

HOUSE BILL 1405

R1, R2

CONSTITUTIONAL AMENDMENT

0lr3301

By: **Delegates Barve and Stein**

Introduced and read first time: February 7, 2020

Assigned to: Appropriations

A BILL ENTITLED

1 AN ACT concerning

2 **State Budget – Transportation**

3 FOR the purpose of proposing an amendment to the Maryland Constitution authorizing the
4 General Assembly to increase items relating to the construction and maintenance of
5 an adequate highway system in the State or any other purpose related to
6 transportation in the budget bill, subject to a certain limitation; providing for the
7 veto of certain budget bill items; providing for the reversion to original
8 appropriations of certain vetoed items in the budget bill; providing that certain
9 vetoed items in the budget bill shall be void; authorizing the President of the Senate
10 and the Speaker of the House to convene in extraordinary session to consider
11 whether to override a vetoed item in the budget bill; authorizing the General
12 Assembly to override budget bill item vetoes; providing for a delayed effect for certain
13 provisions; establishing the manner in which and the time at which budget bill items
14 become law; clarifying language; and submitting this amendment to the qualified
15 voters of the State for their adoption or rejection.

16 BY proposing an amendment to the Maryland Constitution
17 Article II – Executive Department
18 Section 17

19 BY proposing an amendment to the Maryland Constitution
20 Article III – Legislative Department
21 Section 14 and 52

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

25 **Article II – Executive Department**

26 17.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (a) To guard against hasty or partial legislation and encroachment of the
2 Legislative Department upon the co-ordinate Executive and Judicial Departments, every
3 Bill passed by the House of Delegates and the Senate, before it becomes a law, shall be
4 presented to the Governor of the State. If the Governor approves [he] **THE BILL, THE**
5 **GOVERNOR** shall sign it[, but if not he]. **EXCEPT FOR THE BUDGET BILL, IF THE**
6 **GOVERNOR DISAPPROVES THE BILL, THE GOVERNOR** shall return it with [his]
7 objections to the House in which it originated, which House shall enter the objections at
8 large on its Journal and proceed to reconsider the Bill. Each House may adopt by rule a
9 veto calendar procedure that permits Bills that are to be reconsidered to be read and voted
10 upon as a single group. The members of each House shall be afforded reasonable notice of
11 the Bills to be placed on each veto calendar. Upon the objection of a member, any Bill shall
12 be removed from the veto calendar. If, after such reconsideration, three-fifths of the
13 members elected to that House pass the Bill, it shall be sent with the objections to the other
14 House, by which it shall likewise be reconsidered, and if it passes by three-fifths of the
15 members elected to that House it shall become a law. The votes of both Houses shall be
16 determined by yeas and nays, and the names of the persons voting for and against the Bill
17 shall be entered on the Journal of each House respectively.

18 (b) If any Bill presented to the Governor while the General Assembly is in session
19 is not returned by [him] **THE GOVERNOR** with [his] objections within six days (Sundays
20 excepted), the Bill shall be a law in like manner as if [he] **THE GOVERNOR** signed it, unless
21 the General Assembly, by adjournment, prevents its return, in which case it shall not be a
22 law.

23 (c) Any Bill presented to the Governor within six days (Sundays excepted), prior
24 to adjournment of any session of the General Assembly, or after such adjournment, shall
25 become law without the Governor's signature unless it is vetoed by the Governor within 30
26 days after its presentment.

27 (d) Any Bill, **EXCEPT THE BUDGET BILL**, vetoed by the Governor shall be
28 returned to the House in which it originated immediately after the House has organized at
29 the next regular or special session of the General Assembly, **OTHER THAN IN**
30 **EXTRAORDINARY SESSION CONVENEED UNDER SUBSECTION (G) OF THIS SECTION.**
31 The Bill may then be reconsidered according to the procedure specified in this section. Any
32 Bill enacted over the veto of the Governor, or any Bill which shall become law as the result
33 of the failure of the Governor to act within the time specified, shall take effect 30 days after
34 the Governor's veto is over-ridden, or on the date specified in the Bill, whichever is later.
35 If the Bill is an emergency measure, it shall take effect when enacted. No such vetoed Bill
36 shall be returned to the Legislature when a new General Assembly of Maryland has been
37 elected and sworn 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 embracing
40 distinct items, and the part or parts of the Bill approved shall be the law, and the item or
41 items of appropriations disapproved shall be void unless repassed according to the rules or

1 limitations prescribed for the passage of other Bills over the Executive veto.

