

SENATE BILL 245
CONSTITUTIONAL AMENDMENT

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SB 395/94 - B&T

2001 Regular Session
11r0888
CF 11r2537

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

Committee Report: Favorable with amendments
Senate action: Adopted
Read second time: February 21, 2001

CHAPTER _____

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~~ authorizing an
8 extraordinary session of the General Assembly if the Governor vetoes any
9 Budget Bill item; providing a mechanism by which the President of the Senate
10 and the Speaker of the House of Delegates may convene a certain extraordinary
11 session; authorizing the General Assembly to override Budget Bill item vetoes;
12 establishing the manner in which and the time at which Budget Bill items
13 become law; clarifying language; and submitting this amendment to the
14 qualified voters of the State of Maryland for their adoption or rejection.

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

18 BY proposing an amendment to the Constitution of Maryland
19 Article III - Legislative Department
20 Section 14 and 52(6)

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

4 **Article II - Executive Department**

5 17.

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

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

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

33 (d) Any Bill, EXCEPT THE BUDGET BILL, vetoed by the Governor shall be
34 returned to the House in which it originated immediately after the House has
35 organized at the next regular or special session of the General Assembly, OTHER
36 THAN A ~~SPECIAL~~ AN EXTRAORDINARY SESSION CONVENED UNDER SUBSECTION (G)
37 OF THIS SECTION. The Bill may then be reconsidered according to the procedure
38 specified in this section. Any Bill enacted over the veto of the Governor, or any Bill
39 which shall become law as the result of the failure of the Governor to act within the
40 time specified, shall take effect 30 days after the Governor's veto is over-ridden, or on
41 the date specified in the Bill, whichever is later. If the Bill is an emergency measure,
42 it shall take effect when enacted. No such vetoed Bill shall be returned to the

1 Legislature when a new General Assembly of Maryland has been elected and sworn
2 since the passage of the vetoed Bill.

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

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

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

15 (2) IF THE GOVERNOR VETOES AN ITEM THAT HAD BEEN INCREASED BY
16 THE GENERAL ASSEMBLY AND THE GENERAL ASSEMBLY DOES NOT OVERRIDE THE
17 VETO UNDER SUBSECTION (G) OF THIS SECTION, THAT ITEM SHALL REVERT TO THE
18 APPROPRIATION ORIGINALLY SUBMITTED BY THE GOVERNOR. THE ORIGINAL
19 APPROPRIATION SHALL THEN BE LAW IMMEDIATELY WITHOUT FURTHER ACTION BY
20 THE GOVERNOR.

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

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

26 (G) (1) IF THE GOVERNOR VETOES AN ITEM IN THE BUDGET BILL, THE
27 GENERAL ASSEMBLY ~~SHALL~~ MAY CONVENE IN EXTRAORDINARY SESSION ~~90~~ WITHIN
28 30 DAYS AFTER THE DATE OF THE VETO TO CONSIDER WHETHER TO OVERRIDE THE
29 VETO. IF THE GENERAL ASSEMBLY WISHES TO CONSIDER WHETHER TO OVERRIDE
30 THE GOVERNOR'S VETO OF AN ITEM IN THE BUDGET BILL, THE PRESIDENT OF THE
31 SENATE AND THE SPEAKER OF THE HOUSE OF DELEGATES JOINTLY ~~SHALL~~ ISSUE A
32 PROCLAMATION SPECIFYING AN EARLIER DATE THE DATE ON WHICH TO CONVENE
33 IN EXTRAORDINARY SESSION, THE GENERAL ASSEMBLY SHALL CONVENE ON THAT
34 EARLIER DATE.

35 (2) THE SOLE PURPOSE OF AN EXTRAORDINARY SESSION UNDER THIS
36 SUBSECTION SHALL BE TO CONSIDER WHETHER TO OVERRIDE ~~EACH ITEM IN THE~~
37 ~~BUDGET BILL VETOED BY THE GOVERNOR~~ THE GOVERNOR'S VETO OF AN ITEM IN
38 THE BUDGET BILL. THE GENERAL ASSEMBLY MAY NOT CONSIDER THE OVERRIDE OF
39 THE GOVERNOR'S VETO OF ANY OTHER BILL.

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

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

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

12 **Article III - Legislative Department**

13 14.

14 The General Assembly shall meet on the second Wednesday of January,
15 nineteen hundred and seventy-one, and on the same day in every year thereafter, and
16 at no other time, unless convened BY JOINT PROCLAMATION OF THE PRESIDENT OF
17 THE SENATE AND THE SPEAKER OF THE HOUSE OF DELEGATES UNDER SECTION
18 17(G) OF ARTICLE II OF THIS CONSTITUTION OR by Proclamation of the Governor. [A]
19 THE GOVERNOR SHALL ISSUE A Proclamation convening the General Assembly in
20 extraordinary session [must be issued by the Governor] if a majority of the members
21 elected to the Senate and a majority of the members elected to the House of Delegates
22 join in a petition to the Governor requesting that [he] THE GOVERNOR convene the
23 General Assembly in extraordinary session, and the Governor shall convene the
24 General Assembly on the date specified in the petition. This section does not effect the
25 Governor's power to convene the General Assembly in extraordinary session pursuant
26 to Section 16 of Article II of this Constitution.

27 52.

28 (6) The General Assembly shall not amend the Budget Bill so as to affect
29 either the obligations of the State under Section 34 of Article III of the Constitution,
30 or the provisions made by the laws of the State for the establishment and
31 maintenance of a system of public schools or the payment of any salaries required to
32 be paid by the State of Maryland by the Constitution [thereof; and the]. THE General
33 Assembly may amend the bill by increasing or diminishing [the] items therein
34 relating to the General Assembly, [and] by increasing or diminishing [the] items
35 therein relating to the judiciary, [but except as hereinbefore specified, may not alter
36 the said bill except to strike out or reduce items therein, provided, however, that the]
37 AND BY INCREASING, DIMINISHING, OR ADDING ITEMS RELATING TO THE
38 EXECUTIVE DEPARTMENT AS LONG AS THE TOTAL OF THE APPROPRIATION FOR THE
39 EXECUTIVE DEPARTMENT APPROVED BY THE GENERAL ASSEMBLY DOES NOT
40 EXCEED THE TOTAL ALLOWANCE FOR THE EXECUTIVE DEPARTMENT SUBMITTED BY
41 THE GOVERNOR. THE salary or compensation of any public officer [shall] MAY not be
42 decreased during his term of office[; and such bill, when and as passed by both

1 Houses, shall be a law immediately without further action by the Governor]. WHEN
2 PASSED BY BOTH HOUSES, THE BILL SHALL BE PRESENTED TO THE GOVERNOR FOR
3 APPROVAL OR DISAPPROVAL ACCORDING TO SECTION 17 OF ARTICLE II OF THE
4 CONSTITUTION.

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

9 SECTION 3. AND BE IT FURTHER ENACTED, That the foregoing section
10 proposed as an amendment to the Constitution of Maryland shall be submitted to the
11 legal and qualified voters of this State at the next general election to be held in
12 November, 2002 for their adoption or rejection in pursuance of directions contained in
13 Article XIV of the Constitution of this State. At that general election, the vote on this
14 proposed amendment to the Constitution shall be by ballot, and upon each ballot
15 there shall be printed the words "For the Constitutional Amendment" and "Against
16 the Constitutional Amendment," as now provided by law. Immediately after the
17 election, all returns shall be made to the Governor of the vote for and against the
18 proposed amendment, as directed by Article XIV of the Constitution, and further
19 proceedings had in accordance with Article XIV.