasionally, it is desirable for the electorate to be given the opportunity to directly express its opinion on a particular subject. By posing a question to the voters in the form of a straw ballot, it is possible to solicit the opinion of the electorate without creating any binding legal effect; therefore, a straw ballot is nothing more than an officially sanctioned opinion poll.

In an Opinion of the Attorney General dated March 9, 1973, addressed to the Honorable Charles J. Krysiak, Clarence W. Sharp, Esq., and the Honorable Francis B. Burch, the Attorney General discussed and approved the use of straw ballots. The following form may be used to draft a straw ballot:

Example

AN ACT concerning

_____ County – (Subject) – Straw Ballot

FOR the purpose of requiring that a question be placed on the ballot in _____ County at the November general election of (year) to determine the sense of the voters of the County on the issue of (describe the subject of the straw ballot); providing for the carrying out of the straw ballot; and generally relating to the holding of a straw ballot in _____ County.

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That under the provisions of the Election Law Article, the (name of county) Board of Elections, in consultation with the State Board of Elections, shall prepare and include on the ballot for the November general election of (year) the following question:

"Do you favor (describe the subject of the straw ballot)?"

SECTION 2. AND BE IT FURTHER ENACTED, That the (name of county) Board of Elections and the (county governing body) of _____ County shall do those things necessary and proper to place this question on the ballot prepared for the November general election of (year), so that each participating voter in the County may have the opportunity to cast a vote on the question. The question shall be proposed, presented, tallied, and reported in general accordance with the provisions of the Election Law Article. The vote on this question is advisory only.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, (year).

For examples of a straw ballot, *see* S.B. 526 of 2005 and Chapter 509 of the Acts of 2016 (H.B. 1344).

For online drafting, note that standard purpose paragraph and enacting clause language can be inserted into a draft bill that provides for a straw ballot by clicking "Boilerplate" on the bill drafting tab and selecting "Purpose Paragraph: Straw Ballot" or "Enacting Clause: Straw Ballot," as appropriate.

Preambles in Bills

Although infrequently used, a preamble is sometimes desirable in legislation to state legislative intent or facts showing the background and necessity for a bill. For example, the sponsor of a bill with an emergency effective date may want the nature of the emergency to be explained in a preamble to the bill.

A preamble may consist of any number of paragraphs, each beginning with the word "WHEREAS." A preamble is placed in a bill between the title and the first enacting clause, and the word "Preamble" is centered on the line above the body of the preamble. A preamble always is uncodified and appears only in the Session Laws, although it may be referred to in an annotation in the Annotated Code. A preamble does not need to be mentioned in the purpose paragraph. The following example of a preamble is from Chapter 743 of the Acts of 2010 (H.B. 1362):

Example

Preamble

WHEREAS, Meeting the educational needs of children in Maryland schools is of the greatest importance to the future welfare of the State; and

WHEREAS, Closing the achievement gap between students, including the gap between minority and nonminority students, and between economically disadvantaged students and their more advantaged peers, is a significant and present challenge; and

WHEREAS, Providing a broader range of educational options to parents and utilizing existing resources, along with technology, may help students improve their academic achievement; and

WHEREAS, Many county boards currently lack the capacity to provide other public school choices for students whose schools are high priority schools; now, therefore,

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

As an alternative to a preamble, a codified section stating the legislature's intent, purpose, or findings may be included in the body of a bill. Such a statement may have more legal formality and will be more accessible than one that is not codified. A codified statement of intent, purpose, or findings is not drafted using the heading "Preamble" or "WHEREAS" clauses. Instead, the statement should begin with the words, "It is the intent (purpose/findings) of the General Assembly that …".

Example

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

Article – Education

5–309.

IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT THE DEPARTMENT AND THE PUBLIC SCHOOL CONSTRUCTION PROGRAM ENCOURAGE LOCAL EDUCATION AGENCIES TO REUSE RECENTLY USED SCHOOL DESIGNS, WHEN EDUCATIONALLY APPROPRIATE AND COST EFFECTIVE OVER THE USEFUL LIFE OF THE PROJECT, WITHIN EACH COUNTY AND ACROSS LOCAL SCHOOL SYSTEM BOUNDARIES.

Administrative Law Considerations

Regulations

The General Assembly frequently passes legislation that relates to administrative procedures. The legislation generally authorizes or requires an Executive Branch agency to adopt regulations to implement a particular statute. In most instances, an authorization or requirement for an agency "to adopt" regulations will suffice for purposes of bill drafting. If, however, it is necessary to introduce specific time periods into the adoption process for a regulation, then a distinction must be made between the **publication**, **adoption**, and **effective date** for the regulation.

The **publication date** for a proposed regulation not submitted for emergency adoption (a **nonemergency regulation**) is the date on which the text of the

regulation appears in the *Maryland Register* for public notice and comment. In the case of a proposed regulation submitted for emergency adoption (an **emergency regulation**), the publication date is the date on which the Notice of Emergency Action appears in the *Maryland Register*.

The **adoption date** for a **nonemergency regulation** must be at least 45 days after the date the regulation is first published in the *Maryland Register* (§ 10-111(a)(1) of the State Government Article). Technically, "adoption" occurs on the date when a promulgating agency decides internally that it will approve the text of the regulation in a final form. A Notice of Final Action subsequently will appear in the *Maryland Register* for that regulation, and will indicate the date on which the agency actually "adopted" the regulation through its internal procedures. An agency may adopt an **emergency regulation** immediately if the agency (1) declares that emergency adoption is necessary; (2) submits the regulation to the Joint Committee on Administrative, Executive, and Legislative Review and the Department of Legislative Services; and (3) has approval of the committee for the emergency adoption (§ 10-111(b)(1) of the State Government Article). If approved by the committee in accordance with § 10-111(b)(2) of the State Government Article, a Notice of Emergency Action subsequently will appear in the *Maryland Register*. This notice, however, will refer only to the effective date for the regulation, discussed below.

The **effective date** for a **nonemergency regulation** is the tenth calendar day after the issue date of the *Maryland Register* in which the notice of adoption (*i.e.*, Notice of Final Action) for the regulation is published, unless a later date is specified in the notice (§ 10-117(a) of the State Government Article). For an **emergency regulation**, the effective date is that set by the Joint Committee on Administrative, Executive, and Legislative Review (§ 10-117(b) of the State Government Article). An emergency regulation's effective date will be indicated in the Notice of Emergency Action which appears in the *Maryland Register* for that regulation.

Again, it should be emphasized that for purposes of most bill drafting, a simple authorization or requirement for an agency "to adopt" regulations to carry out the underlying statute will suffice.

"Sunset Law"

The Maryland Program Evaluation Act, §§ 8-401 through 8-411 of the State Government Article (the "Sunset Law"), provides for regular legislative review of existing Executive Branch governmental activities and units. The mechanics of the law provide for the termination of the governmental activity or unit unless the General Assembly affirmatively reestablishes it. Consider adding "sunset" provisions

to bills creating new commissions, boards, etc. The name of the commission, board, etc., should be added to the list in § 8-403 or § 8-405 of the State Government Article, as appropriate, and the following section should be included in the bill:

Example

(SECTION NUMBER).

SUBJECT TO THE EVALUATION AND REESTABLISHMENT PROVISIONS OF THE MARYLAND PROGRAM EVALUATION ACT, THIS (TITLE) (SUBTITLE), AND ALL REGULATIONS ADOPTED UNDER THIS (TITLE) (SUBTITLE) SHALL TERMINATE AND BE OF NO EFFECT AFTER _____ (DATE).

The initial termination date for the commission, board, etc., should be at least seven to ten years after the effective date of the bill to provide sufficient time for the commission, board, etc., to become operational before an evaluation is undertaken. Also, when adding the commission, board, etc., to the list in § 8-403 or § 8-405 of the State Government Article, the year included as part of the entry should be three years before the termination date.

Civil Penalties

A number of bills have been considered by the General Assembly that establish certain requirements or prohibit certain actions but delegate to an administrative agency the authority to impose a civil penalty for a violation. The Attorney General's Office has advised, however, that the failure of the legislature to provide express standards and guidelines for the imposition of such penalties could lead to invalidation of the authorizing legislation as an improper delegation of legislative authority. (*See, e.g.*, bill review letter dated May 6, 1992, re: S.B. 529, S.B. 562, H.B. 917, H.B. 1378, and H.B. 1505.) In drafting legislation to grant authority over the imposition of civil penalties to an administrative agency, the drafter should consider including in the legislation adequate standards and guidelines to limit the agency's discretion. Note that in the absence of standards and guidelines in the legislation, those set forth in § 10-1001 of the State Government Article will apply with respect to Executive Branch agencies if the legislation contains a maximum specific dollar amount for the civil penalty. *See also* § 1-1303 of the Local Government Article, which establishes standards and guidelines with respect to local government units.

Bills Creating Special Funds

Special funds are revenues that by law are dedicated to support a particular purpose and may not be used for other purposes. Although the Governor is not required to appropriate these funds for the dedicated purpose (unless the law also mandates a minimum funding level, as discussed at p. 176, "Mandatory Funding Provisions"), the revenues may not be included in the budget for a different purpose unless the statute dedicating the revenues is amended.

Because of the various special circumstances that may be associated with each request for the creation of a special fund, there is no standard language for establishing and specifying the parameters of a special fund. All that is technically required for a simple dedication of revenues to a particular purpose is language directing that specified revenues be distributed to a special fund and that the fund may be used only for specified purposes.

Example

(SECTION NUMBER).

THE REVENUES FROM THE (specify the tax, fee, or other revenue source) **SHALL BE DISTRIBUTED TO A SPECIAL FUND, TO BE USED ONLY FOR** (specify the allowable uses of the special fund)**.**

In most cases, however, it may be necessary or appropriate to use more elaborate language in creating a special fund, for example to provide a name for the fund, provide for the appropriation of money in the State budget to the fund or for the distribution of revenues from multiple sources to the fund, or to clarify the treatment of the special fund in various regards, including whether the fund may be used for administrative expenses. Note that § 6-226(a)(2)(i) of the State Finance and Procurement Article provides that, not withstanding any other provision of law, all interest earnings of special funds shall accrue to the General Fund of the State. Therefore, if it is the intent of the sponsor that investment earnings be credited to the special fund being created, the drafter should amend § 6-226(a)(2)(ii) to add the special fund to the list of exceptions to the general rule stated in § 6-226(a)(2)(i).

The following example includes a number of provisions commonly included in bills establishing special funds, as well as corresponding purpose paragraph clauses:

Example

… establishing the (name of special fund) as a special, nonlapsing fund; specifying the purpose of the Fund; requiring (name of person responsible for administering the special fund) to administer the Fund; requiring the State Treasurer to hold the Fund and the Comptroller to account for the Fund; specifying the contents of the Fund; specifying the purpose for which the Fund may be used; providing for the investment of money in and expenditures from the Fund; defining a certain term; …

(SECTION NUMBER).

(A) IN THIS SECTION, "FUND" MEANS (specify the name of the special fund)**.**

(B) THERE IS A (specify the name of the special fund)**.**

(C) THE PURPOSE OF THE FUND IS (state the purpose of the special fund)**.**

(D) THE (specify the Secretary, Department, or other person responsible for administering the special fund) **SHALL ADMINISTER THE FUND.**

(E) (1) THE FUND IS A SPECIAL, NONLAPSING FUND THAT IS NOT SUBJECT TO § 7–302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

(2) THE STATE TREASURER SHALL HOLD THE FUND SEPARATELY, AND THE COMPTROLLER SHALL ACCOUNT FOR THE FUND.

(F) THE FUND CONSISTS OF:

(1) REVENUE DISTRIBUTED TO THE FUND UNDER (cross-reference section of law requiring that revenues be distributed to the special fund)**;**

(2) MONEY APPROPRIATED IN THE STATE BUDGET TO THE FUND; AND

(3) ANY OTHER MONEY FROM ANY OTHER SOURCE ACCEPTED FOR THE BENEFIT OF THE FUND.

(G) THE FUND MAY BE USED ONLY FOR (specify allowable uses of the special fund, in particular if it may be used for administrative expenses)**.**

(H) (1) THE STATE TREASURER SHALL INVEST THE MONEY OF THE FUND IN THE SAME MANNER AS OTHER STATE MONEY MAY BE INVESTED.

(2) ANY INTEREST EARNINGS OF THE FUND SHALL BE CREDITED TO THE GENERAL FUND OF THE STATE. (Alternative: Specify that interest earnings of the special fund shall be credited to the special fund; include interest earnings under subsection (f); and amend § 6-226(a)(2)(ii) of the State Finance and Procurement Article to add the name of the special fund.)

(I) EXPENDITURES FROM THE FUND MAY BE MADE ONLY IN ACCORDANCE WITH THE STATE BUDGET.

(J) MONEY EXPENDED FROM THE FUND FOR (specify the program for which the special fund is to be used) **IS SUPPLEMENTAL TO AND IS NOT INTENDED TO TAKE THE PLACE OF FUNDING THAT OTHERWISE WOULD BE APPROPRIATED FOR** (specify the program)**.** (Note: This subsection is appropriate if the special fund is not intended to be the exclusive source of funding for a program.)

Note that for online drafting, a template for each of the special fund forms shown above may be accessed by clicking "Boilerplate" on the bill drafting tab and selecting "Other Clause (Whereas, etc.): Creation of Special Fund – Simple" or "Other Clause (Whereas, etc.): Creation of Special Fund – Complex." The purpose paragraph language shown with the "Complex" Special Fund example above also may be accessed online by clicking "Boilerplate" on the bill drafting tab and selecting "Purpose Paragraph: Special Fund."

In the event that interest earnings of the special fund are to remain in the special fund (*see* "Alternative" discussion following subsection (h)(2) above), the drafter should include the following purpose paragraph clauses and function paragraphs in the bill:

Example

"…; requiring interest earnings of the Fund to be credited to the Fund; exempting the Fund from a certain provision of law requiring interest earnings on State money to accrue to the General Fund of the State; …

…

BY repealing and reenacting, without amendments,
Article – State Finance and Procurement
Section 6–226(a)(2)(i)
Annotated Code of Maryland
(_____ Replacement Volume and ____ Supplement)

BY repealing and reenacting, with amendments,
Article – State Finance and Procurement
Section 6–226(a)(2)(ii)___. and ___.
Annotated Code of Maryland
(_____ Replacement Volume and ____ Supplement)

BY adding to
Article – State Finance and Procurement
Section 6–226(a)(2)(ii)___.
Annotated Code of Maryland
(_____ Replacement Volume and ____ Supplement)

Note that the three function paragraphs shown above reflect the three steps necessary to add a special fund to the list contained in § 6-226(a)(2)(ii) of the State Finance and Procurement Article: first, to show the general rule contained in § 6-226(a)(2)(i) without amendment; second, to amend the last two items listed in § 6-226(a)(2)(ii); and third, to add to the list the new special fund created in the bill. The example below, from Chapter 56 of the Acts of 2015 (H.B. 5), illustrates how the statutory law that corresponds to the function paragraphs would appear in the bill:

Example

Article – State Finance and Procurement

6-226.

(a) (2) (i) Notwithstanding any other provision of law, and unless inconsistent with a federal law, grant agreement, or other federal requirement or with the terms of a gift or settlement agreement, net interest on all State money allocated by the State Treasurer under this section to special funds or accounts, and otherwise entitled to receive interest earnings, as accounted for by the Comptroller, shall accrue to the General Fund of the State.

(ii) The provisions of subparagraph (i) of this paragraph do not apply to the followings funds:

81. the Cybersecurity Investment Fund; **[**and**]**

82. the Northeastern Maryland Additive Manufacturing Innovation Authority Fund**; AND**

83. THE NEWBORN SCREENING PROGRAM FUND.

A template for the purpose paragraph clauses and function paragraphs shown above may be accessed by the online drafter by clicking "Boilerplate" on the bill drafting tab and selecting "Other Clause (Whereas, etc.): Complex Special Fund – Interest Earnings Credited to Fund."

Note that the form for a complex special fund shown above does not contain a requirement that the fund be audited. Such language is not necessary because § 2–1220 of the State Government Article requires the Office of Legislative Audits to conduct a fiscal/compliance audit of special funds. If a bill request to establish a special fund includes an audit requirement, the drafter should make the sponsor aware that this is not necessary in light of § 2–1220. If the sponsor still wants audit language included in the bill, but does not specifically request that an audit be required, the following language should be used:

Example

(x) THE FUND IS SUBJECT TO AUDIT BY THE OFFICE OF LEGISLATIVE AUDITS AS PROVIDED IN § 2-1220 OF THE STATE GOVERNMENT ARTICLE.

This language, which does not mandate an audit, provides more flexibility to the Office of Legislative Audits in the audit planning process, including determining the necessary audit steps to perform or not to perform based on the professional judgment of auditors in the Office.

If the sponsor insists on requiring an audit, the drafter should use the following language:

Example

(x) THE OFFICE OF LEGISLATIVE AUDITS SHALL AUDIT THE FUND AS PROVIDED IN § 2-1220 OF THE STATE GOVERNMENT ARTICLE.

For more information of special funds regarding audits, *see* p. 181, "Audits."

For examples of special funds, *see* § 11-405 of the Education Article and § 8-7A-02 of the Agriculture Article.

Criminal Penalties and Sentencing

Mandatory Minimum Sentences

In drafting a bill that is intended to establish a mandatory minimum penalty, the drafter should be aware that § 14-102 of the Criminal Law Article (formerly Article 27, § 643 of the Annotated Code) provides that if a law sets a minimum and maximum penalty, a court, in lieu of the prescribed **minimum** penalty, **may impose a lesser penalty** of the same character. Therefore, if the sponsor of the bill intends that the minimum penalty be **mandatory**, the drafter should use language substantially similar to the following:

Example

(__) (1) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION SHALL BE SENTENCED TO IMPRISONMENT FOR NOT LESS THAN 1 YEAR AND NOT EXCEEDING 10 YEARS.

(2) NOTWITHSTANDING § 14–102 OF THE CRIMINAL LAW ARTICLE, THE COURT MAY NOT IMPOSE LESS THAN THE MANDATORY MINIMUM SENTENCE OF 1 YEAR.

(3) THE COURT MAY NOT SUSPEND ANY PART OF THE MANDATORY MINIMUM SENTENCE OF 1 YEAR.

If the sponsor intends to establish a mandatory minimum fine, this language should be modified to refer to the amount of the mandatory minimum fine rather than the length of the mandatory minimum term of imprisonment.

