

SENATE BILL 1028

B1
SB 990/19 – SRU

CONSTITUTIONAL AMENDMENT

01r0335

By: **Senators Rosapepe, Elfreth, Griffith, Guzzone, King, Peters, and Zucker**

Introduced and read first time: February 14, 2020

Assigned to: Rules

A BILL ENTITLED

1 AN ACT concerning

2 **Balancing the State Budget**

3 FOR the purpose of proposing an amendment to the Maryland Constitution authorizing the
4 General Assembly to increase or add Executive Department items in the budget bill,
5 subject to a certain limitation; clarifying language; making conforming changes;
6 requiring a certain question to be submitted to the qualified voters of the State at a
7 certain election; and submitting this amendment to the qualified voters of the State
8 for their adoption or rejection.

9 BY proposing an amendment to the Maryland Constitution
10 Article III – Legislative Department
11 Section 52

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

15 **Article III – Legislative Department**

16 52.

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

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

21 (3) On the third Wednesday in January in each year, (except in the case of a newly
22 elected Governor, and then not later than ten days after the convening of the General
23 Assembly), unless such time shall be extended by the General Assembly, the Governor shall
24 submit to the General Assembly a Budget for the next ensuing fiscal year. Each Budget

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



shall contain a complete plan of proposed expenditures and estimated revenues for said fiscal year and shall show the estimated surplus or deficit of revenues at the end of the preceding fiscal year. Accompanying each Budget shall be a statement showing: (a) the revenues and expenditures for the preceding fiscal year; (b) the current assets, liabilities, reserves and surplus or deficit of the State; (c) the debts and funds of the State; (d) an estimate of the State's financial condition as of the beginning and end of the preceding fiscal year; (e) any explanation the Governor may desire to make as to the important features of the Budget and any suggestions as to methods for reduction or increase of the State's revenue.

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

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

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

(6) The General Assembly shall not amend the Budget Bill so as to affect either the obligations of the State under Section 34 of Article III of the Constitution, or the provisions made by the laws of the State for the establishment and maintenance of a system

1 of public schools or the payment of any salaries required to be paid by the State of Maryland
2 by the Constitution [thereof; and the]. **IN ENACTING A BALANCED BUDGET BILL EACH**
3 **FISCAL YEAR AS REQUIRED UNDER THIS SECTION, THE** General Assembly may amend
4 the bill by increasing [or], diminishing [the], **OR ADDING** items therein relating to the
5 General Assembly, [and] by increasing [or], diminishing [the], **OR ADDING** items therein
6 relating to the judiciary, [but except as hereinbefore specified, may not alter the said bill
7 except to strike out or reduce items therein, provided, however, that the] **AND BY**
8 **INCREASING, DIMINISHING, OR ADDING ITEMS RELATING TO THE EXECUTIVE**
9 **DEPARTMENT, PROVIDED THAT THE TOTAL OF THE APPROPRIATION FOR THE**
10 **EXECUTIVE DEPARTMENT APPROVED BY THE GENERAL ASSEMBLY DOES NOT**
11 **EXCEED THE TOTAL PROPOSED APPROPRIATION FOR THE EXECUTIVE**
12 **DEPARTMENT SUBMITTED BY THE GOVERNOR. THE** salary or compensation of any
13 public officer [shall] **MAY** not be decreased during [his] **THE PUBLIC OFFICER'S** term of
14 office[; and such bill, when and as]. **WHEN** passed by both Houses, **THE BUDGET BILL**
15 shall be a law immediately without further action by the Governor.

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

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

36 (9) Nothing in this section shall be construed as preventing the General Assembly
37 from passing at any time, in accordance with the provisions of Section 28 of Article 3 of the
38 Constitution and subject to the Governor's power of approval as provided in Section 17 of
39 Article 2 of the Constitution, an appropriation bill to provide for the payment of any
40 obligation of the State within the protection of Section 10 of Article 1 of the Constitution of
41 the United States.

42 (10) If the Budget Bill shall not have been finally acted upon by the Legislature

1 seven days before the expiration of the regular session, the Governor shall issue a
2 proclamation extending the session for some further period as may, in his judgment, be
3 necessary for the passage of such bill; but no matter other than such bill shall be considered
4 during such extended session except a provision for the cost thereof.

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

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

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

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

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

39 SECTION 2. AND BE IT FURTHER ENACTED, That the General Assembly
40 determines that the amendment to the Maryland Constitution proposed by Section 1 of this
41 Act affects multiple jurisdictions and that the provisions of Article XIV, § 1 of the Maryland

1 Constitution concerning local approval of constitutional amendments do not apply.

2 SECTION 3. AND BE IT FURTHER ENACTED, That:

3 (a) The amendment to the Maryland Constitution proposed by Section 1 of this
4 Act shall be submitted to the qualified voters of the State at the next general election to be
5 held in November 2020 for adoption or rejection pursuant to Article XIV of the Maryland
6 Constitution.

7 (b) (1) At that general election, the vote on the proposed amendment to the
8 Constitution shall be by ballot, and on each ballot there shall be printed the words "For the
9 Constitutional Amendment" and "Against the Constitutional Amendment", as now
10 provided by law.

11 (2) At that general election, a question substantially similar to the
12 following shall be submitted to the qualified voters of the State:

13 "Question ____ – Constitutional Amendment

14 Authorizing the General Assembly to increase, diminish, or add items in the annual budget
15 bill in order to enact a balanced State operating budget for each fiscal year.

16 Authorizing the General Assembly, in enacting a balanced budget bill each fiscal year, to
17 increase, diminish, or add items, provided that the General Assembly may not exceed the
18 total proposed appropriation as submitted by the Governor."

19 (c) Immediately after the election, all returns shall be made to the Governor of
20 the vote for and against the proposed amendment, as directed by Article XIV of the
21 Maryland Constitution, and further proceedings had in accordance with Article XIV.