

Article III - Legislative Department
Section 52 (11) and (12)

Preamble

WHEREAS, The Court of Appeals of Maryland, in Maryland Actior for Foster Children, Inc. v. State, 279 Md. 133 (1977), has held that Section 52 of Article III of the Constitution of Maryland does not authorize the General Assembly to enact legislation (other than an appropriation bill) which requires the Governor, in the preparation of the annual budget, to provide for the funding of specified programs at specified levels; and

WHEREAS, The inability of the General Assembly to mandate minimum funding levels of State programs so emasculates the policy-making function of the legislative branch that it is imperative that the Constitution of Maryland be amended so as to authorize the General Assembly to enact legislation (other than an appropriation bill) requiring the Governor, in the preparation of the annual State budget, to provide for the funding of specified programs at specified levels, contrary to the holding of the majority opinion and consistent with the holdings of the minority opinions in that case; now, therefore,

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elected to each of the two Houses concurring), That it be proposed that section(s) of the Constitution of Maryland be repealed, amended, or added to read as follows:

Article III - Legislative Department

52.

(11) The Governor for the purpose of making up his Budget shall have the power, and it shall be his duty, to require from the proper State officials, including herein all executive departments, all executive and administrative offices, bureaus, boards, commissions and agencies, expending or supervising the expenditure of, and all institutions applying for state moneys and appropriations, such itemized estimates and other information, in such form and at such times as he shall direct, EXCEPT THAT AN ESTIMATE FOR A PROGRAM REQUIRED TO BE FUNDED BY A LAW WHICH WILL BE IN EFFECT DURING THE FISCAL YEAR COVERED BY THE BUDGET AND WHICH WAS ENACTED BEFORE JULY 1 OF THE FISCAL YEAR PRIOR THERETO SHALL PROVIDE A LEVEL OF FUNDING NOT LESS THAN THAT PRESCRIBED IN THE LAW. The estimates for the Legislative Department, certified by the presiding officer of each House, of the Judiciary, as provided by law, certified by the Comptroller, and for the public schools, as provided by law, shall be transmitted to the Governor, in such form and at such times as he shall direct, and shall be