

SENATE BILL 28

P4

CONSTITUTIONAL AMENDMENT
(PRE-FILED)

6lr0953

SB 288/25 – B&T & FIN

CF 6lr2434

By: Senator McCray

Requested: September 24, 2025

Introduced and read first time: January 14, 2026

Assigned to: Budget and Taxation and Finance

A BILL ENTITLED

1 AN ACT concerning

2 **Arbitration Reform for State Employees Act of 2026**

3 FOR the purpose of altering the collective bargaining process for certain State employees,
4 including by requiring the selection of a neutral arbitrator to oversee all aspects of
5 collective bargaining, establishing a process of arbitration in the event of impasse,
6 and providing that certain decisions of a neutral arbitrator are advisory; altering the
7 matters that are required to be included in collective bargaining; requiring that each
8 budget bill contain the appropriations necessary to implement all terms and
9 conditions of employment in certain memoranda of understanding for the next
10 ensuing fiscal year; and generally relating to collective bargaining for State
11 employees.

12 BY repealing and reenacting, with amendments,
13 Article – State Finance and Procurement
14 Section 7–108
15 Annotated Code of Maryland
16 (2021 Replacement Volume and 2025 Supplement)

17 BY repealing and reenacting, with amendments,
18 Article – State Personnel and Pensions
19 Section 3–103, 3–501, 3–502, and 3–603
20 Annotated Code of Maryland
21 (2024 Replacement Volume and 2025 Supplement)

22 BY adding to
23 Article – State Personnel and Pensions
24 Section 3–503
25 Annotated Code of Maryland
26 (2024 Replacement Volume and 2025 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 BY proposing an amendment to the Maryland Constitution
2 Article III – Legislative Department
3 Section 52

4 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
5 That the Laws of Maryland read as follows:

6 **Article – State Finance and Procurement**

7 7–108.

8 (a) In accordance with the Maryland Constitution and other law, the Governor
9 shall include in each budget bill:

10 (1) an appropriation to pay the principal of and interest on the State debt;

11 (2) without revision, the appropriations requested for public schools, as
12 certified by the State Superintendent of Schools;

13 (3) without revision, the appropriations requested for the Legislative
14 Branch of the State government, as certified by the presiding officers of the General
15 Assembly;

16 (4) without revision, the appropriations requested for the Judicial Branch
17 of the State government, as certified by the Chief Justice of the Supreme Court of Maryland;

18 (5) the appropriations requested by the Governor for the Executive Branch
19 of the State government;

20 (6) the appropriations required by law to be included with the
21 appropriations for the Executive Branch;

22 (7) appropriations for the salaries required by law to be paid by the State;

23 (8) without revision, appropriations for the Accountability and
24 Implementation Board, as jointly certified by the presiding officers of the General Assembly
25 and the Governor; and

26 (9) any other appropriations required by the Maryland Constitution or
27 other law to be included in the budget bill.

28 (b) The Governor shall use the current salary plan of the Secretary of Budget and
29 Management as the basis for the appropriations to pay those salaries to which the plan
30 applies.

31 (C) **IN ADDITION TO THE APPROPRIATIONS REQUIRED UNDER SUBSECTION**
32 **(A) OF THIS SECTION, THE GOVERNOR SHALL INCLUDE IN EACH ANNUAL BUDGET**

1 BILL THE APPROPRIATIONS NECESSARY TO IMPLEMENT AND FUND ALL TERMS
2 WITHIN EACH MEMORANDUM OF UNDERSTANDING BETWEEN:

3 (1) THE STATE AND EACH EXCLUSIVE REPRESENTATIVE OF ITS
4 EMPLOYEES;

5 (2) STATE INSTITUTIONS OF HIGHER EDUCATION, INCLUDING THE
6 UNIVERSITY SYSTEM OF MARYLAND, AND EACH EXCLUSIVE REPRESENTATIVE OF
7 THEIR EMPLOYEES; AND

8 (3) THE MARYLAND ENVIRONMENTAL SERVICE AND EACH
9 EXCLUSIVE REPRESENTATIVE OF ITS EMPLOYEES.

