

Department of Legislative Services
Maryland General Assembly
2015 Session

FISCAL AND POLICY NOTE

Senate Bill 43 (Senator Norman)
Education, Health, and Environmental Affairs

State Government - Governor - Approval of Duplicative Bills

This bill requires the Governor to approve a bill if it is duplicative of a bill that the Governor approved from the same regular or special session of the General Assembly. The bill must be approved within the time prescribed by law after a bill is presented to the Governor.

Fiscal Summary

State Effect: The Department of Legislative Services (DLS) can absorb any increase in costs using existing budgeted resources. Otherwise, the bill does not directly affect governmental finances.

Local Effect: None.

Small Business Effect: None.

Analysis

Current Law/Background: Bills that pass both houses of the legislature are presented to the Governor by the Presiding Officer of the house in which they originated. Bills are reviewed by the Office of the Attorney General for legal sufficiency and by the Governor's Legislative Office for policy considerations.

All bills passed at regular or special sessions must be presented no later than 20 days after adjournment. The Governor is required to sign a bill within a maximum of 30 days after presentment, if the Governor approves it, or veto the bill. If the Governor does not act within that time, the bill becomes law automatically; there is no "pocket veto" in Maryland. The time limit differs depending on when the presentment is made. If a bill is presented to

the Governor in the first 83 days of the session, the Governor has only 6 days (not including Sunday) to act before the bill automatically becomes law. Any bill presented in the last 7 days of the 90-day session or after adjournment must be acted on within 30 days of presentment. Bills passed by the General Assembly and approved by the Governor are signed by the Governor, the President, and the Speaker. The Secretary of State assigns the bill a “chapter” number (in the order in which it is signed), and it becomes part of the *Laws of Maryland*, which is published by DLS.

The Maryland Constitution (Article II, Section 17) gives the Governor veto power. It requires the Governor to return a vetoed bill to the General Assembly with a statement of objections. Most bills are vetoed because they duplicate the effect of other bills the Governor has signed. For example, during the 2011-2014 term, the Governor vetoed 365 bills because they were duplicative. A bill may also be vetoed because the bill lacks legal sufficiency in the judgment of the Office of the Attorney General. Relatively few bills are vetoed for policy reasons.

Vetoed bills are returned to the house of origin immediately after that house has organized at the next regular or special session of the General Assembly. The General Assembly may override the Governor’s veto with a vote of three-fifths of the members of each house. However, when a new General Assembly is elected and sworn, the constitution precludes vetoed bills from the previous session from being returned to the legislature. Those vetoed bills are not subject to any further legislative action. A bill enacted over a veto, or a bill becoming law as a result of the Governor’s failure to act within the prescribed time, takes effect 30 days after the veto is overridden or on the date specified in the bill, whichever is later. An emergency bill passed over the Governor’s veto, however, takes effect immediately.

State Expenditures: Requiring the Governor to approve duplicative bills increases the number of chapter laws included within the *Laws of Maryland*. Although expenditures associated with the preparation and production of the *Laws of Maryland* increase due to the additional chapters, the impact can be absorbed within the existing budgeted resources of DLS.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Department of Legislative Services

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mar/lgc

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