

**SENATE BILL 245**  
CONSTITUTIONAL AMENDMENT

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SB 395/94 - B&T

2001 Regular Session  
11r0888

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By: **Senators Hogan, Baker, Bromwell, Colburn, Currie, DeGrange, Della, Dorman, Dyson, Ferguson, Forehand, Frosh, Hafer, Harris, Hoffman, Hollinger, Hooper, Hughes, Jimeno, Kasemeyer, Kelley, Lawlah, McFadden, Mitchell, Mooney, Munson, Neall, Pinsky, Roesser, Ruben, Sfikas, Stone, and Van Hollen**

Introduced and read first time: January 25, 2001  
Assigned to: Budget and Taxation

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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,

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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**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.