10 **Article – State Personnel and Pensions**

11 3–103.

12 This title and any agreement under this title do not limit or otherwise interfere with
13 the powers of the Governor or the Maryland General Assembly [under] EXCEPT TO
14 OPERATE IN ACCORDANCE WITH AND HAVE THE EFFECT REQUIRED BY Article III, §
15 52 of the Maryland Constitution.

16 3–501.

17 (a) (1) The following individuals or entities shall designate one or more
18 representatives to participate as a party in collective bargaining on behalf of the State or
19 the following institutions:

20 (i) on behalf of the State, the Governor;

21 (ii) on behalf of the Maryland Environmental Service, the Board of
22 Directors of the Service;

23 (iii) on behalf of the University System of Maryland, the Chancellor;
24 and

25 (iv) on behalf of Morgan State University, St. Mary's College of
26 Maryland, or Baltimore City Community College, the governing board of the institution.

27 (2) The exclusive representative shall designate one or more
28 representatives to participate as a party in collective bargaining on behalf of the exclusive
29 representative.

30 (b) (1) [The] SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE
31 parties shall meet at reasonable times [and] BETWEEN JULY 1 AND SEPTEMBER 30 TO
32 engage in collective bargaining in good faith[, including facilitating the meaningful use of

1 a fact finder under subsection (c)(3) of this section,] and to conclude a written memorandum
2 of understanding or other written understanding as defined under § 3–101(d)(1)(i)2 of this
3 title.

4 **(2) (I) THIS PARAGRAPH DOES NOT APPLY TO A BARGAINING UNIT**
5 **FOR THE UNIFORMED FIRE EMPLOYEES OF THE BWI AIRPORT FIRE AND RESCUE**
6 **DEPARTMENT.**

7 **(II) 1. FOR EACH BARGAINING UNIT, WHENEVER A**
8 **MEMORANDUM OF UNDERSTANDING IS TO BE NEGOTIATED, REOPENED, OR**
9 **AMENDED, EITHER PARTY MAY REQUEST A NEUTRAL ARBITRATOR FOR THE**
10 **NEGOTIATIONS ON OR AFTER JULY 1.**

11 **2. IF NEGOTIATIONS HAVE NOT CONCLUDED BY**
12 **SEPTEMBER 1, THE PARTIES SHALL SELECT A NEUTRAL ARBITRATOR ON OR BEFORE**
13 **SEPTEMBER 15.**

14 **(III) THE ARBITRATOR SHALL BE SELECTED FROM A LIST OF 15**
15 **ARBITRATORS PROVIDED BY THE AMERICAN ARBITRATION ASSOCIATION'S LABOR**
16 **ARBITRATION PANEL.**

17 **(IV) THE LIST SHALL CONSIST OF QUALIFIED, NATIONWIDE**
18 **ARBITRATORS WHO ARE MEMBERS OF THE NATIONAL ACADEMY OF ARBITRATION.**

19 **(V) THE PARTIES SHALL SELECT THE ARBITRATOR BY**
20 **ALTERNATELY STRIKING NAMES FROM THE LIST UNTIL ONE NAME REMAINS.**

21 **(VI) THE SELECTED ARBITRATOR MUST BE ABLE AND**
22 **AVAILABLE TO PERFORM THE DUTIES AND TO HOLD HEARINGS, BOTH IN PERSON**
23 **AND THROUGH REMOTE COMMUNICATION, CONSISTENT WITH THIS TITLE.**

