

**HOUSE BILL 144**  
CONSTITUTIONAL AMENDMENT

Unofficial Copy  
B1  
HB 221/97 - APP

1998 Regular Session  
8r0321

---

By: **Delegates Hixson, Curran, and Goldwater**  
Introduced and read first time: January 19, 1998  
Assigned to: Appropriations

---

A BILL ENTITLED

1 AN ACT concerning

2 **State Budget - Increases - Line Item Veto**

3 FOR the purpose of authorizing the General Assembly to increase or add Executive  
4 Department items in the Budget Bill, subject to a certain limitation; providing  
5 for the veto of certain Budget Bill items; providing for the reversion to original  
6 appropriations of certain vetoed items in the Budget Bill; providing that certain  
7 vetoed items in the Budget Bill shall be void under certain circumstances;  
8 requiring a special session of the General Assembly if the Governor vetoes any  
9 Budget Bill item; authorizing the General Assembly to override Budget Bill item  
10 vetoes; establishing the manner in which and the time at which Budget Bill  
11 items become law; clarifying language; and submitting this amendment to the  
12 qualified voters of the State of Maryland for their adoption or rejection.

13 BY proposing an amendment to the Constitution of Maryland  
14 Article II - Executive Department  
15 Section 17

16 BY proposing an amendment to the Constitution of Maryland  
17 Article III - Legislative Department  
18 Section 52(6)

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

22 **Article II - Executive Department**

23 17.

24 (a) To guard against hasty or partial legislation and encroachment of the  
25 Legislative Department upon the co-ordinate Executive and Judicial Departments,  
26 every Bill passed by the House of Delegates and the Senate, before it becomes a law,  
27 shall be presented to the Governor of the State. If the Governor approves, [he] THE  
28 GOVERNOR shall sign it[, but if not]. EXCEPT FOR THE BUDGET BILL, IF THE  
29 GOVERNOR DISAPPROVES THE BILL [he], THE GOVERNOR shall return it with [his]

1 THE GOVERNOR'S objections to the House in which it originated, which House shall  
2 enter the objections at large on its Journal and proceed to reconsider the Bill. Each  
3 House may adopt by rule a veto calendar procedure that permits Bills that are to be  
4 reconsidered to be read and voted upon as a single group. The members of each House  
5 shall be afforded reasonable notice of the Bills to be placed on each veto calendar.  
6 Upon the objection of a member, any Bill shall be removed from the veto calendar. If,  
7 after such reconsideration, three-fifths of the members elected to that House pass the  
8 Bill, it shall be sent with the objections to the other House, by which it shall likewise  
9 be reconsidered, and if it passes by three-fifths of the members elected to that House  
10 it shall become a law. The votes of both Houses shall be determined by yeas and nays,  
11 and the names of the persons voting for and against the Bill shall be entered on the  
12 Journal of each House respectively.

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

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

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

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

40 (F) THE GOVERNOR MAY APPROVE OR DISAPPROVE ITEMS IN THE BUDGET  
41 BILL AS FOLLOWS:

42 (1) THE GOVERNOR MAY VETO ONLY ITEMS RELATING TO THE  
43 EXECUTIVE DEPARTMENT THAT HAVE BEEN INCREASED OR ADDED BY THE

1 GENERAL ASSEMBLY. THE GOVERNOR MAY NOT VETO ANY OTHER ITEMS IN THE  
2 BILL.

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

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

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

14 (G) (1) IF THE GOVERNOR VETOES AN ITEM IN THE BUDGET BILL, THE  
15 GENERAL ASSEMBLY SHALL CONVENE IN EXTRAORDINARY SESSION 90 DAYS AFTER  
16 THE DATE OF THE VETO. IF THE PRESIDENT OF THE SENATE AND THE SPEAKER OF  
17 THE HOUSE OF DELEGATES JOINTLY ISSUE A PROCLAMATION SPECIFYING AN  
18 EARLIER DATE TO CONVENE IN EXTRAORDINARY SESSION, THE GENERAL ASSEMBLY  
19 SHALL CONVENE ON THAT EARLIER DATE.

20 (2) THE SOLE PURPOSE OF AN EXTRAORDINARY SESSION UNDER THIS  
21 SUBSECTION SHALL BE TO CONSIDER WHETHER TO OVERRIDE EACH ITEM IN THE  
22 BUDGET BILL VETOED BY THE GOVERNOR. THE GENERAL ASSEMBLY MAY NOT  
23 CONSIDER THE OVERRIDE OF THE GOVERNOR'S VETO OF ANY OTHER BILL.

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

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

30 (III) IF THREE-FIFTHS OF THAT HOUSE VOTE TO OVERRIDE THE  
31 VETO OF THE ITEM, THAT ITEM SHALL:

32 1. REVERT TO THE APPROPRIATION ORIGINALLY PASSED BY  
33 THE GENERAL ASSEMBLY; AND

34 2. BECOME LAW IMMEDIATELY WITHOUT FURTHER ACTION  
35 BY THE GOVERNOR OR THE GENERAL ASSEMBLY.

36 **Article III - Legislative Department**

37 52.

1 (6) The General Assembly shall not amend the Budget Bill so as to affect  
2 either the obligations of the State under Section 34 of Article III of the Constitution,  
3 or the provisions made by the laws of the State for the establishment and  
4 maintenance of a system of public schools or the payment of any salaries required to  
5 be paid by the State of Maryland by the Constitution [thereof; and the]. THE General  
6 Assembly may amend the bill by increasing or diminishing [the] items therein  
7 relating to the General Assembly, [and] by increasing or diminishing [the] items  
8 therein relating to the judiciary, AND BY INCREASING, DIMINISHING, OR ADDING  
9 ITEMS RELATING TO THE EXECUTIVE DEPARTMENT AS LONG AS THE TOTAL OF THE  
10 APPROPRIATION APPROVED BY THE GENERAL ASSEMBLY DOES NOT EXCEED THE  
11 TOTAL ALLOWANCE SUBMITTED BY THE GOVERNOR. [but except as hereinbefore  
12 specified, may not alter the said bill except to strike out or reduce items therein,  
13 provided, however, that the] THE salary or compensation of any public officer [shall]  
14 MAY not be decreased during [his] THE PUBLIC OFFICER'S term of office[; and such  
15 bill, when and as passed by both Houses, shall be a law immediately without further  
16 action by the Governor]. WHEN PASSED BY BOTH HOUSES, THE BILL SHALL BE  
17 PRESENTED TO THE GOVERNOR FOR APPROVAL OR DISAPPROVAL IN ACCORDANCE  
18 WITH SECTION 17 OF ARTICLE II OF THE CONSTITUTION.

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

23 SECTION 3. AND BE IT FURTHER ENACTED, That the foregoing section  
24 proposed as an amendment to the Constitution of Maryland shall be submitted to the  
25 legal and qualified voters of this State at the next general election to be held in  
26 November, 1998 for their adoption or rejection in pursuance of directions contained in  
27 Article XIV of the Constitution of this State. At that general election, the vote on this  
28 proposed amendment to the Constitution shall be by ballot, and upon each ballot  
29 there shall be printed the words "For the Constitutional Amendments" and "Against  
30 the Constitutional Amendments," as now provided by law. Immediately after the  
31 election, all returns shall be made to the Governor of the vote for and against the  
32 proposed amendment, as directed by Article XIV of the Constitution, and further  
33 proceedings had in accordance with Article XIV.