

erned by art. 3, sec. 31, of Constitution. If legislation does come within this article, whether an emergency in fact exists is for Legislature and not for courts. *Culp v. Comms. of Chestertown*, 154 Md. 622.

Act 1927, ch. 118, imposing additional license tax on motor fuels for building lateral roads is an "appropriation" act within this article; no new functions added. Such act and Budget Act, 1927, in *pari materia*. Secretary of State upheld in refusing to submit act to voters. History of road legislation. *Winebrenner v. Salmon*, 155 Md. 565.

This Article referred to in holding Ch. 94, Acts of 1937, valid under Art. 1, Sec. 1 of Constitution. *Norris v. Baltimore*, 172 Md. 680.

See notes to sec. 6.

Sec. 2. No law enacted by the General Assembly shall take effect until the first day of June next after the session at which it may be passed, unless it contain a Section declaring such law an emergency law and necessary for the immediate preservation of the public health or safety, and passed upon a yea and nay vote supported by three-fifths of all the members elected to each of the two Houses of the General Assembly; provided, however, that said period of suspension may be extended as provided in Section 3 (b) hereof. If before said first day of June there shall have been filed with the Secretary of the State a petition to refer to a vote of the people any law or part of a law capable of referendum, as in this Article provided, the same shall be referred by the Secretary of State to such vote, and shall not become a law or take effect until thirty days after its approval by a majority of the electors voting thereon at the next ensuing election held throughout the State for Members of the House of Representatives of the United States. An emergency law shall remain in force notwithstanding such petition, but shall stand repealed thirty days after having been rejected by a majority of the qualified electors voting thereon; provided, however, that no measure creating or abolishing any office, or changing the salary, term or duty of any officer, or granting any franchise or special privilege, or creating any vested right or interest, shall be enacted as an emergency law. No law making any appropriation for maintaining the State Government, or for maintaining or aiding any public institution, not exceeding the next previous appropriation for the same purpose, shall be subject to rejection or repeal under this Section. The increase in any such appropriation for maintaining or aiding any public institution shall only take effect as in the case of other laws, and such increase or any part thereof specified in the petition, may be referred to a vote of the people upon petition.

Cited in holding ch. 720, 1939 (art. 52, secs. 93-114), constitutional. *State v. Woelfel*, (Judge Melvin, Circuit Court for A. A. Co.), *Daily Record*, Aug. 7, 1939.

Cited to show effective date of ch. 342, 1931. *Ireland v. Shipley*, 165 Md. 103.

Allowance to sheriff for keeping prisoners not salary within meaning of this section. *Bowman v. Harford Co.*, 166 Md. 296.

Ch. 281, acts of 1933, held to have been properly enacted as emergency law. *Bevard v. Baughman*, 167 Md. 71.

Cited but not construed in *Calvert County v. Monnett*, 164 Md. 101.

Emergency clause of Ch. 94, Acts of 1937, is valid for purpose of this section. *Norris v. Baltimore*, 172 Md. 686.

Ch. 368 of 1937 (State Office Bond Bill) is within exception, and not subject to referendum. *Bickel v. Nice*, 173 Md. 1.

See notes to secs. 1 and 3.

Sec. 3 (a). The referendum petition against an Act or part of an Act passed by the General Assembly, shall be sufficient if signed by ten thousand qualified voters of the State of Maryland, of whom not more than half shall be residents of Baltimore City, or of any one County; provided that any Public Local Law for any one County or the City of Baltimore, shall be referred by the Secretary of State only to the people of said County