24 **(VII) THE ARBITRATOR SHALL HAVE THE POWERS AND**
25 **RESPONSIBILITIES UNDER § 3–503 OF THIS SUBTITLE.**

26 **(VIII) THE SELECTED ARBITRATOR SHALL ACCEPT THE**
27 **APPOINTMENT BY THE EARLIER OF SEPTEMBER 30 OR 15 DAYS AFTER THE DAY A**
28 **PARTY REQUESTS AN ARBITRATOR BE SELECTED, OR THE PARTIES MAY AGREE TO**
29 **MAKE AN ALTERNATIVE APPOINTMENT FROM:**

30 **1. THE LIST ORIGINALLY PROVIDED BY THE AMERICAN**
31 **ARBITRATION ASSOCIATION; OR**

32 **2. A LIST OF NATIONWIDE ARBITRATORS PROVIDED BY**
33 **THE FEDERAL MEDIATION AND CONCILIATION SERVICE.**

1 **(3) THE PARTIES SHALL MAKE A REASONABLE EFFORT TO BEGIN**
2 **NEGOTIATIONS ON OR NEAR JULY 1, INCLUDING THE EXCHANGE OF INFORMATION**
3 **NECESSARY TO RESPONSIBLY CONDUCT AND CONCLUDE NEGOTIATIONS BY**
4 **SEPTEMBER 30.**

5 (c) [(1) The parties shall make every reasonable effort to conclude negotiations
6 in a timely manner for inclusion by the principal unit in its budget request to the Governor.

7 (2) (i) The parties shall conclude negotiations before January 1 for any
8 item requiring an appropriation of funds for the fiscal year that begins on the following
9 July 1.

10 (ii) In the budget bill submitted to the General Assembly, the
11 Governor shall include any amounts in the budgets of the principal units required to
12 accommodate any additional cost resulting from the negotiations, including the actuarial
13 impact of any legislative changes to any of the State pension or retirement systems that
14 are required, as a result of the negotiations, for the fiscal year beginning the following July
15 1 if the legislative changes have been negotiated to become effective in that fiscal year.

16 (3) (i) This paragraph does not apply to negotiations between the State
17 and the exclusive representative of the uniformed fire employees of the BWI Airport Fire
18 and Rescue Department.

19 (ii) If the parties do not conclude negotiations for the next fiscal year
20 before October 25, either party may request that a fact finder be employed to resolve the
21 issues.

22 (iii) The fact finder shall be employed no later than November 1.

23 (iv) A fact finder shall be a neutral party appointed by alternate
24 striking from a list by the parties provided:

25 1. by the Federal Mediation and Conciliation Service; or

26 2. under the Labor Arbitration Rules of the American
27 Arbitration Association.

28 (v) The fact finder:

29 1. may give notice and hold hearings in accordance with the
30 Administrative Procedure Act;

31 2. may administer oaths and take testimony and other
32 evidence;

33 3. may issue subpoenas; and

1 4. before November 20, shall make written recommendations
2 regarding wages, hours, and working conditions, and any other terms or conditions of
3 employment that may be in dispute.

4 (vi) The written recommendations of the fact finder shall be delivered
5 to the Governor, the exclusive representative, the President of the Senate, and the Speaker
6 of the House of Delegates by the Secretary on or before December 1.]

7 [(4) (i)] (1) This [paragraph] SUBSECTION applies only to
8 negotiations between the State and the exclusive representative of the uniformed fire
9 employees of the BWI Airport Fire and Rescue Department.

10 [(ii)] (2) The parties shall reach an agreement by September 30 of
11 the year in which a collective bargaining agreement will expire.

12 [(iii)] (3) An impasse is reached during the negotiations if the
13 parties do not reach an agreement:

14 [1.] (I) by stating that they mutually agree they are at an
15 impasse; or

16 [2.] (II) on or before October 1 of the year in which a
17 collective bargaining agreement will expire.

18 [(iv)] (4) If an impasse is reached under [subparagraph (iii) of this
19 paragraph] PARAGRAPH (3) OF THIS SUBSECTION, each party shall submit its last, best,
20 and final offer to the other party within 48 hours after the impasse is reached.

