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April 4, 2018

The Honorable Lawrence J. Hogan, Jr.  
Governor of Maryland  
State House  
100 State Circle  
Annapolis, Maryland 21401

***RE: Senate Bill 186, "Creation of a State Debt - Maryland Consolidated Capital Bond Loan of 2018, and the Maryland Consolidated Capital Bond Loans of 2007, 2010, 2011, 2012, 2013, 2014, 2015, 2016, and 2017"***

Dear Governor Hogan:

We have reviewed and hereby approve for constitutionality and legal sufficiency Senate Bill 186, "Creation of a State Debt - Maryland Consolidated Capital Bond Loan of 2018, and the Maryland Consolidated Capital Bond Loans of 2007, 2010, 2011, 2012, 2013, 2014, 2015, 2016, and 2017" ("Capital Budget Bill"). We write to highlight a printing error in Section 14 of the enrolled bill and to notify you of the actual level of appropriation approved by the General Assembly. We also write to comment on a provision added to the appropriation for the Public School Construction Program that is similar to a provision in last year's capital budget bill.

Section 14(1) of the enrolled bill, as initially printed, reflects a \$10 million appropriation for Item DE02.02(B). Upon review of the relevant amendments and the Conference Committee Report, it is clear that the actual level of appropriation for this item, as approved by the General Assembly, is \$15 million.

The Senate added this item of appropriation to the bill at a level of \$10 million. The House, by House Amendment No. 50, increased the appropriation to \$15 million. When the two houses adopted the Conference Committee Report, the body adopted the recommendations in the Report, as submitted to the two houses. Those recommendations included, among others, the adoption of House Amendment No. 50 and the adoption of Conference Committee Amendment No. 37. Conference Committee Amendment No. 37

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added language to Item DE02.02(B) but did not change the level of appropriation. *Report on the Conference Committee on SB 186, The Capital Budget Bill, March 28, 2016.*

However, when the enrolled version of the bill was printed after final passage, the printed bill incorrectly reflected the initial \$10 million level of appropriation for Section 14(1), Item DE02.02(B). Notwithstanding this printing error, it is our view that the Capital Budget Bill, as passed by the General Assembly, and which has been presented to you for your approval, includes a \$15 million appropriation for Section 14(1), Item DE02.02(B), not the \$10 million erroneously shown in the printed bill.

We also note that it continues to be our view that the provision added to the appropriation for the State Public School Program (Item DE02.02), which provides that the Interagency Committee on School Construction ("IAC") or any successor to IAC shall allocate 100% of the funds available for public school construction projects, is not independently subject to item veto separate from the appropriation. *See Bill Review Letter on HB 151 of 2017 (Capital Budget Bill of 2017).*

Sincerely,



Brian E. Frosh  
Attorney General

BEF/DWS/kd

cc: The Honorable John C. Wobensmith  
Chris Shank  
Victoria L. Gruber