

CONSTITUTIONAL AMENDMENT

B1
SB 820/94 - B&T

7lr2575

By: Delegate Curran

Introduced and read first time: February 5, 1997

Assigned to: Appropriations

A BILL ENTITLED

1 AN ACT concerning

2 **State Budget - Lump-Sum Requirement - Capital Projects**

3 FOR the purpose of requiring the Governor to use a lump-sum method of appropriation
4 for capital projects in the annual Budget and Budget Bill; requiring the Governor,
5 under certain circumstances, to itemize in separate authorizing legislation specific
6 capital projects for the lump-sum appropriation; authorizing the General Assembly
7 to modify the proposed capital expenditures; requiring that the lump-sum
8 appropriation only be expended for the projects itemized in the enacted legislation;
9 granting the Governor certain powers relating to items in the separate legislation;
10 making a technical change; generally relating to a lump-sum appropriation for
11 certain capital projects; and submitting this amendment to the qualified voters of
12 the State of Maryland for their adoption or rejection.

13 BY proposing an amendment to the Constitution of Maryland
14 Article III - Legislative Department
15 Section 52

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

19 **Article III - Legislative Department**

20 52.

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

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

25 (3) On the third Wednesday in January in each year, (except in the case of a
26 newly elected Governor, and then not later than ten days after the convening of the
27 General Assembly), unless such time shall be extended by the General Assembly, the
28 Governor shall submit to the General Assembly a Budget for the next ensuing fiscal year.
29 Each Budget shall contain a complete plan of proposed expenditures and estimated
30 revenues for said fiscal year and shall show the estimated surplus or deficit of revenues at
31 the end of the preceding fiscal year. Accompanying each Budget shall be a statement
32 showing:

2

- 1 (a) [the] THE revenues and expenditures for the preceding fiscal year;
- 2 (b) [the] THE current assets, liabilities, reserves and surplus or deficit of
3 the State;
- 4 (c) [the] THE debts and funds of the State;
- 5 (d) [an] AN estimate of the State's financial condition as of the beginning
6 and end of the preceding fiscal year; AND
- 7 (e) [any] ANY explanation the Governor may desire to make as to the
8 important features of the Budget and any suggestions as to methods for reduction or
9 increase of the State's revenue.

10 (4) Each Budget shall embrace an estimate of all appropriations in such form and
11 detail as the Governor shall determine or as may be prescribed by law, as follows:

- 12 (a) [for] FOR the General Assembly as certified to the Governor in the
13 manner hereinafter provided;
- 14 (b) [for] FOR the Executive Department;
- 15 (c) [for] FOR the Judiciary Department, as provided by law, as certified to
16 the Governor;
- 17 (d) [to] TO pay and discharge the principal and interest of the debt of the
18 State in conformity with Section 34 of Article III of the Constitution, and all laws enacted
19 in pursuance thereof;
- 20 (e) [for] FOR the salaries payable by the State and under the Constitution
21 and laws of the State;
- 22 (f) [for] FOR the establishment and maintenance throughout the State of a
23 thorough and efficient system of public schools in conformity with Article 8 of the
24 Constitution and with the laws of the State; and
- 25 (g) [for] FOR such other purposes as are set forth in the Constitution or
26 laws of the State.

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

1 (5a) The Budget and the Budget Bill as submitted by the Governor to the General
2 Assembly shall have a figure for the total of all proposed appropriations and a figure for
3 the total of all estimated revenues available to pay the appropriations, and the figure for
4 total proposed appropriations shall not exceed the figure for total estimated revenues.
5 Neither the Governor in submitting an amendment or supplement to the Budget Bill nor
6 the General Assembly in amending the Budget Bill shall thereby cause the figure for total
7 proposed appropriations to exceed the figure for total estimated revenues, including any
8 revisions, and in the Budget Bill as enacted the figure for total estimated revenues always
9 shall be equal to or exceed the figure for total appropriations.

10 (5B) (A) IF THE GOVERNOR INCLUDES IN THE BUDGET AND THE BUDGET
11 BILL AN APPROPRIATION FOR CAPITAL PROJECTS, THE APPROPRIATION SHALL BE
12 FOR A LUMP SUM UNLESS OTHERWISE PROVIDED BY LAW.

13 (B) THE CAPITAL PROJECTS FOR WHICH A LUMP-SUM APPROPRIATION
14 HAS BEEN MADE SHALL BE ITEMIZED IN SEPARATE AUTHORIZING LEGISLATION TO
15 BE CONSIDERED BY THE GENERAL ASSEMBLY AS A PART OF ITS CAPITAL BUDGET
16 DELIBERATIONS.

17 (C) IN TAKING ACTION ON THIS SEPARATE AUTHORIZING LEGISLATION,
18 THE GENERAL ASSEMBLY MAY DELETE, ADD, OR SUBSTITUTE CAPITAL
19 EXPENDITURES, PROVIDED THAT THE TOTAL COST OF THE CAPITAL EXPENDITURES
20 LISTED IN THE LEGISLATION DOES NOT EXCEED THE APPROPRIATION FOR THEM
21 PROVIDED IN THE OPERATING BUDGET.