21 [(v) 1.] (5) (I) Unless the impasse has been resolved, the
22 parties shall meet within 5 business days after the impasse is reached under
23 [subparagraph (iii) of this paragraph] PARAGRAPH (3) OF THIS SUBSECTION to select an
24 arbitrator from a list of 15 arbitrators provided by the American Arbitration Association's
25 labor arbitration panel.

26 [2.] (II) The parties shall select the arbitrator by alternately
27 striking a name from the list until one name remains.

28 [3.] (III) If the selected arbitrator is unable to fulfill the
29 responsibilities of the arbitration, the selection process shall be repeated using a new list
30 of arbitrators until an arbitrator is selected.

31 [4.] (IV) The parties shall submit the dispute and the last,
32 best, and final offers to the arbitrator within 5 business days after the arbitrator is selected.

1 [(vi) 1.] (6) (I) The arbitrator shall hold formal hearings as
2 necessary in order to resolve the impasse.

3 [2.] (II) During the first 21 days immediately following the
4 appointment of the arbitrator and before holding any formal hearings, the arbitrator may,
5 if determined appropriate by the arbitrator, attempt to resolve the impasse by acting as a
6 neutral mediator between the parties.

7 [(vii)] (7) The arbitrator shall select one party's last, best, and final
8 offer on or before December 15.

9 [(viii) 1.] (8) (I) Subject to [subsubparagraph 2 of this
10 subparagraph] **SUBPARAGRAPH (II) OF THIS PARAGRAPH**, the decision of the arbitrator
11 is binding on the parties.

12 [2.] (II) A decision of an arbitrator under this paragraph
13 related to wages is subject to the limitations of the State budget.

14 [(ix)] (9) The parties shall equally share the costs of the services of
15 the arbitrator.

16 (d) (1) A memorandum of understanding [that incorporates all matters of
17 agreement reached by the parties] **REACHED BY MUTUAL AGREEMENT** shall be executed
18 by the exclusive representative and:

19 (i) for a memorandum of understanding relating to the State, the
20 Governor or the Governor's designee;

21 (ii) for a memorandum of understanding relating to the Maryland
22 Environmental Service, the Board of Directors of the Service;

23 (iii) for a memorandum of understanding relating to a system
24 institution, the Chancellor or the Chancellor's designee; and

25 (iv) for a memorandum of understanding relating to Morgan State
26 University, St. Mary's College of Maryland, or Baltimore City Community College, the
27 governing board of the institution or the governing board's designee.

28 (2) To the extent [these] matters **INCORPORATED IN A MEMORANDUM**
29 **OF UNDERSTANDING** require legislative approval or the appropriation of funds, the
30 matters shall be [recommended] **REFERRED** to the General Assembly for approval or for
31 the appropriation of funds **AS REQUIRED UNDER ARTICLE III, § 52 OF THE MARYLAND**
32 **CONSTITUTION.**

(3) To the extent matters involving a State institution of higher education require legislative approval, the legislation shall be [recommended] REFERRED to the Governor [for submission to] AND the General Assembly.

4 (e) (1) Except as provided in paragraph (2) of this subsection, negotiations for
5 a memorandum of understanding shall be considered closed sessions under § 3–305 of the
6 General Provisions Article.

(2) An exclusive representative may not be considered a public body under § 3–101 of the General Provisions Article.

9 (f) (1) The terms of a memorandum of understanding executed by the
10 Governor or the Governor's designee and an exclusive representative of a bargaining unit
11 for skilled service or professional service employees in the State Personnel Management
12 System are not applicable to employees of a State institution of higher education.

19 3-502.

20 (a) Collective bargaining shall include all matters relating to:

(1) wages, hours, **FRINGE BENEFITS**, **HEALTH BENEFITS**, and other terms and conditions of employment; and

(2) the time and manner of access to a new employee program in accordance with § 22-207 of the State Government Article.

