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April 7, 2026

The Honorable Wes Moore  
Governor of Maryland  
State House, 100 State Circle  
Annapolis, Maryland 21401

***RE: Senate Bill 283, “Creation of a State Debt – Maryland Consolidated Capital Bond Loan of 2026, and the Maryland Consolidated Capital Bond Loans of 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, and 2025”***

Dear Governor Moore,

We have reviewed and hereby approve for constitutionality and legal sufficiency Senate Bill 283, “Creation of a State Debt – Maryland Consolidated Capital Bond Loan of 2026, and the Maryland Consolidated Capital Bond Loans of 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, and 2025” (capital budget bill). We write simply to offer comments on a few of the bill’s provisions.

Section 16 of the bill makes a number of clarifying amendments to § 7-305, § 8-128, and § 8-129 of the State Finance and Procurement Article, each of which relates to the termination of funding authorizations for capital projects. As you know, the annual capital budget bill is a supplementary appropriation bill.<sup>1</sup> As we have previously observed, the “inclusion of provisions in a supplementary appropriation bill that are not items of appropriation or related to items of appropriation and thus, are not subject to veto, may be subject to challenge on that very basis, particularly when these same provisions may arguably fall outside the single work, object or purpose requirement applicable to a supplementary appropriation bill.” Bill Review Letter on HB 340, dated May 19, 2005; *see also* Bill Review Letter on HB 151 of 2017, dated April 3, 2017.<sup>2</sup> Even though the provisions in section 16 are not subject to veto, they do not, in our view, raise significant constitutional concerns.

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<sup>1</sup> See Md. Const., art. III, § 52(8) (“Every appropriation bill shall be either a Budget Bill, or a Supplementary Appropriation Bill.”).

<sup>2</sup> Because the capital budget bill is a supplementary appropriation bill, it is subject to the limitations and restrictions in Article III, § 52(8) of the Maryland Constitution, including the limitation that such bills must be limited to a “single work, object or purpose.”

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Section 8-128 regulates the manner in which State general obligation debt authorizations are terminated, and § 8-129 governs the disposition of general obligation bond proceeds following the termination of an authorization under § 8-128. Section 7-305 contains termination provisions similar to those in § 8-128, but it governs the termination of capital appropriations that are *not* supported by State general obligation debt, such as capital appropriations made through the Budget Bill.

As §§ 8-128 and 8-129 are directly related to the State's general obligation bond program, the inclusion of those provisions in the capital budget bill does not, in our view, present a significant constitutional concern, even though they are not subject to gubernatorial item veto. Likewise, it is our view that including § 7-305 in the capital budget bill for the purpose of making conforming changes to that section is legally defensible, given that the changes are designed to maintain consistency with the termination provisions in § 8-128.

Lastly, Senate Bill 283 contains several authorizations to provide grants to various churches. Section 10 of the bill states that no portion of the funding authorized for any project (including any matching funds) may be "used for the furtherance of an essentially religious endeavor." Section 10 also authorizes the Board of Public Works to request evidence from a grant recipient that the funds will not be used for a purpose prohibited by the Act. Acting pursuant to that provision, the Board of Public Works can ensure that funds are used in a manner consistent with the Act and the limitations under the First Amendment to the United States Constitution and Article 36 of the Maryland Declaration of Rights.<sup>3</sup>

Sincerely,



Anthony G. Brown

cc: The Honorable Susan C. Lee, Secretary of State  
Jeremy Baker, Chief Legislative Officer  
Victoria L. Gruber, Exec. Director of DLS

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<sup>3</sup> The Establishment Clause of the First Amendment to the United States Constitution prohibits Congress and the states from enacting any law "respecting an establishment of religion." Article 36 of the Maryland Declaration of Rights provides, in relevant part, "nor ought any person to be compelled to frequent, or maintain, or contribute, unless on contract, to maintain, any place of worship, or any ministry."