

SENATE BILL 1034

B1

CONSTITUTIONAL AMENDMENT

5lr3573

By: **Senators Ready, Hershey, McKay, Salling, and Simonaire**

Introduced and read first time: February 9, 2025

Assigned to: Rules

A BILL ENTITLED

1 AN ACT concerning

2 **State Budget – Budget Bill – Executive and Legislative Powers**

3 FOR the purpose of altering certain executive and legislative powers concerning the Budget
4 Bill; repealing certain provisions authorizing the Governor to approve, disapprove,
5 or veto items in the Budget Bill; and repealing provisions authorizing the General
6 Assembly to amend certain items in enacting a balanced Budget Bill.

7 BY proposing an amendment to the Maryland Constitution
8 Article II – Executive Department
9 Section 17

10 BY proposing an amendment to the Maryland Constitution
11 Article III – Legislative Department
12 Section 14 and 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 II – Executive Department**

17 17.

18 (a) To guard against hasty or partial legislation and encroachment of the
19 Legislative Department upon the co-ordinate Executive and Judicial Departments, every
20 Bill, **EXCEPT FOR THE BUDGET BILL**, passed by the House of Delegates and the Senate,
21 before it becomes a law, shall be presented to the Governor of the State. If the Governor
22 approves the Bill, the Governor shall sign the Bill. [Except for the Budget Bill, if] **IF** the
23 Governor disapproves the Bill, the Governor shall return it with objections to the House in
24 which it originated, which House shall enter the objections at large on its Journal and

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 proceed to reconsider the Bill. Each House may adopt by rule a veto calendar procedure
2 that permits Bills that are to be reconsidered to be read and voted upon as a single group.
3 The members of each House shall be afforded reasonable notice of the Bills to be placed on
4 each veto calendar. Upon the objection of a member, any Bill shall be removed from the
5 veto calendar. If, after such reconsideration, three-fifths of the members elected to that
6 House pass the Bill, it shall be sent with the objections to the other House, by which it shall
7 likewise be reconsidered, and if it passes by three-fifths of the members elected to that
8 House it shall become a law. The votes of both Houses shall be determined by yeas and
9 nays, and the names of the persons voting for and against the Bill shall be entered on the
10 Journal of each House respectively.

11 (b) If any Bill presented to the Governor while the General Assembly is in session
12 is not returned by the Governor with objections within six days (Sundays excepted), the
13 Bill shall be a law in like manner as if the Governor signed it, unless the General Assembly,
14 by adjournment, prevents its return, in which case it shall not be a law.

15 (c) Any Bill presented to the Governor within six days (Sundays excepted), prior
16 to adjournment of any session of the General Assembly, or after such adjournment, shall
17 become law without the Governor's signature unless it is vetoed by the Governor within 30
18 days after its presentment.

19 (d) Any Bill[, except the Budget Bill,] vetoed by the Governor shall be returned
20 to the House in which it originated immediately after the House has organized at the next
21 regular or special session of the General Assembly[, other than in extraordinary session
22 convened under subsection (g) of this section]. The Bill may then be reconsidered according
23 to the procedure specified in this section. Any Bill enacted over the veto of the Governor, or
24 any Bill which shall become law as the result of the failure of the Governor to act within
25 the time specified, shall take effect 30 days after the Governor's veto is over-ridden, or on
26 the date specified in the Bill, whichever is later. If the Bill is an emergency measure, it
27 shall take effect when enacted. No such vetoed Bill shall be returned to the Legislature
28 when a new General Assembly of Maryland has been elected and sworn since the passage
29 of the vetoed Bill.

30 (e) [Except for the Budget Bill, the] **THE** Governor shall have power to
31 disapprove of any item or items of any Bills making appropriations of money embracing
32 distinct items, and the part or parts of the Bill approved shall be the law, and the item or
33 items of appropriations disapproved shall be void unless repassed according to the rules or
34 limitations prescribed for the passage of other Bills over the Executive veto.

35 [(f) (1) The Governor may approve or disapprove items in the Budget Bill as
36 provided in this subsection.

37 (2) The Governor may veto only items relating to the Executive
38 Department that have been increased or added by the General Assembly. The Governor
39 may not veto any other items in the Budget Bill.

(3) If the Governor vetoes an item that had been increased by the General Assembly and the General Assembly does not override the veto under subsection (g) of this section, that item shall revert to the proposed appropriation submitted by the Governor. The proposed appropriation shall then be law immediately without further action by the Governor.

(4) If the Governor vetoes an item that had been added by the General Assembly and the General Assembly does not override the veto under subsection (g) of this section, that item shall be void.

(5) Items not disapproved by the Governor shall be law immediately without further action by the Governor.

