

SB1028/319238/1

BY: Senator Jennings

AMENDMENT TO SENATE BILL 1028  
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 5, after “limitation;” insert “providing for the veto of certain budget bill items; providing for the reversion to proposed appropriations of certain vetoed items in the budget bill; providing that certain vetoed items in the budget bill shall be void; authorizing the President of the Senate and the Speaker of the House of Delegates to convene in extraordinary session to consider whether to override a vetoed item in the budget bill; authorizing the General Assembly to override budget bill item vetoes; establishing the manner in which and the time at which the budget bill items become law;”; after line 8, insert:

“BY proposing an amendment to the Maryland Constitution  
Article II – Executive Department  
Section 17”;

and in line 11, after “Section” insert “14 and”.

AMENDMENT NO. 2

On page 1, after line 14, insert:

“Article II – Executive Department

17.

(a) To guard against hasty or partial legislation and encroachment of the Legislative Department upon the co-ordinate Executive and Judicial Departments, every Bill passed by the House of Delegates and the Senate, before it becomes a law, shall be presented to the Governor of the State. If the Governor approves [he] THE

(Over)

BILL, THE GOVERNOR shall sign [it, but if not he] THE BILL. EXCEPT FOR THE BUDGET BILL, IF THE GOVERNOR DISAPPROVES THE BILL, THE GOVERNOR shall return it with [his] objections to the House in which it originated, which House shall enter the objections at large on its Journal and proceed to reconsider the Bill. Each House may adopt by rule a veto calendar procedure that permits Bills that are to be reconsidered to be read and voted upon as a single group. The members of each House shall be afforded reasonable notice of the Bills to be placed on each veto calendar. Upon the objection of a member, any Bill shall be removed from the veto calendar. If, after such reconsideration, three-fifths of the members elected to that House pass the Bill, it shall be sent with the objections to the other House, by which it shall likewise be reconsidered, and if it passes by three-fifths of the members elected to that House it shall become a law. The votes of both Houses shall be determined by yeas and nays, and the names of the persons voting for and against the Bill shall be entered on the Journal of each House respectively.

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

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

(d) Any Bill, EXCEPT THE BUDGET BILL, vetoed by the Governor shall be returned to the House in which it originated immediately after the House has organized at the next regular or special session of the General Assembly, OTHER THAN IN EXTRAORDINARY SESSION CONVENED UNDER SUBSECTION (G) OF THIS SECTION. The Bill may then be reconsidered according to the procedure specified in this section.

Any Bill enacted over the veto of the Governor, or any Bill which shall become law as the result of the failure of the Governor to act within the time specified, shall take effect 30 days after the Governor's veto is over-ridden, or on the date specified in the Bill, whichever is later. If the Bill is an emergency measure, it shall take effect when enacted. No such vetoed Bill shall be returned to the Legislature when a new General Assembly of Maryland has been elected and sworn since the passage of the vetoed Bill.

(e) [The] EXCEPT FOR THE BUDGET BILL, THE Governor shall have power to disapprove of any item or items of any Bills making appropriations of money embracing distinct items, and the part or parts of the Bill approved shall be the law, and the item or items of appropriations disapproved shall be void unless repassed according to the rules or limitations prescribed for the passage of other Bills over the Executive veto.

**(F) (1) THE GOVERNOR MAY APPROVE OR DISAPPROVE ITEMS IN THE BUDGET BILL AS PROVIDED IN THIS SUBSECTION.**

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

**(3) IF THE GOVERNOR VETOES AN ITEM THAT HAD BEEN INCREASED BY THE GENERAL ASSEMBLY AND THE GENERAL ASSEMBLY DOES NOT OVERRIDE THE VETO UNDER SUBSECTION (G) OF THIS SECTION, THAT ITEM SHALL REVERT TO THE PROPOSED APPROPRIATION SUBMITTED BY THE GOVERNOR. THE PROPOSED APPROPRIATION SHALL THEN BE LAW IMMEDIATELY WITHOUT FURTHER ACTION BY THE GOVERNOR.**

**(4) IF THE GOVERNOR VETOES AN ITEM THAT HAD BEEN ADDED**

(Over)

BY THE GENERAL ASSEMBLY AND THE GENERAL ASSEMBLY DOES NOT OVERRIDE THE VETO UNDER SUBSECTION (G) OF THIS SECTION, THAT ITEM SHALL BE VOID.

(5) ITEMS NOT DISAPPROVED BY THE GOVERNOR SHALL BE LAW IMMEDIATELY WITHOUT FURTHER ACTION BY THE GOVERNOR.

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

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

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

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

ASSEMBLY.”;

and after line 15, insert:

“14.

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

AMENDMENT NO. 3

On page 3, strike beginning with “**WHEN**” in line 14 down through the period in line 15 and substitute “**WHEN PASSED BY BOTH HOUSES, THE BUDGET BILL SHALL BE PRESENTED TO THE GOVERNOR FOR APPROVAL OR DISAPPROVAL ACCORDING TO SECTION 17 OF ARTICLE II OF THIS CONSTITUTION.**”.