

HOUSE BILL 346
CONSTITUTIONAL AMENDMENT

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P1

2002 Regular Session
2lr1262

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

Committee Report: Favorable
House action: Adopted
Read second time: March 5, 2002

CHAPTER _____

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 ye 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

1 law or part of a law capable of referendum, as in this Article provided, the same shall
2 be referred by the Secretary of State to such vote, and shall not become a law or take
3 effect until thirty days after its approval by a majority of the electors voting thereon
4 at the next ensuing election held throughout the State for Members of the House of
5 Representatives of the United States. An emergency law shall remain in force
6 notwithstanding such petition, but shall stand repealed thirty days after having been
7 rejected by a majority of the qualified electors voting thereon. No measure [creating
8 or abolishing any office, or] changing the salary[, term or duty] of any officer, or
9 granting any franchise or special privilege, or creating any vested right or interest,
10 shall be enacted as an emergency law. No law making any appropriation for
11 maintaining the State Government, or for maintaining or aiding any public
12 institution, not exceeding the next previous appropriation for the same purpose, shall
13 be subject to rejection or repeal under this Section. The increase in any such
14 appropriation for maintaining or aiding any public institution shall only take effect as
15 in the case of other laws, and such increase or any part thereof specified in the
16 petition, may be referred to a vote of the people upon petition.

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

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