

10 AN ACT concerning

20 **State Budget**

30 FOR the purpose of authorizing the General Assembly to increase or add Executive
40 Department items in the Budget Bill, subject to a certain limitation; providing
50 for the veto of certain Budget Bill items; providing for the reversion to original
60 appropriations of certain vetoed items in the Budget Bill; providing that certain
70 vetoed items in the Budget Bill shall be void; authorizing an
80 extraordinary session of the General Assembly if the Governor vetoes any
90 Budget Bill item; providing a mechanism by which the President of the Senate
100 and the Speaker of the House of Delegates may convene a certain extraordinary
110 sessions; authorizing the General Assembly to override Budget Bill item vetoes;
120 establishing the manner in which and the time at which Budget Bill items
130 become law; clarifying language; and submitting this amendment to the
140 qualified voters of the State of Maryland for their adoption or rejection.

150 BY proposing an amendment to the Constitution of Maryland
160 Article II - Executive Department
170 Section 17

180 BY proposing an amendment to the Constitution of Maryland
190 Article III - Legislative Department
200 Section 14 and 52(6)

210 SECTION 1. BE IT ENACTED BY THE MARYLAND STUDENT LEGISLATURE,
220 that the law of Maryland read as follows:

230
240 **Article II - Executive Department**

250 § 17.

260 (a) To guard against hasty or partial legislation and encroachment of the
270 Legislative Department upon the co-ordinate Executive and Judicial Departments,
280 every Bill passed by the House of Delegates and the Senate, before it becomes a law,
290 shall be presented to the Governor of the State. If the Governor approves [he] THE
300 BILL, THE GOVERNOR shall sign it[, but if not he]. EXCEPT FOR THE BUDGET BILL, IF
310 THE GOVERNOR DISAPPROVES THE BILL, THE GOVERNOR shall return it with
320 [his] objections to the House in which it originated, which House shall enter the
330 objections at large on its Journal and proceed to reconsider the Bill. Each House may
340 adopt by rule a veto calendar procedure that permits Bills that are to be reconsidered
350 to be read and voted upon as a single group. The members of each House shall be
360 afforded reasonable notice of the Bills to be placed on each veto calendar. Upon the
370 objection of a member, any Bill shall be removed from the veto calendar. If, after such
380 reconsideration, three-fifths of the members elected to that House pass the Bill, it
390 shall be sent with the objections to the other House, by which it shall likewise be
400 reconsidered, and if it passes by three-fifths of the members elected to that House it
410 shall become a law. The votes of both Houses shall be determined by yeas and nays,
420 and the names of the persons voting for and against the Bill shall be entered on the
430 Journal of each House respectively.

440 (b) If any Bill presented to the Governor while the General Assembly is in
450 session is not returned by [him] THE GOVERNOR with [his] objections within six
460 days (Sundays excepted), the Bill shall be a law in like manner as if [he] THE

470 GOVERNOR signed it, unless the General Assembly, by adjournment, prevents its
480 return, in which case it shall not be a law.

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

530 (d) Any Bill, EXCEPT THE BUDGET BILL, vetoed by the Governor shall be
540 returned to the House in which it originated immediately after the House has
550 organized at the next regular or special session of the General Assembly, OTHER
560 THAN AN EXTRAORDINARY SESSION CONVENED UNDER SUBSECTION (G)
570 OF THIS SECTION. The Bill may then be reconsidered according to the procedure
580 specified in this section. Any Bill enacted over the veto of the Governor, or any Bill
590 which shall become law as the result of the failure of the Governor to act within the
600 time specified, shall take effect 30 days after the Governor's veto is over-ridden, or on
610 the date specified in the Bill, whichever is later. If the Bill is an emergency measure,
620 it shall take effect when enacted. No such vetoed Bill shall be returned to the
630 Legislature when a new General Assembly of Maryland has been elected and sworn
640 since the passage of the vetoed Bill.

650 (e) [The] EXCEPT FOR THE BUDGET BILL, THE Governor shall have power to
660 disapprove of any item or items of any Bills making appropriations of money
670 embracing distinct items, and the part or parts of the Bill approved shall be the law,
680 and the item or items of appropriations disapproved shall be void unless repassed
690 according to the rules or limitations prescribed for the passage of other Bills over the
700 Executive veto.

