

HOUSE BILL 13

P5
HB 10/11 – APP

CONSTITUTIONAL AMENDMENT

2lr4514

By: **Delegates Smigiel, Eckardt, Glass, Haddaway–Riccio, Hershey, Krebs, McDermott, and Parrott**

Introduced and read first time: October 17, 2011

Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Laws Making an Appropriation Subject to Petition Referendum**

3 FOR the purpose of proposing an amendment to the Maryland Constitution to provide
4 that a law making a certain appropriation shall be subject to rejection or repeal
5 by the voters of the State under the petition referendum process provided under
6 the Maryland Constitution; generally relating to making laws that make a
7 certain appropriation subject to the petition referendum process under the
8 Maryland Constitution; and submitting this amendment to the qualified voters
9 of the State for their adoption or rejection.

10 BY proposing an amendment to the Maryland Constitution
11 Article XVI – The Referendum
12 Section 2

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

16 **Article XVI – The Referendum**

17 2.

18 No law enacted by the General Assembly shall take effect until the first day of
19 June next after the session at which it may be passed, unless it contains a Section
20 declaring such law an emergency law and necessary for the immediate preservation of
21 the public health or safety and is passed upon a yea and nay vote supported by
22 three–fifths of all the members elected to each of the two Houses of the General
23 Assembly. The effective date of a law other than an emergency law may be extended
24 as provided in Section 3(b) hereof. If before said first day of June there shall have been
25 filed with the Secretary of the State a petition to refer to a vote of the people any law

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 or part of a law capable of referendum, as in this Article provided, the same shall be
2 referred by the Secretary of State to such vote, and shall not become a law or take
3 effect until thirty days after its approval by a majority of the electors voting thereon at
4 the next ensuing election held throughout the State for Members of the House of
5 Representatives of the United States. An emergency law shall remain in force
6 notwithstanding such petition, but shall stand repealed thirty days after having been
7 rejected by a majority of the qualified electors voting thereon. No measure changing
8 the salary of any officer, or granting any franchise or special privilege, or creating any
9 vested right or interest, shall be enacted as an emergency law. [No] A law making any
10 appropriation for maintaining the State Government, or for maintaining or aiding any
11 public institution, not exceeding the next previous appropriation for the same purpose,
12 shall be subject to rejection or repeal under this Section. The increase in any such
13 appropriation for maintaining or aiding any public institution shall only take effect as
14 in the case of other laws, and such increase or any part thereof specified in the
15 petition, may be referred to a vote of the people upon petition.

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

21 SECTION 3. AND BE IT FURTHER ENACTED, That the foregoing section
22 proposed as an amendment to the Maryland Constitution shall be submitted to the
23 qualified voters of the State at the next general election to be held in November, 2012
24 for their adoption or rejection pursuant to Article XIV of the Maryland Constitution.
25 At that general election, the vote on this proposed amendment to the Constitution
26 shall be by ballot, and upon each ballot there shall be printed the words "For the
27 Constitutional Amendment" and "Against the Constitutional Amendment," as now
28 provided by law. Immediately after the election, all returns shall be made to the
29 Governor of the vote for and against the proposed amendment, as directed by Article
30 XIV of the Maryland Constitution, and further proceedings had in accordance with
31 Article XIV.