

Maryland General Assembly

Legislative Process

On February 4, 2010, the AGC held a meeting to educate us about how the legislative process works in Maryland. The main speaker was Al Redmer who served in the House of Delegates as an elected representative in the past and who is running for office again in the November 2010 election. The following summary covers what Al had to say. Please take a few minutes to read and understand this process.

A Few Definitions

Law – this is a broad statement of public policy as enacted by the Maryland General Assembly (MGA). One such example that should be familiar to all Maryland residents is the requirement to have vehicle emissions testing done on all cars and trucks registered in Maryland. The **law** does not specify **how** the testing is to work, nor does it specify what the standards of the test will be to pass or fail the inspection. The **law** only requires that the test will be done on a certain time period.

Regulation – the **HOW** part of the way a **law** will be implemented is handled by a **regulation**. These **regulations** are written not by the legislators but by bureaucrats (government employees) in the various agencies that are responsible for certain areas of implementing laws. This is how we ended up with the mishmash of testing procedures (such as the fact that the dynamometer was not, at first used in testing and then it was added later). Other specifics are also not present in the law, such as where testing facilities are located but rather it was left up to the people who wrote the **regulation** to determine where the “most convenient” locations for testing were. This is how we ended up spending millions of dollars by placing test facilities at one location and then, when the **regulators** decided that dynamometers were to be used, those original facilities were closed and now lie idle because they could not easily be retro-fitted with the necessary equipment to implement the **new regulations**.

Interpretation – whether or not a **law** applies to a given situation is the job of the **Court System** in Maryland and elsewhere. If a **law** were passed, for example, and many people believed that the **law** is unfair or unconstitutional, then a determination of the viability of that **law** is made by having someone violate the **law** and what is known as a **test case** (to test the constitutionality of the law) must make its way through the court system. One such recent case was the **Heller** case that made it all the way to the Supreme Court of the United States regarding the regulation of firearms in the District of Columbia.

How a Bill Becomes a Law

Step 1 – An idea is proposed either from a constituent to a legislator or the legislator develops the idea themselves. (If you look at some of the bills on the MGA web site and see the words “By Request” on a bill, this means that the legislator received the idea for this bill from a constituent and that legislator has no real interest in seeing the bill enacted. It is a signal to other legislators that they can feel free to oppose the bill without offending the bill sponsor.)

Step 2 – The idea is put down in written form and becomes a bill. Only legislators can submit bills. The Governor cannot submit a bill, nor can private citizens.

Step 3 – The clerk of the chamber in which the bill is introduced (either the House or the Senate) assigns the bill a number and passes it on to the presiding officer in that chamber. The presiding officer then assigns the bill to one of the standing committees responsible for that type of bill. In the case of bills involving firearms, this means that the Judicial Proceedings Committee (in the case of a bill proposed in the Senate) or the Judiciary Committee (in the case of a bill proposed in the House), receive a copy of the bill.

Step 4 – The chair of the committee receiving the bill now schedules a hearing to be held on each bill. This is where we must rally our forces and go down to Annapolis to testify before the committee either for or against the bill.

Step 5 – After the initial hearing, the bill stays in the committee while the members of that committee do whatever research they want to do before voting on a bill. This is where it is important for you to file written opinions and other information to legislators about whether or not they should support or oppose a given bill. If the bill is complex or controversial, the committee chair may form a sub-committee to do further research into the bill and make recommendations to the committee on the viability of the bill.

Step 6 – At this point, the committee chair holds a private meeting on the bill to discuss whether or not to make any amendments to the bill and to then vote on whether or not the committee wishes to move the bill further on towards passage. If the committee chair does not feel that it's necessary to work any longer on a particular bill (because they either do not want to see the bill passed, or because they believe that other law already covers this topic, or for any of a number of other reasons) then the bill "dies in committee". The committee may also vote on a particular bill. If the vote on the bill is favorable, then the bill is passed along to the full chamber in which the bill was proposed (either the House or Senate) for a full vote in the chamber.

Step 7 – What is known as the **Second Reading** is now done before the full chamber. Any amendments made to the original bill are approved or rejected at this point in the process.