2 **(F) (1) THE GOVERNOR MAY APPROVE OR DISAPPROVE ITEMS IN THE**
3 **BUDGET BILL AS PROVIDED IN THIS SUBSECTION.**

4 **(2) THE GOVERNOR MAY VETO ONLY ITEMS RELATING TO THE**
5 **CONSTRUCTION AND MAINTENANCE OF AN ADEQUATE HIGHWAY SYSTEM IN THE**
6 **STATE OR ANY OTHER PURPOSE RELATED TO TRANSPORTATION THAT HAVE BEEN**
7 **INCREASED OR ADDED BY THE GENERAL ASSEMBLY. THE GOVERNOR MAY NOT**
8 **VETO ANY OTHER ITEMS IN THE BUDGET BILL.**

9 **(3) IF THE GOVERNOR VETOES AN ITEM THAT HAD BEEN INCREASED**
10 **BY THE GENERAL ASSEMBLY AND THE GENERAL ASSEMBLY DOES NOT OVERRIDE**
11 **THE VETO UNDER SUBSECTION (G) OF THIS SECTION, THAT ITEM SHALL REVERT TO**
12 **THE APPROPRIATION ORIGINALLY SUBMITTED BY THE GOVERNOR. THE ORIGINAL**
13 **APPROPRIATION SHALL THEN BE LAW IMMEDIATELY WITHOUT FURTHER ACTION BY**
14 **THE GOVERNOR.**

15 **(4) IF THE GOVERNOR VETOES AN ITEM THAT HAD BEEN ADDED BY**
16 **THE GENERAL ASSEMBLY AND THE GENERAL ASSEMBLY DOES NOT OVERRIDE THE**
17 **VETO UNDER SUBSECTION (G) OF THIS SECTION, THAT ITEM SHALL BE VOID.**

18 **(5) ITEMS NOT DISAPPROVED BY THE GOVERNOR SHALL BE LAW**
19 **IMMEDIATELY WITHOUT FURTHER ACTION BY THE GOVERNOR.**

20 **(G) (1) IF THE GOVERNOR VETOES AN ITEM IN THE BUDGET BILL, THE**
21 **GENERAL ASSEMBLY MAY CONVENE IN EXTRAORDINARY SESSION WITHIN 30 DAYS**
22 **AFTER THE DATE OF THE VETO TO CONSIDER WHETHER TO OVERRIDE THE VETO. IF**
23 **THE GENERAL ASSEMBLY WISHES TO CONSIDER WHETHER TO OVERRIDE THE**
24 **GOVERNOR'S VETO OF AN ITEM IN THE BUDGET BILL, THE PRESIDENT OF THE**
25 **SENATE AND THE SPEAKER OF THE HOUSE OF DELEGATES JOINTLY SHALL ISSUE A**
26 **PROCLAMATION SPECIFYING THE DATE ON WHICH TO CONVENE IN EXTRAORDINARY**
27 **SESSION.**

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

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

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

4 **(III) IF THREE-FIFTHS OF THE MEMBERS OF THAT HOUSE VOTE**
 5 **TO OVERRIDE THE VETO OF THE ITEM, THAT ITEM SHALL REVERT TO THE**
 6 **APPROPRIATION ORIGINALLY PASSED BY THE GENERAL ASSEMBLY. THE**
 7 **APPROPRIATION AS ORIGINALLY PASSED SHALL THEN BECOME LAW IMMEDIATELY,**
 8 **WITHOUT FURTHER ACTION BY THE GOVERNOR OR THE GENERAL ASSEMBLY.**

9 **(H) IF APPROVED BY THE VOTERS IN THE GENERAL ELECTION HELD IN**
 10 **NOVEMBER 2020, THE CHANGES TO ARTICLE II, § 17 OF THIS CONSTITUTION**
 11 **PROPOSED BY CHAPTER _____ OF THE ACTS OF THE GENERAL ASSEMBLY OF**
 12 **2020 (H.B. 1405) SHALL TAKE EFFECT JANUARY 1, 2023.**

13 **Article III – Legislative Department**

14 14.

