

## How a Bill Becomes a Law (Maryland Style)

### **BILL: HB123 - BANNING CRUELTY TO SPIDERS**

*SCENARIO 1: In this instance, the bill was only introduced in the House. Bills can be introduced in either chamber, or both chambers simultaneously*

#### **FIRST CHAMBER** (In this instance, the House)

**First Reader:** bill number and sponsor are read on the House floor and assigned a committee.

**Committee hearing:** witnesses testify favorable, favorable with amendments, and unfavorable. There is discussion.

The bill is sent to subcommittee, which deliberates, and amends the bill based on witness testimony, proposed amendments, and Committee discussion. Cruelty to spiders is banned, however the use of anti-spider repellant is not prohibited, and educational outreach to the schools is included.

**Committee vote:** The committee hears the recommendation from the subcommittee. It can vote either favorable (without any amendments, including those added in subcommittee), favorable with amendments (which likely includes subcommittee amendments or others that may be offered by the full committee), or unfavorable.

In this instance, the bill is voted favorable, with the amendments recommended by the subcommittee.

**Second Reader:** A “Floor leader” from the committee presents the amendments offered by the committee. The full house votes to accept the committee amendments, and the Speaker opens the floor for additional amendments. The “floor leader” is given the opportunity to either accept the amendment as “friendly,” in which case it’s added to the bill, or to “resist” the amendment, in which case there is an opportunity to debate the amendment before the vote on the amendment by the full chamber.

In this instance, floor amendments are offered.

- An amendment to add sponsors is accepted as “friendly”
- An amendment is offered to exclude daddy long legs from the list of the protected class, but after impassioned debate, it is resisted.

**Third Reader:** The House debates the bill as a whole. No further amendments can be offered at this time.

**Final Debate:** The full chamber votes on the bill as amended. Members are allowed to explain their vote.

In this instance, after impassioned remarks on both sides, the bill is passed and sent to the Senate. This is called “crossing over.”

The House has had 75 days to get this far before the “Cross-over” deadline, which is when a bill must pass at least one chamber unless it has to go through an additional step. All that follows must happen in the next 15 calendar days. If a bill is ‘read across’ to the Senate earlier than the cross-over date, there is no reason that the process can’t start sooner, however typically each chamber considers all of its own bills before considering those from the opposite chamber.

**SECOND CHAMBER** (In this instance, the Senate)

**First reader:** Bill number and sponsor are read on the Senate floor and assigned a Committee.

**Committee hearing:** The sponsor presents oral testimony on the bill as amended. Additional oral testimony is at the discretion of the Chairman. Written testimony is accepted from all parties. Senate Committees, except for Budget and Taxation, don’t generally use subcommittees, although they may.

In this instance, the full Committee deliberates and adds the daddy long legs exemption which was offered and rejected in the House, since they really aren’t spiders, and besides they are funny-looking.

**Committee Vote**

**Second Reader:** This is the same process as in the House.

In this instance, floor amendments are offered.

- A floor amendment is accepted that would allow research labs to apply for case-based exemptions if they can prove that they need to be allowed a single cruel practice for a specific experiment that could lead to the cure for a terminal illness.

**Third reader:** Because, in this instance, the Senate is the **second chamber**, amendments can be offered at every stage of the process, including on Third reader. The same would be true in the House for bills introduced in the Senate.

In this instance, floor amendments are offered.

- A floor amendment is offered excluding black widows from the protected class, because while they are spiders, they are mean. It is debated and rejected

**Final Vote:** Debate on the bill, in its amended entirety,

**At this point, the bill has been passed by both chambers, but the bill was changed in the second chamber. In order to be sent to the Governor's desk, it must pass both chambers identically. The negotiations at this point is called "concurrence."**

#### **STEPS IN CONCURRENCE:**

1. Amendments are sent to the original House committee where they are asked to concur. If they concur, the amended version is sent to the House Floor for what is usually (but not always) pro-forma approval.

In this instance, they do not concur. Daddy long legs should be protected, and research labs should not be exempted

A team of committee members (a chairman, and two members - often but not always representing both parties) is assigned as a conference committee.

2. The amendments are returned to the Senate Committee where they are asked to recede. If they recede, the original version is sent to the Senate Floor for usually (but not always) pro-forma approval.

In this instance, the Senate committee does not recede, insisting on their amendments, and their conference committee is assigned.

3. At some point the two conference committees meet and compromise.

Conference Committees are generally formed in the final days – sometimes final hours – of the legislative session, so finding time to meet can be difficult, and does not always happen in the public eye. Bills are as likely as not to die in this process. Proponents of the bill often try to avoid this step if they want a bill to pass – or to force bad bills into this step.

