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C. S. G.

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Senate Bill No. 76.

Introduced by Mr. Cooper.

Examined by Committee on Printed Bills:

Wm. F. Whaley  
J. S. Shepherd

Sealed with the Great Seal and presented to the Governor, for

his approval this... 27th ... day of ... March, 1916

at... 5:30 ... o'clock, ... P. M.

Secretary.

CHAPTER No. 159

AN ACT to propose an amendment to Section 52 of Article III, title Legislative Department, of the Constitution of this State, regulating the making of appropriations by the General Assembly of Maryland in regular session, and to provide for the submission of said amendment to the qualified voters of this State for adoption or rejection.

1 SECTION 1. *Be it enacted by the General Assembly of Mary-*  
2 *land, (three-fifths of all the members of each of the two*  
3 *houses concurring) that the following be and the same is*  
4 *hereby proposed as an amendment to Section 52 of Article III,*  
5 *title Legislative Department, of the Constitution of this State,*  
6 *the same, if adopted by the legally qualified voters of the State,*  
7 *as herein provided, to become Section 52 of Article III of*  
8 *the Constitution of Maryland.*

1 SEC. 52. The General Assembly shall not appropriate any  
2 money out of the Treasury except in accordance with the fol-  
3 lowing provisions:

4 *Sub-Section A:*

5 Every appropriation bill shall be either a Budget Bill, or a  
6 Supplementary Appropriation Bill, as hereinafter mentioned.

7 *Sub-Section B:*

*Filed April - 5 - 1916*

8 *First.* Within twenty days after the convening of the Gen-  
9 eral Assembly (except in the case of a newly elected Governor,  
10 and then within thirty days after his inauguration), unless such  
11 time shall be extended by the General Assembly for the session  
12 at which the Budget is to be submitted, the Governor shall sub-  
12a mit to the General Assembly two budgets, one for each  
12b of the ensuing fiscal years. Each budget shall contain a  
12c complete plan of proposed expenditures and estimated  
13 revenues for the particular fiscal year to which it relates; and  
14 shall show the estimated surplus or deficit of revenues at the  
15 end of such year. Accompanying each budget shall be a state-  
16 ment showing: (1) the revenues and expenditures for each of  
17 the two fiscal years next preceding; (2) the current assets,  
18 liabilities, reserves and surplus or deficit of the State; (3) the  
19 debts and funds of the State; (4) an estimate of the State's  
20 financial condition as of the beginning and end of each of the  
21 fiscal years covered by the two budgets above provided; (5) any  
22 explanation the Governor may desire to make as to the im-  
23 portant features of any budget and any suggestion as to meth-  
24 ods for the reduction or increase of the State's revenue.

25 *Second.* Each budget shall be divided into two parts,  
26 and the first part shall be designated "Governmental  
27 Appropriations" and shall embrace an itemized esti-  
28 mate of the appropriations: (1) for the General Assembly  
28a as certified to the Governor in the manner hereinafter pro-  
29 vided; (2) for the Executive Department; (3) for the Judici-  
30 ary Department, as provided by law, certified to the Gov-  
31 ernor by the Comptroller; (4) to pay and discharge the prin-  
32 cipal and interest of the debt of the State of Maryland in con-  
33 formity with Section 34 of Article III of the Constitution, and  
34 all laws enacted in pursuance thereof; (5) for the salaries pay-  
35 able by the State under the Constitution and laws of the State;  
36 (6) for the establishment and maintenance throughout the  
37 State of a thorough and efficient system of public schools in  
38 conformity with Article VIII of the Constitution and with the  
39 laws of the State; (7) for such other purposes as are set forth  
40 in the Constitution of the State.

41 *Third.* The second part shall be designated "General Ap-  
42 propriations," and shall include all other estimates of appro-  
43 priations.