15 **(A) The General Assembly shall meet on the second Wednesday of January,**
 16 **nineteen hundred and seventy-one, and on the same day in every year thereafter, and at**
 17 **no other time, unless convened BY JOINT PROCLAMATION OF THE PRESIDENT OF THE**
 18 **SENATE AND THE SPEAKER OF THE HOUSE OF DELEGATES UNDER SECTION 17(G)**
 19 **OF ARTICLE II OF THIS CONSTITUTION OR** by Proclamation of the Governor. **[A] THE**
 20 **GOVERNOR SHALL ISSUE A** Proclamation convening the General Assembly in
 21 extraordinary session **[must be issued by the Governor]** if a majority of the members elected
 22 to the Senate and a majority of the members elected to the House of Delegates join in a
 23 petition to the Governor requesting that **[he] THE GOVERNOR** convene the General
 24 Assembly in extraordinary session, and the Governor shall convene the General Assembly
 25 on the date specified in the petition. This section does not affect the Governor's power to
 26 convene the General Assembly in extraordinary session pursuant to Section 16 of Article II
 27 of this Constitution.

28 **(B) IF APPROVED BY THE VOTERS IN THE GENERAL ELECTION HELD IN**
 29 **NOVEMBER 2020, THE CHANGES TO ARTICLE III, § 14 OF THIS CONSTITUTION**
 30 **PROPOSED BY CHAPTER _____ OF THE ACTS OF THE GENERAL ASSEMBLY OF**
 31 **2020 (H.B. 1405) SHALL TAKE EFFECT JANUARY 1, 2023.**

32 52.

33 (1) The General Assembly shall not appropriate any money out of the Treasury
 34 except in accordance with the provisions of this section.

35 (2) Every appropriation bill shall be either a Budget Bill, or a Supplementary
 36 Appropriation Bill, as hereinafter provided.

1 (3) On the third Wednesday in January in each year, (except in the case of a newly
2 elected Governor, and then not later than ten days after the convening of the General
3 Assembly), unless such time shall be extended by the General Assembly, the Governor shall
4 submit to the General Assembly a Budget for the next ensuing fiscal year. Each Budget
5 shall contain a complete plan of proposed expenditures and estimated revenues for said
6 fiscal year and shall show the estimated surplus or deficit of revenues at the end of the
7 preceding fiscal year. Accompanying each Budget shall be a statement showing: (a) the
8 revenues and expenditures for the preceding fiscal year; (b) the current assets, liabilities,
9 reserves and surplus or deficit of the State; (c) the debts and funds of the State; (d) an
10 estimate of the State's financial condition as of the beginning and end of the preceding fiscal
11 year; (e) any explanation the Governor may desire to make as to the important features of
12 the Budget and any suggestions as to methods for reduction or increase of the State's
13 revenue.

14 (4) Each Budget shall embrace an estimate of all appropriations in such form and
15 detail as the Governor shall determine or as may be prescribed by law, as follows: (a) for
16 the General Assembly as certified to the Governor in the manner hereinafter provided; (b)
17 for the Executive Department; (c) for the Judiciary Department, as provided by law, as
18 certified to the Governor; (d) to pay and discharge the principal and interest of the debt of
19 the State in conformity with Section 34 of Article III of the Constitution, and all laws
20 enacted in pursuance thereof; (e) for the salaries payable by the State and under the
21 Constitution and laws of the State; (f) for the establishment and maintenance throughout
22 the State of a thorough and efficient system of public schools in conformity with Article 8
23 of the Constitution and with the laws of the State; and (g) for such other purposes as are
24 set forth in the Constitution or laws of the State.