Note that former Article 27, § 643 of the Code was enacted in 1906 and, as a matter of statutory construction, it is unclear whether it, or its successor, applies to statutes enacted after 1906. In *State v. Fisher*, 311 Md. 307, 315 (1953), *Robertson v. Warden*, 212 Md. 646, 648 (in dicta) (1956), *Woodfork v. State*, 3 Md. App. 622, 624-625 (1968), and *Dodson v. State*, 14 Md. App. 483, 485-486 (1972), the courts held that Article 27, § 643 was controlling only with regard to statutory penalty provisions that existed at its adoption in 1906, but that it might also be given effect as to subsequently enacted laws "by construction." However, the General Assembly had repealed and reenacted Article 27, § 643 three times since the courts last spoke directly on this issue in 1972, before its recodification as § 14-102 of the Criminal Law Article. (*See* Chapter 181 of the Acts of 1972, Chapter 820 of the Acts of 1982, and Chapter 6 of the Acts of 1988.) Therefore, the reasoning of these cases may no longer be valid. To avoid any confusion as to whether a particular statute creates a mandatory minimum penalty, a drafter should follow the guidelines set forth in this manual, which reflect the rationale of the Court of Appeals in *State ex. rel. Sonner v. Shearin*, 272 Md. 502, 508-509 (1974).

Eligibility for Parole

If the sponsor of a bill intends to establish a mandatory minimum term of imprisonment, it is likely that the sponsor also intends that the offender not be eligible for parole before serving the mandatory minimum sentence. However, the

drafter should discuss this issue with the sponsor. In light of § 4-305 of the Correctional Services Article, which allows individuals serving time in the Patuxent Institution to be paroled prior to serving the mandatory minimum sentence, if the intent of a bill is that the offender **not** be eligible for parole before serving the minimum sentence, the drafter should include language substantially similar to the following:

Example

(__) EXCEPT AS PROVIDED IN § 4–305 OF THE CORRECTIONAL SERVICES ARTICLE, A PERSON SENTENCED UNDER THIS SECTION IS NOT ELIGIBLE FOR PAROLE IN LESS THAN 1 YEAR.

Concurrent and Consecutive Sentences

Another issue the drafter should clarify with the sponsor is whether to require that a newly established mandatory minimum or other sentence be served consecutive to, rather than concurrent with, a sentence imposed for any underlying crime. If the sponsor's intent is that the sentence be served consecutive to any other sentence, the drafter should include language substantially similar to the following:

Example

(__) A SENTENCE IMPOSED UNDER THIS SECTION SHALL BE CONSECUTIVE TO AND NOT CONCURRENT WITH ANY OTHER SENTENCE IMPOSED FOR ANY CRIME BASED ON THE ACT ESTABLISHING THE VIOLATION OF THIS SECTION.

If the intent of the sponsor is that the court be given discretion in determining how a sentence will be served, language substantially similar to the following may be used:

Example

(__) A SENTENCE IMPOSED UNDER THIS SECTION MAY BE IMPOSED SEPARATE FROM AND CONSECUTIVE TO OR CONCURRENT WITH A SENTENCE FOR ANY CRIME BASED ON THE ACT ESTABLISHING THE VIOLATION OF THIS SECTION.

Place of Imprisonment

In establishing a new crime that is based on the law of another state, the drafter **should not import** the phrase "shall be imprisoned in the penitentiary" or similar language into Maryland law. In this State, while the court imposes a sentence of imprisonment on an individual convicted of a felony or misdemeanor, the Division of Correction in the Department of Public Safety and Correctional Services determines the actual facility in which the prisoner will serve the sentence. This is true even if the statute under which the individual is convicted requires that the imprisonment be served at a specific State correctional facility. (*See* § 9-103 of the Correctional Services Article.) Therefore, mandating imprisonment "in the penitentiary" for the purpose of establishing the place of confinement is unnecessary.

More importantly, use of this language in a bill establishing a misdemeanor may have unintended legal consequences. In Maryland, there are two types of misdemeanors: regular misdemeanors, which generally are subject to a one-year statute of limitations, and the more serious "penitentiary misdemeanors," which may be prosecuted at any time and for which the person charged has a right to in banc review under Article IV, § 22 of the Maryland Constitution. (*See* § 5-106(a) and (b) of the Courts and Judicial Proceedings Article.) Therefore, the legal impact of requiring that a person convicted of a misdemeanor "be imprisoned in the penitentiary" is not to specify the place of incarceration, but rather to eliminate the normal one-year limitation period and establish a right to in banc review. The drafter should determine if the latter is the sponsor's intent. If it is, the following language, instead of a reference to "imprisonment in the penitentiary," should be used to clarify this intent:

Example

(__) A PERSON WHO VIOLATES THIS SECTION IS SUBJECT TO § 5–106(B) OF THE COURTS ARTICLE.

Criminal History Records Checks

The Criminal Justice Information System Central Repository in the Department of Public Safety and Correctional Services (DPSCS) collects, manages, and disseminates State criminal history record information for criminal justice and noncriminal justice (*e.g.*, employment and licensing) purposes and is the only avenue

for obtaining national records checks from the Federal Bureau of Investigation (FBI). Statutory language authorizing or requiring a criminal history records check must be in technical compliance with FBI standards in order to access national criminal history records. If a sponsor of a bill intends to require a State and national criminal history records check for a noncriminal justice purpose, the drafter should obtain the sponsor's permission to consult DPSCS to ensure that the language of the bill meets FBI standards.

The following example is based on language commonly used in the Health Occupations Article to require an individual who is applying for a license or certificate, or for renewal of a license or certificate, from a health occupations board to obtain a criminal history records check. It may be adapted as necessary when a criminal history records check is required for a licensing purpose.

Example

(SECTION NUMBER.)

(A) IN THIS SECTION, "CENTRAL REPOSITORY" MEANS THE CRIMINAL JUSTICE INFORMATION SYSTEM CENTRAL REPOSITORY OF THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES.

(B) AN APPLICANT [include "**, A LICENSEE, OR A CERTIFICATE HOLDER**" if appropriate**] SHALL APPLY TO THE CENTRAL REPOSITORY FOR A STATE AND NATIONAL CRIMINAL HISTORY RECORDS CHECK.**

(C) AS PART OF THE APPLICATION FOR A CRIMINAL HISTORY RECORDS CHECK, AN INDIVIDUAL SHALL SUBMIT TO THE CENTRAL REPOSITORY:

(1) A COMPLETE SET OF LEGIBLE FINGERPRINTS TAKEN IN A FORMAT APPROVED BY THE DIRECTOR OF THE CENTRAL REPOSITORY AND THE DIRECTOR OF THE FEDERAL BUREAU OF INVESTIGATION;

(2) THE FEE AUTHORIZED UNDER § 10–221(B)(7) OF THE CRIMINAL PROCEDURE ARTICLE FOR ACCESS TO MARYLAND CRIMINAL HISTORY RECORDS; AND

(3) THE MANDATORY PROCESSING FEE REQUIRED BY THE FEDERAL BUREAU OF INVESTIGATION FOR A NATIONAL CRIMINAL HISTORY RECORDS CHECK.

(D) IN ACCORDANCE WITH §§ 10–201 THROUGH 10-229 OF THE CRIMINAL PROCEDURE ARTICLE, THE CENTRAL REPOSITORY SHALL FORWARD TO THE BOARD AND THE INDIVIDUAL THE INDIVIDUAL'S CRIMINAL HISTORY RECORD INFORMATION.

(E) INFORMATION OBTAINED FROM THE CENTRAL REPOSITORY UNDER THIS SECTION:

(1) IS CONFIDENTIAL;

(2) MAY NOT BE REDISSEMINATED; AND

(3) MAY BE USED ONLY FOR THE LICENSING PURPOSE AUTHORIZED BY THIS [SUBTITLE] [TITLE].

(F) THE SUBJECT OF A CRIMINAL HISTORY RECORDS CHECK UNDER THIS SECTION MAY CONTEST THE CONTENTS OF THE CRIMINAL HISTORY RECORD INFORMATION ISSUED BY THE CENTRAL REPOSITORY AS PROVIDED IN § 10–223 OF THE CRIMINAL PROCEDURE ARTICLE.

(G) IF CRIMINAL HISTORY RECORD INFORMATION IS REPORTED TO THE CENTRAL REPOSITORY AFTER THE DATE OF THE INITIAL CRIMINAL HISTORY RECORDS CHECK, THE CENTRAL REPOSITORY SHALL PROVIDE TO THE BOARD AND THE INDIVIDUAL REVISED CRIMINAL HISTORY RECORD INFORMATION FOR THE INDIVIDUAL. (Note: Only include this subsection if specifically requested by the sponsor.)

For online drafting, the language shown above may be accessed by clicking "Boilerplate" on the bill drafting tab and selecting "Other Clause (Whereas, etc.): Criminal History Records Check."

For examples of language that may be used in situations in which a unit of State or local government or another entity will request a criminal history records check on behalf of a potential employee, an applicant for a permit, or another

individual, *see* § 5-117.1(f) of the Public Safety Article and § 7-103 of the State Personnel and Pensions Article.

Bill Synopses

Section 2-1504(a) of the State Government Article requires the Department of Legislative Services to prepare and distribute a synopsis of each Senate and House bill introduced during a regular or special session of the General Assembly. Section 2-1504(b) and (c) establish specific requirements relating to bills that impose a mandate on a local government unit or require a mandated appropriation.

For bill drafters in the department, before a draft is considered complete, a Synopsis Sheet, which contains information for the bill synopsis, must be prepared online and submitted with the draft bill for review. (*See* p. 241, "Sample Synopsis Sheet" and p. 17, "Review of Draft.") The bill synopsis will become part of the computerized LR Bill Status System and will be printed in the *Synopsis*, a document that describes all bills introduced on a given day during the legislative session.

A synopsis is similar to the purpose paragraph of a bill; however, since the only legal requirements regarding synopses are those discussed above, the drafter has considerably more leeway. Generally, a bill synopsis is a short description of what the bill does in clear, plain language. Unlike a purpose paragraph, specific numbers, dates, etc., are used and the term "certain" is not to be used. Instead, either specific information or the term "specified" should be substituted. The synopsis also indicates the sponsor of the bill, the Annotated Code sections, public local laws, or Session Laws affected by the bill, the bill's effective date or dates, and whether or not the bill requires a mandated appropriation, and includes a preliminary assessment of whether the bill imposes a mandate on local government. Information on whether the bill is contingent and whether it creates a task force, commission, or similar entity, such as a workgroup or study group, also should be included on the Synopsis Sheet, although this information does not appear in a bill synopsis. Note that the body of the synopsis is limited to a space of eight 70-character lines. In addition, the bill's short title as it appears in the synopsis is limited to 100 characters (two 50-character lines). If the bill's short title exceeds 100 characters, the online system will generate an abbreviated "voting machine" short title. Note that the drafter should ensure that the abbreviated "voting machine" short title is readable and makes sense.

For more information about completing the Synopsis Sheet, *see* p. 262, "Synopsis Sheet Guidelines." A list of abbreviations for the articles of the Code that

must be used in the "Code Ref:" field of the online Synopsis Sheet may be found in the appendix of this manual. (*See* p. 267, "Synopsis Code Volume Abbreviations.")

Mandatory Funding Provisions

Article III, § 52 of the Maryland Constitution allows the General Assembly to enact a statute that requires the Governor to include a particular level of funding for a particular program in a future State budget. In drafting a bill that includes a mandatory funding provision, the drafter must ensure that two issues are addressed.

First, the mandatory funding law must be enacted before July 1 of the year before the fiscal year to which the mandate first applies (*e.g.*, before July 1, 2017, for the fiscal year beginning July 1, 2018). Note, however, that the requirement under Article III, § 52(11) of the Maryland Constitution that a mandated funding law be "enacted before July 1 of the year before the fiscal year" to which the mandate first applies **does not** mean that the **effective date** of the bill has to be before July 1. What is required is that the mandate be "enacted" (*i.e.*, passed by the General Assembly and signed by the Governor or become law without the Governor's signature) before July 1, the start of the fiscal year **before** the fiscal year to which the mandate would apply. This requirement is necessary to give the Governor sufficient notice that the funding must be included in the annual budget.

Second, it is the understanding of the Office of The Attorney General that the bill must prescribe either a dollar amount or an objective basis from which a level of funding can easily be computed. (*See* 65 *Opinions of the Attorney General* 108, 110 (1980).) If this requirement is not met, the level of funding is left entirely to the Governor's discretion.

Note that bills containing mandatory funding provisions are to be distinguished from supplementary appropriations bills that require an additional revenue source. (For a discussion of supplementary appropriations bills, *see* p. 77, "State Budget and State Debt.")

For examples of mandatory funding provisions, *see* § 16-508 of the Education Article and § 13-1015 of the Health – General Article.

For a further discussion of mandatory funding issues, *see* the Attorney General's bill review letter dated April 18, 2000, re: H.B. 1172 (Chapter 672 of the Acts of 2000) and related letter of advice dated March 20, 2000, and *Bill Review Letters – 2000 (An Analysis of Selected Bill Review Letters of the Attorney General of Maryland on Legislation Passed at the 2000 Session of the General Assembly)*

(Department of Legislative Services, Office of Policy Analysis, December 2000), pp. 141-142.

Establishing a Task Force

If the sponsor of a bill wants to establish a task force to conduct a study or other inquiry, and intends that the task force be of limited duration, the drafter should use an uncodified Act format (*see* p. 103, "Uncodified Acts"), and should include a "sunset" provision that will terminate the Act after the work of the task force is completed (*see* p. 148, "Effective Date with a Termination Proviso (Sunset)"). The following format, adapted to the specific requirements of the task force being established, may be used in drafting the purpose paragraph and body of the bill:

Example

… establishing the (name of task force); providing for the composition, chair, and staffing of the Task Force; prohibiting a member of the Task Force from receiving certain compensation, but authorizing the reimbursement of certain expenses; requiring the Task Force to (*e.g.*, study and make recommendations regarding certain matters); requiring the Task Force to report its findings and recommendations to (*e.g.*, the Governor and the General Assembly) on or before a certain date; providing for the termination of this Act; and generally relating to the (name of task force).

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That:

(a) There is a Task Force (*e.g.*, on _____; to Study _____).

(b) The Task Force consists of the following members:

(1) ____ members of the Senate of Maryland, appointed by the President of the Senate;

(2) ____ members of the House of Delegates, appointed by the Speaker of the House;

(3) the Secretary of ____, or the Secretary's designee; and

(4) a representative of ____, appointed by ____.

(b–alt) The Task Force consists of the following ____ (*e.g.*, nine) members:

(1) two members of the Senate of Maryland, appointed by the President of the Senate;

(2) two members of the House of Delegates, appointed by the Speaker of the House;

(3) the Secretary of ____, or the Secretary's designee; and

(4) the following four members, appointed by the (*e.g.,* Governor; Secretary of ____):

(i) one representative of ____;

(ii) one representative of ____;

(iii) one representative of ____; and

(iv) one representative of ____.

(c) The ____ (*e.g.*, Governor; Secretary of ____) shall designate the chair of the Task Force.

(d) The ____ (*e.g.*, Department of Legislative Services; Office of the Governor; Department of Budget and Management; State agencies represented on the Task Force) shall provide staff for the Task Force.

(e) A member of the Task Force:

(1) may not receive compensation as a member of the Task Force; but

(2) is entitled to reimbursement for expenses under the Standard State Travel Regulations, as provided in the State budget.

(f) The Task Force shall:

(1) ____ (*e.g.*, study _____); and

(2) ____ (*e.g.*, make recommendations regarding _____).

(g) On or before _____, the Task Force shall report _____ (*e.g.*, its findings and recommendations) to _____ (*e.g.*, the Governor and, in accordance with § 2–1246 of the State Government Article, the General Assembly).

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect _____. It shall remain effective for a period of ____ year(s) and, at the end of ____, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.

Note that in establishing the membership of a task force, it is strongly preferred that the drafter not state the number of its members, as illustrated in Section 1(b) above. This avoids the necessity of changing the number of members as originally stated in the bill if the composition of the task force is changed by amendment. If the number of members is stated, the Section 1(b-alt) format may be used.

Sometimes a sponsor will want the membership of a task force to reflect the gender, racial, ethnic, and geographic diversity of the State. In that case, the drafter should include a provision that states "To the extent practicable, the membership of the Task Force shall reflect the gender, racial, ethnic, and geographic diversity of the State."

In providing for the staffing of a task force, consider whether the Department of Legislative Services should be given this role. It is appropriate for the department to provide staff services if the task force being established will have several legislators serving on it and the issues with which the task force is concerned have strong legislative involvement or interest. However, if there are only one or two (or no) legislators on the task force or if the task force is to conduct a study or other inquiry that is more within the realm of Executive Branch activity, it would be more appropriate for an Executive Branch agency or the Office of the Governor to provide staff for the task force. Note also that while a private entity may voluntarily agree to provide staffing services for a task force, the General Assembly may not require it to do so. If a bill request specifies staffing by a private entity, the drafter should make sure that the sponsor is aware of this limitation. The drafter also may want to suggest to the sponsor that the task force be staffed by a State agency in consultation with the private entity, thereby avoiding the possibility of an unstaffed task force should the private entity decline to provide staffing services.

If the bill establishing a task force includes a reporting requirement, the drafter should consider the length of time that may be required to appoint the members and for the members to complete their report when selecting the bill's effective date and reporting deadline. (A bill with an October 1, 2017, effective date and a December 1, 2017, reporting deadline, for example, probably will not provide sufficient time for the task force to be appointed and complete its work.)

Finally, in deciding what date to use for the termination of an Act establishing a task force, consider that a date set before the session immediately following the one in which the task force is established or during that session will not allow the General Assembly to extend the task force if it does not complete its work on time. Unless there is a compelling reason not to do so, the termination date should be at the end of June 30 or September 30, depending on the bill's effective date. For example, if a bill's effective date is July 1, 2017, and the task force it establishes must report to the General Assembly on or before January 1, 2018, the bill should be given a June 30, 2018, termination date. This will allow the General Assembly, during the 2018 legislative session, to extend the termination date of the task force if it does not complete its report by the January 1, 2018, deadline and avoid the necessity of reconstituting the entity. If a bill's effective date is June 1, it is preferred that the bill be given a June 30 termination date. Since any legislation to extend the termination date cannot go into effect before June 1 (unless it is an emergency bill), a June 30 termination, rather than May 31, avoids questions regarding whether an extension of the termination date is effective. In the event a task force or other entity has terminated and must be reconstituted, *see* Chapter 249 of the Acts of 2009 (S.B. 370), which reconstitutes a task force, and Chapter 537 of the Acts of 2009 (S.B. 367), which reestablishes a commission.