Step 8 – What is now known as the **Third Reading** is done before the full chamber. No further amendments are accepted or allowed at this point. The members of the chamber now debate the bill openly and a final vote is taken. This is important. **If a bill makes it out of either chamber, there is a 99% chance that the bill will pass the other chamber, be signed by the Governor, and become law.**

Step 9 – The bill now moves to the other chamber where the entire process begins again. The one exception is that when bills are cross-filed, i.e. the same bill is filed in both the House and the Senate, before the bill can be passed, both versions of the bill must be **identical** to each other. If there are differences between the bills, then a **conference committee** consisting of 3 Delegates and 3 Senators is formed and the bill is sent to that committee to work out the differences between the bills and present one bill that will be voted on by both chambers.

Step 10 – The bill as passed by both the Senate and the House goes to the Governor where he can either sign the bill into law (approve the bill) or veto the bill (disapprove the bill). If the bill is vetoed then a 3/5 majority in the House and Senate is required to override the Governor’s veto.

After a bill becomes **law**, the **regulations** must be written on how the **law** will be implemented. The **regulations** must pass through the General Assembly Joint Committee on Administrative, Executive & Legislative Review (AELR) for final approval.

The **regulations** are what really make the **law** so unpalatable, idiotic and onerous. In the example of the Vehicle Emissions Program (VEP), there will be a fee to be charged for the inspection. The **law** does not and will not specify what **fees** can be charged for the inspection, so if the state wanted to, they could charge, say, not \$9.00 for an inspection, but \$9,000.00 for an inspection. Similarly, when it comes to firearms, the **law** might state that one must obtain a **permit** to purchase a handgun and before obtaining the permit, the applicant must pay a **fee** to cover the cost of a background investigation, application processing, and an additional **fee** to attend a training and certification course that is, as yet, undefined as to length, who will develop such training, where such training would be given, the length of such training, the goals that attendees would have to achieve to pass such training...well I think you get the message. The state could effectively impose a 100% ban on the purchase of handguns by simply dragging its feet in developing the appropriate **regulation** to support a **law**. To say nothing of the fact that they can also simply make the fees non-refundable for unsuccessful applicants and/or prohibitively high so that no one can afford to buy a handgun even after successfully passing the required “training”.

When and How should we get involved

There are several reasons that legislators vote the way they do. One reason for voting a certain way is a political reason or quid pro quo. i.e. “I know that you need help getting your bill passed. So, if you vote for my bill and help me get my bill passed, I’ll support your bill.” The other reason that legislators vote a certain way is based on **facts** about the subject covered by the bill. It is **our job** to become the source of those fact when it comes to firearms knowledge. Here are some **facts** about the members of the MGA:

- Most of them have no experience of or knowledge about firearms. Most likely, all they know about firearms is what they see on TV.
- Most of them simply cannot understand why anyone would want to own any firearm for any reason. They have no understanding of why anyone is interested in firearms for any reason.
- Many of them have pre-conceived ideas about firearms that are simply incorrect. E.g. When they hear that a firearm “...simply went off...” they believe that a loaded, unattended firearm can “...go off...” without anyone touching it.

The way we can become involved is to become the **information resource** about firearms for our own legislators. Since we know the truth about firearms, who would be in a better position to educate our elected officials about the ownership and interest in firearms? The question is **how do we become the resource for that information?**

Becoming a Resource

You have to plan to provide your legislator with the following information:

- Describe your experience and interest in firearms.
- Explain why people want to own and shoot their firearms.
- Educate the legislator on “Firearms 101”.
- Tell the legislator why they need to support our position.

Plan to do this in a series of short, well thought out, and well written emails or letters to your legislator explaining certain aspects of our interest in firearms. Make sure that you explain that your friends and neighbors (who are also voters) share your positions. Ask the legislator specific questions in your email or letter about their position on the individual concerns you tell them about. Specifically, ask them if they support your position.

Who Influences a Legislator

There are several types of contacts of legislators listed here in increasing order of influence.

- **Unknown Contacts** – This is the person who contacts the legislator and who the legislator knows nothing about. This contact doesn’t provide any link to the legislator’s constituency or any other information other than “I oppose (or favor) this bill.” This kind of contact has the **least amount of influence** on the legislator.
- **A Constituent** – This is a person who identifies themselves with an address that is located in the legislator’s area. This kind of contact has **increased influence** over the unknown contact.
- **A Known Constituent** – This is a constituent who contacts the legislator on a regular basis. It may also be a constituent who contributed to the legislator’s campaign and/or worked volunteer hours to get the legislator elected. Once again, this person has **even more influence** when communicating with the legislator.
- **An Advisor** – This is a trusted constituent who the legislator knows and recognizes as a subject-matter expert in a particular aspect of life (such as knowledge of and interest in the law-abiding use of firearms and public safety). This person has **the highest influence** when communicating with the legislator and may, periodically, be contacted by the legislator to provide information on the potential on the passage or failure of a certain bill. Your goal is to **become an advisor**.

