

# HOUSE BILL 40

P5

CONSTITUTIONAL AMENDMENT  
(PRE-FILED)

9lr0862

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By: **Delegate Smigiel**

Requested: October 28, 2008

Introduced and read first time: January 14, 2009

Assigned to: Appropriations

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## A BILL ENTITLED

1 AN ACT concerning

2 **Maryland Constitution – Laws Making an Appropriation Made Subject to**  
3 **Petition Referendum**

4 FOR the purpose of proposing an amendment to the Maryland Constitution to provide  
5 that a law making a certain appropriation shall be subject to rejection or repeal  
6 by the voters of the State under the petition referendum process provided under  
7 the Maryland Constitution; generally relating to making laws that make a  
8 certain appropriation subject to the petition referendum process under the  
9 Maryland Constitution; and submitting this amendment to the qualified voters  
10 of the State of Maryland for their adoption or rejection.

11 BY proposing an amendment to the Maryland Constitution  
12 Article XVI – The Referendum  
13 Section 2

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

17 **Article XVI – The Referendum**

18 2.

19 No law enacted by the General Assembly shall take effect until the first day of  
20 June next after the session at which it may be passed, unless it contains a Section  
21 declaring such law an emergency law and necessary for the immediate preservation of  
22 the public health or safety and is passed upon a yea and nay vote supported by  
23 three-fifths of all the members elected to each of the two Houses of the General  
24 Assembly. The effective date of a law other than an emergency law may be extended  
25 as provided in Section 3(b) hereof. If before said first day of June there shall have been

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 filed with the Secretary of the State a petition to refer to a vote of the people any law  
2 or part of a law capable of referendum, as in this Article provided, the same shall be  
3 referred by the Secretary of State to such vote, and shall not become a law or take  
4 effect until thirty days after its approval by a majority of the electors voting thereon at  
5 the next ensuing election held throughout the State for Members of the House of  
6 Representatives of the United States. An emergency law shall remain in force  
7 notwithstanding such petition, but shall stand repealed thirty days after having been  
8 rejected by a majority of the qualified electors voting thereon. No measure changing  
9 the salary of any officer, or granting any franchise or special privilege, or creating any  
10 vested right or interest, shall be enacted as an emergency law. [No] **A** law making any  
11 appropriation for maintaining the State Government, or for maintaining or aiding any  
12 public institution, not exceeding the next previous appropriation for the same purpose,  
13 shall 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 Maryland Constitution proposed by this Act  
19 affects multiple jurisdictions and that the provisions of Article XIV, § 1 of the  
20 Maryland Constitution concerning local approval of constitutional amendments do not  
21 apply.

22         SECTION 3. AND BE IT FURTHER ENACTED, That the foregoing section  
23 proposed as an amendment to the Maryland Constitution shall be submitted to the  
24 legal and qualified voters of this State at the next general election to be held in  
25 November, 2010 for their adoption or rejection pursuant to Article XIV of the  
26 Maryland Constitution. At that general election, the vote on this proposed amendment  
27 to the Constitution shall be by ballot, and upon each ballot there shall be printed the  
28 words "For the Constitutional Amendment" and "Against the Constitutional  
29 Amendment," as now provided by law. Immediately after the election, all returns shall  
30 be made to the Governor of the vote for and against the proposed amendment, as  
31 directed by Article XIV of the Maryland Constitution, and further proceedings had in  
32 accordance with Article XIV.