In this case, the committee met and reached a compromise. Daddy Long Legs remain protected, but research labs can apply for exemptions.

4. The conference committees recommend the agreed upon amended bill to their respective chambers for pro-forma approval, and the bill is sent to the Governor's desk to be signed.

### **Governor's Desk**

Ten calendar days before the last day of the Session is the "Presentment Date," when all bills having passed both chambers identically are sent to the Governor's desk. Bills that have been sent to the Governor at presentment must be acted on before Sine Die.

The Governor has the option to sign, veto, or ignore.

- **Sign:** If the Governor signs, the bill goes into law under a signature. This can happen before or after the "presentment"
- **Veto:** If the Governor vetoes a bill that has been part of the "presentment," the legislature must vote to override before the end of the same legislative session. If the Governor vetoes bills after "presentment," then the General Assembly may vote to override the bill the next legislative session.<sup>1</sup> There is no opportunity to amend the bill before an override vote.
- **Let go:** The Governor can choose to not take any action, in which case the bill goes into law without a signature.

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<sup>1</sup> If the bill is vetoed after presentment during the last year of a term, the veto stands. The General Assembly does not have the opportunity to override the next year because it will be a different General Assembly. In this case, the bill process must start from scratch.

**BILL: HB123/SB456 - BANNING CRUELTY TO SPIDERS**

*SCENARIO 2: In this instance, the bill was introduced in both chamber simultaneously. This is generally preferred because it ensures that both chambers have the full 90 days to learn about and deliberate the policy.*

The process of readers and committees is the same, but there are a few scenarios.

1. HB123 and SB456 are passed out of their chambers identically. In that instance, the second committee and chamber approval is pro forma, and the bills both go to the Governor to sign. The Governor can sign one, both, or neither.
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2. HB123 and SB456 could be passed out differently. Using the above examples, let's say that HB123 passes amended to include the anti-spider repellent and educational outreach provisions. SB456 is passed with the Daddy Long Legs and research lab provisions.

Because the bills were heard and voted out in February, well before the cross-over date, the sponsors, Committee and subcommittee chairs have time to work out the amendments with advocates and stakeholders and agree that the bills should be made to conform.

Everyone agrees that spider repellents should not be considered cruel, and that the educational outreach is important.

The Senate sponsor agrees to remove the Daddy Long Legs provision, but the only reason that the bill passed the Senate was because of the research exemption. If that provision is stripped, the bill is dead in the water.

The House sponsor agrees, but since the bill was her idea (she has the largest spider conservancy in her district), she would like her bill to be the first one sent to the Governor for signature

When the bills crossover, everyone is on the same page. HB123 is heard by the Senate, the amendment is made to add the research provision and is voted out of committee.

SB456 is heard by the House, but is not voted out. The amendment to HB123 is sent back to the House Committee, who promptly concurs. The House accepts the

Committee recommendation and passes the amended bill to be sent to the Governor for signature.

3. The issue of cruelty to spiders has become a critical and priority issue for the administration. They have done a preliminary caucus whip count and they think that the votes are solid in the House, but the Senate is a little trickier. Both Houses need to have a full committee hearing, but there are far too many places where the wheels can come off the bus when dealing with more than one bill. It is considered better to only have one floor debate on a single bill, with a tightly controlled caucus and no need for conference committees or reports, and as few opportunities for amendments. The Senate is a harder sell, so if it isn't going to pass, then there is no sense putting the House through a difficult debate if it is going to be dead on arrival in the Senate.

HB123 is introduced, and SB456 is introduced, and both have their full bill hearings with all appropriate impassioned proponents and opponents. But HB123 goes no further. SB456 moves through the committee, and passes the Senate in second and third readers, including the spider-repellant clarification, the educational outreach component included, and with the research provision offered which allows for the critical vote to pass the Floor.

The Senate President and House Speaker talk, and it is made clear that the research provision is the reason that the bills was able to pass. Senate bills are only heard by House committees following crossover, and so the bill hearing for the amended SB456 in the House committee is sponsor-only -therefore extremely brief.

The House, having heard the testimony fully for the companion bill, is prepared to vote, which, after debate and deliberation, it does. The bill is accepted by the House caucus. It passes the Committee, Second and Third Readers as described above in the second chamber process.

With such high-profile and controversial bills, or when they are prioritized by the administration, the Caucus whip counts are monitored closely, including on the expected floor amendments. Assuming that they are able to wrangle the necessary majority votes on the floor, and the caucus stands firm on resisting amendments on second and third readers, when the bill passes the House, the process is all over but the shouting...and the Governor's signature.

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