

SENATE BILL 632

B1
SB 998/10 – B&T

CONSTITUTIONAL AMENDMENT

11r2069

By: **Senators Pipkin and Brinkley**

Introduced and read first time: February 4, 2011

Assigned to: Budget and Taxation

A BILL ENTITLED

1 AN ACT concerning

2 **State Budget**

3 FOR the purpose of proposing an amendment to the Maryland Constitution
4 authorizing the General Assembly to increase or add Executive Department
5 items in the budget bill, subject to a certain limitation; providing for the veto of
6 certain budget bill items; providing for the reversion to original appropriations
7 of certain vetoed items in the budget bill; providing that certain vetoed items in
8 the budget bill shall be void; authorizing the President of the Senate and the
9 Speaker of the House of Delegates to convene in extraordinary session to
10 consider whether to override a vetoed item in the budget bill; authorizing the
11 General Assembly to override budget bill item vetoes; establishing the manner
12 in which and the time at which budget bill items become law; clarifying
13 language; and submitting this amendment to the qualified voters of the State
14 for their adoption or rejection.

15 BY proposing an amendment to the Maryland Constitution
16 Article II – Executive Department
17 Section 17

18 BY proposing an amendment to the Maryland Constitution
19 Article III – Legislative Department
20 Section 14 and 52(6)

21 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
22 MARYLAND, (Three-fifths of all the members elected to each of the two Houses
23 concurring), That it be proposed that the Maryland Constitution read as follows:

24 **Article II – Executive Department**

25 17.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (a) To guard against hasty or partial legislation and encroachment of the
2 Legislative Department upon the co-ordinate Executive and Judicial Departments,
3 every Bill passed by the House of Delegates and the Senate, before it becomes a law,
4 shall be presented to the Governor of the State. If the Governor approves [he] **THE**
5 **BILL, THE GOVERNOR** shall sign it[, but if not he]. **EXCEPT FOR THE BUDGET**
6 **BILL, IF THE GOVERNOR DISAPPROVES THE BILL, THE GOVERNOR** shall return
7 it with [his] objections to the House in which it originated, which House shall enter
8 the objections at large on its Journal and proceed to reconsider the Bill. Each House
9 may adopt by rule a veto calendar procedure that permits Bills that are to be
10 reconsidered to be read and voted upon as a single group. The members of each House
11 shall be afforded reasonable notice of the Bills to be placed on each veto calendar.
12 Upon the objection of a member, any Bill shall be removed from the veto calendar. If,
13 after such reconsideration, three-fifths of the members elected to that House pass the
14 Bill, it shall be sent with the objections to the other House, by which it shall likewise
15 be reconsidered, and if it passes by three-fifths of the members elected to that House
16 it shall become a law. The votes of both Houses shall be determined by yeas and nays,
17 and the names of the persons voting for and against the Bill shall be entered on the
18 Journal of each House respectively.

19 (b) If any Bill presented to the Governor while the General Assembly is in
20 session is not returned by [him] **THE GOVERNOR** with [his] objections within six
21 days (Sundays excepted), the Bill shall be a law in like manner as if [he] **THE**
22 **GOVERNOR** signed it, unless the General Assembly, by adjournment, prevents its
23 return, in which case it shall not be a law.

24 (c) Any Bill presented to the Governor within six days (Sundays excepted),
25 prior to adjournment of any session of the General Assembly, or after such
26 adjournment, shall become law without the Governor's signature unless it is vetoed by
27 the Governor within 30 days after its presentment.

28 (d) Any Bill, **EXCEPT THE BUDGET BILL**, vetoed by the Governor shall be
29 returned to the House in which it originated immediately after the House has
30 organized at the next regular or special session of the General Assembly, **OTHER**
31 **THAN IN EXTRAORDINARY SESSION CONVENED UNDER SUBSECTION (G) OF THIS**
32 **SECTION**. The Bill may then be reconsidered according to the procedure specified in
33 this section. Any Bill enacted over the veto of the Governor, or any Bill which shall
34 become law as the result of the failure of the Governor to act within the time specified,
35 shall take effect 30 days after the Governor's veto is over-ridden, or on the date
36 specified in the Bill, whichever is later. If the Bill is an emergency measure, it shall
37 take effect when enacted. No such vetoed Bill shall be returned to the Legislature
38 when a new General Assembly of Maryland has been elected and sworn since the
39 passage of the vetoed Bill.

