

Department of Legislative Services
Maryland General Assembly
2012 Session

FISCAL AND POLICY NOTE

House Bill 1413
Appropriations

(Delegates Eckardt and Frank)

Operating Budget - Budget Reconciliation - Requirement for Separate Bills

This constitutional amendment proposes to prohibit the General Assembly from enacting an omnibus bill, other than the budget bill, that embraces more than one budget item requiring General Assembly action. A separate bill is required for each item in the budget that requires an action of the General Assembly in addition to the budget bill. The bill does not prohibit omnibus curative or corrective legislation or supplementary appropriation bills.

Fiscal Summary

State Effect: The bill is not expected to materially affect State finances. It is assumed that the potential for increased costs to include any constitutional amendments proposed by the General Assembly on the ballot at the November 2012 general election will have been anticipated in the State Board of Elections' budget.

Local Effect: None. It is assumed that the potential for increased costs to notify voters of any constitutional amendments proposed by the General Assembly, and to include any proposed constitutional amendments on the ballot at the November 2012 general election, will have been anticipated in local boards of elections' budgets.

Small Business Effect: None.

Analysis

Current Law: Section 29 of Article III of the Maryland Constitution requires that every law enacted by the General Assembly embrace one subject that is described in its title.

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. Through legislation, the General Assembly can also mandate expenditures in the executive budget for a subsequent fiscal year.

Background: In recent years, the Governor has proposed and the General Assembly has passed budget reconciliation and financing acts in addition to the annual budget bill. The budget reconciliation and financing acts have transferred funds, raised revenues, withdrawn appropriations, changed statutory funding requirements, and made other changes in order to implement and balance the annual operating budget.

The Budget Reconciliation and Financing Act of 2012 (Senate Bill 152/House Bill 87) executes a variety of actions that help to balance the State budget by transferring special fund balances to the general fund, enhancing revenues (including tax and fee increases as well as the elimination of several tax credits and exemptions), redirecting special fund revenues to the general fund, shifting current State costs to counties, adjusting mandated spending levels, and using special funds to cover general fund costs. The fiscal and policy note for SB 152/HB 87 as introduced by the Governor divides the bill into the following 55 actions: 11 fund balance transfers; 15 general fund enhancements; 1 redirection of dedicated revenues; 11 fund swaps and cost shifts; 5 mandate relief provisions; 6 cost control/deferral provisions; 3 local relief provisions; and 3 other measures.

The Maryland Attorney General has concluded on multiple occasions that budget reconciliation and financing bills do not conflict with the one subject rule.

State Fiscal Effect: State costs of printing absentee and provisional ballots may increase to the extent inclusion of the proposed constitutional amendment on the ballot at the next general election would result in a need for a larger ballot card size or an additional ballot card for a given ballot (the content of ballots varies across the State, depending on the offices, candidates, and questions being voted on). Any increase in costs, however, is expected to be relatively minimal, and it is assumed that the potential for such increased costs will have been anticipated in the State Board of Elections' budget. Pursuant to Chapter 564 of 2001, the State Board of Elections shares the costs of printing paper ballots with the local boards of elections.

Local Fiscal Effect: Local boards of elections' printing and mailing costs may increase to include information on the proposed constitutional amendment with specimen ballots mailed to voters prior to the next general election and to include the proposed amendment on absentee and provisional ballots. It is assumed, however, that the potential for such increased costs will have been anticipated in local boards of elections' budgets.

Additional Information

Prior Introductions: None.

Cross File: None.

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

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mc/rhh

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