For online drafting, note that a template for establishing a task force may be accessed by clicking "Boilerplate" on the bill drafting tab and selecting "Other Clause (Whereas, etc.): Task Force." The standard purpose paragraph language used in a bill creating a task force, as shown in the example above, also may be accessed online by clicking "Boilerplate" on the bill drafting tab and selecting "Purpose Paragraph: Task Force." Note that the boilerplate language for the body and purpose paragraph should be modified as needed to accurately describe the task force being established by the bill.

For a discussion of the use of a Senate or House Joint Resolution to *request* the establishment of a committee, commission, or task force, *see* p. 110, "Standard Form for Requesting Establishment of a Task Force, Committee, or Commission."

Audits

Section 2-1220 of the State Government Article requires the Office of Legislative Audits to conduct a fiscal/compliance audit of each unit of State government (except units in the Legislative Branch) at an interval ranging from three to four years unless the Legislative Auditor determines, on a case-by-case basis, that more frequent audits are required. "Unit" is defined to include each State agency and program and, therefore, a specific audit requirement for a unit or program, including a special fund, is not necessary. On occasion, a sponsor may still want audit language included in a bill establishing a special fund. For examples of language to use in this situation, *see* the examples on p. 164, under "Bills Creating Special Funds."

Legislation may specify that a unit of State government is subject to an audit by an independent auditor. Note that the drafter should not require that the independent auditor be approved by the Office of Legislative Audits since this requirement was removed from the law by Chapter 49 of the Acts of 2016 (S.B. 116).

Chapter 12. Amendments to Bills and Other Documents

Background

Once a bill is introduced by its sponsor, the bill can be changed only through a formal act of either house by adoption of an amendment to change the bill's language. Amendments essentially are typed instructions that locate and describe the changes to be made in a bill.

The basic documents that can be amended are bills, joint resolutions, committee amendments, and floor amendments.

Note that while the discussion of amendment drafting that follows refers only to bills, the same procedures and drafting rules also apply to joint resolutions, with two exceptions. (*See* discussion at p. 219, "Amendments to a Joint Resolution.")

Floor Amendments

Floor amendments are independently sponsored amendments that a legislator can offer during second reading or, if offered in the opposite house, during either second or third reading consideration of a bill. As a rule, proposed floor amendments are drafted, typed, duplicated, and delivered by the Amendment Office of the Department of Legislative Services, located on the ground floor of the State House in Room H-9.

Amendments Offered in Standing Committees

The sponsor of a bill or other legislators frequently will offer amendments in the committee to which the bill has been assigned. These amendments may be presented by an individual legislator and are not to be confused with floor amendments. The legislative staff analysts assigned to the standing committees of the General Assembly generally draft the amendments to bills being considered by those committees. However, the Amendment Office often is requested to draft amendments that a legislator wishes to offer in a committee in the course of a hearing on a bill.

County Delegation and Select Committee Amendments

Groups of legislators who represent a particular political subdivision (a county or Baltimore City) or a group of political subdivisions in the Senate or House of Delegates may request amendments through the Amendment Office. Such a group of legislators in the Senate is formally referred to as a "select committee" (*e.g.*, Select Committee No. 1), while in the House of Delegates, the group is referred to as a "county delegation" (*e.g.*, Montgomery County Delegation). These jointly sponsored amendments may be offered in committee or on the floor.

A list of Senate Select Committees and House County Delegations may be found in the *Maryland General Assembly Roster and List of Committees*, which is published annually by the Department of Legislative Services, Office of Policy Analysis. This document also is available on the Maryland General Assembly's website (mgaleg.maryland.gov) and may be accessed by clicking on the "Publications" tab).

Preparation of Amendments

Confidentiality

The drafter should keep any request and information regarding an amendment confidential until the sponsor offers the amendment by presenting it in committee or on the floor, or until the sponsor approves the release of information.

Accuracy

The need for extraordinary care and attention to detail in drafting and preparing amendments cannot be overemphasized. Failure to draft and prepare amendments with care and precision may be fatal to the amendments or to the bill. Correcting defective amendments is very time consuming and slows the legislative process.

Determination of the Sponsor of an Amendment

Requesters

Amendment requests are often submitted to the Amendment Office by legislative aides, interns, and lobbyists. If the drafter is uncertain whether the requester is working on behalf of a legislator, the drafter should check directly with

the legislator who has been designated as the sponsor of the amendment. It is inappropriate to prepare amendments for a nonlegislator who is "shopping" for a sponsor.

Sponsors

Amendments may be sponsored only by:

- a committee, which may be either a standing committee (*e.g.*, the Finance Committee) or a local committee (*e.g.*, a county delegation or a select committee); or

- one or more members of the House of Delegates or Senate.

When given an amendment to prepare, the drafter initially should determine who the sponsor of the amendment will be. The drafter also should clarify whether there are to be any cosponsors of the amendment.

Each amendment includes a sponsor line indicating the individual or group sponsoring the amendment.

Examples

If the sponsor is a:	Then the drafter should use:
Standing Committee	BY: Environment and Transportation Committee BY: Chair, Environment and Transportation Committee BY: House Judiciary Committee BY: Committee on Ways and Means BY: Judicial Proceedings Committee
County Delegation or Select Committee	BY: Baltimore County Delegation BY: Anne Arundel County Senators
Member or Members	BY: Delegate Kelly BY: Delegates Smith, Jones, and Bell BY: Senators Hunt and Doe

Note that except for the House Judiciary Committee and the Committee on Ways and Means, all standing committee sponsor names follow a format like that shown above for the Environment and Transportation Committee; that is, the committee's name, with no designation of "House" or "Senate," followed by the word "Committee."

Determination of the Place and Time an Amendment Will Be Offered

Where and When to Be Offered

The drafter should determine when and where a requested amendment is to be offered; that is, in committee or on the floor. If the amendment will be presented in committee, the amendment form includes a line under the sponsorship line to indicate the place where the amendment is to be offered.

Example

BY: Delegate Jones
(To be offered in the Environment and Transportation Committee)

Example

BY: Delegate Hunt
(To be offered in the Montgomery County Delegation)

Example

BY: Senator White
(To be offered in Select Committee No. 6)

If a bill is jointly assigned to two committees and the amendment is being offered in committee, both committees should be indicated in the "to be offered in" line.

Example

BY: Delegate Green
(To be offered in the Committee on Ways and Means and the Appropriations Committee)

If the amendment is to be offered on the floor, it is **not** necessary to note this in the amendment; that is, there is no "to be offered in" line for a floor amendment.

Amendments often are needed immediately on request, but occasionally are not needed for several hours or even days. Obviously, the drafter's top priority should be those amendments that will be offered first.

Sponsorship in Opposite House

Members of one body cannot sponsor amendments to be offered on the floor of the opposite body. However, a member of one body may propose written amendments to be offered in a standing committee in the opposite body.

Determination of the Status of the Document to Be Amended

A bill may be amended at any one of five stages in its passage through the General Assembly. A bill may be amended:

- on second reading in the house of origin;
- on second reading in the opposite house;
- on third reading in the opposite house;
- if it is recalled from the Governor's desk (rare occurrence); and
- if the bill is in a conference committee.

The status of a bill may be checked through the Department of Legislative Services' computerized LR Bill Status system and via the Internet on the Maryland General Assembly's website (mgaleg.maryland.gov).

Printings of a Bill

In General

Various printings of a bill are made at the different stages of the legislative process. Since each subsequent printing makes a prior printing obsolete, and since each subsequent printing may incorporate new material, the amendment drafter must be careful to determine which printing of the bill is being considered at the time the amendments are requested. The amendment drafter then must address the proposed amendments to the printing of the bill currently under consideration.

The various printings of a bill may be amended at the following stages:

- A "first reading file bill" may be amended on second reading in the house of origin.

- Since a bill may not be amended on third reading in the house of origin, if the bill is to be amended after it has passed second reading in the house of origin, it must be placed back on second reading. This requires a motion "to reconsider the vote" by which the bill passed second reading. If the motion is successful, the bill is placed back on second reading and open to amendment. If the bill has already been printed as a "third reader," amendments must be drawn to the "bill as printed for third reading." (This is relatively rare.)

- A bill may be amended on second or third reading in the opposite house. If a bill has passed the house of origin and is to be amended on second or third reading in the opposite house, the bill always is referred to as the "third reading file bill." There is no printing of a bill known as a "second reading file bill."

- If a bill is passed by both houses, is sent to the Governor, and then is recalled, the bill is referred to in one of two ways. If it passed both houses and was amended only in the house of origin, the bill is referred to as the "third reading file bill." If it passed both houses and was amended by both houses or the opposite house, the bill is referred to as the "enrolled bill."

In summary, the correct references to a bill being amended are as follows:

Stage	Correct Reference
Amended on second reading in house of origin	The first reading file bill
Amended after bill has passed second reading in house of origin, been printed for third reading, and placed back on second reading	The bill as printed for third reading
Bill has passed house of origin and is to be amended on second or third reading in opposite house or in conference committee; or has passed both houses, was amended only in the house of origin, and was recalled from the Governor	The third reading file bill
Bill has passed both houses, was amended in the opposite house, and was recalled from the Governor	The enrolled bill

Second Printing of a Bill

As noted above, there is no printing of a bill known as a "second reading file bill." However, a first or third reading file bill, on occasion, may contain errors requiring another printing. A reprinted first or third reading file bill with corrections is known and identified as a "second printing." If the bill is a second printing, this fact should be noted in the heading of the amendment.

Example

AMENDMENT TO SENATE BILL 1
(First Reading File Bill – Second Printing)

Committee Reprints

Under Senate Rule 52 and House Rule 52, if a committee proposes extensive amendments to a bill and wishes to see the proposed amendments incorporated in the bill as part of its (or the full Senate's or House's) consideration, the appropriate presiding officer or the committee, with the approval of the appropriate presiding officer, may order the bill reprinted to incorporate the proposed committee amendments as part of the text. As a rule, the committee amendments must be prepared in proper form before the reprint is produced. The reprint is prepared with the words "COMMITTEE REPRINT" at the top of the first page and generally is printed on paper of a distinctive color, such as green or yellow.

Except for the annual operating and capital budget bill reprints and reprints of House bills being considered in the House of Delegates, under the rules of each house, committee reprints have no official status and, therefore, no amendments may be made directly to a committee reprint. The rules may be waived to allow a committee reprint to have official status. This occasionally has been done with respect to the Budget Reconciliation and Financing Act. Unless the reprint constitutes an official printing of the bill, any floor amendments offered by a legislator to the bill or to committee amendments incorporated into the reprint must be made directly to the bill or to the set of formally prepared and adopted committee amendments.

In the case of an amendment to a committee reprint with official status, such as the Budget Bill, the bill would be identified as follows:

Example

AMENDMENT TO SENATE BILL 52
(Third Reading File Bill – Committee Reprint)

Status of an Amendment

A drafter frequently is requested to amend committee amendments or floor amendments when the full House or Senate is in session. To amend either or both of these documents, the drafter should first ascertain their status. For drafting purposes only, the Amendment Office maintains file copies of all committee and floor amendments that are adopted, rejected, or withdrawn. These copies indicate which committee or floor amendments have been adopted. The status of a committee or

floor amendment also may be checked through the Maryland General Assembly's website (mgaleg.maryland.gov) on the bill's page under the "History" tab and on the proceedings for the day the amendment was offered. Once the drafter has ascertained the current status of the amendments, the drafter can proceed to prepare the "amendments to amendments." The drafter should be careful not to amend rejected or withdrawn amendments.

The drafter also may prepare amendments to committee or floor amendments in anticipation of their adoption. In this case, it is up to the sponsor to determine whether or not to offer the amendments. The drafter should remind the sponsor to be careful when the sponsor is offering amendments that have been drafted in anticipation of the adoption of other amendments. A mistake here could result in the proposed amendments being ruled out of order.

On rare occasions, a sponsor may wish to amend committee amendments before they are adopted. While this is not the preferred procedure, there is no rule prohibiting it and the Amendment Office will comply with the sponsor's wishes.

Amendment Headings

Amendment headings are used to indicate the nature and status of the document to be amended.

If the proposed amendments amend a bill that has not already been amended in the house where the bill currently is being considered, or a bill that has been amended (in committee or on the floor) and the proposed amendments go only to the bill and not to any of the amendments, use the following, as appropriate:

Examples

AMENDMENTS TO HOUSE (SENATE) BILL 1
(First Reading File Bill)

AMENDMENTS TO HOUSE (SENATE) BILL 1
(Third Reading File Bill)

AMENDMENTS TO HOUSE (SENATE) BILL 1
(Bill as Printed for Third Reading)

If the proposed amendments amend a bill that has been amended previously in the house where the bill currently is being considered (in committee or on the floor), and the proposed amendments go only to the adopted amendments (*see* p. 210, "Amendments to Amendments") and not to the bill itself, use the following:

Example

AMENDMENTS TO HOUSE (SENATE) BILL 1, AS AMENDED

Note that it also may be appropriate, as determined by the amendment drafter, to use the designation "AS AMENDED" in the case of amendments to a previously amended bill, even when the proposed amendments **do not "touch"** the prior amendments, if reference to the prior amendments is necessary for the new amendment to make sense.

For example, assume that the prior amendment added a new "subsection (d)" to a section of the Annotated Code. A subsequently proposed amendment adding a new "subsection (e)" would appear to be a technical error if one only read the bill since the bill itself contains only subsections (a), (b), and (c). It is only when one also reads the prior amendment, which added a "subsection (d)," that the new amendment adding a "subsection (e)" makes sense.

In this situation, the "AS AMENDED" heading puts the reader on notice that even though the new amendment does not touch the prior amendment, the two really should be read together for a complete understanding of the new amendment and how it fits into the bill in light of the previously adopted amendment.

If the proposed amendments amend a bill that previously has been amended in the house where the bill currently is being considered (in committee or on the floor), and the proposed amendments go to both the bill and the adopted amendments, use the following, as appropriate:

Examples

AMENDMENTS TO HOUSE (SENATE) BILL 1, AS AMENDED
(First Reading File Bill)

AMENDMENTS TO HOUSE (SENATE) BILL 1, AS AMENDED
(Third Reading File Bill)

AMENDMENTS TO HOUSE (SENATE) BILL 1, AS AMENDED
(Bill as Printed for Third Reading)

Occasionally, a sponsor may wish to propose amendments to the committee amendments (or to the committee amendments and the bill) **before** the committee amendments are adopted on the floor. In this case, if the proposed amendments amend the unadopted committee amendments only, use the following:

Example

AMENDMENTS TO COMMITTEE AMENDMENTS TO HOUSE (SENATE) BILL 1

If the proposed amendments amend both the unadopted committee amendments and the bill, use the following:

Example

AMENDMENTS TO COMMITTEE AMENDMENTS TO HOUSE (SENATE) BILL 1
(First Reading File Bill)

If the proposed amendments are intended to **replace** committee amendments that were withdrawn on the floor by the committee before being adopted, use the following:

Example

SUBSTITUTE AMENDMENTS TO HOUSE (SENATE) BILL 1
(First Reading File Bill)

Amendments to Bills – Substantive Aspects

Checking the Title after Drafting a Change to the Body of a Bill

One of the most common errors in drafting amendments is to prepare an amendment that makes a change in the body of the bill and then fail to make necessary changes to the short title, purpose paragraph, or function paragraphs of the bill. Since the Maryland Constitution requires a bill's title to accurately summarize what is in the body of the bill, an amendment to the body that renders the title inaccurate may be fatal to the bill and invite a veto. Therefore, the amendment drafter must be certain to amend the short title, purpose paragraph, and function paragraphs of the title as necessary.

Maintenance of the "One Subject" Requirement of the Constitution

The rules of the Senate and House of Delegates, in conformity with the requirement of Article III, § 29 of the Maryland Constitution that every law enacted by the General Assembly "shall embrace but one subject," prohibit the offering of an amendment to a bill on a subject that is different from the subject of the bill under consideration (Senate Rule 45 and House Rule 45). For a case applying the "one subject" rule to an amended bill, *see Migdal v. State*, 358 Md. 308 (2000).

Amendments to Bills – Technical Aspects

Application of the Rules of Bill Drafting

The rules of legislative bill drafting regarding codification, capitalization, tabulation, and punctuation also apply to amendment drafting. The only difference is that all material being added by an amendment is <u>underscored</u> and enclosed in "quotation marks" so that when the amended bill is printed as a third reading file bill, one can see that the material was inserted by amendment and was not in the introductory copy of the bill. If an amendment proposes adding new language to the Annotated Code, or if new language is added to a previously enacted uncodified provision, the language is shown in **BOLD, SMALL CAPS** font in the amendment. Note that while a bill's short title and the name of the article being amended following the enacting clause are shown in bold type, a drafter amending these parts of a bill should use unbolded type.

Line References

For the purposes of preparing an amendment, the drafter should note that the pages of a bill are numbered and that the lines of text in the bill also are numbered by a column of numerals running vertically down the lefthand margin of each page. These line numbers are used to locate the point in the bill where a change is being made.

Flow of a Bill

As a rule, amendments should follow the flow of a bill; that is, changes to the sponsor line, short title, purpose paragraph, function paragraphs, substantive provisions, special sections, and effective date generally should be made in the order in which they appear in the bill.

Initial Directional Language

After indicating the appropriate amendment heading (*see* p. 191, "Amendment Headings"), amendments are prepared by indicating where changes in a bill are to be made and by describing the changes to be made. This is accomplished first by making reference to the page number and line number of the bill. References in an amendment to parts of a bill (such as the title, a section, etc.) are unnecessary. The form for the initial wording and punctuation of an amendment is the following:

Example

On page 12, in line 44, ...

Note that for a bill that is only one page in length, reference to a page number is not necessary. (*See* p. 202, "One-page Bills.") Also note that a reference to the line number is not used when the amendment changes the sponsorship of a bill or makes the bill an emergency measure. (*See* p. 208, "Amendment to Change the Sponsorship of a Bill" and p. 209, "Amendment to Make a Bill an Emergency Measure.")

Other Directional Language

The remainder of the directional language of an amendment consists of simple instructions explaining what is to be done; for example, to insert a word, strike a word from the text of the bill, or strike a word and substitute another. In each case, the

words that are being stricken are placed within "quotation marks." If the words that are being striken were added to the bill by amendment, the words are also underscored. The words that are being inserted are placed within "quotation marks" and underscored. If the new words that are being inserted are to be codified, or if they amend a previously enacted uncodified provision, the words must be shown in **BOLD, SMALL CAPS** font.