44 The Governor shall deliver to the presiding officer of each  
45 house the budgets and a bill for all the proposed appropria-  
46 tions of the budgets clearly itemized and classified; and the  
47 presiding officer of each house shall promptly cause said bill  
48 to be introduced therein, and such bill shall be known as the  
49 "Budget Bill." The Governor may, before final action thereon  
50 by the General Assembly amend or supplement either of said  
51 budgets to correct an oversight or in case of an emergency, with  
52 the consent of the General Assembly by delivering such an  
53 amendment or supplement to the presiding officers of both  
54 houses; and such amendment or supplement shall thereby be-  
55 come a part of said budget bill as an addition to the items of  
56 said bill or as a modification of or a substitute for any item of  
57 said bill such amendment or supplement may affect.

58 The General Assembly shall not amend the budget bill so as to  
59 affect either the obligations of the State under Section 34 of  
60 Article III of the Constitution, or the provision made by the  
60a laws of the State for the establishment and maintenance of a  
61 system of public schools, or the payment of any salaries required  
62 to be paid by the State of Maryland by the Constitution thereof;  
63 and the General Assembly may amend the bill by increasing  
64 or diminishing the items therein relating to the General  
65 Assembly, and by increasing the items therein relating to  
66 the judiciary, but except as hereinbefore specified, may not  
67 alter the said bill except to strike out or reduce items therein,  
68 provided, however, that the salary or compensation of any  
69 public officer shall not be decreased during his term of office;  
70 and such bill when and as passed by both houses shall be a  
71 law immediately without further action by the Governor.

72 *Fourth.* The Governor and such representatives of the execu-  
73 tive departments, boards, officers and commissions of the State  
74 expending or applying for State's moneys, as have been des-  
75 ignated by the Governor for this purpose, shall have the right,  
76 and when requested by either house of the Legislature, it shall  
77 be their duty to appear and be heard with respect to any bud-

78 get bill during the consideration thereof, and to answer in-  
79 quiries relative thereto.

80 *Sub-Section C: Supplementary Appropriation Bills:*

81 Neither house shall consider other appropriations until the  
82 Budget Bill has been finally acted upon by both houses, and no  
83 such other appropriation shall be valid except in accordance  
84 with the provisions following: (1) Every such appropriation  
85 shall be embodied in a separate bill limited to some single  
86 work, object or purpose therein stated and called herein a Sup-  
87 plementary Appropriation Bill; (a) Each Supplementary Ap-  
88 propriation Bill shall provide the revenue necessary to pay the  
89 appropriation thereby made by a tax, direct or indirect, to be  
90 laid and collected as shall be directed in said Bill; (3) No  
91 Supplementary Appropriation Bill shall become a law unless  
92 it be passed in each house by a vote of a majority of the whole  
93 number of the members elected; and the yeas and nays recorded  
94 on its final passage; (4) Each Supplementary Appropriation  
95 Bill shall be presented to the Governor of the State as provided  
96 in Section 17 of Article II of the Constitution and thereafter  
97 all the provisions of said Section shall apply.

98 Nothing in this amendment shall be construed as preventing  
99 the Legislature from passing at any time in accordance with  
100 the provisions of Section 28 of Article III of the Constitution  
101 and subject to the Governor's power of approval as provided  
102 in Section 17 of Article II of the Constitution an appropriation  
103 bill to provide for the payment of any obligation of the State  
104 of Maryland within the protection of Section 10 of Article I  
105 of the Constitution of the United States.

106 *Sub-Section D: General Provisions:*

107 *First.* If the Budget Bill shall not have been finally acted  
108 upon by the Legislature three days before the expiration of its  
109 regular session, the Governor may, and it shall be his duty  
110 to issue a proclamation extending the session for such further  
111 period as may in his judgment be necessary for the passage of  
112 such Bill; but no other matter than such Bill shall be con-  
113 sidered during such extended session except a provision for the  
114 cost thereof.

