

Department of Legislative Services
Maryland General Assembly
2001 Session

FISCAL NOTE

House Bill 1024 (Delegate Kopp, *et al.*)
Rules and Executive Nominations

State Budget

This constitutional amendment modifies the State budget process by allowing the General Assembly to increase and make additional appropriations for executive branch agencies. The total appropriation approved by the General Assembly cannot exceed the total allowance submitted by the Governor. The Governor can veto any increase or additional item added by the General Assembly. If the Governor exercises the veto authority a special session would be held within 90 days after the Governor's action to consider the vetoed items. The special session would be limited solely to the budget vetoes.

Fiscal Summary

State Effect: This constitutional amendment could increase State expenditures due to the costs of holding special legislative sessions to consider the Governor's vetoes of legislative budgetary actions.

Local Effect: None.

Small Business Effect: None.

Analysis

Current Law: Section 52 of Article III of the Maryland Constitution prohibits the General Assembly from increasing any budget item or adding any new appropriations item to the executive budget for executive branch agencies. The General Assembly can increase or add an appropriations item relating to the legislature or judiciary. In addition, through a supplementary appropriations bill, the General Assembly can add expenditures if matched with new revenues. The General Assembly can also mandate expenditures in the executive budget for a subsequent fiscal year.

Background: The Maryland General Assembly is the only state legislature that does not have the authority to increase or add an appropriation to the State budget.

State Fiscal Effect: This modification to the State's budget process should not increase the expenditures incurred by the executive branch in preparing the budget nor the legislative branch in approving the budget. To the extent the Governor exercises the veto power, special sessions of the General Assembly would be convened. It is assumed these sessions will be of limited duration and have a cost of approximately \$10,000.

The Maryland Constitution requires that proposed amendments to the constitution be publicized in at least two newspapers in each county, if available, and in at least three newspapers in Baltimore City once a week for four weeks immediately preceding a general election. The State is responsible for the costs associated with these requirements. It is anticipated that the fiscal 2003 budget of the State Board of Elections will contain funding for publishing constitutional amendments for the 2002 general election.

Local Fiscal Effect: If approved by the General Assembly, this constitutional amendment will be submitted to the voters at the 2002 general election. It should not result in additional costs for the county election boards.

Additional Information

Prior Introductions: A similar bill was introduced at the 1994 session as SB 395. The bill received a favorable report by the Senate Budget and Taxation Committee but was rejected by the full Senate.

Cross File: SB 245 (Senator Hogan, *et al.*) – Budget and Taxation.

Information Source(s): Department of Legislative Services, Department of Budget and Management

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