710 (F) THE GOVERNOR MAY APPROVE OR DISAPPROVE ITEMS IN THE BUDGET
720 BILL AS FOLLOWS:

730 (1) THE GOVERNOR MAY VETO ONLY ITEMS RELATING TO THE
740 EXECUTIVE DEPARTMENT THAT HAVE BEEN INCREASED OR ADDED BY
750 THE GENERAL ASSEMBLY. THE GOVERNOR MAY NOT VETO ANY OTHER
760 ITEMS IN THE BILL.

770 (2) IF THE GOVERNOR VETOES AN ITEM THAT HAD BEEN INCREASED
780 BY THE GENERAL ASSEMBLY AND THE GENERAL ASSEMBLY DOES NOT
790 OVERRIDE THE VETO UNDER SUBSECTION (G) OF THIS SECTION, THAT
800 ITEM SHALL EVERT TO THE APPROPRIATION ORIGINALLY SUBMITTED BY
810 THE GOVERNOR. THE ORIGINAL APPROPRIATION SHALL THEN BE LAW
820 IMMEDIATELY WITHOUT FURTHER ACTION BY THE GOVERNOR.

830 (3) IF THE GOVERNOR VETOES AN ITEM THAT HAD BEEN ADDED BY
840 THE GENERAL ASSEMBLY AND THE GENERAL ASSEMBLY DOES NOT
850 OVERRIDE THE VETO UNDER SUBSECTION (G) OF THIS SECTION, THAT ITEM
860 SHALL BE VOID.

870 (4) ITEMS NOT DISAPPROVED BY THE GOVERNOR SHALL BE LAW
880 IMMEDIATELY WITHOUT FURTHER ACTION BY THE GOVERNOR.

890 (G) (1) IF THE GOVERNOR VETOES AN ITEM IN THE BUDGET BILL, THE
900 GENERAL ASSEMBLY MAY CONVOKE IN EXTRAORDINARY SESSION
910 WITHIN 30 DAYS AFTER THE DATE OF THE VETO TO CONSIDER WHETHER
920 TO OVERRIDE THE VETO. IF THE GENERAL ASSEMBLY WISHES TO
930 CONSIDER WHETHER TO

940 OVERRIDE THE GOVERNOR'S VETO OF AN ITEM IN THE BUDGET BILL, THE
950 PRESIDENT OF THE SENATE AND THE SPEAKER OF THE HOUSE OF
960 DELEGATES JOINTLY SHALL ISSUE A PROCLAMATION SPECIFYING THE
970 DATE ON WHICH TO CONVENE IN EXTRAORDINARY SESSION.

980 (2) THE SOLE PURPOSE OF AN EXTRAORDINARY SESSION UNDER THIS
990 SUBSECTION SHALL BE TO CONSIDER WHETHER TO OVERRIDE
1000 THE GOVERNOR'S VETO OF AN ITEM IN THE BUDGET BILL. THE GENERAL
1010 ASSEMBLY MAY NOT CONSIDER THE OVERRIDE OF THE GOVERNOR'S
1020 VETO OF ANY OTHER BILL.

1030 (3) (I) THE BUDGET BILL SHALL BE RETURNED BY THE
1040 GOVERNOR TO THE HOUSE IN WHICH IT ORIGINATED, AND EACH
1050 VETOED ITEM SHALL BE CONSIDERED INDIVIDUALLY.

1060 (II) IF THREE-FIFTHS OF THE MEMBERS ELECTED TO THAT
1070 HOUSE VOTE TO OVERRIDE THE VETO OF AN ITEM, IT SHALL BE
1080 SENT TO THE OTHER HOUSE FOR CONSIDERATION.

1090 (III) IF THREE-FIFTHS OF THAT HOUSE VOTE TO OVERRIDE THE
1100 VETO OF THE ITEM, THAT ITEM SHALL REVERT TO THE
1110 APPROPRIATION ORIGINALLY PASSED BY THE GENERAL
1120 ASSEMBLY. THE APPROPRIATION AS ORIGINALLY PASSED SHALL
1130 THEN BECOME LAW IMMEDIATELY, WITHOUT FURTHER ACTION
1140 BY THE GOVERNOR OR THE GENERAL ASSEMBLY.

