

Md. STATE GOVERNMENT Code Ann. § 2-1505

Current through 2018 Regular Session and legislation effective January 1, 2019.

Annotated Code of Maryland > STATE GOVERNMENT > TITLE 2. GENERAL ASSEMBLY > SUBTITLE 15. LEGISLATION > PART I. PREPARATION, INTRODUCTION, AND CONSIDERATION

§ 2-1505. Fiscal notes and waivers

(a) Required for committee action. --Except as otherwise provided in this section, a committee may not vote on a bill unless:

- (1)a fiscal note accompanies the bill; and
- (2)if the bill affects the funding of a State pension system, an actuarial analysis of the bill is attached to or summarized in the note or the analysis is waived.

(b) Request for or waiver of actuarial analysis. --

- (1)If a bill affects the funding of a State pension system and the standing committee to which the bill is referred determines that the fiscal impact on the State warrants an actuarial analysis of the bill, the standing committee shall ask the Department of Legislative Services to obtain the actuarial analysis.
- (2)The standing committee may waive the actuarial analysis if the standing committee certifies that prompt action on the bill is needed to conduct legislative business.

(c) Preparation of notes. --

- (1)The Executive Director of the Department of Legislative Services shall have that Department prepare a fiscal note for each bill.
- (2)If the chairman of the committee to which a bill is referred certifies that prompt committee action on the bill is needed to conduct legislative business and, before the Department prepares the fiscal note for the bill, holds a hearing on the bill, the Department shall prepare the note as soon after the hearing as possible.
- (3)When a standing committee asks for an actuarial analysis of a bill that affects a State pension system, the Department of Legislative Services shall:
 - (i)obtain the analysis; and
 - (ii)summarize the analysis in the fiscal note or attach the analysis to the note.
- (4)The Department of Legislative Services shall send a copy of a fiscal note for a bill to the committee to which the bill is referred and to the primary sponsor of the bill.

(d) Governmental units to provide information. --Upon request of the Department of Legislative Services, a unit of State or local government promptly shall provide any information requested by the Department for preparing a fiscal note.

(e) Contents of note. --

- (1)A fiscal note for a bill shall contain an estimate of the fiscal impact of the bill on the revenues and expenditures of the State government and of local governments:
 - (i)during the year in which the bill is to become effective and the next 4 years after that year; and
 - (ii)if the full fiscal impact of a bill is not expected to occur during those years, during each year until and the first year during which that impact is expected to occur.

(2)If a bill, as introduced or amended, imposes a mandate on a local government unit, the fiscal note for the bill shall contain:

- (i)**a statement that clearly identifies the imposition of the mandate; and
- (ii)**an estimate of the fiscal impact of the mandate and, if applicable and if data is available, the effect on local property tax rates.

(3)If a bill, as introduced or amended, requires a mandated appropriation, the fiscal note for the bill shall contain:

- (i)**a statement that clearly identifies the imposition of the mandated appropriation; and
- (ii)**an estimate of the fiscal impact of the mandated appropriation.

(4)A fiscal note shall identify the sources of the information that the Department used in preparing the estimates of fiscal impact.

(f) Revision of notes. --As soon as possible after the adoption of an amendment that changes the fiscal impact of a bill, the Department of Legislative Services shall:

- (1)**prepare a revised fiscal note for the bill; and
- (2)**send the revised note:
 - (i)**to the chairman of the committee to which the bill is referred in the house of origin;
 - (ii)**if the bill has reached the opposite house, to the chairman of the committee to which the bill is referred in that house;
 - (iii)**if the bill is in the custody of either the Secretary of the Senate or the Chief Clerk of the House, to that officer; and
 - (iv)**to the primary sponsor of the bill.

(g) Copies. --

- (1)**The Department of Legislative Services shall keep a copy of each fiscal note for 3 years after preparation of the note.
- (2)**The copies shall be reasonably available for public inspection.

(h) Publication not required. --Fiscal notes need not be published in the Senate journal or House journal.

(i) Effects of section. --

- (1)**A bill may be introduced without a fiscal note accompanying the bill.
- (2)**The validity of an enactment is not affected by the presence, absence, or content of the fiscal note.

(j) Report of legislation imposing mandates on local government units. --

(1)(i) In its summary report of legislation enacted by the General Assembly that has a fiscal impact, the Department of Legislative Services shall include a list of legislation that:

- 1.affects local government units; or
- 2.requires a mandated appropriation in the annual budget bill.

(ii)In the list of legislation described in subparagraph (i)1 of this paragraph, the Department of Legislative Services shall indicate which legislation imposes mandates on local government units.

(2)Where applicable and if data is available, the report shall indicate:

- (i)**the fiscal impact of the bill on local government units;
- (ii)**the impact of the bill on local property tax rates;

(iii)the cumulative fiscal impact of all legislation imposing mandates on more than one local government unit; and

(iv)the cumulative fiscal impact of all legislation requiring mandated appropriations.

History

An. Code 1957, art. 40, §§ 63-66, 68, 70, 70A; 1984, ch. 284, § 1; ch. 311, § 1; [1994, ch. 658](#); [1997, ch. 635, §§ 2, 9](#); ch. 636, §§ 2, 9; 2007 Sp. Sess., ch. 2, § 6; ch. 5; [2009, ch. 60](#).

Annotations

Notes

EFFECT OF AMENDMENTS. --

Section 6, ch. 2, Acts 2007 Sp. Sess., effective July 1, 2008, reenacted (c)(1) without change; added (e)(3), (j)(1)(ii) and (j)(2)(iv) and made related changes.

Chapter 5, Acts 2007, approved March 22, 2007, and effective from date of enactment, added "and" at the end of (f)(1).

[Chapter 60, Acts 2009](#), enacted April 14, 2009, and effective from date of enactment, added (j)(1)(ii) and redesignated accordingly; and in (j)(1)(i)1 deleted "and indicate which legislation imposes mandates on local government units" at the end.

BILL REVIEW LETTER. --

Chapter 2, Acts 2007 Sp. Sess. (House Bill 1) was approved for constitutionality and legal sufficiency, and because the effective dates of the bill are after July 1, 2007, any funding mandates may only apply to fiscal years 2010 and beyond. (Letter of the Attorney General dated November 19, 2007.)

Case Notes

[CITED IN Doe v. Md. State Bd. of Elections, 428 Md. 596, 53 A.3d 1111 \(2012\).](#)

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