Striking Words within Quotation Marks

When striking a word in a bill that appears within quotation marks, the drafter should include any quotation marks that are to be stricken from the body of the bill inside another set of quotation marks that indicate the amendment, despite the violation of the rules of English usage.

Example

On page 12, in line 26, strike ""Person" includes a corporation" and substitute "**"INDIVIDUAL" DOES NOT INCLUDE A CORPORATION**".

"Strike" vs. Use of Brackets

When an amendment is intended to repeal existing statutory law that already appears in the bill, the drafter should use the directional language "strike" to repeal the material rather than inserting an underscored opening and closing bracket around the material to be repealed. The directional language "strike" is preferred in this situation because it is easier to detect the changes made by amendment in the third reading file copy of the bill. "Third readers" (as well as enrolled bills) are prepared using strike-through type to indicate matter stricken by amendment.

Example

On page 7, in line 24, strike "at least".

On page 8, strike in their entirety lines 7 through 14, inclusive, and substitute "**THE DEPARTMENT SHALL ADOPT REGULATIONS TO IMPLEMENT THIS SECTION.**".

Note that it is not necessary to substitute anything for the stricken language, regardless of whether the language being stricken is existing statutory law or new statutory language that appears in **BOLD, SMALL CAPS** font in the bill.

It is important to understand that by striking an entire portion (section, subsection, etc.) of the Annotated Code from a bill, two very different results can occur:

- removing the language from the bill; or
- repealing the language from the law.

If the stricken portion of the Code appears in a "repeal" function paragraph, it will be repealed from the law. Otherwise, it merely will be removed from the bill and unaffected by it. Always make sure that the function paragraphs in the bill agree with the amended text of the body.

For when to use brackets in an amendment to repeal existing law, *see* p. 205, "Amendment to Insert Existing Section of Codified Law into a Bill."

"Strike" vs. "Delete"

The drafter should not confuse "strike" with "delete." In amending a bill, words are always stricken, never deleted. The word "delete" to a computer operator reading from a set of amendments means to erase words from the bill. Therefore, the drafter should not use the word "delete."

Location of Insertions

As a rule, the location or point of reference for inserting a word, phrase, or sentence should be a word that precedes the proposed insertion. Punctuation as a sole point of reference should be avoided because it may be difficult for the reader to pinpoint the punctuation in the line, or there may be two or more of the same punctuation marks in the same line. However, if punctuation must be used as the reference point, it should be spelled out.

Example

On page 2, in line 12, after "minor," insert "**EXCEPT**".

or

On page 2, in line 12, after the comma insert "**EXCEPT**".

Do not use:

On page 2, in line 12, after "," insert "**EXCEPT**".

Of course, there are instances when there is no point of reference that *precedes* the insertion. In these cases, it is necessary to use a point of reference that *follows* the insertion. For example, note line 23 in the following bill text:

Example

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

21 **Article – Transportation**

22 11–118.

23 "Emergency vehicle" means any of the following vehicles that are
24 designated by the Administration as entitled to the exemptions and
25 privileges set forth in the Maryland Vehicle Law for emergency vehicles:

26 (1) Vehicles of federal, State, or local law enforcement agencies;

To add a new subsection (a) designation, the following amendment language is necessary:

Example

On page 1, in line 23, before ""Emergency" insert "**(A)**".

When referring to a word to use as a point of reference for the insertion of material in a bill, the drafter should reproduce the material cited as a point of

reference in the amendment exactly as it appears in the bill. Note that in the above example, reproducing the point of reference exactly results in double quotation marks preceding the word "Emergency."

Multiple Changes in Same Line

When making two or more different changes in one line of bill text, the drafter should not repeat references to the line number, but rather should use the phrase "in the same line," as shown in the following example:

Example

On page 4, in line 34, strike "**(A)**" and substitute "**(B)**"; in the same line, strike "**THE**" and substitute "**A**"; and in the same line, after "**SECRETARY**" insert "**OF**".

Punctuation

When inserting a word or phrase, or when striking a sentence or phrase and replacing it with other language, the drafter must not insert or strike punctuation that will have the effect of causing double punctuation or eliminating any necessary punctuation when the bill is reprinted.

Portion of Word

The drafter should not strike a letter or other portion of a word; instead, the drafter must strike the entire word and substitute the corrected version.

Example

On page 2, in line 12, strike "**MINORS**" and substitute "**MINOR**".

Do not use:

On page 2, in line 12, strike "**S**" in "**MINORS**".

Repetitive Words – Reference in Amendment

In drafting the directional language of an amendment, if the same word appears more than once in the line of bill text to which an amendment is drafted, the drafter should indicate which word is the intended point of reference by designating whether the word appears for the first, second, etc., time in the line.

For example, assume that a line of bill text contained the words "**THE GOVERNOR SHALL APPOINT THE CHAIR OF THE COMMISSION.**" Notice that the word "**THE**" appears two times in this line of text. The drafter should indicate the object of the intended change in the following manner:

Example

On page 7, in line 2, strike the first "**THE**" and substitute "**A**".

Note that in the example discussed above, since the first "**THE**" in the line of text is spelled with a capital "**T**," it is distinguishable from the two occurrences of the word "**THE**" and should not be counted in locating the word to be changed. Similarly, if the same word should appear in a line once in regular type and again in **BOLD, SMALL CAPS** font, the drafter need not designate which is the first or second occurrence of that word in the line.

Example

On page 7, in line 2, strike "the"; and in the same line, strike "**THE**" and substitute "**AN**".

Single Amendments

When drafting a single amendment to a bill, the drafter should not number that amendment as "AMENDMENT NO. 1." One amendment may include several clauses relating to different portions of the bill text. However, whenever a single amendment encompasses changes on different pages of a bill, the drafter should group the changes made on each respective page into a separate paragraph. (Note the exception of drafting multiple but identical changes on different pages of a bill discussed at p. 207, "Amendment to Make Multiple but Identical Changes.")

Example

On page 1, in line 24, after "**PERSON**" insert "**OF ANY HANDGUN ON THE HANDGUN ROSTER PREPARED BY THE SUPERINTENDENT OF STATE POLICE**".

On page 2, in line 3, strike "**FIREARM**" and substitute "**HANDGUN**".

Also, while two or more clauses or paragraphs may be included in one amendment, it is preferred that the drafter, when amending both the title and the body of a bill, group the title amendments together in "AMENDMENT NO. 1," with the body amendments grouped separately in one or more subsequent amendments. *See* "Multiple Amendments" below.

Multiple Amendments

When drafting amendments to both the title and the body of a bill, the drafter should group the title amendments together in "AMENDMENT NO. 1," with the body amendments grouped separately in one or more subsequent amendments. Each subsequent amendment should be labeled in numerical order (*i.e.*, "AMENDMENT NO. 2," "AMENDMENT NO. 3," etc.). If more than one subsequent amendment is being used, the drafter should group the amendments together in a logical order; for example, by page number or topic. Note that it is not necessary to use a separate numbered amendment simply because changes to the body of a bill are made on two or more pages. The drafter should use a separate paragraph, however, for each page on which a change is made. (*See* p. 207, "Amendment to Make Multiple but Identical Changes," for an exception to this rule.)

Example

AMENDMENT NO. 1

On page 1, in line 21, after "required;" insert "exempting the sale of clothing from the sales and use tax;".

AMENDMENT NO. 2

On page 4, strike beginning with "(a)" in line 23 down through "less" in line 34 and substitute "**THE SALES AND USE TAX DOES NOT APPLY TO THE SALE OF ANY ITEM OF CLOTHING**".

On page 7, in line 3, strike "**6**" and substitute "**8**".

One-page Bills

When drafting amendments to a bill that is only one page in length, the drafter should not indicate the page number of the bill.

Example

In line 3, after "**ARTICLE;**" insert "**OR**"; and in line 15, strike "**, THE COURT SHALL**".

Types of Amendments

Amendment to Insert Material after a Line of Text

If material is to be inserted in a blank space on a bill that happens to fall between two numbered lines of text (*e.g.*, lines 12 and 13), the drafter should not refer to that space as the "unnumbered line following line 12." References to unnumbered lines are inappropriate. The proper reference in this situation is to the previous numbered line.

Example

On page 4, after line 12, insert:

"**(B) EACH COUNTY SHALL REPORT TO THE DEPARTMENT OF THE ENVIRONMENT INFORMATION REGARDING THE COUNTY'S PUBLIC SCHOOL BUS FLEET IN ACCORDANCE WITH § 2-1203(C)(1) OF THE ENVIRONMENT ARTICLE.**".

Amendment to Strike Words in a Line

When striking part of a line in a bill, it is preferable for the drafter to show the text verbatim within quotation marks. However, if most of the line is being stricken, the following form may be used:

Example

On page 3, in line 2, strike beginning with "**LICENSED**" through "**BEEN**".

Note in the example above that, since the text being stricken appears only in one line, the correct directional language is "through" and not "down through," which is used in the examples shown below of amendments to strike a long sentence or group of sentences.

Amendment to Strike a Long Sentence

To strike a long sentence or group of sentences without the necessity of setting forth the full text *verbatim* within quotation marks, the drafter should use the following form:

Example

On page 2, strike beginning with "**BASIC**" in line 12 down through "**PERFORM**" in line 16.

If new language is to be substituted for the stricken language, the drafter should use the following form:

Example

On page 2, strike beginning with "**BASIC**" in line 12 down through "**PERFORM**" in line 16 and substitute "**GENERAL GUIDELINES FOR PERFORMING**".

Amendment to Substantially Rewrite a Bill

When making numerous changes within a sentence or long block of text, it may enhance the clarity of the amendment to merely strike the entire block of text and substitute a "clean" block of text. The drafter may use the following handy and usually acceptable short cut to strike material from the bill and substitute new language:

Example

On page 2, strike in their entirety lines 1 through 46, inclusive, and substitute "**(INCLUDE FULL TEXT IN BOLD, SMALL CAPS FONT** (if codified)**, UNDERSCORED, IN QUOTATION MARKS)**".

To strike text on two or more pages of a bill, the drafter can use either of the following forms, as appropriate:

Example

On pages 5 through 7, strike in their entirety the lines beginning with line 15 on page 5 through line 12 on page 7, inclusive.

Example

On pages 5 and 6, strike beginning with "**VEHICLE**" in line 2 on page 5 down through "**ADMINISTRATION**" in line 12 on page 6.

In this fashion, an entire bill may be redrafted by amendment by striking all of the lines of the bill comprising the short title, purpose and function paragraphs, and substantive provisions. It is preferable, however, to keep the new title on the first page of the bill after it is reprinted. This necessitates striking the lines of the old title and substituting the new title before striking the lines of the body of the bill and substituting new text.

Note: Senate Rule 46(a) and House Rule 46(a) prohibit an amendment or a series of amendments that have the effect of changing the original **purpose** of a bill, unless a motion to suspend that rule, with a statement as to the reasons for the proposed suspension, is approved. Senate Rule 46(b)(1) and House Rule 46(b) also prohibit a bill or resolution from being amended to include a proposed Constitutional amendment, although Senate Rule 46(b)(2) exempts an amendment that is adopted by a standing committee and included in the committee's favorable report of the bill. With regard to the prohibition on a change in purpose under House Rule 46(a), the Attorney General has advised that a bill proposing a Constitutional amendment may

be amended to instead establish a commission to study the subject matter of the proposed Constitutional amendment without violating that rule. (*See* Attorney General's letter of advice dated March 1, 2001, discussing H.B. 1024 of 2001.)

Amendment to Add Uncodified Language to a Bill

Generally, any new language to be added by amendment to the codified portion of a bill or to uncodified Chapter law contained in a bill appears in **BOLD, SMALL CAPS** font. However, changes made to the sponsor line, short title, purpose paragraph, function paragraphs, effective date, or other uncodified part of a bill appear in regular, unbolded type.

Amendment to Insert Existing Section of Codified Law into a Bill

If amending a bill to insert a provision of current law, the drafter should set forth the language in regular, unbolded type, <u>underscore</u> it, and enclose it in "quotation marks." If the current law is to be changed by amendment, simply insert **[**brackets**]** around the language to be stricken, show any new material which is to be inserted in **BOLD, SMALL CAPS** font, and continue to <u>underscore</u> all of the inserted language.

Example

On page 2, after line 12, insert:

"<u>2–510.</u>

<u>The Governor **[**shall**]** **MAY** appoint the members of the Board**[**, subject to the advice and consent of the Senate of Maryland**]**.</u>".

The section being added by amendment looks as it would have looked had it been included in the bill as originally drafted, except that the entire passage is <u>underscored</u> and enclosed in "quotation marks." Give particular attention to the correct use of brackets to enclose material to be repealed from existing law. The only distinction in the rules of drafting that applies here is the <u>underscoring</u> of the material and the use of "quotation marks." Note that when existing law is inserted in a bill by amendment, the drafter should make any appropriate changes in the short title and the purpose and function paragraphs of the bill.

Amendment to Return to the Law Words in a Bill Proposed for Repeal

When, by amendment, a sponsor seeks to return language to the law that was originally proposed for repeal, and thus appears in the bill enclosed in brackets, the drafter can accomplish this result by using the following amendment language:

Example

On page 2, in lines 16 and 25, in each instance, strike the bracket.

By striking the brackets, the effect is to remove them from the bill, thereby restoring to the "law" the language that initially had been enclosed in the brackets. In the alternative, if the portion of the law (*e.g.*, a subsection) originally proposed for repeal is no longer needed for context, it may be striken from the bill. In either case, the bill's short title and the function and purpose paragraphs should be amended as necessary to reflect the changes made.

Note: If the bill in its original version **only** proposed the repeal of a provision of law and the proposed amendment removes the brackets, the result is a bill that simply sets out the provision of law without change. Since this makes the bill meaningless, the amendment would be inappropriate and ruled out of order by the presiding officer of the body in which it is offered.

Amendment to Propose the Repeal of Existing Law in a Bill

If a sponsor wants to propose, by amendment, the repeal of words of existing law contained in a bill, the drafter should use the direction "strike." While this is the preferred method (*see* discussion at p. 196, "'Strike' vs. Use of Brackets"), the drafter may accomplish the same result by inserting opening and closing brackets around the language proposed for repeal.

Example

On page 2, in line 27, before "shall" insert an opening bracket; and in line 29, after "Governor" insert a closing bracket.

Whichever method is used, appropriate short title, purpose paragraph, and function paragraph changes should be made.

Amendment to Make Multiple but Identical Changes

There are instances in which a drafter can combine multiple but identical changes into a single amendment because the same change is made in each place on one or more pages of the bill.

Example

On page 12, in lines 30 and 36, in each instance, strike "**MAY**" and substitute "**SHALL**".

Example

On page 1 in lines 2 and 4, on page 2 in lines 7 and 10, and on page 3 in lines 4 and 6, in each instance, strike "**MAY**" and substitute "**SHALL**".

The following form can be used when the language being stricken appears on more than one page in the bill, sometimes entirely in one line and in other instances in two lines:

Example

On page 1 in lines 7, 10 and 11, and 15 and 16, and on page 2 in lines 18 and 21 and 22, in each instance, strike "**DIRECTOR OF FINANCE**" and substitute "**TREASURER**".

The drafter should note the use of the phrase "in each instance" in each of the examples shown above. Note also that in the second and third examples, the comma after the page number has been eliminated. This is an option in these specific instances that serves to tie the page number and line numbers together for greater clarity.

Amendment to Make Multiple but Different Changes

There are instances in which a drafter can combine multiple but different changes into a single amendment to save time and writing.

Example

On page 6, in lines 9, 12, 15, 19, 27, and 30, strike "(a)", "(b)", "(c)", "(d)", "(e)", and "(f)", respectively, and substitute "**(B)**", "**(C)**", "**(D)**", "**(E)**", "**(F)**", and "**(G)**", respectively.

The drafter should note the use of the word "respectively" after both the stricken and the added text.

Amendment to Change the Sponsorship of a Bill

To amend the sponsorship of a bill, the drafter should use one of the following forms, as appropriate:

Example

On page 1, in the sponsor line, strike "Delegate Jones" and substitute "Delegates Jones and Brown".

Example

On page 1, in the sponsor line, strike "and Jones" and substitute ", Jones, and Smith".

Example

On page 1, in the sponsor line, strike "and Jones" and substitute "Jones, Smith, and Williams".

Note that the form shown in the second example above (which includes a comma before "Jones") is appropriate when amending a bill with only two sponsors, while the third example above is appropriate when amending a bill with three or more sponsors.

If it is necessary to strike two or more sponsors whose names are not listed consecutively, the following form may be used:

Example

On page 1, in the sponsor line, strike "Brown,"; and in the same line, strike "Jones,".

Note: While one or more sponsors may be stricken by amendment, an amendment may not be offered that leaves a bill sponsorless. However, a bill may be amended to change the sponsorship from an individual sponsor or sponsors to a standing committee, county delegation, or select committee (or vice versa).

Example

On page 1, in the sponsor line, strike "Delegate Cole" and substitute "Baltimore County Delegation".

Also, under Senate Rule 47 and House Rule 47, the sponsor of a bill may offer an amendment to the bill to remove the sponsor's name if the bill is amended in a manner that is inconsistent with the intent of the sponsor or for other compelling reason. In the event of the removal of the name of the sole sponsor of a bill, the reporting committee must be substituted as the sponsor of the bill.

Amendment to Make a Bill an Emergency Measure

Occasionally, a bill with a normal effective date (July 1 or October 1) is amended to make it an "emergency measure" so that it can take effect immediately on passage by the General Assembly and signature by the Governor. In those instances, the drafter should:

- include directional language that states:

On page 1, at the top of the page, insert "EMERGENCY BILL";

- indicate in the purpose paragraph that the bill is an emergency measure by inserting the clause "making this Act an emergency measure;"; and

- strike the normal effective date language and substitute the following "boilerplate" emergency effective date language:

"SECTION 2. AND BE IT FURTHER ENACTED, That this Act is an emergency measure, is necessary for the immediate preservation of the public health or safety, has been passed by a yea and nay vote supported by three–fifths of all the members elected to each of the two Houses of the General Assembly, and shall take effect from the date it is enacted.".

Conversely, if a bill with an emergency effective date is to be amended to have, for example, an October 1 effective date, the drafter should:

- include directional language that states:

On page 1, at the top of the page, strike "EMERGENCY BILL";

- strike the reference in the purpose paragraph to "making this Act an emergency measure;"; and

- strike the boilerplate emergency effective date language and substitute the following:

"SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, (year).".

Amendments to Amendments

In addition to the substantive and technical aspects of drafting amendments to a bill, the drafter of an amendment to an amendment also must consider the issues discussed below.

