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February 14, 2014

The Honorable Martin O'Malley  
Governor of Maryland  
State House  
100 State Circle  
Annapolis, Maryland 21401

Dear Governor O'Malley:

We hereby approve Senate Bill 152, an emergency bill, for constitutionality and legal sufficiency. In doing so, we note that bond bills, like SB 152, are supplementary appropriation bills and, as such, are governed by Article III, Section 52 (8) of the Maryland Constitution. That provision, among other requirements, prohibits the General Assembly from "finally act[ing]" on a supplementary appropriation bill "until after the Budget Bill has been finally acted upon by both Houses." Because, however, SB 152 merely changes the name of the grantee and does not authorize an additional appropriation, we do not think that SB 152 violates this Constitutional provision. We urge the legislature to exercise caution with employing this procedure and note that if the legislature was to approve a bond bill creating a new authorization or "repurposing" an existing authorization to a new purpose, prior to final adoption of the Budget Bill, we would be compelled to come to the opposite conclusion.

Very truly yours,

A handwritten signature in black ink that reads "Douglas F. Gansler".

Douglas F. Gansler  
Attorney General

DFG/DF/kk

cc: The Honorable John P. McDonough  
Jeanne D. Hitchcock  
Karl Aro