(1) may not be required to negotiate over any matter that is inconsistent with applicable law; and

1 3-503.

2 (A) (1) A NEUTRAL ARBITRATOR SELECTED UNDER § 3-501(B) OF THIS
3 SUBTITLE:

4 (I) MAY MEDIATE OR AID IN THE RESOLUTION OF ANY DISPUTE
5 BETWEEN THE PARTIES REGARDING THE CONDUCT OF NEGOTIATIONS;

6 (II) MAY RECEIVE FROM THE PARTIES COPIES OF INFORMATION
7 REQUESTS PRESENTED AND RESPONSES RECEIVED TO MEDIATE OR AID IN THE
8 RESOLUTION OF DISPUTES THAT ARISE BETWEEN THE PARTIES CONSISTENT WITH
9 THIS TITLE; AND

10 (III) MAY DIRECT PRODUCTION OF ESTIMATES OF REVENUES
11 AND EXPENDITURES COMPILED BY THE STATE BOARD OF REVENUE ESTIMATES,
12 THE BUREAU OF REVENUE ESTIMATES, OR THE CONSENSUS REVENUE
13 MONITORING AND FORECASTING GROUP.

14 (2) (I) THE OPINIONS AND GUIDANCE ISSUED BY THE NEUTRAL
15 ARBITRATOR UNDER THIS SUBSECTION SHALL BE ADVISORY ON THE PARTIES AND
16 THE GOVERNOR.

17 (II) THE USE OF A NEUTRAL ARBITRATOR DOES NOT DIMINISH
18 OR LIMIT THE RIGHTS OF ANY PARTY TO FILE AND PURSUE A COMPLAINT OF UNFAIR
19 LABOR PRACTICES BEFORE THE BOARD.

20 (B) (1) IF EITHER PARTY DECLares AN IMPASSE ON OR AFTER OCTOBER
21 1, ARBITRATION SHALL PROCEED AS DESCRIBED IN THIS SUBSECTION.

22 (2) (I) ON THE FIFTH BUSINESS DAY AFTER THE IMPASSE IS
23 DECLARED, EACH PARTY SHALL SUBMIT TO THE NEUTRAL ARBITRATOR, IN WRITING
24 AND WITH A COPY TO THE OTHER PARTY, A LAST, BEST, AND FINAL OFFER,
25 INCLUDING:

26 1. ALL PROVISIONS IN THE EXISTING MEMORANDUM OF
27 UNDERSTANDING NOT TO BE MODIFIED;

28 2. ALL NEW, AMENDED, OR MODIFIED MEMORANDUM OF
29 UNDERSTANDING PROVISIONS AGREED TO BY THE PARTIES BEFORE THE IMPASSE
30 WAS DECLARED THAT ARE TO BE INCLUDED THROUGH WRITTEN MUTUAL
31 AGREEMENT; AND

1 **3. SUBJECT TO SUBPARAGRAPH (II) OF THIS**
2 **PARAGRAPH, DETAILED FURTHER PROVISIONS THAT A PARTY IS PROPOSING FOR**
3 **INCLUSION IN A MEMORANDUM OF UNDERSTANDING.**

(3) THE NEUTRAL ARBITRATOR ACTING AS A MEDIATOR SHALL ATTEMPT TO RESOLVE THE IMPASSE BEFORE A FORMAL HEARING ON THE IMPASSE.

12 **(4) (I) WITHIN 30 CALENDAR DAYS AFTER A DECLARED IMPASSE,**
13 THE NEUTRAL ARBITRATOR SHALL HOLD A FORMAL HEARING AT WHICH THE
14 PARTIES MAY SUBMIT, IN WRITING OR ORAL TESTIMONY, ALL INFORMATION OR
15 DATA SUPPORTING THE FINAL POSITIONS.