1150 **Article III - Legislative Department**

1160 § 14.

1170 The General Assembly shall meet on the second Wednesday of January,
1180 nineteen hundred and seventy-one, and on the same day in every year thereafter, and
1190 at no other time, unless convened BY JOINT PROCLAMATION OF THE PRESIDENT OF
1200 THE SENATE AND THE SPEAKER OF THE HOUSE OF DELEGATES UNDER SECTION
1210 17(G) OF ARTICLE II OF THIS CONSTITUTION OR by Proclamation of the Governor. [A]
1220 THE GOVERNOR SHALL ISSUE A Proclamation convening the General Assembly in
1230 extraordinary session [must be issued by the Governor] if a majority of the members
1240 elected to the Senate and a majority of the members elected to the House of Delegates
1250 join in a petition to the Governor requesting that [he] THE GOVERNOR convene the
1260 General Assembly in extraordinary session, and the Governor shall convene the
1270 General Assembly on the date specified in the petition. This section does not effect the
1280 Governor's power to convene the General Assembly in extraordinary session pursuant
1290 to Section 16 of Article II of this Constitution.

1300 § 52.

1310 (6) The General Assembly shall not amend the Budget Bill so as to affect
1320 either the obligations of the State under Section 34 of Article III of the Constitution,
1330 or the provisions made by the laws of the State for the establishment and
1340 maintenance of a system of public schools or the payment of any salaries required to
1350 be paid by the State of Maryland by the Constitution [thereof; and the]. THE General
1360 Assembly may amend the bill by increasing or diminishing [the] items therein
1370 relating to the General Assembly, [and] by increasing or diminishing [the] items
1380 therein relating to the judiciary, [but except as hereinbefore specified, may not alter
1390 the said bill except to strike out or reduce items therein, provided, however, that the]
1400 AND BY INCREASING, DIMINISHING, OR ADDING ITEMS RELATING TO THE

1410 EXECUTIVE DEPARTMENT AS LONG AS THE TOTAL OF THE
1420 APPROPRIATION FOR THE EXECUTIVE DEPARTMENT APPROVED BY THE
1430 GENERAL ASSEMBLY DOES NOT EXCEED THE TOTAL ALLOWANCE FOR
1440 THE EXECUTIVE DEPARTMENT SUBMITTED BY THE GOVERNOR. THE salary
1450 or compensation of any public officer [shall] MAY not be decreased during his term of
1460 office; and such bill, when and as passed by both Houses, shall be a law immediately
1470 without further action by the Governor]. WHEN PASSED BY BOTH HOUSES, THE
1480 BILL SHALL BE PRESENTED TO THE GOVERNOR FOR APPROVAL OR
1490 DISAPPROVAL ACCORDING TO SECTION 17 OF ARTICLE II OF THE
1500 CONSTITUTION.

1510 SECTION 2. AND BE IT FURTHER ENACTED, That the General Assembly
1520 determines that the amendment to the Constitution of Maryland proposed by this Act
1530 affects multiple jurisdictions and that the provisions of Article XIV, Section 1 of the
1540 Constitution concerning local approval of constitutional amendments do not apply.

1550 SECTION 3. AND BE IT FURTHER ENACTED, That the foregoing section
1560 proposed as an amendment to the Constitution of Maryland shall be submitted to the
1570 legal and qualified voters of this State at the next general election to be held in
1580 November, 2006 for their adoption or rejection in pursuance of directions contained in
1590 Article XIV of the Constitution of this State. At that general election, the vote on this
1600 proposed amendment to the Constitution shall be by ballot, and upon each ballot
1610 there shall be printed the words "For the Constitutional Amendment" and "Against
1620 the Constitutional Amendment," as now provided by law. Immediately after the
1630 election, all returns shall be made to the Governor of the vote for and against the
1640 proposed amendment, as directed by Article XIV of the Constitution, and further
1650 proceedings had in accordance with Article XIV.

1660 MANDATES: Governor Robert Ehrlich
1670 Lieutenant Governor Michael Steele
1680 President of the Senate Thomas V. "Mike" Miller
1690 Speaker of the House Michael Busch
1700 Sen. P.J. Hogan, Dist. 39

Sponsor:

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