22 (D) UPON ENACTMENT OF THE SEPARATE AUTHORIZING LEGISLATION
23 ITEMIZING THE CAPITAL PROJECTS, THE LUMP-SUM APPROPRIATION MAY ONLY BE
24 EXPENDED FOR THE ITEMIZED PROJECTS.

25 (E) THE GOVERNOR MAY DISAPPROVE ANY ITEM IN THE SEPARATE
26 AUTHORIZING LEGISLATION IN THE SAME MANNER AS PROVIDED IN THE
27 EXECUTIVE VETO SET FORTH IN ARTICLE II, SECTION 17 OF THE CONSTITUTION.

28 (F) IF THE SEPARATE AUTHORIZING LEGISLATION IS NOT PASSED BY
29 THE GENERAL ASSEMBLY, THE LUMP-SUM APPROPRIATION IN THE BUDGET AND
30 THE BUDGET BILL MAY BE EXPENDED AS PROVIDED IN THE SEPARATE
31 AUTHORIZING LEGISLATION AS SUBMITTED.

32 (6) The General Assembly shall not amend the Budget Bill so as to affect either
33 the obligations of the State under Section 34 of Article III of the Constitution, or the
34 provisions made by the laws of the State for the establishment and maintenance of a
35 system of public schools or the payment of any salaries required to be paid by the State of
36 Maryland by the Constitution thereof; and the General Assembly may amend the bill by
37 increasing or diminishing the items therein relating to the General Assembly, and by
38 increasing or diminishing the items therein relating to the judiciary, but except as
39 hereinbefore specified, may not alter the said bill except to strike out or reduce items
40 therein, provided, however, that the salary or compensation of any public officer shall not
41 be decreased during his term of office; and such bill, when and as passed by both Houses,
42 shall be a law immediately without further action by the Governor.

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

7 (8) Supplementary Appropriation Bill. Either House may consider other
8 appropriations but both Houses shall not finally act upon such appropriations until after
9 the Budget Bill has been finally acted upon by both Houses, and no such other
10 appropriation shall be valid except in accordance with the provisions following:

11 (a) Every such appropriation shall be embodied in a separate bill limited to
12 some single work, object or purpose therein stated and called herein a Supplementary
13 Appropriation Bill;

14 (b) Each Supplementary Appropriation Bill shall provide the revenue
15 necessary to pay the appropriation thereby made by a tax, direct or indirect, to be levied
16 and collected as shall be directed in said bill;

17 (c) No Supplementary Appropriation Bill shall become a law unless it be
18 passed in each House by a vote of a majority of the whole number of the members
19 elected, and the yeas and nays recorded on its final passage; AND

20 (d) Each Supplementary Appropriation Bill shall be presented to the
21 Governor of the State as provided in Section 17 of Article 2 of the Constitution and
22 thereafter all the provisions of said section shall apply.

23 (9) Nothing in this section shall be construed as preventing the General Assembly
24 from passing at any time, in accordance with the provisions of Section 28 of Article 3 of
25 the Constitution and subject to the Governor's power of approval as provided in Section
26 17 of Article 2 of the Constitution, an appropriation bill to provide for the payment of any
27 obligation of the State within the protection of Section 10 of Article 1 of the Constitution
28 of the United States.

29 (10) If the Budget Bill shall not have been finally acted upon by the Legislature
30 seven days before the expiration of the regular session, the Governor shall issue a
31 proclamation extending the session for some further period as may, in his judgment, be
32 necessary for the passage of such bill; but no matter other than such bill shall be
33 considered during such extended session except a provision for the cost thereof.

34 (11) For the purpose of making up the Budget, the Governor shall require from the
35 proper State officials, (including all executive departments, all executive and
36 administrative offices, bureaus, boards, commissions and agencies that expend or
37 supervise the expenditure of, and all institutions applying, for State moneys and
38 appropriations) such itemized estimates and other information, in such form and at such
39 times as directed by the Governor. An estimate for a program required to be funded by a
40 law which will be in effect during the fiscal year covered by the Budget and which was
41 enacted before July 1 of the fiscal year prior to that date shall provide a level of funding
42 not less than that prescribed in the law. The estimates for the Legislative Department,
43 certified by the presiding officer of each House, of the Judiciary, as provided by law,

5

1 certified by the Chief Judge of the Court of Appeals, and for the public schools, as
2 provided by law, shall be transmitted to the Governor, in such form and at such times as
3 directed by the Governor, and shall be included in the Budget without revision.

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

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

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

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

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

29 SECTION 3. AND BE IT FURTHER ENACTED, That the foregoing section
30 proposed as an amendment to the Constitution of Maryland shall be submitted to the
31 legal and qualified voters of this State at the next general election to be held in
32 November, 1998 for their adoption or rejection in pursuance of directions contained in
33 Article XIV of the Constitution of this State. At that general election, the vote on this
34 proposed amendment to the Constitution shall be by ballot, and upon each ballot there
35 shall be printed the words "For the Constitutional Amendments" and "Against the
36 Constitutional Amendments," as now provided by law. Immediately after the election, all
37 returns shall be made to the Governor of the vote for and against the proposed
38 amendment, as directed by Article XIV of the Constitution, and further proceedings had
39 in accordance with Article XIV.