(6) (i) THE NEUTRAL ARBITRATOR SHALL ISSUE A PRELIMINARY WRITTEN AWARD ON OR BEFORE DECEMBER 5.

(iv) ON OR BEFORE DECEMBER 15, THE NEUTRAL ARBITRATOR
SHALL ISSUE A FINAL WRITTEN AWARD IN WHICH THE ARBITRATOR:

3 **1. SHALL ORDER IMPLEMENTATION OF THE LAST, BEST,**
4 **AND FINAL OFFER OF EITHER PARTY IN ITS ENTIRETY, INCORPORATING ANY**
5 **VOLUNTARILY AGREED-TO TERMS BETWEEN THE PARTIES; AND**

(7) THE NEUTRAL ARBITRATOR SHALL CONSIDER THE FOLLOWING WHEN DEVELOPING A WRITTEN AWARD:

(III) THE INTERESTS AND WELFARE OF THE PUBLIC;

26 (v) THE PRESENT AND FUTURE GENERAL ECONOMIC
27 CONDITION OF THE STATE OR STATE INSTITUTIONS OF HIGHER EDUCATION;

5 (F) A DEADLINE IN THIS SECTION MAY BE MODIFIED, BASED ON GOOD
6 CAUSE, BY MUTUAL AGREEMENT OF THE PARTIES OR BY ORDER OF THE NEUTRAL
7 ARBITRATOR.

(G) (1) THE COSTS OF THE SERVICES OF THE NEUTRAL ARBITRATOR
SHALL BE SHARED EQUALLY BY THE PARTIES.

10 **(2) ALL OTHER COSTS INCURRED BY EITHER PARTY TO COMPLY WITH**
11 **THIS SECTION SHALL BE THE RESPONSIBILITY OF THE PARTY INCURRING THE**
12 **COSTS.**

13 3-603.

14 (a) A memorandum of understanding [agreed to and ratified under § 3–601 of this
15 subtitle] may not expire until it is succeeded by a memorandum of understanding that is
16 agreed to and ratified or adopted by arbitration under this title.

17 (b) Notwithstanding § 3–601(b) of this subtitle, all terms of a memorandum of
18 understanding shall continue in force and effect without change until a successor
19 memorandum of understanding is agreed to and ratified.

20 (c) (1) Based on a verified complaint by an exclusive representative, the
21 exclusive representative may file an action in a circuit court against the State, the
22 Maryland Environmental Service, a system institution, Morgan State University, St.
23 Mary's College of Maryland, or Baltimore City Community College to enforce the terms of
24 this section.

28 SECTION 2. AND BE IT FURTHER ENACTED, (Three-fifths of all the members
29 elected to each of the two Houses concurring), That it be proposed that the Maryland
30 Constitution read as follows:

Article III – Legislative Department

32 52.

