

HOUSE BILL 622
EMERGENCY BILL

Unofficial Copy
B1

2004 Regular Session
4r1784
CF 4r1441

By: **Delegates Conway, Hixson, Barkley, Bohanan, Bozman, Branch, Busch, Cadden, Cane, Cardin, G. Clagett, DeBoy, Franchot, Gaines, Gilleland, Goodwin, Griffith, Haynes, Healey, Howard, James, Jones, Kaiser, King, Madaleno, Marriott, Mitchell, Niemann, Paige, Proctor, Ramirez, Rudolph, and F. Turner**

Introduced and read first time: February 4, 2004
Assigned to: Appropriations

Committee Report: Favorable with amendments
House action: Adopted
Read second time: March 12, 2004

CHAPTER _____

1 AN ACT concerning

2 **Board of Public Works - Reductions in Appropriations - Public Notice and**
3 **Hearing Process**

4 FOR the purpose of altering the maximum reduction that the Governor can make to
5 an appropriation in the State budget; altering the circumstances under which
6 the Governor may reduce certain appropriations; prohibiting the Governor from
7 reducing certain appropriations; requiring the Board of Public Works to provide
8 certain public notice and hold a certain public hearing prior to approving a
9 reduction in appropriations; requiring the Board of Public Works to provide
10 notice of proposed reductions in appropriations to certain committees in the
11 General Assembly; requiring the Board of Public Works to publish certain public
12 notices in a certain number of publications of statewide circulation; requiring
13 the Department of Legislative Services to provide certain committees in the
14 General Assembly and the Board of Public Works with an analysis of certain
15 proposed reductions in appropriations; making this Act an emergency measure;
16 and generally relating to the approval by the Board of Public Works of certain
17 proposed reductions in appropriations.

18 BY repealing and reenacting, with amendments,
19 Article - State Finance and Procurement
20 Section 7-213
21 Annotated Code of Maryland
22 (2001 Replacement Volume and 2003 Supplement)

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

3 **Article - State Finance and Procurement**

4 7-213.

5 (a) [Except] SUBJECT TO THE PROVISIONS OF SUBSECTION (C) OF THIS
6 SECTION, AND EXCEPT as provided in subsection (b) of this section, with the approval
7 of the Board of Public Works, the Governor may reduce, by not more than ~~25%~~ 10%,
8 any appropriation:

9 (1) that the Governor ~~considers unnecessary~~ FINDS AND DECLARES IS
10 NECESSARY TO BE REDUCED IN ORDER TO AVOID A DEFICIT IN THE FISCAL YEAR
11 FOR WHICH THE APPROPRIATION IS MADE; or

12 (2) that is subject to budgetary reductions required under the budget bill
13 as approved by the General Assembly.

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

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

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

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

19 (iii) the Maryland School for the Blind; ~~or~~

20 (iv) the salary of a public officer, during the term of office;

21 (V) ANY PROGRAM OR ACTIVITY FOR WHICH A MINIMUM FUNDING
22 LEVEL IS MANDATED UNDER STATE LAW TO BE INCLUDED BY THE GOVERNOR IN
23 THE BUDGET, IF THAT REDUCTION WOULD RESULT IN AN APPROPRIATION LESS
24 THAN THE MANDATED AMOUNT; OR

25 (VI) ANY PROGRAM OR ACTIVITY OPERATING UNDER LAWFULLY
26 PROMULGATED REGULATIONS, UNTIL THOSE REGULATIONS ARE REVISED UNDER
27 THE PROCEDURES SPECIFIED IN TITLE 10 OF THE STATE GOVERNMENT ARTICLE.

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

31 (C) (1) PRIOR TO APPROVING THE REDUCTION OF ANY APPROPRIATIONS
32 UNDER SUBSECTION (A)(1) OF THIS SECTION, THE BOARD OF PUBLIC WORKS SHALL:

33 (I) PROVIDE AT LEAST A ~~30-DAY~~ 21-DAY PUBLIC NOTICE AND AN
34 INVITATION TO COMMENT ON THE PROPOSED REDUCTIONS IN APPROPRIATIONS TO

1 THE LEGISLATIVE POLICY COMMITTEE, THE SENATE BUDGET AND TAXATION
2 COMMITTEE, AND THE HOUSE APPROPRIATIONS COMMITTEE; AND

3 (II) HOLD A PUBLIC HEARING NO EARLIER THAN 15 DAYS AFTER
4 PROVIDING THE PUBLIC NOTICE REQUIRED UNDER SUBPARAGRAPH (I) OF THIS
5 PARAGRAPH TO ALLOW FOR PUBLIC TESTIMONY ON THE PROPOSED REDUCTIONS IN
6 APPROPRIATIONS.

7 (2) THE PUBLIC NOTICE REQUIRED IN PARAGRAPH (1) OF THIS
8 SUBSECTION SHALL BE PUBLISHED AT LEAST ONCE IN AT LEAST THREE
9 NEWSPAPERS IN GENERAL CIRCULATION IN THE STATE AND SHALL INCLUDE:

10 (I) FOR EACH PROPOSED REDUCTION, A DETAILED DESCRIPTION
11 OF THE SOURCE AND NATURE OF THE BUDGETARY SAVINGS TO BE DERIVED AND AN
12 IMPACT STATEMENT DESCRIBING THE PROBABLE EFFECT ON PUBLIC SERVICES AND
13 THE POPULATIONS SERVED; AND

14 (II) THE TIME, DATE, AND LOCATION OF THE PUBLIC HEARING.

15 (3) WITHIN ~~15~~ 10 DAYS AFTER THE PUBLIC NOTICE HAS BEEN PROVIDED
16 UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE DEPARTMENT OF LEGISLATIVE
17 SERVICES SHALL PREPARE AN ANALYSIS OF THE PRACTICAL AND FISCAL EFFECTS
18 OF EACH OF THE PROPOSED REDUCTIONS IN APPROPRIATIONS AND, WHEN
19 APPROPRIATE, ALTERNATIVES TO THE PROPOSED REDUCTIONS, FOR THE
20 LEGISLATIVE POLICY COMMITTEE, THE SENATE BUDGET AND TAXATION
21 COMMITTEE, THE HOUSE APPROPRIATIONS COMMITTEE, AND THE BOARD OF PUBLIC
22 WORKS.

23 ~~SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect~~
24 ~~June 1, 2004.~~

25 SECTION 2. AND BE IT FURTHER ENACTED, That this Act is an emergency
26 measure, is necessary for the immediate preservation of the public health or safety,
27 has been passed by a yea and nay vote supported by three-fifths of all of the members
28 elected to each of the two Houses of the General Assembly, and shall take effect from
29 the date it is enacted.