



Maryland Student Legislature Writing Manual for Acts and Resolutions

Made MSL Standing Document: Annual Session 1999

Amended: Annual Session 2000, Spring Interim Assembly 2004,
Annual Session 2004, Annual Session 2009

All adopted amendments incorporated as of April 25, 2010

Notes: Prior to Annual Session 1999 Acts were referred to as Bills. Prior to the 2004-2005 Session all Amendments were known as Simple Resolutions. Much of the material contained in both sections is taken directly from the Legislative Drafting Manual: 1994 of the Department of Legislative Reference, Maryland General Assembly.

Section 1 – Resolutions Writing Manual

I. General

Resolutions have one important feature that distinguishes them from acts: they are generally not meant to be law, but are **merely requests or expressions of opinion** of the Maryland Student Legislature. There are two basic types of resolutions – simple resolutions and joint resolutions.

Joint resolutions differ from simple resolutions in that joint resolutions are referred to a committee and must receive the same readings as a act, whereas simple resolutions are presented only in one chamber (during Annual Session) or before the Assembly (during an Interim Assembly). **A simple resolution is non-substantive** – it generally expresses condolences, congratulations or matters of personal nature. The joint resolution is more commonly used in MSL to convey opinions on matters of public policy.

In addition, a *resolution is considered “emergency” if it is on a topic, which has become pertinent after the deadline for submission of legislation or will be moot prior to the next Interim Assembly or Annual Session.* Members submitting “emergency” legislation must submit a written justification to the Attorney General who shall make a determination on the status of the legislation.

Whether a Resolution is simple, joint, emergency or internal, it is governed by the Standing Rules of Order.

II. Parts

A. Title

All resolutions must have a title usually beginning with: “A Resolution Concerning” on line 10 and the title in all capital letters beginning on line 20.

B. Clauses

- (a) Whereas Clause – **statements containing points of your argument in general terms but specific enough to be defended in debate.** Each clause is a single sentence containing one idea.
- (b) Resolved Clauses – **statement of the position that you hope will be adopted by the body.** Each action should be only one sentence and begin with the form “Therefore Be It Resolved” in all caps. All subsequent statements of action should be in the form “Be It Further Resolved” in all caps.
- C. Mandates – **these are the individuals to whom the approved resolution will be presented,** e.g. Members of Congress, Members of the Legislature, etc. (An organization may not be mandated, but a specific individual within the same may be mandated.) The sponsor should submit the complete address of the mandates or it will not be presented. No more than 10 mandates may be submitted for any resolution.

III. Format

- A. All resolutions must be numbered at each line beginning with “10”
- B. All resolutions must be typewritten in 10 point Times New Roman Font.
- C. The name, title (if one exists) and delegation of the sponsor must be included at the end of the resolution. (This information is not numbered.)
- D. Co-sponsors are optional, and may be listed below the sponsor. Co-sponsors must be designated by name, title (if one exists) and delegation. No more than 10 lines of co-sponsors may be listed for any resolution.
- E. Each Whereas Clause and Therefore Be It Resolved Clause label must appear in all caps, bold and be followed by a colon (EXAMPLE: **WHEREAS:**) and end with a semicolon, space and the word “and” followed by a comma (Example: ; and,).
- F. The last “Whereas” and Therefore Be It Resolved” clause must end with a period.
- G. A one-page white sheet (background paper) may be submitted with the resolution to provide additional information. This is optional and should contain information that supports the position of the sponsor but does not repeat information contained within the resolution.
- H. The text of Whereas and Resolution Clauses must be blocked after the semi-colon.

EXAMPLE

WHEREAS: The Current Economic Situation in the United States is such that, with people already defaulting on mortgages, the people will not be able to afford higher taxes that would be needed to finance more multi-billion dollar bailouts; and,

IV. Submission

All submissions in their final form must be submitted via electronic mail. A list of address for mandates is also required. Legislation received after the universal deadline for the event shall be returned to the sponsor.

Section 2 – Act Writing Manual

I. General

An Act is used to bring about and codify a specific action of state government (i.e. making an act legal or illegal, creating a procedure or program, authorizing funding, etc.). It does not contain statements of opinion or fact as in a resolution; rather it mandates a specific action.

An Act receives the same consideration and follows the same legislative process as a joint resolution (see Resolution Writing Guide.) It is considered “emergency” *if it is on a topic, which has become pertinent after the deadline for submission of legislation or will be moot prior to the next Interim Assembly or Annual Session.* Members submitting “emergency” legislation must submit a written justification to the Attorney General who shall make a determination on the status of the legislation.

Acts must deal with only one topic and be proposed as changes to the Annotated Code of Maryland or the Constitution of Maryland. Matters pertaining to local or federal law must be proposed in the form of a joint resolution.