Order of Amendments to Amendments

In accordance with parliamentary procedures in the House of Delegates and the Senate, proposed committee amendments are submitted, considered, and adopted

(or rejected) by the body before any proposed floor amendments to the bill are considered. This also is usually the procedure for floor amendments that would amend the committee amendments. (Note, however, that while practice dictates that committee amendments usually are disposed of first, there is no rule prohibiting the offering of amendments to committee amendments prior to their adoption. *See* p. 191, "Amendment Headings" and p. 216, "Examples of Amendments to Amendments.")

Once the committee amendments are adopted, they immediately become part of the bill (even without a reprinting), and any further amendments that affect the adopted committee amendments should be drafted to the bill "as amended." This explains the use of the heading "AMENDMENTS TO HOUSE (SENATE) BILL ____, AS AMENDED" when preparing a floor amendment to adopted committee amendments. Similarly, once a floor amendment is adopted, conceptually it becomes part of the bill, and that amendment can be the subject of a subsequent amendment.

Striking Language in an Adopted Amendment

When preparing amendments to amendments, generally only the words within quotation marks may be stricken; that is, it usually is impermissible to strike "directional language."

For example, assume that the following amendments were adopted by the Environment and Transportation Committee and presented on the House floor on second reading:

Example

HB0475/493589/1

BY: Environment and Transportation Committee

AMENDMENTS TO HOUSE BILL 475
(First Reading File Bill)

AMENDMENT NO. 1
On page 1, in line 7, after "terms;" insert "providing for a delayed effective date;".

AMENDMENT NO. 2
On page 5, in line 4, after "program" insert "**CERTIFIED BY THE COMMISSIONER**"; strike beginning with "certified" in line 5 down through "organization" in line 6 and substitute "**LICENSED BY THE COMMISSIONER**"; and in line 20, strike "60" and substitute "**45**".

AMENDMENT NO. 3
On page 7, in line 10, strike "October 1, 2017" and substitute "January 1, 2018".

Assume further that Delegate Smith wants a floor amendment drafted to change the number "**45**" to "**90**" in Amendment No. 2. It would be incorrect to write the amendment to say "In the Environment and Transportation Committee Amendments (HB0475/493589/1), in Amendment No. 2, strike line 4 in its entirety" since this approach strikes the directional language "and in line 20, strike" and "and substitute." Since the drafter generally is allowed to strike only the language within quotation marks, the correct approach would be to say "In the Environment and Transportation Committee Amendments (HB0475/493589/1), in line 4 of Amendment No. 2, strike "**45**" and substitute "**90**"."

An exception to the general prohibition against striking directional language is a floor amendment that strikes **in its entirety** an adopted committee amendment or an adopted floor amendment. Note, however, that the procedures of the Senate and House of Delegates do not permit a legislator to offer an amendment that simply would strike in its entirety a previously adopted committee or floor amendment. The rationale is that such an amendment would amount to a reconsideration of the vote

by which the previous amendment was adopted. A reconsideration of an amendment, if it is to occur, must be handled through the appropriate motion made in accordance with Senate Rule 88 or House Rule 88.

However, a floor amendment that strikes in its entirety an adopted committee or adopted floor amendment and simultaneously replaces the adopted amendment with new language that incorporates some of the language in the stricken amendment usually is not considered to be a reconsideration and is permissible. For example, assume Delegate Smith wants a floor amendment to the Environment and Transportation Committee Amendments shown above that would retain the changes made by Amendment Nos. 1 and 3, but with regard to Amendment No. 2, would only make the change in line 4. An amendment to accomplish the sponsor's request could be drafted as follows:

Example

BY: Delegate Smith

AMENDMENTS TO HOUSE BILL 475, AS AMENDED
(First Reading File Bill)

AMENDMENT NO. 1
In the Environment and Transportation Committee Amendments (HB0475/493589/1), strike Amendment No. 2 in its entirety.

AMENDMENT NO. 2
On page 5 of the bill, in line 20, strike "60" and substitute "**45**".

Even though Amendment No. 2 in the example above retains some of the language from Committee Amendment No. 2, Delegate Smith's floor amendments are different enough from the previously adopted committee amendments so as not to be ruled out of order.

Note that a floor amendment that does not add new language may be considered permissible provided that it does not simply strike *all* of the adopted committee or adopted floor amendments. For example, a floor amendment to the Environment and Transportation Committee Amendments shown above that struck Amendment Nos. 1 and 3, but not Amendment No. 2, probably would be permissible.

Example

BY: Delegate Smith

AMENDMENT TO HOUSE BILL 475, AS AMENDED

In the Environment and Transportation Committee Amendments (HB0475/493589/1), strike in their entirety Amendment Nos. 1 and 3.

Adding Language to an Adopted Amendment

Generally, the same rules apply when adding language to an adopted amendment as apply when adding language to a bill. One exception is that, when adding language to an adopted amendment, words can be added only to the language that is within quotation marks.

For example, assume that the following amendment was part of a set of amendments that were adopted by the Finance Committee and presented on the Senate floor on second reading:

Example

SB0319/456159/1

BY: Finance Committee

AMENDMENTS TO SENATE BILL 319
(First Reading File Bill)

AMENDMENT NO. 1
On page 3, after line 29, insert:

"**2-103.**

(A) DIESEL EMISSIONS CONTROL GRANTS AWARDED BY THE DEPARTMENT SHALL BE FUNDED BY FEDERAL DIESEL EMISSIONS FUNDS AWARDED TO THE STATE.

(B) THE DEPARTMENT SHALL PROVIDE A REASONABLE OPPORTUNITY FOR ALL ELIGIBLE ENTITIES TO BE AWARDED A DIESEL EMISSIONS CONTROL GRANT.".

Assume further that Senator Smith wants a floor amendment drafted to add a new subsection (c). It would be incorrect to write the amendment to say "In the Finance Committee Amendments (SB0319/456159/1), after line 8 of Amendment No. 1, insert …" as would be done when amending a bill. Since the drafter of an amendment to an amendment may make changes only with respect to material within quotation marks, the correct approach would be to say "In the Finance Committee Amendments (SB0319/456159/1), in line 8 of Amendment No. 1, after "**GRANT.**" insert …".

Directional Language and Heading

The directional language used in preparing amendments to amendments is similar to that used in amending a bill. One major difference is that amendments to amendments must include references to the sponsor and the identifier number of the amendment to be amended. Also, since the text of an amendment is not given line numbers when printed (as bill text is), the drafter must determine and include the correct amendment line number in which the change is to be made. Finally, the heading of the amendment must include the phrase "AS AMENDED" following the bill number. The printing of the bill is omitted unless the proposed amendments affect the bill as well as the adopted amendments. (*See* p. 191, "Amendment Headings.")

Identifier Number

In amending an adopted amendment, the drafter should include the adopted amendment's identifier number, which can be found in the upper left corner of the amendment. For example, an amendment to House Bill 1 might have the identifier number "HB0001/037399/1." The number "037399" is a unique computer-generated number. The "/1" designation indicates that this is the first version of the amendment since it is possible that several similar amendments or "versions" were prepared.

Note that the identifier number only needs to be included once, after the first reference to the amendment that is being amended, whether the subsequent reference appears in the same or a different numbered amendment. (*See* the examples of "Amendments to Adopted Committee Amendments" below.)

Counting Lines

To count lines in an amendment, the drafter should not count the heading of the amendment, but rather should count only the lines that make up the body of the amendment. Preferably, the counting should be from the beginning of the amendment. However, if the amendment is lengthy and the portion to be amended is near the end, the counting may start from the end of the amendment. In this case, the drafter should indicate that the counting starts "from the bottom."

Example

BY: Senator Jones

AMENDMENT TO SENATE BILL 1, AS AMENDED

On page 2 of the Budget and Taxation Committee Amendments (SB0001/529530/1), in the third line from the bottom of Amendment No. 1, after "circumstances;" insert "prohibiting a person from owning more than a certain number of video lottery facilities;".

To avoid any confusion, once counting "from the bottom" is used, every subsequent change should indicate from where the counting starts, *i.e.*, "from the top" or "from the bottom."

Additionally, if an amendment is printed on more than one page, the counting should start on the page containing the language being changed, rather than from the beginning of the amendment, to minimize the amount of counting and facilitate locating the change.

Examples of Amendments to Amendments

Amendments to Adopted Committee Amendments

Example

BY: Delegate Smith

AMENDMENTS TO HOUSE BILL 1, AS AMENDED

AMENDMENT NO. 1

On page 1 of the Environment and Transportation Committee Amendments (HB0001/602044/1), in line 12 of Amendment No. 2, strike "**SHALL**" and substitute "**MAY**".

AMENDMENT NO. 2

On page 3 of the Environment and Transportation Committee Amendments, in lines 9 and 10 of Amendment No. 6, strike "**MAY NOT APPOINT**" and substitute "**SHALL ELECT THE**".

Example

BY: Senator Jones

AMENDMENTS TO SENATE BILL 10, AS AMENDED

AMENDMENT NO. 1

On page 1 of the Judicial Proceedings Committee Amendments (SB0010/593871/1), in Amendment No. 1, strike beginning with "providing" in line 3 down through "practitioners;" in line 5.

AMENDMENT NO. 2

On page 4 of the Judicial Proceedings Committee Amendments, in Amendment No. 3, strike in their entirety lines 8 through 10, inclusive; and in line 11, strike "**(E)**" and substitute "**(D)**".

Amendment to an Adopted Floor Amendment

Example

BY: Delegates Doe and Roe

AMENDMENT TO HOUSE BILL 1, AS AMENDED

On page 1 of Delegate Smith's Amendments (HB0001/722446/2), in line 3 of Amendment No. 1, strike "**MAY**" and substitute "**SHALL**".

Substitute Committee Amendment

Example

BY: Education, Health, and Environmental Affairs Committee

SUBSTITUTE AMENDMENT TO SENATE BILL 191
(First Reading File Bill)

AMENDMENT NO. 2

On page 1, after line 20, insert:

"**(A) IN THIS SECTION, "DELINQUENT TAXES, FEES, FINES, OR OTHER ASSESSMENTS" MEANS TAXES, FEES, FINES, OR OTHER ASSESSMENTS THAT ARE:**

(1) DUE AND UNPAID; AND

(2) (I) NOT CURRENTLY UNDER APPEAL; OR

(II) NOT ON A PAYMENT SCHEDULE ESTABLISHED BY THE STATE OR A LOCAL JURISDICTION UNLESS THE SCHEDULE IS BREACHED.";

and in lines 21, 25, and 29, strike "**(A)**", "**(B)**", and "**(C)**", respectively, and substitute "**(B)**", "**(C)**", and "**(D)**", respectively.

Amendment to Both an Adopted Committee Amendment and the Bill

Example

BY: Delegate Brown

AMENDMENTS TO HOUSE BILL 1, AS AMENDED

(First Reading File Bill)

AMENDMENT NO. 1

On page 12 of the bill, in line 6, strike "**BEFORE**" and substitute "**AFTER**".

AMENDMENT NO. 2

On page 3 of the Environment and Transportation Committee Amendments (HB0001/594230/1), in line 3 of Amendment No. 5, strike "**MORE THAN**" and substitute "**NOT TO EXCEED**".

AMENDMENT NO. 3

On page 13 of the bill, in line 9, after "members" insert "**MAY NOT**".

Note the use of the phrase "of the bill" for purposes of clarity in the example above. Also, note the insertion of the printing of the bill under the heading since the amendments go to the bill as well as to the previously adopted committee amendments.

Amendment to Committee Amendments Not Yet Adopted

Example

BY: Senator Smith

AMENDMENT TO COMMITTEE AMENDMENTS TO SENATE BILL 1

On page 2 of the Education, Health, and Environmental Affairs Committee Amendments (SB0001/940544/1), in line 5 of Amendment No. 2, strike "**ASSOCIATION OR ASSOCIATIONS**" and substitute "**ORGANIZATION OR ORGANIZATIONS**".

Note that, although there is no rule prohibiting the offering of amendments to committee amendments prior to their adoption, this rarely is done.

Amendments to a Joint Resolution

Joint resolutions are treated as bills in the amendment process, with two

distinctions. First, the reference to the printing of a joint resolution is as follows:

- (First Reading File Joint Resolution);
- (First Reading File Joint Resolution – Second Printing);
- (Third Reading File Joint Resolution);
- (Third Reading File Joint Resolution – Second Printing); or
- (Joint Resolution as Printed for Third Reading).

Second, all language in a joint resolution (not being part of the codified law of the State) is in regular, unbolded type. Therefore, if adding language to a joint resolution, it should be set forth in regular, unbolded type instead of **BOLD, SMALL CAPS** font.

Except for these two differences, the drafter should follow the same procedures in amending a joint resolution that are used in amending a bill.

Administrative Preparation of Amendments

Amendment Office Staff

The Amendment Office is staffed whenever the General Assembly is in session. The staff consists of a small group of attorneys from the Office of Policy Analysis of the Department of Legislative Services who are responsible for drafting and reviewing amendments and advising members of the General Assembly with respect to substantive and technical aspects of the amendment process. In addition, a group of typists, legislative editors, and other support staff are responsible for the typing, proofreading, printing, delivery, and filing of amendments, under the direction of the Amendment Office Coordinator.

Recording of Requests

All requests for individually sponsored amendments are recorded by the Amendment Office staff and logged into a computer tracking system by bill number and sponsor. This system is used to track an amendment's progress. Each amendment is given a unique computer-generated identifier number when it is created, which also helps to locate an amendment.

For administrative purposes, each amendment request is written down on a blue (or yellow for a "rush") amendment order form (*see* p. 255, "Sample Amendment Order Form") which is analogous to the pink Bill Request Sheet. The amendment order form remains attached to the amendment drafter's work papers throughout the processing of the amendment.

Review

Individually sponsored amendments to be offered on the floor or in committee are reviewed by supervisory and other professional staff in the Amendment Office before being typed and proofread. All committee amendments prepared by committee staff also must be reviewed for accuracy by the Amendment Office.

To ensure the timely review and processing of amendments to be offered in committee or on the floor, the amendment drafter always should check the status of the bill to be amended and make sure the date (and time if appropriate) that the amendment is needed is indicated on the amendment request form. If an amendment must be turned around quickly (*i.e.*, within one hour), the drafter should use a yellow request form to indicate a "rush" amendment or otherwise make sure the reviewer knows of the need for a quick turnaround.

Before submitting an amendment for review, the drafter should run a reprint to make sure there are no errors in the amendment and then package the amendment paperwork together in the following order:

- the blue (or yellow) request form;
- the drafted amendment (**do not staple** the pages together if more than one page in length);
- the bill, either an official copy from the Bill Room or a copy printed from the Web (with the pages **stapled** together);
- the unofficial reprint prepared by the drafter (with the pages **stapled** together) (Note that the reprint need not be included for very simple amendments that make only one or two changes); and
- any work papers used in drafting the amendment, such as notes, research materials, email or other correspondence, and drafts (**stapled** together and labeled "Work Papers" on the first page).

The paperwork should be secured together using a paper clip in the upper left hand corner of the package.

Proofreading; Stamps of Approval

After amendments are typed, they are proofread against the bill and against the Annotated Code or other appropriate source law by the legislative editors. When the amendments have been proofread and corrected as necessary, they are "finalized" by the typist. The finalized version of the amendment contains a printed stamp in the upper right corner which specifies when the amendment was finalized and identifies the person who either drafted or reviewed the amendment. A square stamp indicates that the amendment was prepared by the Amendment Office staff, and a round stamp indicates that the amendment was prepared by committee staff and subsequently reviewed and approved by the Amendment Office. Once an amendment has been finalized, no changes can be made to it. If changes are necessary, the drafter must create a new "version" of the amendment.

Copying of Amendments

Once finalized, the amendments are duplicated at the Copy Center Annex on the ground floor of the State House. Amendments are reproduced for distribution on bill-sized, pre-drilled paper.

The drafter should indicate on the amendment order form the proper number of copies to be made. The number depends on whether the amendment is offered in committee or on the floor and, if on the floor, whether the amendment is offered in the bill's house of origin or the opposite house.

Delivery of Amendments

Amendments to be Offered in Committee

As a general rule, amendments to be offered in a committee (or committees if the bill is jointly assigned) are not delivered by the Amendment Office to the sponsor or to the committee (or committees) in which the amendments are to be offered. Once finalized and copied, the sponsor of the amendments is called to pick up the amendments, regardless of whether the sponsor is the requester of the amendments. Only the sponsor or a member of the sponsor's staff may pick up an amendment. A lobbyist may not pick up the amendments, regardless of whether the lobbyist is the requester of the amendments on behalf of the sponsor or has the sponsor's permission to pick up the amendments.

Floor Amendments in the Senate

Amendments to be offered on the floor of the Senate are delivered on the floor, directly to the sponsor, regardless of whether another Senator is the requester of the amendments. A sponsor may pick up courtesy copies (generally three) of a finalized amendment from the Amendment Office if the amendment is ready before the floor session at which the amendment is to be offered.

Floor Amendments in the House of Delegates

Amendments to be offered on the floor of the House of Delegates are delivered on the floor, directly to the sponsor, regardless of whether another Delegate is the requester of the amendments. Additional copies of the amendments are delivered on the floor to the Chief Clerk of the House of Delegates. A sponsor may pick up courtesy copies (generally three) of a finalized amendment from the Amendment Office if the amendment is ready before the floor session at which the amendment is to be offered.

File Copies of Bills and Amendments

For reference and drafting purposes, copies of all bills and resolutions are on file in the Amendment Office. The bills and resolutions are filed in ascending numerical order. These bills and resolutions are not given out to the public. Individuals seeking copies of bills or resolutions should be directed to the bill room on the ground floor of the Legislative Services Building.

Copies of "proposed" and "adopted" amendments also are maintained in the Amendment Office. As with the file copies of bills and resolutions, the file copies of all amendments are for the exclusive use of the Amendment Office staff for reference and drafting purposes.

Electronic Copies of Amendments

Draft and finalized amendments are available to a drafter in the Department of Legislative Services on the drafter's computer through the "AmendAO" ribbon in Word. A drafter also may access finalized amendments from prior General Assembly sessions on the drafter's computer under G:\HOME\AMD_OFC.

A Delegate who is the sponsor of an amendment may access the amendment, once it has been finalized, on the Delegate's laptop computer under C:\FloorH\Rs2017\Personal\MyAmds. Similarly, a Senator who is the sponsor of

an amendment may access the finalized amendment on the Senator's laptop computer under C:\FloorS\Rs2017\Personal\MyAmds.