How Do You Move Up the Ladder of Influence?

There are several things that you have to do on your journey to becoming an advisor. They are simple to do and require only a little effort.

1. If you don’t already know who and what your legislator looks like, then visit the MGA web site at <http://mlis.state.md.us/> Once there, you will find a link labeled **Contact** or **find a Legislator**. Click on these links to locate and get a picture of your representative or senator. Print it out and keep a copy of it near your computer. Look at it every day so that you will recognize the legislator if you see them on the street or at a political event.

2. Meet the legislator under favorable conditions. Call their local office and make an appointment to meet with the legislator personally for a few minutes. Remember, these people are very busy, so explain in advance to their staff that you simply wish to meet and greet the legislator and introduce yourself to them. Write up and take along a one-page document, similar to a resume, that tells the legislator about your background, your interests and hobbies, your employment, your education, and what areas you can provide the legislator information of which issues that they might need when it comes to voting on bills based on your personal knowledge of certain areas of interest. Keep the meeting short. Shoot for 15 minutes or less. End the meeting with a short statement like, “if you ever have any questions about firearms or firearms legislation, please feel free to contact me personally.” Make sure that your “resume” is 100% perfect when it comes to grammar and spelling. Make sure that any email address you leave with the legislator is 100% correct and don’t leave a “funny” email address like IMAGunNut@blastem.com. You will be written off immediately as a juvenile idiot whose opinion cannot be trusted. If you don’t have an adult email address, then get one. Only give out an email address that you check every day. Make sure that your phone number is 100% accurate.
3. Follow up the meeting with a letter to the legislator thanking them for taking the time to meet with you and listen to your areas of expertise (which you will again outline for them in written form). Offer to help the legislator in any way possible on areas in which you are a subject matter expert.
4. Within 1 to 2 weeks, find a reason for contacting the legislator. Either call or make another appointment to meet with the legislator to discuss a particular matter about which you have subject matter knowledge. Go to this meeting armed...with **facts** that support your position. Review your **facts** and **references** to make sure that they are sound and reliable. E.g. Don’t cite an article from a magazine about crime rates if you can find the same information on the FBI’s web site. Before you give the legislator any web sites to visit be **100% certain** that you give them the **correct address**. When you are preparing written documents to present to the legislator, use **Cut** and **Paste** on all URLs to avoid spelling errors. Always follow up on these meetings with an email containing the links you referred to at your meeting.
5. Repeat step 4 until the legislator begins to contact you for information before votes. When this happens, **your become a TRUSTED advisor.**

Rules For Writing Letters or Emails

It may seem self evident to many, but the following rules apply when composing brief written correspondence to legislators.

1. Never use abbreviations or jargon like “CCW Permit” or “Shall Issue”. Unless the legislator understands these terms, they may not take the time to look them up. Before using any such term, explain the meaning of the term in one sentence.
2. Be brief and to the point. E.g. Begin your email with, “I want you to vote for/against HB123.” Then follow up with brief talking points and justification for your position such as, “HB123 will not improve public safety.” Follow up this statement with a reference to a **fact** that supports your position.

3. **Do not** write an angry letter and **do not** make any threats. State your position and support it with **facts**. Remember, you are trying to be looked upon as a **trusted advisor** and **subject matter expert** who knows what you are talking about.
4. **Do not** use inflammatory terminology when referring to opponents of your position. In fact, don't even mention any opponents to your position. The legislator may not even know of any view opposite to yours so why point out any sources of opposition to them. Concentrate on **getting your message across**.

A Final Thought

Getting involved with your legislator may do many things. One thing that is sure to happen is that your name will end up on a list...a Bull Roast list. You will, in all likelihood, begin to receive invitations to fund-raising events. Plan to attend as many of them as you can afford to attend. Be sure to get some face time with the legislator and remind them of who you are. Take another copy of your "resume" with you and leave it with the legislator. Make it a point of following up the bull roast with a letter or email to the legislator telling them how much you enjoyed meeting them again and reiterate your interest in providing them with advice about your area of subject matter expertise.