(g) (1) If the Governor vetoes an item in the Budget Bill, the General Assembly may convene in extraordinary session within 30 days after the date of the veto to consider whether to override the veto. If the General Assembly wishes to consider whether to override the Governor's veto of an item in the Budget Bill, the President of the Senate and the Speaker of the House of Delegates jointly shall issue a proclamation specifying the date on which to convene in extraordinary session.

(2) (i) The Budget Bill shall be returned by the Governor to the House in which it originated, and each vetoed item shall be considered individually.

(ii) If three-fifths of the members elected to that House vote to override the veto of an item, it shall be sent to the other House for consideration.

(iii) If three-fifths of the members of that House vote to override the veto of the item, that item shall revert to the appropriation originally passed by the General Assembly. The appropriation as originally passed shall then become law immediately, without further action by the Governor or the General Assembly.]

Article III – Legislative Department

14.

The General Assembly shall meet on the second Wednesday of January, nineteen hundred and seventy-one, and on the same day in every year thereafter, and at no other time, unless convened [by joint proclamation of the President of the Senate and the Speaker of the House of Delegates under Section 17(g) of Article II of this Constitution or] by Proclamation of the Governor. The Governor shall issue a Proclamation convening the General Assembly in extraordinary session if a majority of the members elected to the Senate and a majority of the members elected to the House of Delegates join in a petition to the Governor requesting that the Governor convene the General Assembly in extraordinary session, and the Governor shall convene the General Assembly on the date specified in the petition. This section does not affect the Governor's power to convene the General Assembly in extraordinary session pursuant to Section 16 of Article II of this Constitution.

1 52.

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

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

6 (3) On the third Wednesday in January in each year, (except in the case of a newly
7 elected Governor, and then not later than ten days after the convening of the General
8 Assembly), unless such time shall be extended by the General Assembly, the Governor shall
9 submit to the General Assembly a Budget for the next ensuing fiscal year. Each Budget
10 shall contain a complete plan of proposed expenditures and estimated revenues for said
11 fiscal year and shall show the estimated surplus or deficit of revenues at the end of the
12 preceding fiscal year. Accompanying each Budget shall be a statement showing: (a) the
13 revenues and expenditures for the preceding fiscal year; (b) the current assets, liabilities,
14 reserves and surplus or deficit of the State; (c) the debts and funds of the State; (d) an
15 estimate of the State's financial condition as of the beginning and end of the preceding fiscal
16 year; (e) any explanation the Governor may desire to make as to the important features of
17 the Budget and any suggestions as to methods for reduction or increase of the State's
18 revenue.

19 (4) Each Budget shall embrace an estimate of all appropriations in such form and
20 detail as the Governor shall determine or as may be prescribed by law, as follows: (a) for
21 the General Assembly as certified to the Governor in the manner hereinafter provided; (b)
22 for the Executive Department; (c) for the Judiciary Department, as provided by law, as
23 certified to the Governor; (d) to pay and discharge the principal and interest of the debt of
24 the State in conformity with Section 34 of Article III of the Constitution, and all laws
25 enacted in pursuance thereof; (e) for the salaries payable by the State and under the
26 Constitution and laws of the State; (f) for the establishment and maintenance throughout
27 the State of a thorough and efficient system of public schools in conformity with Article 8
28 of the Constitution and with the laws of the State; and (g) for such other purposes as are
29 set forth in the Constitution or laws of the State.

30 (5) The Governor shall deliver to the presiding officer of each House the Budget
31 and a bill for all the proposed appropriations of the Budget classified and in such form and
32 detail as the Governor shall determine or as may be prescribed by law; and the presiding
33 officer of each House shall promptly cause said bill to be introduced therein, and such bill
34 shall be known as the "Budget Bill." The Governor may, with the consent of the General
35 Assembly, before final action thereon by the General Assembly, amend or supplement said
36 Budget to correct an oversight, provide funds contingent on passage of pending legislation
37 or, in case of an emergency, by delivering such an amendment or supplement to the
38 presiding officers of both Houses; and such amendment or supplement shall thereby become
39 a part of said Budget Bill as an addition to the items of said bill or as a modification of or a
40 substitute for any item of said bill such amendment or supplement may affect.

1 (5a) The Budget and the Budget Bill as submitted by the Governor to the General
2 Assembly shall have a figure for the total of all proposed appropriations and a figure for
3 the total of all estimated revenues available to pay the appropriations, and the figure for
4 total proposed appropriations shall not exceed the figure for total estimated revenues.
5 Neither the Governor in submitting an amendment or supplement to the Budget Bill nor
6 the General Assembly in amending the Budget Bill shall thereby cause the figure for total
7 proposed appropriations to exceed the figure for total estimated revenues, including any
8 revisions, and in the Budget Bill as enacted the figure for total estimated revenues always
9 shall be equal to or exceed the figure for total appropriations.