115 *Second.* The Governor for the purpose of making up his  
116 budgets shall have the power, and it shall be his duty, to re-

117 quire from the proper State officials, including herein all ex-  
118 ecutive departments, all executive and administrative  
118a offices, bureaus, boards, commissions and agencies expending  
119 or supervising the expenditure of, and all institutions  
120 applying for State moneys and appropriations, such item-  
120a ized estimates and other information, in such form and  
121 at such times as he shall direct. The estimates for the legis-  
122 lative department, certified by the presiding officer of each  
123 house, of the judiciary, as provided by law, certified by the  
124 Comptroller, and for the public schools, as provided by law,  
125 shall be transmitted to the Governor, in such form and at such  
126 times as he shall direct, and shall be included in the budget  
127 without revision.

128 The Governor may provide for public hearings on all esti-  
129 mates and may require the attendance at such hearings of rep-  
130 resentatives of all agencies, and of all institutions applying for  
131 State moneys. After such public hearings he may in his  
132 discretion revise all estimates except those for the legislative  
133 and judiciary departments, and for the public schools as pro-  
134 vided by law.

135 *Third.* The Legislature may, from time to time, enact such  
136 laws, not inconsistent with this Section, as may be necessary and  
137 proper to carry out its provisions.

138 *Fourth.* In the event of any inconsistency between any  
139 of the provisions of this Section and any of the other  
139a provisions of the Constitution, the provisions of this Sec-  
140 tion shall prevail. But nothing herein shall in any man-  
141 ner affect the provisions of Section 34 of Article III of the Con-  
142 stitution or of any laws heretofore or hereafter passed in pur-  
143 suance thereof, or be construed as preventing the Governor  
144 from calling extraordinary sessions of the Legislature, as pro-  
145 vided by Section 16 of Article II, or as preventing the Legis-  
146 lature at such extraordinary sessions from considering any  
147 emergency appropriation or appropriations.

148 If any item of any appropriation bill passed under the pro-  
149 visions of this Section shall be held invalid upon any ground,  
150 such invalidity shall not affect the legality of the Bill or of  
151 any other item of such Bill or Bills.

1     SEC. 2. *And be it enacted, by the authority aforesaid, That*  
2     the said foregoing Section hereby proposed as an amendment  
3     to the Constitution shall at the next ensuing general election  
4     being the presidential and congressional election, to be held on  
5     the Tuesday next after the first Monday of November, nine-  
6     teen hundred and sixteen, be submitted to the legal and quali-  
7     fied voters of the State for their adoption or rejection in con-  
8     formity with the directions contained in Article XIV of the  
9     Constitution of this State, and at the said election the vote on  
10    said proposed amendment to the Constitution shall be by bal-  
11    lot, and upon each ballot there shall be placed the following  
12    synopsis of said amendment under the caption of

13    “CONSTITUTIONAL AMENDMENT PROVIDING  
14                                    FOR A BUDGET.”

15    “*This amendment provides that the Governor shall present*  
16    to the Legislature soon after it is convened a Budget giving  
17    a complete plan of proposed expenditures and estimated reve-  
18    nues for the two succeeding fiscal years showing clearly any  
19    surplus or deficit in State funds. In these estimates he shall  
20    make provision for the interest and sinking funds of all State  
21    debts, for all salaries as fixed by law, and for the public schools  
22    as fixed by law. With regard to most other matters he may  
23    revise the estimates presented to him either by State officers  
24    or State-aided institutions. The Legislature may not increase  
25    the estimates presented by the Governor or pass any additional  
26    appropriation act except by a majority vote and must make  
27    provision by tax for such increase or additional appropriation.  
28    The Legislature may not alter in an appropriation act the pro-  
29    vision made by law for the State debt, or for the  
30    judiciary, but may reduce all other items in the Governor’s  
31    estimates;” and the words “For the Constitutional Amend-

32 ment" and "Against the Constitutional Amendment," as now  
33 provided by law, and immediately after said election due re-  
34 turns shall be made to the Governor of the vote for and against  
35 the proposed amendment, and further proceedings had in ac-  
36 cordance with Article XIV of the Constitution.

Approved: *March 28, 1916*  
*Emerson C. Harrington*  
Governor.

*Peter J. Campbell*  
President of the Senate.

*Philip D. Laird*  
Speaker of The House of Delegates.

*EXECUTIVE DEPARTMENT*

*This act in the order of approval*

*is number* 95

