

power to determine when a bill will be presented to him. As Governor J. Millard Tawes indicated in his testimony before the Committee on the Executive Department, an administrative practice has developed whereby the governor's office, upon receipt of a passed bill, does not have it presented to the governor, but rather refers it to the attorney general for his consideration until the governor decides what action to take.

The power of the governor to determine when a bill will be presented has far-reaching consequences. Prior to 1950 the governor, merely by not permitting a bill to be presented until after the General Assembly had adjourned and then not signing it, or vetoing it, could prevent any possibility of the General Assembly overriding him. To assure the General Assembly an opportunity of overriding, the governor's veto, the following paragraph was added to Section 17 by a constitutional amendment proposed in 1949 and ratified in 1950.

"Any bill which is vetoed by the Governor following the adjournment of the General Assembly, or any bill which fails to become a law by reason of not having been signed by the Governor following adjournment of the General Assembly, shall be returned to the House in which it originated, immediately after said House shall have organized at the next regular or special session of the General Assembly. Said bill may then be reconsidered according to the procedure specified hereinabove. If the bill is passed over the veto of the Governor, it shall take effect on June 1 following, unless the bill is an emergency measure to take effect when passed."<sup>16</sup>

<sup>16</sup> Md. Laws of 1949, ch. 714, ratified Nov. 7, 1950.

In 1959 this paragraph was modified by the addition of the following sentence:

"No such vetoed bill shall be returned to the Legislature when a new General Assembly of Maryland has been elected and sworn since the passage of the vetoed bill."<sup>17</sup>

Hence, Section 17 in its present form does assure that during the first three years of the legislator's terms, the General Assembly will have an opportunity to override a veto or a "pocket" veto, although it gives the governor the ability to postpone the effective date substantially. For example, assume that the newly elected General Assembly passed a bill on January 25, 1967, with a designated effective date of June 1, 1967. The governor, by not suffering the bill to be presented to him until after the legislature had adjourned, could effectively prevent being overridden at the regular 1967 session. At the 1968 session of the legislature, assuming the governor's veto or "pocket" veto is overridden, the bill would not become effective until June 1, 1968. Furthermore, Section 17 in its present form permits the governor, by not permitting a bill to be presented to him during the legislative term, to foreclose being overridden if it is the fourth and last year of the legislators' term.

It is submitted that when the governor has had a reasonable time to consider bills passed by the General Assembly, he should be required either to sign them into law or veto and return them during the session in which they are enacted.

#### **ITEM VETO**

In 1891 Section 17 was amended to give the governor an item veto over

<sup>17</sup> Md. Laws of 1959, ch. 664, ratified Nov. 8, 1960.