

Department of Legislative Services
Maryland General Assembly
2002 Session

FISCAL NOTE

House Bill 346

(Delegates Rosenberg and McIntosh)

Commerce and Government Matters

Education, Health, and Environmental
Affairs

Constitutional Amendment - Emergency Legislation - Scope

This constitutional amendment enables the General Assembly to adopt emergency legislation that creates or abolishes any office or changes the term or duty of an officer.

Fiscal Summary

State Effect: None.

Local Effect: If approved by the General Assembly, this constitutional amendment will be submitted to the voters at the 2002 general election. It should not result in additional costs for the local election boards.

Small Business Effect: None.

Analysis

Current Law: Section 2 of Article XVI of the Maryland Constitution prohibits the General Assembly from adopting as emergency legislation any measure creating or abolishing any office; or changing the salary, term, or duty of any officer; or granting any franchise or special privilege; or creating any vested right or interest.

Background: The State constitution provides that a bill may not take effect until June 1 following its enactment unless it is an emergency bill. Emergency bills must be clearly marked as such and be necessary for the immediate preservation of the public health and safety. These bills must pass third reading in each house with three-fifths of the elected

membership voting in the affirmative. Emergency bills may take effect immediately upon approval by the Governor or at a specified date prior to June 1.

Local Fiscal Effect: The Maryland Constitution requires that proposed amendments to the constitution be publicized either: (1) in at least two newspapers in each county, if available, and in at least three newspapers in Baltimore City once a week for four weeks immediately preceding the general election; or (2) by order of the Governor in a manner provided by law. State law requires local boards of elections to publicize proposed amendments to the constitution either in newspapers or on specimen ballots; local boards of elections are responsible for the costs associated with these requirements. It is anticipated that the fiscal 2003 budgets of local election boards will contain funding for notifying qualified voters about proposed constitutional amendments for the 2002 general election in newspapers or on specimen ballots.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Office of the Attorney General, Department of Legislative Services

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lsc/jr

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