

SENATE BILL 908

B1, P4

CONSTITUTIONAL AMENDMENT

1lr2152
CF HB 1237

By: **Senator Benson**

Introduced and read first time: February 9, 2021

Assigned to: Finance and Budget and Taxation

A BILL ENTITLED

1 AN ACT concerning

2 **Budget Bill – Appropriations Statement – Memorandum of Understanding for**
3 **State Personnel**

4 FOR the purpose of proposing an amendment to the Maryland Constitution to require the
5 Governor to include with the budget bill a statement showing the appropriations
6 necessary to implement and fund for the next ensuing fiscal year each memorandum
7 of understanding that incorporates wages and terms and conditions of employment
8 for certain State personnel; and submitting this amendment to the qualified voters
9 of the State for their adoption or rejection.

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

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

16 **Article III – Legislative Department**

17 52.

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

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

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 submit to the General Assembly a Budget for the next ensuing fiscal year. Each Budget
2 shall contain a complete plan of proposed expenditures and estimated revenues for said
3 fiscal year and shall show the estimated surplus or deficit of revenues at the end of the
4 preceding fiscal year. Accompanying each Budget shall be a statement showing: (a) the
5 revenues and expenditures for the preceding fiscal year; (b) the current assets, liabilities,
6 reserves and surplus or deficit of the State; (c) the debts and funds of the State; (d) an
7 estimate of the State's financial condition as of the beginning and end of the preceding fiscal
8 year; **(E) THE APPROPRIATIONS NECESSARY TO IMPLEMENT AND FUND EACH**
9 **MEMORANDUM OF UNDERSTANDING FOR THE NEXT ENSUING FISCAL YEAR,**
10 **WHETHER REACHED THROUGH NEGOTIATIONS OR BINDING ARBITRATION, THAT IS**
11 **BINDING ON THE STATE AND INCORPORATES WAGES AND TERMS AND CONDITIONS**
12 **OF EMPLOYMENT FOR EXECUTIVE DEPARTMENT, HIGHER EDUCATION, AND OTHER**
13 **STATE PERSONNEL; AND [(e)] (F) any explanation the Governor may desire to make as**
14 **to the important features of the Budget and any suggestions as to methods for reduction or**
15 **increase of the State's revenue.**

16 (4) Each Budget shall embrace an estimate of all appropriations in such form and
17 detail as the Governor shall determine or as may be prescribed by law, as follows: (a) for
18 the General Assembly as certified to the Governor in the manner hereinafter provided; (b)
19 for the Executive Department; (c) for the Judiciary Department, as provided by law, as
20 certified to the Governor; (d) to pay and discharge the principal and interest of the debt of
21 the State in conformity with Section 34 of Article III of the Constitution, and all laws
22 enacted in pursuance thereof; (e) for the salaries payable by the State and under the
23 Constitution and laws of the State; (f) for the establishment and maintenance throughout
24 the State of a thorough and efficient system of public schools in conformity with Article 8
25 of the Constitution and with the laws of the State; and (g) for such other purposes as are
26 set forth in the Constitution or 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 and
29 detail as he shall determine or as may be prescribed by law; and the presiding officer of
30 each House shall promptly cause said bill to be introduced therein, and such bill shall be
31 known as the "Budget Bill." The Governor may, with the consent of the General Assembly,
32 before final action thereon by the General Assembly, amend or supplement said Budget to
33 correct an oversight, provide funds contingent on passage of pending legislation or, in case
34 of an emergency, by delivering such an amendment or supplement to the presiding officers
35 of both Houses; and such amendment or supplement shall thereby become a part of said
36 Budget Bill as an addition to the items of said bill or as a modification of or a substitute for
37 any item of said bill such amendment or supplement may affect.

38 (5a) The Budget and the Budget Bill as submitted by the Governor to the General
39 Assembly shall have a figure for the total of all proposed appropriations and a figure for
40 the total of all estimated revenues available to pay the appropriations, and the figure for
41 total proposed appropriations shall not exceed the figure for total estimated revenues.
42 Neither the Governor in submitting an amendment or supplement to the Budget Bill nor
43 the General Assembly in amending the Budget Bill shall thereby cause the figure for total

1 proposed appropriations to exceed the figure for total estimated revenues, including any
2 revisions, and in the Budget Bill as enacted the figure for total estimated revenues always
3 shall be equal to or exceed the figure for total appropriations.

