

HOUSE BILL 513
CONSTITUTIONAL AMENDMENT

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HB 1086/97 - APP

1998 Regular Session
8r1642

By: **Delegates Hixson, Curran, and Goldwater**
Introduced and read first time: February 5, 1998
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
4 appropriation for capital projects in the annual Budget and Budget Bill;
5 requiring the Governor, under certain circumstances, to itemize in separate
6 authorizing legislation specific capital projects for the lump-sum appropriation;
7 authorizing the General Assembly to modify the proposed capital expenditures;
8 requiring that the lump-sum appropriation only be expended for the projects
9 itemized in the enacted legislation; granting the Governor certain powers
10 relating to items in the separate legislation; making a technical change;
11 generally relating to a lump-sum appropriation for certain capital projects; and
12 submitting this amendment to the qualified voters of the State of Maryland for
13 their adoption or rejection.

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

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

20 **Article III - Legislative Department**

21 52.

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

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

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

1 year. Each Budget shall contain a complete plan of proposed expenditures and
2 estimated revenues for said fiscal year and shall show the estimated surplus or deficit
3 of revenues at the end of the preceding fiscal year. Accompanying each Budget shall
4 be a statement showing:

5 (a) [the] THE revenues and expenditures for the preceding fiscal year;

6 (b) [the] THE current assets, liabilities, reserves and surplus or deficit of
7 the State;

8 (c) [the] THE debts and funds of the State;

9 (d) [an] AN estimate of the State's financial condition as of the
10 beginning and end of the preceding fiscal year; AND

11 (e) [any] ANY explanation the Governor may desire to make as to the
12 important features of the Budget and any suggestions as to methods for reduction or
13 increase of the State's revenue.

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

16 (a) [for] FOR the General Assembly as certified to the Governor in the
17 manner hereinafter provided;

18 (b) [for] FOR the Executive Department;

19 (c) [for] FOR the Judiciary Department, as provided by law, as certified
20 to the Governor;

21 (d) [to] TO pay and discharge the principal and interest of the debt of the
22 State in conformity with Section 34 of Article III of the Constitution, and all laws
23 enacted in pursuance thereof;

24 (e) [for] FOR the salaries payable by the State and under the
25 Constitution and laws of the State;

26 (f) [for] FOR the establishment and maintenance throughout the State
27 of a thorough and efficient system of public schools in conformity with Article 8 of the
28 Constitution and with the laws of the State; and

29 (g) [for] FOR such other purposes as are set forth in the Constitution or
30 laws of the State.

31 (5) The Governor shall deliver to the presiding officer of each House the
32 Budget and a bill for all the proposed appropriations of the Budget classified and in
33 such form and detail as he shall determine or as may be prescribed by law; and the
34 presiding officer of each House shall promptly cause said bill to be introduced therein,
35 and such bill shall be known as the "Budget Bill." The Governor may, with the consent
36 of the General Assembly, before final action thereon by the General Assembly, amend

1 or supplement said Budget to correct an oversight, provide funds contingent on
2 passage of pending legislation or, in case of an emergency, by delivering such an
3 amendment or supplement to the presiding officers of both Houses; and such
4 amendment or supplement shall thereby become a part of said Budget Bill as an
5 addition to the items of said bill or as a modification of or a substitute for any item of
6 said bill such amendment or supplement may affect.

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

17 (5B) (A) IF THE GOVERNOR INCLUDES IN THE BUDGET AND THE BUDGET
18 BILL AN APPROPRIATION FOR CAPITAL PROJECTS, THE APPROPRIATION SHALL BE
19 FOR A LUMP SUM UNLESS OTHERWISE PROVIDED BY LAW.

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

24 (C) IN TAKING ACTION ON THIS SEPARATE AUTHORIZING LEGISLATION,
25 THE GENERAL ASSEMBLY MAY DELETE, ADD, OR SUBSTITUTE CAPITAL
26 EXPENDITURES, PROVIDED THAT THE TOTAL COST OF THE CAPITAL EXPENDITURES
27 LISTED IN THE LEGISLATION DOES NOT EXCEED THE APPROPRIATION FOR THEM
28 PROVIDED IN THE OPERATING BUDGET.

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

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

35 (F) IF THE SEPARATE AUTHORIZING LEGISLATION IS NOT PASSED BY
36 THE GENERAL ASSEMBLY, THE LUMP-SUM APPROPRIATION IN THE BUDGET AND
37 THE BUDGET BILL MAY BE EXPENDED AS PROVIDED IN THE SEPARATE AUTHORIZING
38 LEGISLATION AS SUBMITTED.

39 (6) The General Assembly shall not amend the Budget Bill so as to affect
40 either the obligations of the State under Section 34 of Article III of the Constitution,
41 or the provisions made by the laws of the State for the establishment and
42 maintenance of a system of public schools or the payment of any salaries required to

1 be paid by the State of Maryland by the Constitution thereof; and the General
2 Assembly may amend the bill by increasing or diminishing the items therein relating
3 to the General Assembly, and by increasing or diminishing the items therein relating
4 to the judiciary, but except as hereinbefore specified, may not alter the said bill except
5 to strike out or reduce items therein, provided, however, that the salary or
6 compensation of any public officer shall not be decreased during his term of office;
7 and such bill, when and as passed by both Houses, shall be a law immediately without
8 further action by the Governor.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

41 SECTION 3. AND BE IT FURTHER ENACTED, That the foregoing section
42 proposed as an amendment to the Constitution of Maryland shall be submitted to the
43 legal and qualified voters of this State at the next general election to be held in

1 November, 1998 for their adoption or rejection in pursuance of directions contained in
2 Article XIV of the Constitution of this State. At that general election, the vote on this
3 proposed amendment to the Constitution shall be by ballot, and upon each ballot
4 there shall be printed the words "For the Constitutional Amendments" and "Against
5 the Constitutional Amendments," as now provided by law. Immediately after the
6 election, all returns shall be made to the Governor of the vote for and against the
7 proposed amendment, as directed by Article XIV of the Constitution, and further
8 proceedings had in accordance with Article XIV.