25 (5) The Governor shall deliver to the presiding officer of each House the Budget
26 and a bill for all the proposed appropriations of the Budget classified and in such form and
27 detail as he shall determine or as may be prescribed by law; and the presiding officer of
28 each House shall promptly cause said bill to be introduced therein, and such bill shall be
29 known as the "Budget Bill." The Governor may, with the consent of the General Assembly,
30 before final action thereon by the General Assembly, amend or supplement said Budget to
31 correct an oversight, provide funds contingent on passage of pending legislation or, in case
32 of an emergency, by delivering such an amendment or supplement to the presiding officers
33 of both Houses; and such amendment or supplement shall thereby become a part of said
34 Budget Bill as an addition to the items of said bill or as a modification of or a substitute for
35 any item of said bill such amendment or supplement may affect.

36 (5a) The Budget and the Budget Bill as submitted by the Governor to the General
37 Assembly shall have a figure for the total of all proposed appropriations and a figure for
38 the total of all estimated revenues available to pay the appropriations, and the figure for
39 total proposed appropriations shall not exceed the figure for total estimated revenues.
40 Neither the Governor in submitting an amendment or supplement to the Budget Bill nor
41 the General Assembly in amending the Budget Bill shall thereby cause the figure for total
42 proposed appropriations to exceed the figure for total estimated revenues, including any
43 revisions, and in the Budget Bill as enacted the figure for total estimated revenues always

1 shall be equal to or exceed the figure for total appropriations.

2 (6) The General Assembly shall not amend the Budget Bill so as to affect either
3 the obligations of the State under Section 34 of Article III of the Constitution, or the
4 provisions made by the laws of the State for the establishment and maintenance of a system
5 of public schools or the payment of any salaries required to be paid by the State of Maryland
6 by the Constitution [thereof; and the]. **THE** General Assembly may amend the bill by
7 increasing or diminishing [the] items therein relating to the General Assembly, [and] by
8 increasing or diminishing [the] items therein relating to the judiciary, **AND BY**
9 **INCREASING OR DIMINISHING ITEMS THEREIN RELATING TO THE CONSTRUCTION**
10 **AND MAINTENANCE OF AN ADEQUATE HIGHWAY SYSTEM IN THE STATE OR ANY**
11 **OTHER PURPOSE RELATED TO TRANSPORTATION**, but except as hereinbefore specified,
12 may not alter the said bill except to strike out or reduce items therein, provided, however,
13 that the salary or compensation of any public officer [shall] **MAY** not be decreased during
14 [his] **THE PUBLIC OFFICER'S** term of office[; and such bill, when and as passed by both
15 Houses, shall be a law immediately without further action by the Governor]. **IF PASSED**
16 **BY BOTH HOUSES, THE BILL SHALL BE PRESENTED TO THE GOVERNOR FOR**
17 **APPROVAL OR DISAPPROVAL ACCORDING TO SECTION 17 OF ARTICLE II OF THIS**
18 **CONSTITUTION.**

19 (7) The Governor and such representatives of the executive departments, boards,
20 officers and commissions of the State expending or applying for State's moneys, as have
21 been designated by the Governor for this purpose, shall have the right, and when requested
22 by either House of the General Assembly, it shall be their duty to appear and be heard with
23 respect to any Budget Bill during the consideration thereof, and to answer inquiries relative
24 thereto.

25 (8) Supplementary Appropriation Bill. Either House may consider other
26 appropriations but both Houses shall not finally act upon such appropriations until after
27 the Budget Bill has been finally acted upon by both Houses, and no such other
28 appropriation shall be valid except in accordance with the provisions following: (a) Every
29 such appropriation shall be embodied in a separate bill limited to some single work, object
30 or purpose therein stated and called herein a Supplementary Appropriation Bill; (b) Each
31 Supplementary Appropriation Bill shall provide the revenue necessary to pay the
32 appropriation thereby made by a tax, direct or indirect, to be levied and collected as shall
33 be directed in said bill; (c) No Supplementary Appropriation Bill shall become a law unless
34 it be passed in each House by a vote of a majority of the whole number of the members
35 elected, and the yeas and nays recorded on its final passage; (d) Each Supplementary
36 Appropriation Bill shall be presented to the Governor of the State as provided in Section
37 17 of Article 2 of the Constitution and thereafter all the provisions of said section shall
38 apply.