40 (e) [The] **EXCEPT FOR THE BUDGET BILL, THE** Governor shall have
41 power to disapprove of any item or items of any Bills making appropriations of money
42 embracing distinct items, and the part or parts of the Bill approved shall be the law,
43 and the item or items of appropriations disapproved shall be void unless repassed

1 according to the rules or limitations prescribed for the passage of other Bills over the
2 Executive veto.

3 **(F) THE GOVERNOR MAY APPROVE OR DISAPPROVE ITEMS IN THE**
4 **BUDGET BILL AS FOLLOWS:**

5 **(1) THE GOVERNOR MAY VETO ONLY ITEMS RELATING TO THE**
6 **EXECUTIVE DEPARTMENT THAT HAVE BEEN INCREASED OR ADDED BY THE**
7 **GENERAL ASSEMBLY. THE GOVERNOR MAY NOT VETO ANY OTHER ITEMS IN**
8 **THE BILL.**

9 **(2) IF THE GOVERNOR VETOES AN ITEM THAT HAD BEEN**
10 **INCREASED BY THE GENERAL ASSEMBLY AND THE GENERAL ASSEMBLY DOES**
11 **NOT OVERRIDE THE VETO UNDER SUBSECTION (G) OF THIS SECTION, THAT ITEM**
12 **SHALL REVERT TO THE APPROPRIATION ORIGINALLY SUBMITTED BY THE**
13 **GOVERNOR. THE ORIGINAL APPROPRIATION SHALL THEN BE LAW**
14 **IMMEDIATELY WITHOUT FURTHER ACTION BY THE GOVERNOR.**

15 **(3) IF THE GOVERNOR VETOES AN ITEM THAT HAD BEEN ADDED**
16 **BY THE GENERAL ASSEMBLY AND THE GENERAL ASSEMBLY DOES NOT**
17 **OVERRIDE THE VETO UNDER SUBSECTION (G) OF THIS SECTION, THAT ITEM**
18 **SHALL BE VOID.**

19 **(4) ITEMS NOT DISAPPROVED BY THE GOVERNOR SHALL BE LAW**
20 **IMMEDIATELY WITHOUT FURTHER ACTION BY THE GOVERNOR.**

21 **(G) (1) IF THE GOVERNOR VETOES AN ITEM IN THE BUDGET BILL,**
22 **THE GENERAL ASSEMBLY MAY CONVENE IN EXTRAORDINARY SESSION WITHIN**
23 **30 DAYS AFTER THE DATE OF THE VETO TO CONSIDER WHETHER TO OVERRIDE**
24 **THE VETO. IF THE GENERAL ASSEMBLY WISHES TO CONSIDER WHETHER TO**
25 **OVERRIDE THE GOVERNOR'S VETO OF AN ITEM IN THE BUDGET BILL, THE**
26 **PRESIDENT OF THE SENATE AND THE SPEAKER OF THE HOUSE OF DELEGATES**
27 **JOINTLY SHALL ISSUE A PROCLAMATION SPECIFYING THE DATE ON WHICH TO**
28 **CONVENE IN EXTRAORDINARY SESSION.**

29 **(2) THE SOLE PURPOSE OF AN EXTRAORDINARY SESSION UNDER**
30 **THIS SUBSECTION SHALL BE TO CONSIDER WHETHER TO OVERRIDE THE**
31 **GOVERNOR'S VETO OF AN ITEM IN THE BUDGET BILL. THE GENERAL**
32 **ASSEMBLY MAY NOT CONSIDER THE OVERRIDE OF THE GOVERNOR'S VETO OF**
33 **ANY OTHER BILL.**

34 **(3) (I) THE BUDGET BILL SHALL BE RETURNED BY THE**
35 **GOVERNOR TO THE HOUSE IN WHICH IT ORIGINATED, AND EACH VETOED ITEM**
36 **SHALL BE CONSIDERED INDIVIDUALLY.**

1 **(II) IF THREE-FIFTHS OF THE MEMBERS ELECTED TO THAT**
 2 **HOUSE VOTE TO OVERRIDE THE VETO OF AN ITEM, IT SHALL BE SENT TO THE**
 3 **OTHER HOUSE FOR CONSIDERATION.**

4 **(III) IF THREE-FIFTHS OF THAT HOUSE VOTE TO OVERRIDE**
 5 **THE VETO OF THE ITEM, THAT ITEM SHALL REVERT TO THE APPROPRIATION**
 6 **ORIGINALLY PASSED BY THE GENERAL ASSEMBLY. THE APPROPRIATION AS**
 7 **ORIGINALLY PASSED SHALL THEN BECOME LAW IMMEDIATELY, WITHOUT**
 8 **FURTHER ACTION BY THE GOVERNOR OR THE GENERAL ASSEMBLY.**

9 **Article III – Legislative Department**

10 14.

