

SENATE BILL 261

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2004 Regular Session
4r1441
CF 4r1784

By: **Senators Currie, DeGrange, Hogan, Jones, Kasemeyer, Kramer, Lawlah,
McFadden, and Ruben**

Introduced and read first time: January 30, 2004

Assigned to: Budget and Taxation

A BILL ENTITLED

1 AN ACT concerning

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

4 FOR the purpose of requiring the Board of Public Works to provide certain public
5 notice and hold a certain public hearing prior to approving a reduction in
6 appropriations; requiring the Board of Public Works to provide notice of
7 proposed reductions in appropriations to certain committees in the General
8 Assembly; requiring the Board of Public Works to publish certain public notices
9 in a certain number of publications of statewide circulation; requiring the
10 Department of Legislative Services to provide certain committees in the General
11 Assembly and the Board of Public Works with an analysis of certain proposed
12 reductions in appropriations; and generally relating to the approval by the
13 Board of Public Works of certain proposed reductions in appropriations.

14 BY repealing and reenacting, with amendments,
15 Article - State Finance and Procurement
16 Section 7-213
17 Annotated Code of Maryland
18 (2001 Replacement Volume and 2003 Supplement)

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

21 **Article - State Finance and Procurement**

22 7-213.

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

27 (1) that the Governor considers unnecessary; or

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

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

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

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

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

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

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

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

13 (C) (1) PRIOR TO APPROVING THE REDUCTION OF ANY APPROPRIATIONS
14 UNDER THIS SECTION, THE BOARD OF PUBLIC WORKS SHALL:

15 (I) PROVIDE AT LEAST A 30-DAY PUBLIC NOTICE AND AN
16 INVITATION TO COMMENT ON THE PROPOSED REDUCTIONS IN APPROPRIATIONS TO
17 THE LEGISLATIVE POLICY COMMITTEE, THE SENATE BUDGET AND TAXATION
18 COMMITTEE, AND THE HOUSE APPROPRIATIONS COMMITTEE; AND

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

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

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

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

31 (3) WITHIN 15 DAYS AFTER THE PUBLIC NOTICE HAS BEEN PROVIDED
32 UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE DEPARTMENT OF LEGISLATIVE
33 SERVICES SHALL PREPARE AN ANALYSIS OF THE PRACTICAL AND FISCAL EFFECTS
34 OF EACH OF THE PROPOSED REDUCTIONS IN APPROPRIATIONS AND, WHEN
35 APPROPRIATE, ALTERNATIVES TO THE PROPOSED REDUCTIONS, FOR THE
36 LEGISLATIVE POLICY COMMITTEE, THE SENATE BUDGET AND TAXATION

1 COMMITTEE, THE HOUSE APPROPRIATIONS COMMITTEE, AND THE BOARD OF PUBLIC
2 WORKS.

3 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
4 June 1, 2004.