4 (6) The General Assembly shall not amend the Budget Bill so as to affect either
5 the obligations of the State under Section 34 of Article III of the Constitution, or the
6 provisions made by the laws of the State for the establishment and maintenance of a system
7 of public schools or the payment of any salaries required to be paid by the State of Maryland
8 by the Constitution.

9 (6a) In enacting a balanced Budget Bill each fiscal year as required under this
10 Section, the General Assembly may amend the bill by increasing or diminishing the items
11 therein relating to the General Assembly, and by increasing or diminishing the items
12 therein relating to the judiciary, but except as hereinbefore specified, may not alter the bill
13 except to strike out or reduce items therein, provided, however, that the salary or
14 compensation of any public officer may not be decreased during the public officer's term of
15 office. When passed by both Houses, the Budget Bill shall be presented to the Governor for
16 approval or disapproval according to Section 17 of Article II of this Constitution.

17 (6b) In enacting a balanced Budget Bill as required under this Section for fiscal
18 year 2024 and each fiscal year thereafter, the General Assembly may amend the bill by
19 increasing, diminishing, or adding items therein relating to the General Assembly, by
20 increasing, diminishing, or adding items therein relating to the judiciary, and by
21 increasing, diminishing, or adding items relating to the Executive Department, provided
22 that the total of the appropriation for the Executive Department approved by the General
23 Assembly does not exceed the total proposed appropriation for the Executive Department
24 submitted by the Governor. The salary or compensation of any public officer may not be
25 decreased during the public officer's term of office. When passed by both Houses, the Budget
26 Bill shall be a law immediately without further action by the Governor.

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

33 (8) Supplementary Appropriation Bill. Either House may consider other
34 appropriations but both Houses shall not finally act upon such appropriations until after
35 the Budget Bill has been finally acted upon by both Houses, and no such other
36 appropriation shall be valid except in accordance with the provisions following: (a) Every
37 such appropriation shall be embodied in a separate bill limited to some single work, object
38 or purpose therein stated and called herein a Supplementary Appropriation Bill; (b) Each
39 Supplementary Appropriation Bill shall provide the revenue necessary to pay the
40 appropriation thereby made by a tax, direct or indirect, to be levied and collected as shall
41 be directed in said bill; (c) No Supplementary Appropriation Bill shall become a law unless
42 it be passed in each House by a vote of a majority of the whole number of the members

1 elected, and the yeas and nays recorded on its final passage; (d) Each Supplementary
2 Appropriation Bill shall be presented to the Governor of the State as provided in Section
3 17 of Article 2 of the Constitution and thereafter all the provisions of said section shall
4 apply.

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

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

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

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

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

39 (14) In the event of any inconsistency between any of the provisions of this Section
40 and any of the other provisions of the Constitution, the provisions of this Section shall
41 prevail. But nothing herein shall in any manner affect the provisions of Section 34 of Article

1 3 of the Constitution or of any laws heretofore or hereafter passed in pursuance thereof, or
2 be construed as preventing the Governor from calling extraordinary sessions of the General
3 Assembly, as provided by Section 16 of Article 2, or as preventing the General Assembly at
4 such extraordinary [extraordinary] sessions from considering any emergency appropriation
5 or appropriations.

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

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

13 SECTION 3. AND BE IT FURTHER ENACTED, That the amendment to the
14 Maryland Constitution proposed by Section 1 of this Act shall be submitted to the qualified
15 voters of the State at the next general election to be held in November 2022 for adoption or
16 rejection pursuant to Article XIV of the Maryland Constitution. At that general election,
17 the vote on the proposed amendment to the Constitution shall be by ballot, and on each
18 ballot there shall be printed the words “For the Constitutional Amendment” and “Against
19 the Constitutional Amendment”, as now provided by law. Immediately after the election,
20 all returns shall be made to the Governor of the vote for and against the proposed
21 amendment, as directed by Article XIV of the Maryland Constitution, and further
22 proceedings had in accordance with Article XIV.