

**SENATE BILL 476**  
CONSTITUTIONAL AMENDMENT

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B1  
SB 245/01 - B&T

2002 Regular Session  
2lr1484

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By: **Senators Hogan, Astle, Bromwell, Colburn, DeGrange, Dorman, Dyson, Ferguson, Hafer, Haines, Hoffman, Hooper, Kasemeyer, Lawlah, Middleton, Mitchell, Mooney, Munson, Neall, Schrader, Sfikas, Stone, Van Hollen, and Kittleman**

Introduced and read first time: February 1, 2002

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; authorizing the President of the  
8 Senate and the Speaker of the House of Delegates to convene in extraordinary  
9 session to consider whether to override a vetoed item in the Budget Bill;  
10 authorizing the General Assembly to override Budget Bill item vetoes;  
11 establishing the manner in which and the time at which Budget Bill items  
12 become law; clarifying language; and submitting this amendment to the  
13 qualified voters of the State of Maryland for their adoption or rejection.

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

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

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

23 **Article II - Executive Department**

24 17.

25 (a) To guard against hasty or partial legislation and encroachment of the  
26 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 BILL, THE GOVERNOR shall sign it[, but if not he], EXCEPT FOR THE BUDGET BILL, IF  
4 THE 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 IN EXTRAORDINARY SESSION CONVENED UNDER SUBSECTION (G) OF THIS  
30 SECTION. The Bill may then be reconsidered according to the procedure specified in  
31 this section. Any Bill enacted over the veto of the Governor, or any Bill which shall  
32 become law as the result of the failure of the Governor to act within the time  
33 specified, shall take effect 30 days after the Governor's veto is over-ridden, or on the  
34 date specified in the Bill, whichever is later. If the Bill is an emergency measure, it  
35 shall take effect when enacted. No such vetoed Bill shall be returned to the  
36 Legislature when a new General Assembly of Maryland has been elected and sworn  
37 since the passage of the vetoed 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 MAY CONVENE IN EXTRAORDINARY SESSION WITHIN 30 DAYS  
20 AFTER THE DATE OF THE VETO TO CONSIDER WHETHER TO OVERRIDE THE VETO. IF  
21 THE GENERAL ASSEMBLY WISHES TO CONSIDER WHETHER TO OVERRIDE THE  
22 GOVERNOR'S VETO OF AN ITEM IN THE BUDGET BILL, THE PRESIDENT OF THE  
23 SENATE AND THE SPEAKER OF THE HOUSE OF DELEGATES JOINTLY SHALL ISSUE A  
24 PROCLAMATION SPECIFYING THE DATE ON WHICH TO CONVENE IN EXTRAORDINARY  
25 SESSION.

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

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

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

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

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**Article III - Legislative Department**

2 14.

3 The General Assembly shall meet on the second Wednesday of January,  
4 nineteen hundred and seventy-one, and on the same day in every year thereafter, and  
5 at no other time, unless convened BY JOINT PROCLAMATION OF THE PRESIDENT OF  
6 THE SENATE AND THE SPEAKER OF THE HOUSE OF DELEGATES UNDER SECTION  
7 17(G) OF ARTICLE II OF THIS CONSTITUTION OR by Proclamation of the Governor. [A]  
8 THE GOVERNOR SHALL ISSUE A Proclamation convening the General Assembly in  
9 extraordinary session [must be issued by the Governor] if a majority of the members  
10 elected to the Senate and a majority of the members elected to the House of Delegates  
11 join in a petition to the Governor requesting that [he] THE GOVERNOR convene the  
12 General Assembly in extraordinary session, and the Governor shall convene the  
13 General Assembly on the date specified in the petition. This section does not effect the  
14 Governor's power to convene the General Assembly in extraordinary session pursuant  
15 to Section 16 of Article II of this Constitution.

16 52.

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

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

40 SECTION 3. AND BE IT FURTHER ENACTED, That the foregoing section  
41 proposed as an amendment to the Constitution of Maryland shall be submitted to the  
42 legal and qualified voters of this State at the next general election to be held in  
43 November, 2002 for their adoption or rejection in pursuance of directions contained in

1 Article XIV of the Constitution of this State. At that general election, the vote on this  
2 proposed amendment to the Constitution shall be by ballot, and upon each ballot  
3 there shall be printed the words "For the Constitutional Amendment" and "Against  
4 the Constitutional Amendment," as now provided by law. Immediately after the  
5 election, all returns shall be made to the Governor of the vote for and against the  
6 proposed amendment, as directed by Article XIV of the Constitution, and further  
7 proceedings had in accordance with Article XIV.