

Department of Legislative Services
 Maryland General Assembly
 2011 Session

FISCAL AND POLICY NOTE

House Bill 368 (Delegate Kipke)
 Rules and Executive Nominations

State Government - General Assembly - Posting of a Bill on the Web Site

This bill requires that the third reading version of a bill that has an impact on State or local finances be posted on the General Assembly website for 72 hours before a vote for final passage of the bill.

Fiscal Summary

State Effect: General fund expenditures increase by \$100,700 in FY 2012 for the Department of Legislative Services (DLS) to hire additional contractual operators and proofreaders in its Document Management unit. Out-year costs reflect inflation. No effect on revenues.

(in dollars)	FY 2012	FY 2013	FY 2014	FY 2015	FY 2016
Revenues	\$0	\$0	\$0	\$0	\$0
GF Expenditure	100,700	77,600	81,000	84,500	88,100
Net Effect	(\$100,700)	(\$77,600)	(\$81,000)	(\$84,500)	(\$88,100)

Note:() = decrease; GF = general funds; FF = federal funds; SF = special funds; - = indeterminate effect

Local Effect: None.

Small Business Effect: None.

Analysis

Current Law: The Maryland Constitution requires that a bill be read on three different days in each House before it becomes law, unless two-thirds of the members determine by yeas and nays that a bill can be read twice on the same day. It also prohibits a bill from being read a third time until it has been “engrossed or printed” for a third reading.

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

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

A bill or resolution that passes second reading is printed and placed on the third reading calendar. One of the printings – which are called third reading file copies – becomes the official copy of the bill. The Presiding Officer determines the date on which the bill will appear on the third reading calendar, usually a day or two following the second reading. House and Senate rules require bills that originate in the respective houses to be printed for third reading after they pass on second reading. However, bills from the opposite house that pass on second reading are ordered passed to third reading without being printed. Similarly, when a conference committee report is accepted by both houses, third reading versions of the bill as accepted by the conference committee are not printed before the vote for final passage.

Background: Over the past four years, about 40% of approximately 2,500 bills introduced each year by members of the General Assembly have a projected fiscal impact on State finances; the percentage of bills with only a local impact is not tracked. Each year, about 500 bills reach third reading in each house of origin; similar numbers reach third reading when they cross to the opposite house.

As drafted, amendments are a set of instructions describing the changes that the amendment sponsor wants to make to a bill. In each house, amendments are typically written into bills only when bills are printed for third reading with adopted committee and floor amendments included. If a bill is amended extensively in committee, a committee may order a reprinted bill reported to the floor to reflect the committee’s amendments; otherwise, amendments are simply attached to the original bill when reported to the floor. When the bill passes both houses, the enrolled (final) version of the bill also reflects all adopted amendments. Therefore, bills considered by the opposite house typically are not

reprinted with amendments until after final passage because bills are not printed for third reading in the opposite house.

Any time a bill is reprinted, the Document Management unit within DLS must enter the adopted amendments into the body of the bill, and then proofread the changes to ensure that the printed version of the bill accurately reflects the changes required by the amendments.

State Fiscal Effect: DLS advises that because bills passed on second reading by the opposite house are not printed for third reading before a vote for final passage, the Office of Information Systems within DLS has to reprogram its bill drafting and printing systems as well as the General Assembly's website to accommodate the bill's requirement that all bills reaching third reading in the opposite house must be reprinted and posted. Those changes can generally be accomplished with existing resources.

However, DLS's Document Management unit requires additional proofreading and operations staff to enter amendments and proofread reprinted bills that reach third reading in the opposite house and have a fiscal impact. Contractual proofreaders and operators earn approximately \$12.00 per hour and are assumed to work an average of 10 hours a day per weekday of the 90-day session, with overtime paid at 1.5 times the regular wage. Therefore, general fund expenditures by DLS increase by \$100,728 in fiscal 2012 to hire two contractual operators and six contractual proofreaders during the 90-day legislative session. This estimate includes salaries, one-time costs to provide each employee with a desk and a computer, and ongoing operating costs.

Contractual Positions	8.0
Contractual Salaries and Fringe Benefits	\$72,728
One-time Start-up Costs	26,320
Ongoing Operating Costs	<u>1,680</u>
Total FY 2012 State Expenditures	\$100,728

Future year expenditures reflect 4.4% annual salary increases and 1% annual increases in ongoing operating expenses.

Additional Information

Prior Introductions: HB 694 of 2010 was withdrawn after being heard by the House Rules and Executive Nominations Committee.

Cross File: None.

Information Source(s): Department of Legislative Services

Fiscal Note History: First Reader - March 17, 2011
mc/lgc

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