Confidentiality of Files

Requests by lobbyists and the general public for copies of adopted amendments should be referred to the information counter in the Legislative Services Building. Copies of proposed floor and committee amendments not yet offered are to remain confidential unless the sponsor agrees to their release or until after they have been offered for consideration in committee or on the floor.

Miscellaneous

Change in Rules of House or Senate

Amendments to the Senate Rules or House Rules follow a similar format to amendments to bills. All matter to be repealed from a rule is enclosed in [brackets]; however, brackets are shown in regular, unbolded type, all matter to be added is shown in CAPITAL LETTERS, and not **BOLD, SMALL CAPS** font, and new language added is not underlined.

Example

BY: Senator Doe

AMENDMENT TO SENATE RULE 18

ORDERED by the Senate of Maryland, that Senate Rule 18(1)(iii), as adopted by the Senate for the (year) Session be, and it is hereby, repealed and readopted, with amendments, to read as follows:

"18.

(1) (iii) Finance, [11] TWELVE;".

Petition of a Bill from Committee

Under Rule 42 of each house of the General Assembly, a bill may be petitioned from a standing committee if the bill has not been reported out for the period fixed in the Rule. The signatures of 16 Senators or 47 Delegates are required on the petition. The petition is typed as an original and a copy is made. The original is given to the person requesting it, and the copy is retained in the Amendment Office's files.

Example

PETITION

Acting pursuant to (Senate Rule 42) (House Rule 42) as adopted for the (year) Session of the General Assembly, We, the undersigned members of the (Senate of Maryland) (House of Delegates of Maryland) respectfully petition (Senate) (House) Bill _____ from the Committee on _____ and request that this bill be reported to the floor as therein provided:

(For the Senate) _____ _____ _____
(For the House) _____ _____ _____

Conference Committee Reports

Occasionally, an amendment or a set of amendments added to a bill in the opposite house is rejected by the house of origin when the amended bill is returned for concurrence. If neither body will yield, the bill may be referred to a conference committee which, under the House and Senate rules, generally consists of three members from each body appointed by the presiding officers. (*See* House Rules 21 and 68 and Senate Rules 21 and 68.) A chair also is appointed from among each set of conferees.

All conference committee report requests are recorded in the Amendment Office. The amendments and the report of the conference committee are prepared by the professional staff in the Amendment Office. The report must be prepared with scrupulous care. Typically, conference committee reports are needed in the final days and waning hours of the legislative session, and they may be considered with much haste in the House and Senate.

Before beginning the preparation of a conference committee report, the drafter should obtain the necessary report form and the required documentation which either chair of the conference committee should obtain from the Chief Clerk's Office or the Secretary of the Senate's Office, as appropriate. A set of the amendments in question also must be obtained. These amendments are on file in the Amendment Office or are available online.

The recommendations of the conference committee can be to:

- adopt all of the amendments of the opposite house;
- adopt all of the amendments of the opposite house and adopt additional conference committee amendments;
- adopt some of the amendments of the opposite house and reject the other amendments of the opposite house;
- adopt some of the amendments of the opposite house, reject the other amendments of the opposite house, and adopt additional conference committee amendments;
- reject all of the amendments of the opposite house; or
- reject all of the amendments of the opposite house and adopt new conference committee amendments.

The conference committee report identifies the bill number, the House and Senate third reading calendar numbers, and the decision of the conference committee, setting out new amendments if required. (*See* p. 259, "Sample Conference Committee Report.") The names of the members of the committee are automatically inserted in the conference committee report, with space for them to sign one copy of the report. A copy of any previously adopted amendments that are recommended to remain as adopted must be attached to the report. The official version of the amendments, stamped "ADOPTED" and maintained in the Amendment Office's files, should be used to make the copy attached to the report. Amendments recommended to be rejected need not be attached if all amendments in the set are to be rejected. However, if the amendments are part of a set that includes one or more amendments recommended to remain as adopted, the rejected amendments are attached as part of that set.

Once the conference committee report form and amendments, if any, are prepared, arrangements will be made to deliver the report (and any amendments) to a member of the conference committee. It is the member's responsibility to obtain the signatures of at least four out of the six members of the conference committee if the report is to proceed. The member is responsible for returning the report to the Amendment Office where clerical staff will handle arrangements for the copying of the report (and any amendments). Sufficient quantities of the report (and any amendments) are copied for distribution. All of the copies are delivered to the Secretary of the Senate's Office or Chief Clerk's Office, depending on whether the Senate or House has possession of the bill. The copies, in turn, are brought to the floor by staff in the Secretary's or Chief Clerk's Office as soon as possible. Once the body that has possession of the bill has considered and adopted the conference committee report, the remaining copies of the report are sent to the opposite body for consideration and adoption. If either body fails to adopt the conference committee report, the bill usually dies. On very rare occasions, a new conference committee is appointed or the existing committee is directed to meet again and develop another set of recommendations.

See also p. 8, "Concurrence Votes and Conference Committees."

Amendments to the Annual Operating and Capital Budget Bills

The procedures for amending the annual operating and capital budget bills, which provide for the appropriation of money, differ somewhat from the amendment procedures for all other legislation. In addition, the committee reprints of the operating and capital budgets have official status under House Rule 52 and Senate Rule 52 so that they may be directly amended by a legislator. Finally, restrictions exist on the insertion of language in the operating budget that would have the effect of "legislating" through the budget process.

For a further discussion of legal issues relating to the budget process, *see Legislative Desk Reference Manual* (Department of Legislative Services, Office of Policy Analysis, 2009).

Appendix

Sample Code Section

Name of Code Article

Name (and number) of Title and Subtitle (Omit from Bill)

Captions and Catchlines (Omit from Bill)

Subsection

Paragraph

Subparagraph (Item)

History Line Annotation (Omit from Bill)

Revisor's Note (Omit from Bill)

Publisher's Annotations (Omit from Bill)

LABOR AND EMPLOYMENT

TITLE 9.

WORKERS' COMPENSATION.

Subtitle 2. Covered Employees and Employers.

§ 9-204. Election to be subject to title.

(a) *In general.* — (1) Except as provided in subsection (b) of this section, with the approval of the Commission, an individual who otherwise would not be a covered employee and the employer of the individual may elect to make the individual a covered employee by filing a joint election with the Commission.

(2) The right to make an election under this subsection for an individual may be exercised by:

(i) an individual who is at least 16 years old; or

(ii) a parent or guardian of an individual who is less than 16 years old.

(b) *Limitation.* — An individual who is not a covered employee due to § 9-223(c) of this subtitle and the employer of the individual may not make an election under this section if prohibited by federal law. (An. Code 1957, art. 101, § 31; 1991, ch. 8, § 2.)

REVISOR'S NOTE

This section is new language derived without substantive change from the first through third sentences and the third clause of the fourth sentence of former Art. 101, § 31.

In subsection (a)(1) of this section, the reference to "an individual who otherwise would not be a covered employee" is substituted for the former reference to "his employee or employees engaged in works not within the meaning of this article", for brevity and to conform to terminology used throughout this title.

Also in subsection (a)(1) of this section, the language "may elect to make the individual a covered employee" is substituted for the former language "may ... accept the provisions of this article", for clarity and to conform to terminology used throughout this title.

Also in subsection (a)(1) of this section, the former language "and such acceptances ... shall subject them to the provisions of this article to all intents and purposes as if they had been originally included in its terms", is deleted as implicit in an election to make an individual a covered employee. Similarly, in subsection (b) of this section, the former language "which shall subject the acceptors to the provisions of this article to all intents and purposes as if they had been originally included in its terms", is deleted as implicit in an election.

In subsection (b) of this section, the former phrases "except that any such employer and any of his workmen only in the State may, with the approval of the Commission ... voluntarily accept the provisions of this article by filing written acceptance with the Commission", is deleted in light of subsection (a) of this section.

Defined terms:

"Commission"	§ 9-101
"Covered employee"	§ 9-101

Cross reference. — As to employment of minors in violation of law, see § 9-606.

In general. — This section provides permissive grant of authority to the Workers' Compensation Commission. Apitsch v. Patapsco & B.R.R.R., 385 F. Supp. 495 (D. Md. 1974).

Applicability. — The Workers' Compensation Act does not apply to students who are placed in unpaid work positions as part of their educational program because such students are not employees under § 9-202, nor may such students gain coverage through voluntary election with an employer under this section. 74 Op. Att'y Gen. — (February 3, 1989).

Requirements mandatory. — This section requires that the election, in order to come under this title, must be made in writing and must be filed with the Commission. Apitsch v. Patapsco & B.R.R.R., 385 F. Supp. 495 (D. Md. 1974).

Where undisputed evidence shows that no filing of written election was ever made, the statutory prerequisite to the Commission's taking jurisdiction over the case was never complied with. Apitsch v. Patapsco & B.R.R.R., 385 F. Supp. 495 (D. Md. 1974).

The securing by a dairyman of compensation insurance covering his employees did not subject such employees to the compensation law. The procedure for this purpose is specified in this section. Keeney v. Beasman, 169 Md. 582, 182 A. 566 (1936).

Sample Request Sheet

REQUEST SHEET - 20XX Session	LR5091

Log To:	Reviewer Initials/Date	Drafter Initials/Date	Log To:	Reviewer Initials/Date	Drafter Initials/Date
Reviewer 1			Drafter to answer questions/make changes then back to Reviewer 2		
Drafter to answer questions/make changes then back to Reviewer 1			Drafter to answer questions/make changes then back to Reviewer 2		
Drafter to answer questions/make changes then back to Reviewer 1			Drafter to note changes then to LDM		
Drafter to note changes then to Reviewer 2			LDM		
Reviewer 1 to Reviewer 2			Other (specify)		

Sponsor(s)	Leave Blank		
Requestor	Add, Requestor (410-000-0000)		
Request Date	7/19/20XX	Taken By	Markoya, Judi
Drafter	Markoya, Judi	Priority	Normal
Drafter Assigned Online	Yes / No		
Reviewer(s)	Ford, Pat/Volk, Mike/		
Title	Vehicle Laws - Size, Weight, and Load - Exemptions		
Delegation Bill			
Bill File Type			
Previous	2008 RS - LR3036/SB0800 - b&t (PRINT ON LR)		
Cross File	LR5092	Identical	
File Code(s)	R6 - Vehicle Laws - Equipment and Inspections		
Similar			
Use Text Of	2008 RS - LR3036/SB0800 - first		
Deliver/Hold			
Special Handling	7/19/20XX 10:58:13 AM jlit Doolittle aide - Jane (410-841-0123)		
Comments			
Attachments	No		

Sample Bill Request Notes Sheet

BILL REQUEST NOTES SHEET - 20XX Session

Use this form to attach any documents given as part of a legislative request or for handwritten information to be logged into LR-Bill Status. Deliver to Bill Drafting Office for assignment of drafter.

If request is logged into LR-Bill Status, note the following: **LR No.** _____

Request Date _____ **Taken By** _____ **Attachments:** Yes/No

Is your request a PREFILE **YES** ✓ **NO** _____ **UNDECIDED** _____

If request is not logged into LR Bill Status, complete the information below.

Sponsor(s) Senator Doolittle

Subject Vehicle Laws – Size, Weight, and Load – Exemptions

Comments

Exempt mass transit vehicles (buses) from size, weight, and load requirements; allow only where approved by Secretary of Transportation

Requestor Doolittle aide – Jane **Requestor Phone No.** 410-841-0123

Request Date 9/28 **Taken By** JLC **Drafter** Markoya

Previous Bill SB 800/08 - b3+ **Cross File** LR 5092 **Identical** _____

File Code R6 **Similar To** _____ **Priority** _____

Special Handling _____

Delegation Bill **MC** _____ **PG/MC** _____ **PG** _____ **Ho.Co.** _____

Reviewer 1: _____

Reviewer 2: _____

(Over)

Drafter's Notes:

10/11 - Phoned sponsor; left message.
10/12 - Spoke with aide (Jane) regarding standards for approval of highways by Sec'y of Transportation. Sponsor does not want to include in bill.

Sample Reviewer Copy (Online Drafting)

REVIEWER COPY 10/11/20XX 10:46:04 AM

R6 Xlr5091
SB 800/08 - B&T CF Xlr5092

Drafted by: Markoya

Bill No.: _____

Requested: _____

Committee: _____

By: **Senator Doolittle**

A BILL ENTITLED

AN ACT concerning

Vehicle Laws – Size, Weight, and Load – Exemptions

FOR the purpose of exempting certain buses from certain provisions of the Maryland Vehicle Law governing the size, weight, and load of vehicles; authorizing certain vehicles exempted from the size, weight, and load provisions to be operated only on highways designated by the Secretary of Transportation; clarifying language; and generally relating to exemptions from size, weight, and load provisions of the Maryland Vehicle Law.

BY repealing and reenacting, with amendments,
Article – Transportation
Section 24–101(a)
Annotated Code of Maryland
(20XX Replacement Volume and 20XX Supplement)

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

Article – Transportation

24–101.

EXPLANATION: **CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.**
[Brackets] indicate matter deleted from existing law.

Xlr5091 **REVIEWER COPY 10/11/20XX 10:46:04 AM**

(a) **(1)** **[**The**]** **SUBJECT TO THE PROVISIONS OF PARAGRAPH (2) OF THIS SUBSECTION, THE** provisions of this subtitle governing size, weight, and load do not apply to:

[(1)**]** **(I)** Fire apparatus;

[(2)**]** **(II)** Farm equipment temporarily moved on a highway; **[**or**]**

[(3)**]** **(III)** A vehicle **[**driven**]** **OPERATED** under the terms of a special permit issued under this subtitle**; OR**

(IV) BUSES OWNED OR OPERATED BY A PUBLIC BODY ENGAGED IN MASS TRANSIT.

(2) EXCEPT FOR FIRE APPARATUS, A VEHICLE THAT IS NOT IN COMPLIANCE WITH THE SIZE, WEIGHT, AND LOAD PROVISIONS OF THIS SUBTITLE BUT IS EXEMPT FROM THOSE PROVISIONS UNDER THIS SUBSECTION MAY BE OPERATED ONLY ON HIGHWAYS DESIGNATED BY THE SECRETARY.

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

Sample Bill Draft (Cut and Paste)

Article - Transportation

~~Subtitle 1. Size, Weight, and Load.~~

SUBJECT TO THE PROVISIONS OF PARAGRAPH (2) OF THIS SUBSECTION, THE

24-101. ~~Scope and effect of subtitle.~~

(a) ~~Certain vehicles excepted from subtitle.~~ (1) [The] provisions of this subtitle governing size, weight, and load do not apply to:

(I) [(1)] Fire apparatus;

[(2)] Farm equipment temporarily moved on a highway; [or]

(II) [(3)] A vehicle [driven] OPERATED under the terms of a special permit issued under this subtitle;

(III) ; OR

(IV) BUSES OWNED OR OPERATED BY A PUBLIC BODY ENGAGED IN MASS TRANSIT.

(2) EXCEPT FOR FIRE APPARATUS A VEHICLE THAT IS NOT IN COMPLIANCE WITH THE SIZE, WEIGHT, AND LOAD PROVISIONS OF THIS SUBTITLE BUT IS EXEMPT FROM THOSE PROVISIONS UNDER THIS SUBSECTION MAY BE OPERATED ONLY ON HIGHWAYS DESIGNATED BY THE ~~ADMINISTRATOR~~ SECRETARY

Sample Synopsis Sheet

SYNOPSIS SHEET - 20XX Session	LR5091

Bill/Chapter No	
Synopsis Version	LR (CURRENT)
Drafter	Markoya, Judi
Reviewer(s)	Ford, Pat/Volk, Mike/
LR/Bill Sponsor(s)	Leave Blank
Abb. Sponsor	Leave Blank
Daily Synopsis Sponsor	Leave Blank
LR/Bill Title	Vehicle Laws - Size, Weight, and Load - Exemptions
Abb. Title	Vehicle Laws - Size, Weight, and Load - Exemptions
Bill File Type	
Synopsis	Exempting buses owned or operated by a public body engaged in mass transit from provisions of the Maryland Vehicle Law governing the size, weight, and load of vehicles; providing that specified vehicles that are exempt from the size, weight, and load provisions may be operated only on highways designated by the Secretary of Transportation; etc.
Code Reference	TR, § 24-101(a) - amended
Local Gov. Mandate	No
Mandated Appropriation	No
Bill Type	Senate Bill
Effective Date(s)	10/1/20XX
Contingency	-
Task Force/Commission	
Cross File	LR5092 — Identical
Previous	2008 RS - LR3036/SB0800 - b&t (PRINT ON LR)
File Code(s)	R6 - Vehicle Laws - Equipment and Inspections
Similar	
Use Text Of	2008 RS - LR3036/SB0800 - first

Sample Synopsis Sheet

SYNOPSIS SHEET - 20XX Session	LR5091

Priority	Normal
Special Handling	7/19/20XX 10:58:13 AM jlit Doolittle aide - Jane (410-841-0123)
Comments	

Sample Bill Drafting Review Checklist

Bill Drafting Review Checklist

Drafter: Before submitting draft bill for review, please initial to indicate that you checked the draft as to each of the items in this checklist:
_____ Date:_____
(initials)

LR:_____

Drafted by: _____

Reviewed by: _____ **Date:**_____

- **Reviewer's General Comments (optional):**

- **Reviewer:** Please check items below as appropriate to indicate any matter in the draft bill to be noted or addressed by the drafter (comments optional):

____ Request form completely and correctly filled out (sponsor, date drafted, file code, prior intro)?

____ Communications fully and legibly documented?

____ If bill is a re-introduction:
- ____ (a) Used proper version of bill?
- ____ (b) Updated (has source law changed)?
- ____ (c) Corrected as necessary (function paragraph(s); effective dates)?

____Short title adequate (appropriately descriptive; not misleading)?

____ Purpose paragraph adequate (legally; stylistically; use of "generally relating" clause; over usage of "certain")?

____ Function paragraph(s) accurate and complete (match what is shown in bill)?

____ Proper enacting clause(s) used?

____ Body of Bill:
- ____ (a) Organization:
  - ____ - Provisions logically arranged?
  - ____ - All relevant provisions of law included?
  - ____ - Articles/sections in proper order?