39 (9) Nothing in this section shall be construed as preventing the General Assembly
40 from passing at any time, in accordance with the provisions of Section 28 of Article 3 of the
41 Constitution and subject to the Governor's power of approval as provided in Section 17 of
42 Article 2 of the Constitution, an appropriation bill to provide for the payment of any

1 obligation of the State within the protection of Section 10 of Article 1 of the Constitution of
2 the United States.

3 (10) If the Budget Bill shall not have been finally acted upon by the Legislature
4 seven days before the expiration of the regular session, the Governor shall issue a
5 proclamation extending the session for some further period as may, in his judgment, be
6 necessary for the passage of such bill; but no matter other than such bill shall be considered
7 during such extended session except a provision for the cost thereof.

8 (11) For the purpose of making up the Budget, the Governor shall require from the
9 proper State officials (including all executive departments, all executive and administrative
10 offices, bureaus, boards, commissions and agencies that expend or supervise the
11 expenditure of, and all institutions applying, for State moneys and appropriations) such
12 itemized estimates and other information, in such form and at such times as directed by
13 the Governor. An estimate for a program required to be funded by a law which will be in
14 effect during the fiscal year covered by the Budget and which was enacted before July 1 of
15 the fiscal year prior to that date shall provide a level of funding not less than that prescribed
16 in the law. The estimates for the Legislative Department, certified by the presiding officer
17 of each House, of the Judiciary, as provided by law, certified by the Chief Judge of the Court
18 of Appeals, and for the public schools, as provided by law, shall be transmitted to the
19 Governor, in such form and at such times as directed by the Governor, and shall be included
20 in the Budget without revision.

21 (12) The Governor may provide for public hearings on all estimates and may
22 require the attendance at such hearings of representatives of all agencies, and for all
23 institutions applying for State moneys. After such public hearings he may, in his discretion,
24 revise all estimates except those for the legislative and judiciary departments, and for the
25 public schools, as provided by law, and except that he may not reduce an estimate for a
26 program below a level of funding prescribed by a law which will be in effect during the fiscal
27 year covered by the Budget, and which was enacted before July 1 of the fiscal year prior
28 thereto.

29 (13) The General Assembly may, from time to time, enact such laws not
30 inconsistent with this section, as may be necessary and proper to carry out its provisions.

31 (14) In the event of any inconsistency between any of the provisions of this Section
32 and any of the other provisions of the Constitution, the provisions of this Section shall
33 prevail. But nothing herein shall in any manner affect the provisions of Section 34 of Article
34 3 of the Constitution or of any laws heretofore or hereafter passed in pursuance thereof, or
35 be construed as preventing the Governor from calling extraordinary sessions of the General
36 Assembly, as provided by Section 16 of Article 2, or as preventing the General Assembly at
37 such extraordinary [extraordinary] sessions from considering any emergency appropriation
38 or appropriations.

39 (15) If any item of any appropriation bill passed under the provisions of this
40 Section shall be held invalid upon any ground, such invalidity shall not affect the legality
41 of the bill or of any other item of such bill or bills.

1 **(16) IF APPROVED BY THE VOTERS IN THE GENERAL ELECTION HELD IN**
2 **NOVEMBER 2020, THE CHANGES TO ARTICLE III, § 52 OF THIS CONSTITUTION**
3 **PROPOSED BY CHAPTER _____ OF THE ACTS OF THE GENERAL ASSEMBLY OF**
4 **2020 (H.B. 1405) SHALL TAKE EFFECT JANUARY 1, 2023.**

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

9 SECTION 3. AND BE IT FURTHER ENACTED, That the amendment to the
10 Maryland Constitution proposed by Section 1 of this Act shall be submitted to the qualified
11 voters of the State at the next general election to be held in November 2020 for adoption or
12 rejection pursuant to Article XIV of the Maryland Constitution. At that general election,
13 the vote on the proposed amendment to the Constitution shall be by ballot, and on each
14 ballot there shall be printed the words “For the Constitutional Amendment” and “Against
15 the Constitutional Amendment”, as now provided by law. Immediately after the election,
16 all returns shall be made to the Governor of the vote for and against the proposed
17 amendment, as directed by Article XIV of the Maryland Constitution, and further
18 proceedings had in accordance with Article XIV.