

**Department of Legislative Services**  
Maryland General Assembly  
2019 Session

**FISCAL AND POLICY NOTE**  
**First Reader**

Senate Bill 990  
Rules

(Senator Ferguson)

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**State Budget**

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This proposed constitutional amendment, if approved by the Maryland voters at the November 2020 election, modifies the State budget process by allowing the General Assembly to increase appropriations made by the Governor and add additional appropriations for Executive Branch agencies. The total appropriation for the Executive Branch approved by the General Assembly cannot exceed the total allowance for the Executive Branch submitted by the Governor. The Governor can veto any increase or item added by the General Assembly. If the Governor exercises the veto authority, the Presiding Officers may convene an extraordinary session within 30 days after the Governor's action to consider the vetoed items. The extraordinary session is limited solely to consideration of the budget vetoes.

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**Fiscal Summary**

**State Effect:** If approved by the voters, the constitutional amendment may result in an increase in State expenditures due to convening extraordinary legislative sessions to consider the Governor's vetoes of legislative budgetary actions. Revenues are not affected.

**Local Effect:** None.

**Small Business Effect:** None.

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

**Background:** Most state legislatures have the authority to increase or add an appropriation to the governor's budget.

**State Expenditures:** This proposed modification to the State's budget process is not anticipated to increase the expenditures incurred by the Executive Branch in preparing the budget or the Legislative Branch in approving the budget. To the extent the Governor exercises the veto power, extraordinary sessions of the General Assembly may be convened. It is assumed these sessions will be of limited duration and cost between \$10,000 and \$23,000 per day for expense reimbursements for members of the General Assembly. This estimate range is based on the average daily cost of the May 2012 special session that lasted 3 days and cost approximately \$9,800 per day and the 2007 special session that lasted 21 days and cost \$22,600 per day.

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### **Additional Information**

**Prior Introductions:** Similar bills, SB 820 of 2018 and SB 690 of 2017, each received a hearing in the Senate Budget and Taxation Committee, but no further action was taken on either of the bills. In addition, similar bills were introduced in the 2010 through 2012 sessions and in the 2015 and 2016 sessions.

**Cross File:** None.

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

**Fiscal Note History:** First Reader - March 8, 2019  
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