



# The Legislative Wrap-Up

Library and Information Services, Department of Legislative Services

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## **Opening Day Ceremonies**

On January 11, 2006, Maryland legislators began the last regular session of their four-year terms. The 2006 session is the 421<sup>st</sup> meeting of the legislative body with *sine die* slated for 90 calendar days later, at midnight on April 10. The four-year term began in January 2003, and will conclude when a new body is sworn in on opening day of the 2007 regular session. Voters will elect a new legislature at the general election in November 2006. The Governor, Lieutenant Governor, Attorney General, and Comptroller will also be chosen.

On opening day, members affirmed Thomas V. Mike Miller, Jr. as President of the Senate. President Miller is beginning his 20<sup>th</sup> year as Senate President. His tenure is the longest in the history of the Maryland Senate and he is also the longest serving presiding officer of any Senate chamber in the United States. Senator Ida G. Ruben was elected President Pro Tem, beginning her seventh year in that office.

In the House of Delegates in opening day ceremonies, Speaker Michael E. Busch was affirmed as Speaker for the fourth year. Speaker Pro Tem, Adrienne A. Jones, will also be serving her fourth year.

The chambers welcomed Maryland's United States Senators Paul S. Sarbanes and Barbara A. Mikulski, Congressman Steny Hoyer, as well as Governor Robert L. Ehrlich, Jr., and other State and local dignitaries. As is customary, announcements concerning the appointment of floor officers and committee membership were "read across the desk" in the respective chambers.

## **Memorial for Delegate Tony E. Fulton**

With his family, friends, and colleagues present, the House of Delegates warmly remembered Delegate Tony E. Fulton (D-District 40, Baltimore City) who passed away last May. Delegate Fulton, first elected to the House in 1986, most recently served on the Environmental Matters Committee and earlier on the Economic Matters, Commerce and Government Matters, and Judiciary Committees. He had also served as Deputy Majority Whip and as the House Vice Chairman of the Administrative, Executive, and Legislative Review Committee, and as a member of the Workers' Compensation Benefit and Insurance Oversight Committee. He was a graduate of Morgan State College and held a graduate degree from the University of Maryland.

## **New Legislators**

Members of the General Assembly attending their first session included the following Delegates: Sheryl Davis Kohl (R-District 34A) who replaced Charles R. Boutin; Catherine E. Pugh (D-District 40) who replaced Tony E. Fulton; and Jane E. Lawton (D-District 18) who replaced John Adams Hurson.

## **Vetoes and Overrides: The Process**

The Maryland Constitution (Article II, Section 17) gives the Governor veto power. It requires the Governor to return a vetoed bill to the General Assembly with a statement of objections. Most vetoes are made because a bill duplicates the effect of another bill the Governor has signed or because the bill lacks legal sufficiency in the judgment of the Office of the Attorney General. Relatively few bills are vetoed for policy reasons.

Vetoed bills are returned to the house of origin immediately after that house has organized at the next regular or special session of the General Assembly. The General Assembly may override the Governor's veto with a vote of three-fifths of the members of each house. However, when a new General Assembly is elected and sworn, bills vetoed from the previous session are not returned.

A bill enacted over a veto, or a bill becoming law as a result of the Governor's failure to act within the prescribed time, takes effect 30 days after the veto is overridden or on the date specified in the bill, whichever is later. An emergency bill passed over the Governor's veto, however, takes effect immediately.

### **Fair Share Health Care Fund Act Override**

On the second day of the 2006 session and after extended debate in both chambers, the General Assembly voted to override the gubernatorial veto of the Fair Share Health Care Fund Act sponsored by Senator Lawlah, *et al.* (SB 790/Chapter 1, Acts of 2006). This bill imposes an assessment on certain employers based on the provision of health insurance coverage. Any revenues collected from the assessment must be deposited into the Fair Share Health Care Fund and used to fund the Medicaid program. An employer with 10,000 or more employees that does not spend at least 6% of total wages (for a nonprofit employer) or 8% of total wages (for a for-profit employer) on health insurance costs must pay the State an amount equal to the difference between what the employer spends on health insurance and the required percentage of total wages paid. Health insurance costs are payments for medical care, prescription drugs, vision care, medical savings accounts, and any other health benefits recognized under federal tax law. Presently, there are three entities in the State that employ more than 10,000 employees – Giant Food, The Johns Hopkins University, and Wal-Mart. The latter does not meet the requirements of the bill. The veto tally was 30-17 in the Senate and 88-50 in the House. The Fair Share Act will become law on January 1, 2007.

The Senate also overrode the vetoes of the following Senate legislation: Maryland Commission for Women (SB 257, Senator Grosfeld, *et al.*); Commission to Study Southern Maryland Transportation Needs (SB 281, Senators Dyson, Middleton, and Miller); Voters Rights Protection Act of 2005 (SB 287, Senator Gladden, *et al.*); Baltimore City - Illegal Dumping - Surveillance Systems (SB 312, Senator McFadden); Department of Juvenile Services - Youth Services Bureaus – Predelinquent Diversion Services (SB 468, Senator Green, *et al.*); and Election Law - Early Voting (SB 478, Senator Miller, *et al.*). The House overrode the gubernatorial veto of the House bill entitled Labor and Employment - Minimum Wage – Increase (HB 391, Delegate D. Davis, *et al.*). Further consideration of veto overrides is slated for next week in each chamber.