

HOUSE BILL 43

P5
HB 10/11 – APP

CONSTITUTIONAL AMENDMENT
(PRE-FILED)

2lr0761

By: **Delegates Smigiel, McComas, Dwyer, Hough, Krebs, Parrott, Kipke, Cluster, and W. Miller**

Requested: October 20, 2011

Introduced and read first time: January 11, 2012

Assigned to: Appropriations

A BILL ENTITLED

1 AN ACT concerning

2 **Maryland Constitution – Laws Making an Appropriation Made Subject to**
3 **Petition Referendum**

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

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

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

17 **Article XVI – The Referendum**

18 2.

19 No law enacted by the General Assembly shall take effect until the first day of
20 June next after the session at which it may be passed, unless it contains a Section
21 declaring such law an emergency law and necessary for the immediate preservation of
22 the public health or safety and is passed upon a yea and nay vote supported by
23 three-fifths of all the members elected to each of the two Houses of the General
24 Assembly. The effective date of a law other than an emergency law may be extended

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

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

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