

SENATE BILL 839

B1

7lr3071

By: **Senator Serafini**

Introduced and read first time: February 3, 2017

Assigned to: Budget and Taxation

A BILL ENTITLED

1 AN ACT concerning

2 **State Budget – Appropriations – Funding Priorities**

3 FOR the purpose of requiring the Governor, in each proposed budget, to designate the
4 funding priority for each General Fund appropriation; providing that certain
5 appropriations with a certain designation may not be reduced; providing that certain
6 appropriations with a certain designation may receive funding only under certain
7 circumstances; requiring that certain appropriations with a certain designation be
8 reduced under certain circumstances; and generally relating to the reduction of
9 certain appropriations in the annual budget bill.

10 BY repealing and reenacting, with amendments,
11 Article – State Finance and Procurement
12 Section 7–105 and 7–213
13 Annotated Code of Maryland
14 (2015 Replacement Volume and 2016 Supplement)

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

17 **Article – State Finance and Procurement**

18 7–105.

19 (A) Each proposed budget shall be classified as and in the form and with the detail
20 that the Governor or law requires.

21 (B) (1) IN EACH PROPOSED BUDGET THE GOVERNOR SHALL DESIGNATE
22 EACH APPROPRIATION THAT IS FROM GENERAL FUND REVENUES AS AN “A”, “B”,
23 OR “C” FUNDING PRIORITY.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **(2) (I) AN APPROPRIATION DESIGNATED AS AN “A” FUNDING**
2 **PRIORITY MAY NOT BE REDUCED.**

3 **(II) AN APPROPRIATION DESIGNATED AS A “B” FUNDING**
4 **PRIORITY SHALL BE REDUCED AS PROVIDED IN § 7-213(A)(2) OF THIS TITLE.**

5 **(III) AN APPROPRIATION DESIGNATED AS A “C” FUNDING**
6 **PRIORITY MAY RECEIVE FUNDING ONLY AS PROVIDED IN PARAGRAPH (3) OF THIS**
7 **SUBSECTION.**

8 **(3) (I) IF THE DECEMBER, MARCH, OR SEPTEMBER REPORTS**
9 **REQUIRED UNDER § 6-106 OF THIS ARTICLE INCREASE THE ESTIMATED STATE**
10 **REVENUES DISTRIBUTED TO THE GENERAL FUND FOR THE CURRENT FISCAL YEAR,**
11 **THE GOVERNOR MAY, BY BUDGET AMENDMENT, AUTHORIZE THE RELEASE OF**
12 **FUNDS FOR AN APPROPRIATION DESIGNATED AS A “C” FUNDING PRIORITY UNDER**
13 **THIS SUBSECTION.**

14 **(II) THE AMOUNT OF FUNDS THAT MAY BE RELEASED UNDER**
15 **SUBPARAGRAPH (I) OF THIS PARAGRAPH MAY NOT EXCEED THE INCREASE IN THE**
16 **ESTIMATED STATE REVENUES THAT ARE DISTRIBUTED TO THE GENERAL FUND.**

17 7-213.

18 (a) (1) Subject to paragraph [(2)] **(3)** of this subsection and except as provided
19 in subsection (b) of this section, with the approval of the Board of Public Works, the
20 Governor may reduce, by not more than 25%, any appropriation:

21 (i) that the Governor considers unnecessary; or

22 (ii) that is subject to budgetary reductions required under the budget
23 bill as approved by the General Assembly.

24 **(2) EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, IF**
25 **THE DECEMBER, MARCH, OR SEPTEMBER REPORTS REQUIRED UNDER § 6-106 OF**
26 **THIS ARTICLE REDUCE THE ESTIMATED STATE REVENUES DISTRIBUTED TO THE**
27 **GENERAL FUND FOR THE CURRENT FISCAL YEAR, THE GOVERNOR SHALL REDUCE**
28 **EACH APPROPRIATION DESIGNATED AS A “B” FUNDING PRIORITY BY THE SAME**
29 **PERCENTAGE AS THE REDUCTION IN THE DECEMBER, MARCH, OR SEPTEMBER**
30 **REPORT.**

31 **(3) At least 3 business days before the Board of Public Works may approve**
32 **a proposed reduction of an appropriation under this subsection, the Secretary of Budget**
33 **and Management shall:**

1 (i) publish on the Department of Budget and Management's Web
2 site, in a machine-readable format, notice of the proposed reduction, including:

3 1. the name of the State agency or program for which the
4 appropriation is intended and a brief narrative summary of the impact of the proposed
5 reduction on the State agency or program;

6 2. the amount of the proposed reduction in both dollar and
7 percentage values;

8 3. the fund source of the appropriation subject to the
9 proposed reduction; and

10 4. any projected reductions in workforce as a result of the
11 proposed reduction;

12 (ii) provide the notice required under subparagraph (i) of this
13 paragraph to the Board of Public Works for publication, in a machine-readable format, on
14 the Board's Web site; and

15 (iii) provide written notice of the proposed reduction, including the
16 items specified under subparagraph (i) of this paragraph, to:

17 1. the Legislative Policy Committee;

18 2. the Senate Budget and Taxation Committee; and

19 3. the House Appropriations Committee.

20 (b) (1) The Governor may not reduce an appropriation to the Legislative
21 Branch or the Judicial Branch of the State government.

22 (2) The Governor may not reduce an appropriation for:

23 (i) payment of the principal of or interest on the State debt;

24 (ii) public schools, including the Maryland School for the Deaf;

25 (iii) the Maryland School for the Blind; or

26 (iv) the salary of a public officer, during the term of office.

27 (3) Except as provided in § 8–109 of the State Personnel and Pensions
28 Article, the Governor may not reduce an appropriation for the salary of any nontemporary
29 employee in the State Personnel Management System.

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June
2 1, 2017.