(over)

Bill Drafting Review Checklist
Page 2

____ - Sections numbered properly?
____ - Double drafted, if applicable?
____ (b) Language adequate (clear; unambiguous; proper word usage; active voice)?
____ (c) Grammar/syntax satisfactory?
____ (d) Punctuation correct?
____ (e) Internally consistent (*i.e.* language of bill is consistent)?
____ (f) Externally consistent (*e.g.* with surrounding context and other provisions of law)?
____ (g) Proper use of symbology (brackets, caps, *etc.*)?
____ (h) Complies with stylistic requirements regarding:
____ - Tabulation (enhances clarity; proper structure and punctuation; parallel provisions)?
____ - Definitions (used appropriately; proper order; consistent)?
____ - Cross-references?
____ - Gender neutral?
____ - Numbering?
____ (i) Substantive and legal issues:
____ - Complies with constitutional requirements?
____ - Single subject?
____ - Achieves sponsor's intent (over- or under-inclusive)?

____ Special sections:
____ (a) Properly included?
____ (b) Clear, concise, comprehensive?
____ (c) Properly placed and numbered?

____ Effective date(s):
____ (a) Appropriate?
____ (b) Properly drafted?

____ Synopsis:
____ (a) Included?
____ (b) Clearly and accurately written?
____ (c) Local mandate?

____ Work papers:
____ (a) Included?
____ (b) Labeled as work papers?
____ (c) Compiled properly (pink sheet, bill draft, work papers, synopsis; stapled)?

Sample LR

R6 Xlr5091
SB 800/08 - B&T CF Xlr5092

Bill No.: _____
Requested: _____
Committee: _____

Drafted by: Markoya
Typed by: Carol
Stored –10/12/XX
Proofread by _____
Checked by _____

By: **Senator Doolittle**

A BILL ENTITLED

AN ACT concerning

Vehicle Laws – Size, Weight, and Load – Exemptions

FOR the purpose of exempting certain buses from certain provisions of the Maryland Vehicle Law governing the size, weight, and load of vehicles; authorizing certain vehicles exempted from the size, weight, and load provisions to be operated only on highways designated by the Secretary of Transportation; clarifying language; and generally relating to exemptions from size, weight, and load provisions of the Maryland Vehicle Law.

BY repealing and reenacting, with amendments,
Article – Transportation
Section 24–101(a)
Annotated Code of Maryland
(20XX Replacement Volume and 20XX Supplement)

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

Article – Transportation

24–101.

EXPLANATION: **CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.**
[Brackets] indicate matter deleted from existing law.

Sample LR

Xlr5091

18 (a) **(1)** **[**The**]** **SUBJECT TO THE PROVISIONS OF PARAGRAPH (2) OF**
19 **THIS SUBSECTION, THE** provisions of this subtitle governing size, weight, and load
20 do not apply to:

21 **[**(1)**]** **(I)** Fire apparatus;

22 **[**(2)**]** **(II)** Farm equipment temporarily moved on a highway; **[**or**]**

23 **[**(3)**]** **(III)** A vehicle **[**driven**]** **OPERATED** under the terms of a special
24 permit issued under this subtitle**; OR**

25 **(IV) BUSES OWNED OR OPERATED BY A PUBLIC BODY**
26 **ENGAGED IN MASS TRANSIT.**

27 **(2) EXCEPT FOR FIRE APPARATUS, A VEHICLE THAT IS NOT IN**
28 **COMPLIANCE WITH THE SIZE, WEIGHT, AND LOAD PROVISIONS OF THIS**
29 **SUBTITLE BUT IS EXEMPT FROM THOSE PROVISIONS UNDER THIS SUBSECTION**
30 **MAY BE OPERATED ONLY ON HIGHWAYS DESIGNATED BY THE SECRETARY.**

31 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take
32 effect October 1, 20XX.

Sample Revision Request Sheet

REVISION REQUEST SHEET - 20XX Session	LR5091

Log to:	Reviewer Initials/Date	Drafter Initials/Date	Log to:	Reviewer Initials/Date	Drafter Initials/Date
Reviewer 1			Drafter to answer questions/make changes then back to Reviewer 2		
Drafter to answer questions/make changes then back to Reviewer 1			Drafter to answer questions/make changes then back to Reviewer 2		
Drafter to answer questions/make changes then back to Reviewer 1			Drafter to note changes then to LDM		
Drafter to note changes then to Reviewer 2			LDM		
Reviewer 1 to Reviewer 2			Other (specify)		

Sponsor(s)	Leave Blank		
Abb. Sponsor	Leave Blank		
Requestor	Add, Requestor (410-000-0000)		
Revision Date	8/10/20XX		
Drafter	Markoya, Judi	Priority	Normal
Reviewer(s)	Ford, Pat/Volk, Mike/		
Title	Vehicle Laws - Size, Weight, and Load - Exemptions		
Abb. Title	Vehicle Laws - Size, Weight, and Load - Exemptions		
Delegation Bill			
Bill File Type			
Previous	2008 RS - LR3036/SB0800 - b&t		
Cross File	LR5092	Identical	
File Code(s)	R6 - Vehicle Laws - Equipment and Inspections		
Similar			
Use Text Of	2008 RS - LR3036/SB0800 - first		
Deliver/Hold			
Spcl Handling	7/19/20XX 10:58:13 AM jlit Doolittle aide - Jane (410-841-0123)		

Change Sponsor Only Yes No

Prepare Backs Yes No

Synopsis Impact Yes No

Date Drafted _____

Reviewer Comments

_____

_____

_____

Sample Revision Request Sheet

REVISION REQUEST SHEET - 20XX Session	LR5091

Comments	

Reviewer Comments

_____

_____

_____

Sample First Page of a Compare Copy

COMPARE COPY 1/29/2015 3:15:42 PM

Q1 5lr0593

Bill No.: _____ Drafted by: Ward

Requested: _____

Committee: _____

By: **Delegate Krimm**

A BILL ENTITLED

AN ACT concerning

Property Tax Fairness Act of 2015
(Strengthening Maryland Municipalities)

FOR the purpose of repealing certain provisions of law requiring or authorizing certain counties to grant property tax setoffs to municipal corporations within the county; requiring~~prohibiting~~ a county to grant~~from imposing~~ a ~~county~~ property tax setoff to~~on property located in~~ a municipal corporation in accordance with a formula agreed to by~~for~~ the ~~purpose of funding any~~ county and~~service that~~ the municipal corporation if~~provides, except under certain circumstances, authorizing a county and a municipal corporation to enter into an agreement establishing a property tax setoff for~~ the municipal corporation performs services or programs instead of similar county services or programs~~at any level that the county and the municipal corporation determine is appropriate~~; authorizing a county and a municipal corporation to agree to phase in any increase in~~establish the level of~~ a property tax setoff above a certain level~~through arbitration or phase in the full amount of a property tax setoff~~ over a certain period of time; requiring a county that contains municipal corporations to conduct a study of services or programs provided by the municipal corporations instead of county services or programs before the property tax setoffs for a certain fiscal year may be established; making clarifying and conforming changes~~defining a certain term~~; providing for the effective dates of this Act; and generally relating to property tax setoffs.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter deleted from existing law.

Sample First Reading File Bill

Legislative Request Number
(l.r.) (Initial Numeral Indicates the Year)

Cross-Filed Bill Number
(If Applicable)

CONTENTS

File Code

Prior Introduction (If Applicable)

Bill Number

Sponsor

First Reading and Committee Assignment

TITLE OF BILL

Short Title

Purpose Paragraph

Function Paragraph

Line Numbers

BODY OF BILL

Enacting Clause

Article of Code Affected

Section of Article Treated

Existing Text Appears in Lower Case

Text Proposed for Deletion from the Law
(Appears in [Brackets])

Explanation of Symbology

SENATE BILL 2

R6 **Xlr5091**
SB 800/08 - B&T **CF Xlr5092**
By: **Senator Doolittle**
Introduced and read first time:January 14, 20XX
Assigned to: Budget and Taxation

A BILL ENTITLED

1 AN ACT concerning

2 **Vehicle Laws – Size, Weight, and Load – Exemptions**

3 FOR the purpose of exempting certain buses from certain provisions of the Maryland
4 Vehicle Law governing the size, weight, and load of vehicles; authorizing
5 certain vehicles exempted from the size, weight, and load provisions to be
6 operated only on highways designated by the Secretary of Transportation;
7 clarifying language; and generally relating to exemptions from size, weight,
8 and load provisions of the Maryland Vehicle Law.

9 BY repealing and reenacting, with amendments,
10 Article – Transportation
11 Section 24–101(a)
12 Annotated Code of Maryland
13 (20XX Replacement Volume and 20XX Supplement)

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

16 **Article – Transportation**

17 24-101.

18 (a) **(1)** [The] **SUBJECT TO THE PROVISIONS OF PARAGRAPH (2) OF**
19 **THIS SUBSECTION, THE** provisions of this subtitle governing size, weight, and load
20 do not apply to:

21 **[(1)] (I)** Fire apparatus;

22 **[(2)] (II)** Farm equipment temporarily moved on a highway; **[or]**

EXPLANATION: **CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.**
[Brackets] indicate matter deleted from existing law.

Sample First Reading File Bill

BODY OF BILL

New Text Proposed to be Added to the Law
(Appears in **BOLD, SMALL CAPS**)

Effective Date Clause

2 SENATE BILL 2

[(3)] (III) A vehicle [driven] OPERATED under the terms of a special permit issued under this subtitle; OR

(IV) BUSES OWNED OR OPERATED BY A PUBLIC BODY ENGAGED IN MASS TRANSIT.

(2) EXCEPT FOR FIRE APPARATUS, A VEHICLE THAT IS NOT IN COMPLIANCE WITH THE SIZE, WEIGHT, AND LOAD PROVISIONS OF THIS SUBTITLE BUT IS EXEMPT FROM THOSE PROVISIONS UNDER THIS SUBSECTION MAY BE OPERATED ONLY ON HIGHWAYS DESIGNATED BY THE SECRETARY.

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

Sample Amendment Order Form

AMENDMENT ORDER FORM

LOGGING:
Checked in ___
Completed ___

BILL NO. 582 AMD ID NO. ____/____ DATE 1/30

SPONSOR Senator Smith REQUESTED BY Sponsor

HEARING DATE 2/6 DATE NEEDED 2/5 (if different than hearing date)

PHONE NO. -3210 REQUEST TAKEN BY P. Ford

BILL STATUS: TO BE OFFERED:

1st reader	✓	On Senate floor	
3rd reader		On House floor	
Bill as printed for 3rd reading		In committee ✓	Committee name: Br T
Committee reprint			

PRINTING INSTRUCTIONS:

SPONSOR OFFERING IN COMMITTEE: 35
(30 to sponsor/5 for us)

IF BILL IS JOINTLY ASSIGNED: 35+35
(30 to sponsor/5 for us; 35 to sponsor)

HOUSE BILL ON HOUSE FLOOR: 45
(35 to Chief Clerk/5 to sponsor on floor/5 for us)

SENATE BILL ON SENATE FLOOR: 75
(70 to sponsor on floor/5 for us)

SENATE BILL ON HOUSE FLOOR: 120
(110 to Chief Clerk/5 to sponsor on floor/5 for us)

HOUSE BILL ON SENATE FLOOR: 75+20
(70 to sponsor on floor/5 for us/20 to Secretary of Senate)

SPECIAL INSTRUCTIONS:_____

P. Ford	2/3	JMY	2/4
DRAFTED BY	DATE	REVIEWED BY	DATE

TYPED BY PROOFED BY REPROOFED BY

CALLED FOR PICKUP ON: _____ PICKED UP BY: _____

CALLED FOR CC OF FLOOR AMD READY IN ADVANCE OF SESSION: _____

DELIVERED TO: Floor _____ Committee _____ Other _____ BY: _____

5/24/11

Sample Amendment

AMENDMENTS
PREPARED
BY THE
DEPT. OF LEGISLATIVE
SERVICES
P. Fad
06 APR XX
10:52:16

SB0002/853722/1

BY: Senator Smith
(To be offered in the Budget and Taxation Committee)

AMENDMENTS TO SENATE BILL 2
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, at the top of the page, insert "EMERGENCY BILL"; in the sponsor line, strike "Senator Doolittle" and substitute "Senators Doolittle and Smith"; in line 6, strike "Secretary of Transportation" and substitute "Administrator of the Motor Vehicle Administration"; and in line 7, after "language;" insert "making this Act an emergency measure;".

AMENDMENT NO. 2

On page 1, in line 21, after "Fire" insert "**FIGHTING**".

On page 2, in line 3, strike "**OWNED OR**"; in line 5, after "**FIRE**" insert "**FIGHTING**"; and in line 8, strike "**SECRETARY**" and substitute "**ADMINISTRATOR**".

AMENDMENT NO. 3

On page 2, strike beginning with "shall" in line 9 down through "20XX" in line 10 and substitute "is an emergency measure, is necessary for the immediate preservation of the public health or safety, has been passed by a yea and nay vote supported by three-fifths of all the members elected to each of the two Houses of the General Assembly, and shall take effect from the date it is enacted".

Sample Conference Committee Report

SB0214/283029/1

REPORT PREPARED BY THE DEPT. OF LEGISLATIVE SERVICES
Ford
07 APR XX
10:52:16

CONFERENCE COMMITTEE REPORT

BILL NO.: **SB 214** SPONSOR: **Senator Colburn**

SUBJECT: **Crimes - Unauthorized Possession - Place of Confinement**

THIRD READING CALENDAR HOUSE NO. **25** SENATE NO. **24**

Hon. Thomas V. Mike Miller, Jr., President of the Senate
Hon. Michael E. Busch, Speaker of the House of Delegates

Your Conference Committee on the Disagreeing votes of the two Houses has met and, after full and free conference, recommends:

(1) That the attached House Judiciary Committee Amendments (SB0214/512017/1) be adopted.

(2) That the attached Conference Committee Amendment (SB0214/323421/1) be adopted.

Senate Members:	House Members:
Chairman, **Jennie M. Forehand**	Chairman, **Jeff Waldstreicher**
Bryan W. Simonaire	**Susan C. Lee**
Lisa A. Gladden	**Susan K. McComas**

Read in the Senate: Read in the House of Delegates:

Amendment Office Delivers Report to: ( ) Chief Clerk
(X) Secretary, Senate

File Codes – 2017 Session

ALCOHOLIC BEVERAGES		
A1	Statewide Bills	
A2	Local Bills	
BUDGETS AND PUBLIC DEBT		
B1	Operating Budget	Includes Budget Related Issues
B2	State Debt (Bond Bills)	NOT Capital Budget
B3	Local Debt (Bond Bills)	
B4	Prior Authorizations	
B5	Capital Budget	Includes Academic Facilities Bonding Authority
BUSINESS AND ECONOMIC ISSUES		
C1	Corporations and Associations	
C2	Business Regulation and Occupations	NOT Health Occupations (J3)
C3	Insurance – Health	Includes HMOs in the context of regulation by the Insurance Administration
C4	Insurance – Other than Health	
C5	Utility Regulation	NOT WSSC (L4); Includes Related Energy Issues
C6	Horse Racing	
C7	Gaming	Includes Lottery
C8	Economic and Community Development	Includes Housing
COURTS AND CIVIL PROCEEDINGS		
D1	Courts and Court Personnel – Statewide	Statewide or multicounty bills; includes Attorneys, Judges
D2	Courts and Court Personnel – Local	Single County or Baltimore City, includes Sheriffs, State's Attorneys
D3	Civil Actions and Procedures	Includes Evidence, Immunity, Judgments
D4	Family Law	Includes Domestic Abuse
D5	Human Relations	Includes Civil Rights
CRIMES AND PUBLIC SAFETY		
E1	Criminal Law – Substantive Crimes	
E2	Criminal Law – Procedure	Includes Victims' Rights, Sentencing
E3	Juvenile Law	
E4	Public Safety	Includes Gun Regulation, Correctional Facilities, Law Enforcement Officers, Fire Safety, Explosives
EDUCATION		
F1	Primary and Secondary Education	NOT Public Libraries
F2	Higher Education	Includes Scholarships, Community Colleges
F3	Education – Local Bills	Single County or Baltimore City
F4	Community Colleges – Local Bills	
F5	Education – Miscellaneous	Includes Public Libraries, Maryland Public Broadcasting, Interstate Compacts
ELECTIONS AND ETHICS		
G1	Elections	Includes Single County Bills
G2	Ethics	Includes Single County Bills
FINANCIAL INSTITUTIONS AND COMMERCIAL LAW		
I1	Financial Institutions	Includes Credit Unions
I2	Commercial Law – Credit Regulation	
I3	Commercial Law – Consumer Protection	
I4	Commercial Law – Generally	Includes UCC
HEALTH		
J1	Public Health	Includes Smoking, Abortion, Medical Assistance, Miscellaneous Health Issues
J2	Health Occupations	
J3	Health Care Facilities and Regulation	
J4	Health Maintenance Organizations	NOT general health insurance bills or regulation by Insurance Administration

LABOR, EMPLOYMENT, AND PENSIONS		
K1	Workers' Compensation	
K2	Unemployment Insurance	
K3	Private Sector Labor and Industry	Includes Occupational Safety, Wage and Hour Law
K4	State Pensions and Retirement	
LOCAL GOVERNMENT		
L1	Counties – Generally	Powers or structure of multiple counties (Baltimore City is a "county")
L2	Counties – Local Laws	Single County or Baltimore City bills, except in the areas of: Alcoholic Beverages (A2), Bonds (B2 or B3), Courts (D2), Education (F3), Elections (G1), Ethics (G2), Gaming (C7), Taxes (Q2 or Q8), and Vehicle Laws (R3-R7)
L3	Municipal Corporations	Includes single jurisdiction bills
L4	Special Taxing Districts	
L5	Bi-County Agencies	
L6	Local Government – Generally	Bills concerning multiple types of local governments
NATURAL RESOURCES, ENVIRONMENT, AND AGRICULTURE		
M1	Natural Resources – Generally	Includes Program Open Space
M2	Hunting and Fishing	
M3	Environment	Includes Related Energy Issues
M4	Agriculture	Includes Pesticide Regulation
PROPERTY, ESTATES AND TRUSTS		
N1	Real Property	
N2	Estates and Trusts	NOT Orphans' Court Judges (D1 or D2)
HUMAN RESOURCES		
O1	Social Services – Generally	Includes Public Assistance, NOT Medical Assistance (J1), NOT Housing (C8)
O2	Elderly	
O3	Disabled	Includes Developmental Disabilities
O4	Children	Includes Day Care
STATE GOVERNMENT		
P1	Agencies, Offices, and Officials	Includes Veterans, Miscellaneous
P2	Procurement	Includes Prevailing Wage, Contract Appeals
P3	Regulations and Procedures	Includes Regulatory Review, A.P.A.
P4	Personnel	Includes Collective Bargaining, NOT Pensions (K4)
P5	General Assembly	NOT Joint Resolutions (Code JRs by subject)
TAXES		
Q1	Property	Statewide Fuel, Road, Motor Carrier Taxes, NOT Motor Vehicle Registration Fees (R4)
Q2	Property – Local	Single County or Baltimore City
Q3	Income	
Q4	Sales and Use	
Q5	Transportation	Includes Fuel, Road, Motor Carrier Taxes, NOT Motor Vehicle Registration Fees (R4)
Q6	Recordation and Transfer	
Q7	Miscellaneous	Includes Estate, Inheritance, Admission and Amusement, Hotel/Motel, Tobacco, Franchise
Q8	Miscellaneous – Local	Single County or Baltimore City
TRANSPORTATION		
R1	Transportation – Highways	Transportation Article, Title 8
R2	Transportation – Generally	Transportation Article, Titles 1 – 7, 9, and 10
R3	Vehicle Laws – Drunk Driving	
R4	Vehicle Laws – Licensing and Registration	Includes Registration Fees, Licensing of Businesses
R5	Vehicle Laws – Rules of the Road	
R6	Vehicle Laws – Equipment and Inspections	Includes VEIP, Size, Weight, Load
R7	Vehicle Laws – Miscellaneous	

Synopsis Sheet Guidelines

SPONSORS

The LR/Bill Sponsor(s) space on the Synopsis Sheet lists all sponsors of a bill, with no limit on the characters used and without using abbreviations.

