

HOUSE BILL 1024
CONSTITUTIONAL AMENDMENT

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SB 395/94 - B&T

2001 Regular Session
11r2537
CF SB 245

By: **Delegates Kopp, Barkley, Bronrott, Cadden, Conway, Cryor, D'Amato, Edwards, Franchot, Goldwater, Hecht, Hubers, James, V. Jones, Palumbo, Pitkin, Proctor, Rawlings, Sher, Stocksdale, and Turner**

Introduced and read first time: February 9, 2001

Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **State Budget**

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; requiring a special session of the
8 General Assembly if the Governor vetoes any Budget Bill item; authorizing the
9 General Assembly to override Budget Bill item vetoes; establishing the manner
10 in which and the time at which Budget Bill items become law; clarifying
11 language; and submitting this amendment to the qualified voters of the State of
12 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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1

Article III - Legislative Department

2 52.

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

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

25 SECTION 3. AND BE IT FURTHER ENACTED, That the foregoing section
26 proposed as an amendment to the Constitution of Maryland shall be submitted to the
27 legal and qualified voters of this State at the next general election to be held in
28 November, 2002 for their adoption or rejection in pursuance of directions contained in
29 Article XIV of the Constitution of this State. At that general election, the vote on this
30 proposed amendment to the Constitution shall be by ballot, and upon each ballot
31 there shall be printed the words "For the Constitutional Amendment" and "Against
32 the Constitutional Amendment," as now provided by law. Immediately after the
33 election, all returns shall be made to the Governor of the vote for and against the
34 proposed amendment, as directed by Article XIV of the Constitution, and further
35 proceedings had in accordance with Article XIV.