

SENATE BILL 825

P1, P5, B1

CONSTITUTIONAL AMENDMENT

0lr1807

By: **Senator Madaleno**

Introduced and read first time: February 10, 2010

Assigned to: Rules

A BILL ENTITLED

1 AN ACT concerning

2 **General Assembly – Start of Legislative Session and Presentation of Budget**

3 FOR the purpose of proposing an amendment to the Maryland Constitution to require
4 the General Assembly to meet on a certain day each year for certain purposes
5 and then to recess for a certain period; altering, beginning in a certain year, the
6 date for the commencement of the annual regular session of the General
7 Assembly; altering the date on which the Governor shall present the annual
8 Budget to the General Assembly after the commencement of the regular session;
9 and submitting this amendment to the qualified voters of the State of Maryland
10 for their adoption or rejection.

11 BY proposing an amendment to the Maryland Constitution

12 Article III – Legislative Department

13 Section 6, 14, and 52

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

17 **Article III – Legislative Department**

18 6.

19 A member of the General Assembly shall be elected by the registered voters of
20 the legislative or delegate district from which he seeks election, to serve for a term of
21 four years beginning on the second Wednesday of January following his election. **THE**
22 **GENERAL ASSEMBLY SHALL MEET ON THE SECOND WEDNESDAY OF JANUARY**
23 **EACH YEAR SOLELY FOR THE PURPOSE OF SWEARING IN ITS MEMBERS,**
24 **ELECTING ITS LEADERSHIP, AND ORGANIZING ITS AFFAIRS, AS APPROPRIATE.**
25 **THEREAFTER, THE GENERAL ASSEMBLY SHALL STAND IN RECESS UNTIL THE**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **COMMENCEMENT OF ITS REGULAR SESSION AS PROVIDED IN SECTION 14 OF**
2 **THIS ARTICLE.**

3 14.

4 The General Assembly shall meet **IN REGULAR SESSION** on the [second] **FIRST**
5 Wednesday of [January, nineteen hundred and seventy-one] **FEBRUARY, TWO**
6 **THOUSAND FOURTEEN**, and on the same day in every year thereafter, and, **EXCEPT**
7 **AS PROVIDED UNDER SECTION 13 OF THIS ARTICLE**, at no other time, unless
8 convened by Proclamation of the Governor. A Proclamation convening the General
9 Assembly in extraordinary session must be issued by the Governor if a majority of the
10 members elected to the Senate and a majority of the members elected to the House of
11 Delegates join in a petition to the Governor requesting that he convene the General
12 Assembly in extraordinary session, and the Governor shall convene the General
13 Assembly on the date specified in the petition. This section does not affect the
14 Governor's power to convene the General Assembly in extraordinary session pursuant
15 to Section 16 of Article II of this Constitution.

16 52.

17 (1) The General Assembly shall not appropriate any money out of the
18 Treasury 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] **SECOND** Wednesday in [January] **FEBRUARY** in each
22 year, (except in the case of a newly elected Governor, and then not later than ten days
23 after the convening of the General Assembly), unless such time shall be extended by
24 the General Assembly, the Governor shall submit to the General Assembly a Budget
25 for the next ensuing fiscal year. Each Budget shall contain a complete plan of proposed
26 expenditures and estimated revenues for said fiscal year and shall show the estimated
27 surplus or deficit of revenues at the end of the preceding fiscal year. Accompanying
28 each Budget shall be a statement showing: (a) the revenues and expenditures for the
29 preceding fiscal year; (b) the current assets, liabilities, reserves and surplus or deficit
30 of the State; (c) the debts and funds of the State; (d) an estimate of the State's
31 financial condition as of the beginning and end of the preceding fiscal year; (e) any
32 explanation the Governor may desire to make as to the important features of the
33 Budget and any suggestions as to methods for reduction or increase of the State's
34 revenue.

35 (4) Each Budget shall embrace an estimate of all appropriations in such form
36 and detail as the Governor shall determine or as may be prescribed by law, as follows:
37 (a) for the General Assembly as certified to the Governor in the manner hereinafter
38 provided; (b) for the Executive Department; (c) for the Judiciary Department, as
39 provided by law, as certified to the Governor; (d) to pay and discharge the principal

1 and interest of the debt of the State in conformity with Section 34 of Article III of the
2 Constitution, and all laws enacted in pursuance thereof; (e) for the salaries payable by
3 the State and under the Constitution and laws of the State; (f) for the establishment
4 and maintenance throughout the State of a thorough and efficient system of public
5 schools in conformity with Article 8 of the Constitution and with the laws of the State;
6 and (g) for such other purposes as are set forth in the Constitution or laws of the State.

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

19 (5a) The Budget and the Budget Bill as submitted by the Governor to the
20 General Assembly shall have a figure for the total of all proposed appropriations and a
21 figure for the total of all estimated revenues available to pay the appropriations, and
22 the figure for total proposed appropriations shall not exceed the figure for total
23 estimated revenues. Neither the Governor in submitting an amendment or
24 supplement to the Budget Bill nor the General Assembly in amending the Budget Bill
25 shall thereby cause the figure for total proposed appropriations to exceed the figure for
26 total estimated revenues, including any revisions, and in the Budget Bill as enacted
27 the figure for total estimated revenues always shall be equal to or exceed the figure for
28 total appropriations.

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

41 (7) The Governor and such representatives of the executive departments,
42 boards, officers and commissions of the State expending or applying for State's
43 moneys, as have been designated by the Governor for this purpose, shall have the

1 right, and when requested by either House of the General Assembly, it shall be their
2 duty to appear and be heard with respect to any Budget Bill during the consideration
3 thereof, and to answer inquiries relative thereto.

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

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

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

30 (11) For the purpose of making up the Budget, the Governor shall require
31 from the proper State officials, (including all executive departments, all executive and
32 administrative offices, bureaus, boards, commissions and agencies that expend or
33 supervise the expenditure of, and all institutions applying, for State moneys and
34 appropriations) such itemized estimates and other information, in such form and at
35 such times as directed by the Governor. An estimate for a program required to be
36 funded by a law which will be in effect during the fiscal year covered by the Budget
37 and which was enacted before July 1 of the fiscal year prior to that date shall provide a
38 level of funding not less than that prescribed in the law. The estimates for the
39 Legislative Department, certified by the presiding officer of each House, of the
40 Judiciary, as provided by law, certified by the Chief Judge of the Court of Appeals, and
41 for the public schools, as provided by law, shall be transmitted to the Governor, in
42 such form and at such times as directed by the Governor, and shall be included in the
43 Budget without revision.

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

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

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

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

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

28 SECTION 3. AND BE IT FURTHER ENACTED, That the foregoing section
29 proposed as an amendment to the Maryland Constitution shall be submitted to the
30 legal and qualified voters of this State at the next general election to be held in
31 November, 2010 for their adoption or rejection pursuant to Article XIV of the
32 Maryland Constitution. At that general election, the vote on this proposed amendment
33 to the Constitution shall be by ballot, and upon each ballot there shall be printed the
34 words "For the Constitutional Amendment" and "Against the Constitutional
35 Amendment," as now provided by law. Immediately after the election, all returns shall
36 be made to the Governor of the vote for and against the proposed amendment, as
37 directed by Article XIV of the Maryland Constitution, and further proceedings had in
38 accordance with Article XIV.