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

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

3 (3) On the third Wednesday in January in each year, (except in the case of a newly
4 elected Governor, and then not later than ten days after the convening of the General
5 Assembly), unless such time shall be extended by the General Assembly, the Governor shall
6 submit to the General Assembly a Budget for the next ensuing fiscal year. Each Budget
7 shall contain a complete plan of proposed expenditures and estimated revenues for said
8 fiscal year and shall show the estimated surplus or deficit of revenues at the end of the
9 preceding fiscal year. **EACH BUDGET SHALL ALSO CONTAIN THE APPROPRIATIONS**
10 **NECESSARY TO IMPLEMENT ALL TERMS AND CONDITIONS OF EMPLOYMENT IN EACH**
11 **MEMORANDUM OF UNDERSTANDING CONCLUDED WITH THE STATE, WHETHER**
12 **REACHED THROUGH MUTUAL AGREEMENT OR ARBITRATION THAT IS BINDING ON**
13 **THE PARTIES, THE GOVERNOR, STATE INSTITUTIONS OF HIGHER EDUCATION, AND**
14 **THE MARYLAND ENVIRONMENTAL SERVICE, FOR THE NEXT ENSUING FISCAL YEAR**
15 **FOR STATE EMPLOYEES IN THE VARIOUS BRANCHES AND DEPARTMENTS OF STATE**
16 **GOVERNMENT, INCLUDING HIGHER EDUCATION.** Accompanying each Budget shall be a
17 statement showing: (a) the revenues and expenditures for the preceding fiscal year; (b) the
18 current assets, liabilities, reserves and surplus or deficit of the State; (c) the debts and
19 funds of the State; (d) an estimate of the State's financial condition as of the beginning and
20 end of the preceding fiscal year; (e) **CHANGES IN WAGES, HOURS, FRINGE BENEFITS,**
21 **HEALTH BENEFITS, AND OTHER TERMS AND CONDITIONS OF EMPLOYMENT FOR**
22 **STATE EMPLOYEES INCLUDED IN EACH MEMORANDUM OF UNDERSTANDING**
23 **COVERING STATE EMPLOYEES FOR THE NEXT ENSUING FISCAL YEAR; AND (F)** any
24 explanation the Governor may desire to make as to the important features of the Budget
25 and any suggestions as to methods for reduction or increase of the State's revenue.

26 (4) Each Budget shall embrace an estimate of all appropriations in such form and
27 detail as the Governor shall determine or as may be prescribed by law, as follows: (a) for
28 the General Assembly as certified to the Governor in the manner hereinafter provided; (b) for
29 the Executive Department; (c) for the Judiciary Department, as provided by law, as
30 certified to the Governor; (d) to pay and discharge the principal and interest of the debt of
31 the State in conformity with Section 34 of Article III of the Constitution, and all laws
32 enacted in pursuance thereof; (e) for the salaries **AND FRINGE BENEFITS** payable by the
33 State and under the Constitution and laws of the State, **INCLUDING THOSE SALARIES**
34 **AND BENEFITS COMMITTED UNDER EACH MEMORANDUM OF UNDERSTANDING**
35 **COVERING STATE EMPLOYEES;** (f) for the establishment and maintenance throughout
36 the State of a thorough and efficient system of public schools in conformity with Article 8
37 of the Constitution and with the laws of the State; and (g) for such other purposes as are
38 set forth in the Constitution or laws of the State.

39 (5) The Governor shall deliver to the presiding officer of each House the Budget
40 and a bill for all the proposed appropriations of the Budget classified and in such form and
41 detail as the Governor shall determine or as may be prescribed by law; and the presiding
42 officer of each House shall promptly cause said bill to be introduced therein, and such bill

1 shall be known as the "Budget Bill." The Governor may, with the consent of the General
2 Assembly, before final action thereon by the General Assembly, amend or supplement said
3 Budget to correct an oversight, provide funds contingent on passage of pending legislation
4 or, in case of an emergency, by delivering such an amendment or supplement to the
5 presiding officers of both Houses; and such amendment or supplement shall thereby become
6 a part of said Budget Bill as an addition to the items of said bill or as a modification of or a
7 substitute for any item of said bill such amendment or supplement may affect.

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

17 (6) The General Assembly shall not amend the Budget Bill so as to affect either
18 the obligations of the State under Section 34 of Article III of the Constitution, or the
19 provisions made by the laws of the State for the establishment and maintenance of a system
20 of public schools or the payment of any salaries required to be paid by the State of Maryland
21 by the Constitution.

22 (6a) In enacting a balanced Budget Bill each fiscal year as required under this
23 Section, the General Assembly may amend the bill by increasing or diminishing the items
24 therein relating to the General Assembly, and by increasing or diminishing the items
25 therein relating to the judiciary, but except as hereinbefore specified, may not alter the bill
26 except to strike out or reduce items therein, provided, however, that the salary or
27 compensation of any public officer may not be decreased during the public officer's term of
28 office. When passed by both Houses, the Budget Bill shall be presented to the Governor for
29 approval or disapproval according to Section 17 of Article II of this Constitution.