10 (6) The General Assembly shall not amend the Budget Bill so as to affect either
11 the obligations of the State under Section 34 of Article III of the Constitution, or the
12 provisions made by the laws of the State for the establishment and maintenance of a system
13 of public schools or the payment of any salaries required to be paid by the State of Maryland
14 by the Constitution **THEREOF; AND THE GENERAL ASSEMBLY MAY AMEND THE BILL**
15 **BY INCREASING OR DIMINISHING THE ITEMS THEREIN RELATING TO THE GENERAL**
16 **ASSEMBLY, AND BY INCREASING OR DIMINISHING THE ITEMS THEREIN RELATING**
17 **TO THE JUDICIARY, BUT EXCEPT AS HEREINBEFORE SPECIFIED, MAY NOT ALTER**
18 **THE SAID BILL EXCEPT TO STRIKE OUT OR REDUCE ITEMS THEREIN, PROVIDED,**
19 **HOWEVER, THAT THE SALARY OR COMPENSATION OF ANY PUBLIC OFFICER SHALL**
20 **NOT BE DECREASED DURING THE PUBLIC OFFICER'S TERM OF OFFICE; AND SUCH**
21 **BILL, WHEN AND AS PASSED BY BOTH HOUSES, SHALL BE A LAW IMMEDIATELY**
22 **WITHOUT FURTHER ACTION BY THE GOVERNOR.**

23 [(6a) In enacting a balanced Budget Bill each fiscal year as required under this
24 Section, the General Assembly may amend the bill by increasing or diminishing the items
25 therein relating to the General Assembly, and by increasing or diminishing the items
26 therein relating to the judiciary, but except as hereinbefore specified, may not alter the bill
27 except to strike out or reduce items therein, provided, however, that the salary or
28 compensation of any public officer may not be decreased during the public officer's term of
29 office. When passed by both Houses, the Budget Bill shall be presented to the Governor for
30 approval or disapproval according to Section 17 of Article II of this Constitution.

31 (6b) In enacting a balanced Budget Bill as required under this Section for fiscal
32 year 2024 and each fiscal year thereafter, the General Assembly may amend the bill by
33 increasing, diminishing, or adding items therein relating to the General Assembly, by
34 increasing, diminishing, or adding items therein relating to the judiciary, and by
35 increasing, diminishing, or adding items therein relating to the Executive Department,
36 provided that the total of the appropriation for the Executive Department approved by the
37 General Assembly does not exceed the total proposed appropriation for the Executive
38 Department submitted by the Governor. The salary or compensation of any public officer
39 may not be decreased during the public officer's term of office. When passed by both Houses,
40 the Budget Bill shall be a law immediately without further action by the Governor.]

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

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

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

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

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

30 (11) For the purpose of making up the Budget, the Governor shall require from the
31 proper State officials (including all executive departments, all executive and administrative
32 offices, bureaus, boards, commissions and agencies that expend or supervise the
33 expenditure of, and all institutions applying, for State moneys and appropriations) such
34 itemized estimates and other information, in such form and at such times as directed by
35 the Governor. An estimate for a program required to be funded by a law which will be in
36 effect during the fiscal year covered by the Budget and which was enacted before July 1 of
37 the fiscal year prior to that date shall provide a level of funding not less than that prescribed
38 in the law. The estimates for the Legislative Department, certified by the presiding officer
39 of each House, of the Judiciary, as provided by law, certified by the Chief Justice of the
40 Supreme Court of Maryland, and for the public schools, as provided by law, shall be
41 transmitted to the Governor, in such form and at such times as directed by the Governor,
42 and shall be included in the 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 the Governor may, in
4 the Governor's 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 the Governor
6 may 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 enacted
8 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 provisions.

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

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

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

26 SECTION 3. AND BE IT FURTHER ENACTED, That the amendment to the
27 Maryland Constitution proposed by Section 1 of this Act shall be submitted to the qualified
28 voters of the State at the next general election to be held in November 2026 for adoption or
29 rejection in accordance with Article XIV of the Maryland Constitution. At that general
30 election, the vote on the proposed amendment to the Constitution shall be by ballot, and on
31 each ballot there shall be printed the words "For the Constitutional Amendment" and
32 "Against the Constitutional Amendment", as now provided by law. Immediately after the
33 election, all returns shall be made to the Governor of the vote for and against the proposed
34 amendment, as directed by Article XIV of the Maryland Constitution, and further
35 proceedings held in accordance with Article XIV.