As Acts (and resolutions) are presented to various members of the State Government upon their passage by MSL, it is important that they be in a form recognizable to state officials. As such, care must be taken to follow the form presented below. Acts are composed of two general parts, the title and the body. The title specifies the codification of the act (if any) and has a summary of content and legal effect of the act.

II. Parts of an Act

A. Title

All titles have three general parts: the short title, the purpose paragraph, and the function paragraph(s).

The Short Title

The purpose of the short title is to give a general impression of the content of the act. As a rule, no more than six to eight words need to be used, not including the words “AN ACT CONCERNING”. Short Titles commonly state the general subject of the act first, followed by successively more detailed phrases separated by dashes.

EXAMPLES

AN ACT CONCERNING

Housing – Real Property Closing Costs

AN ACT CONCERNING

Transient or Temporary Vendors – Licensure

AN ACT CONCERNING

Prince George’s County – Board of Education – Compensation

The Purpose Paragraph

The purpose is the part of the act that describes what the act does. The language may be as broad or narrow as is necessary to describe adequately the statutory intent of the legislation.

A purpose paragraph consists of descriptive clauses separated by semicolons, utilizing the “ing” form of a verb, e.g. “altering”, “authorizing”, “requiring”, “exempting”, etc. It is not necessary to include in the purpose paragraph every change, large and small, proposed in a act. Rather the purpose paragraph should contain a summary by category of the changes proposed.

The word certain can be used often in place of exact figures or dates, as in “requiring that certain taxes be paid by a certain date.” A act proposing a change in dates, amounts, measures, etc. might also read, “for the purpose of altering the salary of the Governor.”

EXAMPLES

FOR the purpose of creating the Department of Higher Education; authorizing staff for the Department; establishing functions of the Department; and generally relating to the provision of higher education.

FOR the purpose of establishing a Maryland Prepaid Tuition Savings Program; establishing a Task Force on the Maryland Prepaid Tuition Savings Program; specifying membership, duties, and staffing of the Task Force; requiring the Task Force to issue a certain report by a certain date; providing for the effective date of this Act.

The Function Paragraph

The function paragraph specifies the article and section of the Annotated Code which the act effects. If the act is drafted to more than one article of the Code, or if the act employs more than one function (even if only one article) to accomplish the objective of the act, multiple function paragraphs are required.

Function paragraphs serve as a kind of “table of contents” of the act, and generally, multiple function paragraphs are listed in the sequence that the changes appear in the body of the act. Note, however, that each function paragraph will contain all sections within a given article that are affected by that function, regardless of where the changes may appear in the act. The function paragraph generally contains: the function line, the article line, the section line, and the volume citation.

(A) The Function Line

The function line describes the action being applied to the existing code provisions. Note that it is not enough to say that the Act “amends”, it must be more specifically applied by using one of the terms below:

- BY repealing, and reenacting, with amendments,
- BY repealing
- BY adding to
- BY repealing, and reenacting, without amendments,
- BY renumbering

(B) The Article Line

The revised articles of the Annotated Code (red volumes) do not have an article number, but rather, an article name such as “Transportation”, “Education”, or “Family Law”.

EXAMPLE

Article - Family Law

The unrevised volumes of the Annotated Code (black volumes) are designated by the article number and the full proper name of the article.

EXAMPLE

Article 27 - Crimes and Punishment

(C) The Section Line

The word “Section” is always singular, regardless of the number of sections listed.

EXAMPLE

Section 12-314(a), 12-315, and 12-406(b) and (d)

Write the name of a subtitle or subheading only if there is to be a new or amended subtitle or subheading.

EXAMPLE

Section 9-1501 through 9-1505, inclusive, to be under the new subtitle “Subtitle 15, Cleaning Agents”

(D) The Volume and Supplement Citation

The Annotated Code of Maryland is amended in some form in nearly one thousand ways each year. Thus, it is important to use the most current publication available when drafting an act. Always list the year of both the volume (or replacement volume) and the supplement. The correct year appears on the spine and title page of the volume or replacement volume and on the title page of the supplement. Where there is a volume and a supplement, both must be cited; it is incorrect to refer only to the volume or the supplement. Note, however, that some volumes may not have supplements if the volumes were printed recently.

EXAMPLE

B. Act Text – Body of Act

Enacting Clause

Each Act must contain the phrase “BE IT ENACTED BY THE MARYLAND STUDENT LEGISLATURE:” on the second line following the volume and supplement citation.

Act Text

On the next line following the enacting clause, the full name of the article of the Code (including the Section) affected by the act is inserted preceding the actual text.