30 (6b) In enacting a balanced Budget Bill as required under this Section for fiscal
31 year 2024 and each fiscal year thereafter, the General Assembly may amend the bill by
32 increasing, diminishing, or adding items therein relating to the General Assembly, by
33 increasing, diminishing, or adding items therein relating to the judiciary, and by
34 increasing, diminishing, or adding items therein relating to the Executive Department,
35 provided that the total of the appropriation for the Executive Department approved by the
36 General Assembly does not exceed the total proposed appropriation for the Executive
37 Department submitted by the Governor. The salary or compensation of any public officer
38 may not be decreased during the public officer's term of office. When passed by both Houses,
39 the Budget Bill shall be a law immediately without further action by the Governor.

40 (7) The Governor and such representatives of the executive departments, boards,
41 officers and commissions of the State expending or applying for State's moneys, as have
42 been designated by the Governor for this purpose, shall have the right, and when requested

1 by either House of the General Assembly, it shall be their duty to appear and be heard with
2 respect to any Budget Bill during the consideration thereof, and to answer inquiries relative
3 thereto.

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

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

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

29 (11) For the purpose of making up the Budget, the Governor shall require from the
30 proper State officials (including all executive departments, all executive and administrative
31 offices, bureaus, boards, commissions and agencies that expend or supervise the
32 expenditure of, and all institutions applying, for State moneys and appropriations) such
33 itemized estimates and other information, in such form and at such times as directed by
34 the Governor. An estimate for a program required to be funded by a law which will be in
35 effect during the fiscal year covered by the Budget and which was enacted before July 1 of
36 the fiscal year prior to that date shall provide a level of funding not less than that prescribed
37 in the law. The estimates for the Legislative Department, certified by the presiding officer
38 of each House, of the Judiciary, as provided by law, certified by the Chief Justice of the
39 Supreme Court of Maryland, and for the public schools, as provided by law, shall be
40 transmitted to the Governor, in such form and at such times as directed by the Governor,
41 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 3. AND BE IT FURTHER ENACTED, That the General Assembly
23 determines that the amendment to the Maryland Constitution proposed by Section 2 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 4. AND BE IT FURTHER ENACTED, That:

27 (a) The amendment to the Maryland Constitution proposed by Section 2 of this
28 Act shall be submitted to the qualified voters of the State at the next general election to be
29 held in November 2026 for adoption or rejection in accordance with Article XIV of the
30 Maryland Constitution.

31 (b) (1) At that general election, the vote on the proposed amendment to the
32 Constitution shall be by ballot, and on each ballot there shall be printed the words "For the
33 Constitutional Amendment" and "Against the Constitutional Amendment", as now
34 provided by law.

35 (2) At that general election, a question substantially similar to the
36 following shall be submitted to the qualified voters of the State:

37 "Question ___ – Constitutional Amendment

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1 Providing that each budget shall include expenditures necessary to implement wages,
2 hours, fringe benefits, health benefits, and other terms and conditions of employment for
3 State employees concluded in each memorandum of understanding covering State
4 employees.”.

5 (c) Immediately after the election, all returns shall be made to the Governor of
6 the vote for and against the proposed amendment, as directed by Article XIV of the
7 Maryland Constitution, and further proceedings held in accordance with Article XIV.

8 SECTION 5. AND BE IT FURTHER ENACTED, That Section 1 of this Act is
9 contingent on the passage of Section 2 of this Act, a constitutional amendment, and its
10 ratification by voters of the State.

11 SECTION 6. AND BE IT FURTHER ENACTED, That, subject to Section 5 of this
12 Act, Section 1 of this Act shall take effect on the proclamation of the Governor that the
13 constitutional amendment, having received a majority of the votes cast at the general
14 election, has been adopted by the people of Maryland.