11 The General Assembly shall meet on the second Wednesday of January,
 12 nineteen hundred and seventy-one, and on the same day in every year thereafter, and
 13 at no other time, unless convened **BY JOINT PROCLAMATION OF THE PRESIDENT**
 14 **OF THE SENATE AND THE SPEAKER OF THE HOUSE OF DELEGATES UNDER**
 15 **SECTION 17(G) OF ARTICLE II OF THIS CONSTITUTION OR** by Proclamation of the
 16 Governor. **[A] THE GOVERNOR SHALL ISSUE A** Proclamation convening the General
 17 Assembly in extraordinary session **[must be issued by the Governor]** if a majority of
 18 the members elected to the Senate and a majority of the members elected to the House
 19 of Delegates join in a petition to the Governor requesting that **[he] THE GOVERNOR**
 20 convene the General Assembly in extraordinary session, and the Governor shall
 21 convene the General Assembly on the date specified in the petition. This section does
 22 not affect the Governor's power to convene the General Assembly in extraordinary
 23 session pursuant to Section 16 of Article II of this Constitution.

24 52.

25 **(6) The General Assembly shall not amend the Budget Bill so as to affect**
 26 **either the obligations of the State under Section 34 of Article III of the Constitution, or**
 27 **the provisions made by the laws of the State for the establishment and maintenance of**
 28 **a system of public schools or the payment of any salaries required to be paid by the**
 29 **State of Maryland by the Constitution [thereof; and the]. THE General Assembly may**
 30 **amend the bill by increasing or diminishing [the] items therein relating to the General**
 31 **Assembly, [and] by increasing or diminishing [the] items therein relating to the**
 32 **judiciary, [but except as hereinbefore specified, may not alter the said bill except to**
 33 **strike out or reduce items therein, provided, however, that the] AND BY INCREASING,**
 34 **DIMINISHING, OR ADDING ITEMS RELATING TO THE EXECUTIVE DEPARTMENT**
 35 **AS LONG AS THE TOTAL OF THE APPROPRIATION FOR THE EXECUTIVE**
 36 **DEPARTMENT APPROVED BY THE GENERAL ASSEMBLY DOES NOT EXCEED THE**
 37 **TOTAL ALLOWANCE FOR THE EXECUTIVE DEPARTMENT SUBMITTED BY THE**
 38 **GOVERNOR. THE salary or compensation of any public officer [shall] MAY not be**

1 decreased during his term of office[; and such bill, when and as passed by both
2 Houses, shall be a law immediately without further action by the Governor]. **WHEN**
3 **PASSED BY BOTH HOUSES, THE BILL SHALL BE PRESENTED TO THE GOVERNOR**
4 **FOR APPROVAL OR DISAPPROVAL ACCORDING TO SECTION 17 OF ARTICLE II OF**
5 **THIS CONSTITUTION.**

6 SECTION 2. AND BE IT FURTHER ENACTED, That the General Assembly
7 determines that the amendment to the Maryland Constitution proposed by this Act
8 affects multiple jurisdictions and that the provisions of Article XIV, § 1 of the
9 Maryland Constitution concerning local approval of constitutional amendments do not
10 apply.

11 SECTION 3. AND BE IT FURTHER ENACTED, That the foregoing section
12 proposed as an amendment to the Maryland Constitution shall be submitted to
13 qualified voters of the State at the next general election to be held in November, 2012
14 for their adoption or rejection pursuant to Article XIV of the Maryland Constitution.
15 At that general election, the vote on this proposed amendment to the Constitution
16 shall be by ballot, and upon each ballot there shall be printed the words “For the
17 Constitutional Amendment” and “Against the Constitutional Amendment,” as now
18 provided by law. Immediately after the election, all returns shall be made to the
19 Governor of the vote for and against the proposed amendment, as directed by Article
20 XIV of the Maryland Constitution, and further proceedings had in accordance with
21 Article XIV.