In drafting the text of the act, use strike through to delete existing language from the Code, and CAPITALIZE any new language, including subsection designations, i.e. “(A)”, “(B)”, etc. and Roman numerals used to designate subparagraphs “(I)”, “(II)”, etc.

It is very important that the text of acts be transcribed exactly as it appears in the Annotated Code of Maryland where a change to existing law is proposed. Furthermore, it is necessary to be as specific as possible when creating a new statute, as we do not have the benefit of the state agencies to write administrative regulations, which further define the impact of the legislation. Constitutional principles require that the legislation be written with a reasonable degree of certainty, so that citizens of common intelligence are not required to guess at the meaning of the statute and its application. Further, **it is necessary to define terms or refer to other sections of the Annotated Code in which a term is defined in manner similar to which you are referring in your act. Definitions are frequently added in the text of the acts.**

It is also necessary, because we are dealing with matters of law in Maryland (where acts are proposed) that acts are written in a manner that would be deemed constitutional in the State of Maryland. The Constitution of the State of Maryland is easily accessible in public libraries or anywhere else the Annotated Code maybe found. The following reasons for which an act may be deemed unconstitutional (*note: refers to Constitution of the State of Maryland*):

- (1) Vagueness
- (2) Equal Protection Guarantee
- (3) Nonuniformity of Taxation
- (4) Improper Delegation of Authority
- (5) Extra Compensation for Past Services
- (6) Holding Two Offices for Profit
- (7) Separation of Powers
- (8) “One Subject Rule

NOTE: It is important that amendments proposed by a member on the floor or in committee follow the same rules as above.

Effective Date

The final line of an act is the date on which the legislation would become law. The usual effective date for an act is October 1 following the session in which it was enacted, with the following exceptions:

- (1) Bond acts (June 1)
- (2) Tax and budget related issues (July 1)
- (3) Situations that logically require effective date (e.g. adding additional members to a board if the terms begin July 1)
- (4) Specific request by the sponsor

C. Special Sections

The following sections may be used to further strengthen an act, but are not required. They must also be noted in the purpose paragraph

Severability Clause

SECTION 2. AND BE IT FURTHER ENACTED, That if any provision of this Act or the application thereof to any person or circumstance is held invalid for any reason in a court of competent jurisdiction, the invalidity does not affect other provisions or any other application of this Act which can be given effect without the invalid provision or application, and for provisions of this Act are declared severable.

Repeal of Inconsistent Laws

SECTION 2. AND BE IT FURTHER ENACTED, That all laws or parts of laws, public general or public local, inconsistent with this Act, are repealed to the extent of the inconsistency.

III. Format

- A. All acts must be numbered at each line beginning with “10”.
- B. All acts must be typewritten in 10 point Times New Roman Font.
- C. The name, title (if one exists) and delegation of the sponsor must be included at the end of the act. (This information is not numbered.)
- D. Co-sponsors are optional, and may be listed below the sponsor. Co-sponsors must be designated by name, title (if one exists) and delegation. No more than 10 lines of co-sponsors may be listed for any act.
- E. A one-page white sheet (background paper) may be submitted with the act to provide additional information. This is optional and should contain information that supports or explains the position of the sponsor.
- F. Mandates – these are the individuals to whom the approved act will be presented. As acts deal only with the Annotated Code of Maryland, **it is appropriate only to mandate an act to state officials**. (In addition, an organization or agency may not be mandated, but a specific individual within same may be mandated.) The sponsor should submit the complete address of the mandates or it will not be presented. No more than 10 mandates may be submitted for any act.

IV. Submission

All submissions in their final form must be submitted via electronic mail. A list of address for mandates is also required. Legislation received after the universal deadline for the event shall be returned to the sponsor.

Section 3 – Amendments Writing Manual

I. General

Amendments are used for the purposes of amending the rules of the Maryland Student Legislature. This encompasses all the rules that the MSL is guided by, including our Constitution, Standing Rules of Order, Protocols and Procedures, and this Writing Manual for Acts and Resolutions. Adoption of an amendment will be applied to the rules of the Maryland Student Legislature as dictated by the document being amended.

II. Format

An Amendment can be written in the form of a Resolution, if it applies, however almost all Amendments should be formatted according to **Section 2 – Acts Writing Manual** of this manual. Any questions should be addressed to the Attorney General for when a Resolution style would be appropriate.

III. Submission

All submissions in their final form must be submitted via electronic mail. Legislation regarding amendments to the Standing Rules of Order or Writing Manual received after the universal deadline for Annual Session shall be returned to the sponsor.

Section 4 – Amendment Procedure

These rules shall be considered standing and as such, any amendment to these rules shall require a two-thirds vote for adoption and shall be presented as a simple resolution only during an Annual Session.