The "Abb. Sponsor" space on the Synopsis Sheet is limited to a 41 character maximum, but will include the primary sponsor and most parenthetical references. If there are two sponsors, both names should be shown. For three or more sponsors, the primary sponsor's name followed by ", et al" should be used. No name will appear on the Synopsis Sheet if the sponsor is "Leave Blank." Note that abbreviations are used as shown below and no periods are used except following an initial in a Delegate's or Senator's name.

Examples:

Del F. Smith Sen Jones Sens Jones and Brown Del F. Smith, et al
Carroll County Delegation Baltimore County Senators

The sponsor line for the Governor's bills should show the primary sponsor followed by (Dept) or (Admin).

Examples:

The Speaker (Dept) The President (Admin), et al
Ch APP (Dept) Ch FIN (Dept)

The Daily Synopsis sponsor line on the Synopsis Sheet follows the same rules that apply to the Abb. Sponsor line, except that the words "Delegate" and "Senator" are not abbreviated.

TITLE (Two 50-character line maximum.)

The LR/Bill Title on the Synopsis Sheet should match the short title on the "lr" exactly, including the local bill number, if any. If this title is too long, the online system will generate an abbreviated title for the voting machine, which will be shown in the "Abb. Title" space on the Synopsis Sheet.

SYNOPSIS PARAGRAPH (Eight 70-character line maximum.)

The synopsis paragraph should be more specific than the deliberately broad purpose paragraph. For example, a "certain fee" could become a "$25 fee" and "certain date" could become "June 1, 20XX." The synopsis should use "specified"

Synopsis Sheet Guidelines (Continued – Page 2)

instead of "certain" and "the Act" instead of "this Act." It is preferred not to include some clauses from the purpose paragraph (for example, "defining a term;", "making stylistic changes;", "renumbering;", "and generally relating to …"), but to include some others (for example "defining the term 'child'" if that is the only thing the bill does or the new definition is crucial to understanding the bill); "applying the Act;" (as a substitute for the clause "providing for the application of this Act;"); and "making the Act severable;" (as a substitute for the clause "making the provisions of this Act severable;"). Sunset provisions should be mentioned in the synopsis, in detail if there is enough space (for example "terminating the Act after September 30, 20XX;"), or in short-hand as "terminating the Act;".

If there is more than one clause in the synopsis paragraph, the last clause must begin with "and" and end with a period or, if the number of clauses would exceed the eight 70-character line maximum, "; etc." must follow the last clause, and the last clause would not begin with the word "and."

CODE REFERENCE (Two 70-character line maximum.)

Only references to text that is amended, added, or repealed should be shown. No headings (titles, subtitles, parts, etc.) are shown. Use the 2-3 letter abbreviation (*e.g.*, BOP, ED, HG) assigned to each article. (*See* "Synopsis Code Volume Abbreviations" in this appendix.) As space permits, sections of the Annotated Code should be listed (down to the level of specific subsections, paragraphs, or items) to match the function paragraph of the "lr." For public local law county abbreviations, a list is located on the Department of Legislative Services' Intranet under "OED, LDM, Documents, County Abbreviations for Synopses." (Note that an abbreviated version of a county name is used only if there is insufficient space to include the county's full name.)

Examples:

AB, §§ 3-101 and 3-107 and ED, §§ 6-101 and 6-102 - amended

AB, § 3-104 - repealed and ED, §§ 6-101 through 6-304 - added

AB, § 3-104(a)(3)(ii), ED, §§ 6-101 through 6-302, and TR, § 7-234 - repealed and added and ED, § 7-101 - amended

HG, §§ 5-101 and 5-206 - amended and §§ 5-207 and 5-208 - added

Synopsis Sheet Guidelines (Continued – Page 3)

TR, §§ 7-101 through 7-405 - added and ED, EN, HG, FL, and LE, Various Sections - amended

Maryland Constitution, Art. III, § 8 - added

Chapter 102 of the Acts of 2003, § 3 - amended

Chapter 102 of the Acts of 2003, § 3, as amended - amended

PLL of Washington Co, Art. 22, § 604 A. and C. - amended

The Charter of Baltimore City, Art. II, § (64) - amended

If space does not permit specific numbers, show the articles (and Chapter law, if applicable) only.

Example:

AB, AG, BR, FI, CR, CP, EL, NR, TP, and Chapter 111 of the Acts of 2012, Various Sections - amended

LOCAL GOVERNMENT MANDATE

Section 2-1504(b) of the State Government Article provides that, if the Department of Legislative Services determines that a bill imposes a mandate on a local government unit, the synopsis prepared by the department must include a statement that "This bill imposes a mandate on a local government unit." The statement "Preliminary Analysis: Local Government Mandate" will be included in a bill's synopsis if "yes" is selected by the drafter in the online system, and nothing will appear if "no" is selected. Note, however, that either "yes" or "no" will appear on the Synopsis Sheet depending on which is selected by the drafter. Guidelines for determining whether a mandate is imposed on a local government unit are available on the department's Intranet under "OPA/Drafting and Legal Analysis/Resources/Documents/Local Mandates."

MANDATED APPROPRIATION

Section 2-1504(c) of the State Government Article provides that, if the Department of Legislative Services determines that a bill requires a mandated appropriation, the synopsis prepared by the department must include a statement that "This bill requires a mandated appropriation in the annual budget bill."

Synopsis Sheet Guidelines (Continued – Page 4)

This statement will be included in a bill's synopsis if "yes" is selected by the drafter in the online system, and nothing will appear if "no" is selected. Note, however, that either "yes" or "no" will appear on the Synopsis Sheet depending on which is selected by the drafter. For a discussion of the legal requirements for drafting mandatory funding provisions, *see* p. 176, "Mandatory Funding Provisions."

BILL TYPE

All "lrs" must be given a House Bill or Senate Bill designation that will appear in the Bill Type space on the Synopsis Sheet. In addition, if an "lr" is an emergency bill or a constitutional amendment, that should be indicated as part of the bill type designation.

EFFECTIVE DATES

All effective dates, including October 1, should be entered and will be shown on the Synopsis Sheet. If a bill has more than one effective date, the one that takes effect first will be shown first.

CONTINGENCY

"Yes" should be selected by the drafter in the online system if the bill is contingent on enactment of another bill, a referendum, federal action, or some other event. If, for example, a bill proposes a constitutional amendment, the drafter would select "yes" and "on a referendum," and the Synopsis Sheet Contingency space would read "Yes – on a referendum."

CROSS-FILES AND IDENTICAL BILLS

Cross-file or identical bill information will appear on the Synopsis Sheet as indicated by the drafter on the online Request Sheet (or pink Bill Request Notes Sheet). It may be shown as an "lr" number, a bill number, or both.

PREVIOUS

The prior introduction information will appear on the Synopsis Sheet as indicated by the drafter on the online Request Sheet (or pink Bill Request Notes Sheet). It must be complete as to year, committee assignment, "lr" number, and bill number.

Synopsis Sheet Guidelines (Continued – Page 5)

TASK FORCE OR COMMISSION

If a bill creates a task force, commission, or similar entity, such as a workgroup or study group, the drafter should check the appropriate box in the online system. If the box is checked, "yes" will appear on the Synopsis Sheet, and nothing will appear on the Synopsis Sheet if the box is not checked.

Synopsis Code Volume Abbreviations

AG -	Agriculture	HG -	Health – General
AB -	Alcoholic Beverages	HO -	Health Occupations
BOP -	Business Occupation and Professions	HS -	Housing and Community Development
BR -	Business Regulation	HU -	Human Services
CL-	Commercial Law	IN -	Insurance
CA -	Corporations and Associations	LE -	Labor and Employment
CS-	Correctional Services	LU -	Land Use
CJ -	Courts and Judicial Proceedings	LG -	Local Government
CR -	Criminal Law	NR -	Natural Resources
CP -	Criminal Procedure	PS -	Public Safety
EC -	Economic Development	PU -	Public Utilities
ED -	Education	RP-	Real Property
EL -	Election Law	SF -	State Finance and Procurement
EN	Environment	SG -	State Government
ET -	Estates and Trusts	SP -	State Personnel and Pensions
FL -	Family Law	TG-	Tax – General
FI -	Financial Institutions	TP -	Tax – Property
GP -	General Provisions	TR	Transportation

Sources

(All sources cited are available in the Department of Legislative Services (DLS) Library and online as indicated.)

Legislative Drafting Resources

Bill Review Letters – An Analysis of Selected Bill Review Letters of the Attorney General of Maryland on Legislation Passed by the General Assembly.* DLS, Office of Policy Analysis. (This document is published annually and covers legislation passed during the immediately preceding legislative session. It is available beginning with the 1999 session. An electronic copy is available through the DLS Library's online catalog.)

Bond Bill Drafting Guide. DLS, Office of Policy Analysis, October 2006. (Discusses the process through which legislation authorizing the creation of State debt is drafted and implemented. An electronic copy is available through the DLS Library's online catalog.)

Compilation of the Changes in the Public Local Laws.** DLS, Office of Policy Analysis, 2016. (Update on current status of public local laws. An electronic copy is available through the DLS Library's online catalog.)

Fiscal and Policy Update. DLS, Office of Policy Analysis. (Periodic reports on issues of current concern to the General Assembly. The most current report is for 2007. An electronic copy is available through the DLS Library's online catalog.)

Issue Papers.** DLS, Office of Policy Analysis. (Issue briefs on matters likely to be considered during upcoming legislative session. They are published annually in the fall prior to session. Electronic copies for 1998 through 2016 are available through the DLS Library's online catalog.)

Legislative Desk Reference Manual.* DLS, Office of Policy Analysis, 2009. (Black letter statements of law relevant to legislative drafting, *e.g.*, local government powers; "one subject" rule; federal preemption; rules of legislative procedure. An electronic copy is available through the DLS Library's online catalog.)

Legislative Handbook Series.** DLS, Office of Policy Analysis, 2014. (9 volumes: Vol. I, Maryland Legislator's Handbook; Vol. II, Government Services in Maryland; Vol. III, Maryland's Revenue Structure; Vol. IV, Maryland's Budget Process; Vol. V, Maryland State Personnel, Pensions, and Procurement; Vol. VI,

Maryland Local Government; Vol. VII, Business Regulation in Maryland; Vol. VIII, Maryland's Criminal and Juvenile Justice Process; Vol. IX, Education in Maryland. This series is published once every four years. To access on the Maryland General Assembly's Website (mgaleg.maryland.gov), go to the Publications tab and use the drop down lists to select "Legislative and Legal – Other" and the 2014 Session. An electronic copy of each volume also is available through the DLS Library's online catalog.)

Maryland Clipper.* DLS, Library and Information Services. (Compilation of news clippings on issues of interest to the General Assembly, arranged by subject. Published daily during session and weekly during the interim. Also available through the clipper icon on desktop screen.)

Maryland Documents. DLS, Library and Information Services. (Monthly compilation of all State and local publications catalogued by the DLS Library during the previous month. The State and local publications also are available in the DLS Library. Electronic copies from 2007 through 2016 are available through the DLS Library's online catalog.)

Maryland Manual. Maryland State Archives (Biographies of State officials; organization of Maryland government; addresses, telephone numbers, maps, statistics, etc. Updated daily online at http://msa.maryland.gov/msa/mdmanual/html/mmtoc.html.)

Maryland Ongoing and Annual Reporting Requirements. DLS, Library and Information Services. (Compilation of all annual and ongoing mandated reports as of October 2014. The document may be accessed online at http://dlslibrary.state.md.us/publications/OPA/Library/OARR.pdf.)

Maryland Style Manual for Statutory Law.* DLS, Office of Policy Analysis, 2008. (*See* discussion *infra*, p. 26. An electronic copy is available through the DLS Library's online catalog.)

Model Guide for Drafting Governmental Units and Licensing Provisions.* DLS, 2008. (An electronic copy is available through the DLS Library's online catalog.)

The 90 Day Report. ** DLS, Office of Policy Analysis. (Published at the conclusion of each annual legislative session. Discusses legislation passed by the General Assembly with an overview of legislative activity arranged by subject area. Successor to *Session Review* and *Sine Die Report*, which were published annually by the former Dept. of Legislative Reference and the former Dept. of Fiscal Services from 1985 through 1997. Electronic copies of *The 90 Day Report* from 2001 through 2016 are available through the DLS Library's online catalog.)

Researching the U.S. and Maryland Constitutions: Some Basic Sources. Compiled by Michael S. Miller. Maryland State Law Library, 1987.

Research Note. Dept. of Legislative Reference Research Division. (Concise reports on topical issues; good source of background data and analysis. Published from 1989 through 1996. Catalogued under topical issue.)

Rules of the Maryland House of Delegates. Chief Clerk of the House of Delegates, 2016.

Rules of the Maryland Senate. Secretary of the Senate, 2014.

Steps In Processing Legislation. Maryland General Assembly. Dept. of Fiscal Services, 1992.

Summary Reports of Committees to the Legislative Policy Committee. DLS, Office of Policy Analysis, 2014. (An annual compilation of the summary reports of the standing committees, special joint subcommittees, joint statutory committees, and special joint legislative committees that function during the interim.)

Websites

http://www.ncsl.org – National Conference of State Legislatures (NCSL). (Provides comprehensive information and research on critical state issues. Includes informative publications and a legislative information database.)

http://www.gpo.gov/fdsys/search/home.action – Code of Federal Regulations (CFR) and Federal Register. (A codification of the general and permanent rules published in the Federal Register by the executive departments and agencies of the federal government.)

http://www.dsd.state.md.us/ – Division of State Documents. (Provides online version of the Code of Maryland Regulations (COMAR) and the Maryland Register.)

http://www.gpo.gov/fdsys/search/home.action – United States Code Annotated (USCA). (A consolidation and codification by subject matter of the general and permanent laws of the United States.)

http://www.gao.gov – Government Accountability Office (GAO). (Examines the use of public funds, evaluates federal programs and activities, and provides analyses,

options, recommendations, and other assistance to help Congress make effective oversight, policy, and funding decisions.)

http://mlsd.sirsi.net/ – WebCat. (DLS Library Catalog online.)

http://www.mdarchives.state.md.us/msa/mdmanual/html/mmtoc.html – *Maryland Manual On–Line*. (Biographies of State officials; organization of Maryland government; addresses, telephone numbers, map, statistics, etc. – updated daily.)

http://beta.congress.gov – Federal legislation information. (This site includes bill search and text, Public Laws by number, roll call votes, Congressional Record text, committee reports, House and Senate directories, and historical documents.)

http://www.lawlib.state.md.us/researchtools/guides/ghosthunting.html – *Ghost Hunting: Searching for Maryland Legislative History*. Michael S. Miller, 2009. (Original source: 22 Maryland Bar J. 11, July/Aug. 1989; updated October 2013.)

Books

Aisenstark, Avery and Robert Zarnoch, comps. *Legislation: The Federal and Maryland Experiences*. 3 vols. Baltimore: Office of the Attorney General, 1985. (Unpublished compilation of cases and materials focusing on Maryland legislation.)

Bell, George A. and Jean Spencer. *The Legislative Process in Maryland: A Study of the General Assembly*. 2d ed. College Park: Bureau of Governmental Research, 1963.

Dickerson, F. Reed. *The Fundamentals of Legal Drafting*. 2d ed. Boston: Little, Brown, 1986.

Dickerson, F. Reed. *The Interpretation and Application of Statutes*. 2d ed. Boston: Little, Brown, 1975.

Everstine, Carl. *The General Assembly of Maryland*. 3 vols. Charlottesville: Michie, 1980-1984. (Vol. I: 1634-1776; Vol. II: 1776-1850; Vol. III: 1850-1920.)

Filson, Lawrence. *The Legislative Drafter's Desk Reference*. Washington, DC: Congressional Quarterly, 1992 and 2008 editions.

Friedman, Dan. *The Maryland Constitution: A Reference Guide.* Westport: Praeger, 2006 and 2011 editions.

Martineau, Robert. *Drafting Legislation and Rules in Plain English*. St. Paul: West Publishing Co., 1991.

Martineau, Robert. *Legal, Legislative, and Rule Drafting in Plain English*. St. Paul, Minn.: Thomson/West Publishing, 2005.

Mason's Manual of Legislative Procedure. Denver: National Conference of State Legislatures in Cooperation with the American Society of Legislative Clerks and Secretaries, 2010.

Miller, R.V. and S.M. Darnley. *Understanding Maryland Government*. 2d ed., rev. Annapolis: Educational Consultants in the Humanities Associates, 1990.

Law Review Articles

Everstine, Carl, "The Legislative Process in Maryland," 10 Md. L. Rev. 91 (1949).

Everstine, Carl, "Titles of Legislative Acts," 9 Md. L. Rev. 197 (1948).

Schwartz, Jack and Amanda Conn, "The Court of Appeals at the Cocktail Party: The Use and Misuse of Legislative History," 54 Md. L. Rev. 432 (1995).

Sykes, Melvin J., "A Modest Proposal for a Change in Maryland's Statutes Quo," 43 Md. L. Rev. 647 (1984). (Discussion of canons of statutory interpretation in Maryland.)

Other Articles

James, William S., "Legislative Improvement – An Eternal Quest," 5 Md. Law Forum 5, 1975.

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* Available on the DLS Intranet under the "OPA" tab

** Available on the Maryland General Assembly's Website (mgaleg.maryland.gov) under the "Publications" tab

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