

SENATE BILL 185

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11r1165
CF HB 59

By: **Senators Astle and Reilly**
Introduced and read first time: January 25, 2011
Assigned to: Budget and Taxation

A BILL ENTITLED

1 AN ACT concerning

2 **Anne Arundel County – Transfer of Education Funds Between Major**
3 **Categories – Public Hearing**

4 FOR the purpose of requiring the Anne Arundel County Board of Education to make a
5 written request to the Anne Arundel County Council with a copy to the County
6 Executive for transfer of funds between major categories; requiring the County
7 Executive of Anne Arundel County to make a certain recommendation to the
8 County Council within a certain time frame; requiring the County Council to
9 hold a public hearing on the request within a certain time frame; requiring a
10 certain vote of the County Council within a certain time frame in order for a
11 request to be approved; providing that failure of the County Council to take
12 action on the request within a certain time frame constitutes disapproval of the
13 request; and generally relating to the transfer of education funds between major
14 categories in Anne Arundel County.

15 BY repealing and reenacting, with amendments,
16 Article – Education
17 Section 5–105
18 Annotated Code of Maryland
19 (2008 Replacement Volume and 2010 Supplement)

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

22 **Article – Education**

23 5–105.

24 (a) All revenues received by a county board shall be spent by the board in
25 accordance with the major categories of its annual budget as provided under § 5–101
26 of this subtitle.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter deleted from existing law.



1 (b) (1) (i) A transfer may be made within the major categories without
2 recourse to the county commissioners or county council except that a report of the
3 transfer shall be submitted to the county commissioners or county council within 15
4 days after the end of each month.

5 (ii) A report under subparagraph (i) of this paragraph shall
6 include a narrative summary that clearly indicates each transfer.

7 (2) A transfer between major categories shall be made only with the
8 approval of the county commissioners or county council.

9 (3) (I) **[If] EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF**
10 **THIS PARAGRAPH, IF** the county commissioners or county council fail to take action
11 on a request for transfer between major categories within 30 days after the receipt of a
12 written request substantiating the transfer, the failure to take action constitutes
13 approval.

14 (II) **1. IN ANNE ARUNDEL COUNTY, THE COUNTY**
15 **BOARD SHALL MAKE A WRITTEN REQUEST TO THE COUNTY COUNCIL WITH A**
16 **COPY TO THE COUNTY EXECUTIVE FOR A TRANSFER BETWEEN MAJOR**
17 **CATEGORIES.**

18 **2. WITHIN 7 DAYS OF RECEIPT OF THE WRITTEN**
19 **REQUEST, THE COUNTY EXECUTIVE SHALL SUBMIT TO THE COUNTY COUNCIL,**
20 **IN WRITING, A RECOMMENDATION FOR APPROVAL OR DISAPPROVAL OF THE**
21 **REQUEST.**

22 **3. AFTER RECEIPT OF THE COUNTY EXECUTIVE'S**
23 **RECOMMENDATION AND PRIOR TO TAKING ACTION ON THE WRITTEN REQUEST,**
24 **THE COUNTY COUNCIL SHALL HOLD A PUBLIC HEARING.**

25 **4. AN APPROVAL OF A WRITTEN REQUEST REQUIRES**
26 **AN AFFIRMATIVE VOTE BY A MAJORITY OF COUNTY COUNCIL MEMBERS WITHIN**
27 **30 DAYS AFTER THE RECEIPT OF THE WRITTEN REQUEST.**

28 **5. FAILURE OF THE COUNTY COUNCIL TO TAKE**
29 **ACTION ON THE WRITTEN REQUEST WITHIN 30 DAYS OF RECEIPT CONSTITUTES**
30 **DISAPPROVAL.**

31 (4) A county board shall submit to the county governing body a report
32 within 15 days after the end of each month if during that month the county board
33 takes any action that would commit the county board to spend more for the current
34 fiscal year in any major category than the amount approved in the annual budget for
35 that category.

1 (5) A report under paragraph (4) of this subsection shall include a
2 narrative explanation of the action taken, indicating any request for transfer between
3 categories that may become necessary for the fiscal year as a result of the action.

4 (c) Nonlocal funds received by a county board after the adoption of the
5 annual budget by the county fiscal authority may be spent by the county board if the
6 county fiscal authority is notified and approves of:

7 (1) The source and amount of the funds; and

8 (2) The manner of spending the funds.

9 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
10 July 1, 2011.