

**HOUSE BILL 346**  
CONSTITUTIONAL AMENDMENT

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P1

2002 Regular Session  
2lr1262

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By: **Delegates Rosenberg and McIntosh**  
Introduced and read first time: January 25, 2002  
Assigned to: Commerce and Government Matters

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A BILL ENTITLED

1 AN ACT concerning

2 **Constitutional Amendment - Emergency Legislation - Scope**

3 FOR the purpose of proposing an amendment to the Maryland Constitution that  
4 would authorize the General Assembly to pass emergency laws creating or  
5 abolishing any office or changing the term or duties of any officer; and  
6 submitting this amendment to the qualified voters of the State of Maryland for  
7 their adoption or rejection.

8 BY proposing an amendment to the Constitution of Maryland  
9 Article XVI - The Referendum  
10 Section 2

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

14 **Article XVI - The Referendum**

15 2.

16 No law enacted by the General Assembly shall take effect until the first day of  
17 June next after the session at which it may be passed, unless it contains a Section  
18 declaring such law an emergency law and necessary for the immediate preservation of  
19 the public health or safety and is passed upon a yea and nay vote supported by  
20 three-fifths of all the members elected to each of the two Houses of the General  
21 Assembly. The effective date of a law other than an emergency law may be extended  
22 as provided in Section 3(b) hereof. If before said first day of June there shall have  
23 been filed with the Secretary of the State a petition to refer to a vote of the people any  
24 law or part of a law capable of referendum, as in this Article provided, the same shall  
25 be referred by the Secretary of State to such vote, and shall not become a law or take  
26 effect until thirty days after its approval by a majority of the electors voting thereon  
27 at the next ensuing election held throughout the State for Members of the House of  
28 Representatives of the United States. An emergency law shall remain in force  
29 notwithstanding such petition, but shall stand repealed thirty days after having been  
30 rejected by a majority of the qualified electors voting thereon. No measure [creating  
31 or abolishing any office, or] changing the salary[, term or duty] of any officer, or

1 granting any franchise or special privilege, or creating any vested right or interest,  
2 shall be enacted as an emergency law. No law making any appropriation for  
3 maintaining the State Government, or for maintaining or aiding any public  
4 institution, not exceeding the next previous appropriation for the same purpose, shall  
5 be subject to rejection or repeal under this Section. The increase in any such  
6 appropriation for maintaining or aiding any public institution shall only take effect as  
7 in the case of other laws, and such increase or any part thereof specified in the  
8 petition, may be referred to a vote of the people upon petition.

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

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