

Department of Legislative Services
Maryland General Assembly
2013 Session

FISCAL AND POLICY NOTE

House Bill 1268 (Delegate Dwyer, *et al.*)
Health and Government Operations

Official Oaths - Educational Course Requirement (Maryland Oath of Office
Affirmation Act)

This bill requires that, before taking the oath of office, an individual elected or appointed to an office must take a specified course on the oath of office, the U.S. Constitution's Bill of Rights, and the Maryland Declaration of Rights offered by specified entities.

Fiscal Summary

State Effect: General fund expenditures increase minimally, particularly in election years, for any costs associated with individuals elected or appointed to an office taking the specified course. Potential minimal increase in revenues for any State institution of higher education that offers a course that meets the bill's requirements.

Local Effect: General fund expenditures increase minimally, particularly in election years, for any costs associated with individuals elected or appointed to a local office taking the specified course. Potential minimal increase in revenues for community colleges that offer a course that meets the bill's requirements.

Small Business Effect: None.

Analysis

Bill Summary: The course must be one that is offered by (1) an institution of higher education located in the State or (2) a nonprofit organization that offers a course on the formation and interpretation of the U.S. Constitution and the Maryland Constitution. The course must (1) include at least six hours of instruction; (2) include content and materials that conform to the intentions of, definitions used by, and application by the framers of

the U.S. Constitution and the Maryland Constitution; and (3) as applicable, use the 1828 edition of *Webster's Dictionary* when defining terms.

Current Law: Individuals in specified positions, including the Governor, Lieutenant Governor, Attorney General, Comptroller, Treasurer, Secretary of State, judges of the Court of Appeals and Court of Special Appeals, and members of the House of Delegates and the Senate must take the oath of office specified in Article 1, § 9 of the State Constitution. Other officers elected or appointed to any office of trust or profit under the Maryland Constitution or a law of this State, including a mayor or other chief magistrate of a municipal corporation, must also take the oath. Individuals who are elected or appointed to offices are not required to take a course on the oath of office.

State/Local Fiscal Effect: Although the bill does not specify who is required to pay any applicable costs for the course, for purposes of this analysis, it is assumed that the individuals who are elected or appointed to office are not responsible for such costs. Accordingly, general fund expenditures increase minimally, particularly in election years, due to any costs associated with individuals taking the required course. The Department of Legislative Services advises that for members of the General Assembly, it is assumed that the course is offered as part of new member orientation, but a reliable estimate of the costs associated with adding this course to the orientation is not available. The Judiciary advises that individuals who are appointed or elected to a judgeship will already have fulfilled the bill's requirements, as a class on constitutional law is part of the standard law school curriculum.

Local expenditures may also increase minimally, particularly in election years, due to any costs associated with individuals appointed or elected at the local level taking the required course.

The bill also specifies that the course may be taken at an institution of higher education or a nonprofit organization. To the extent that a State institution of higher education offers the course, State revenues may increase to reflect payment of fees associated with the class. If the course is offered at a community college, local revenues may increase.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Office of the Attorney General, Baltimore City Community College, Governor's Office, Comptroller's Office, Judiciary (Administrative Office of

the Courts), Morgan State University, University System of Maryland, Department of Legislative Services

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Analysis by: Jennifer K. Botts

Direct Inquiries to:
(410) 946-5510
(301) 970-5510