



# A Comparison of State Budgeting Processes (And a bit about judges)

Molly Brown  
Senior Attorney  
Director, Community Legal  
Education Program

NOVEMBER 8, 2019

# Why are we here?



“By laws enacted in the three member states more than three decades ago, **the CBC is charged with addressing the broad range of issues and policies that reflect the pollution sources, land uses and human impacts in the Bay region**, an area spanning six states, a 64,000 square mile watershed and 180,000 miles of tributaries and coastline. **Commission members craft and secure passage of laws and policies that must balance many ecological, societal and economic concerns.**

The restoration's primary focus is on clean water, believing that restored water quality will lead to improved conditions for the resources that depend upon it. “



# Budgeting Processes in Maryland, Pennsylvania & Virginia

# Checks and Balances



**Maryland**

**House**

**Senate**

**Governor Hogan**

**Pennsylvania**

**House**

**Senate**

**Governor Wolf**

**Virginia**

**House**

**Senate**

**Governor Northam**

# Budget Cycle



Formulation

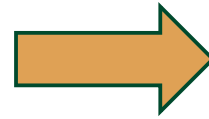
Enactment

Execution

## Length of Cycle

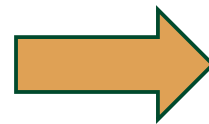


Maryland  
Pennsylvania



Annual

Virginia



Biennial

# Legislative Process: Session Length



Maryland: 90 days

Virginia: 60 days (in even numbered years)  
45 days (in odd numbered years)

Pennsylvania: 2 years



# Process

Issuance of Budget Instructions

Agencies review and submit requests to Governor

Governor prepares budget

Governor presents budget to General Assembly

Budget goes through legislative process in the General Assembly

Budget goes back to the governor\*

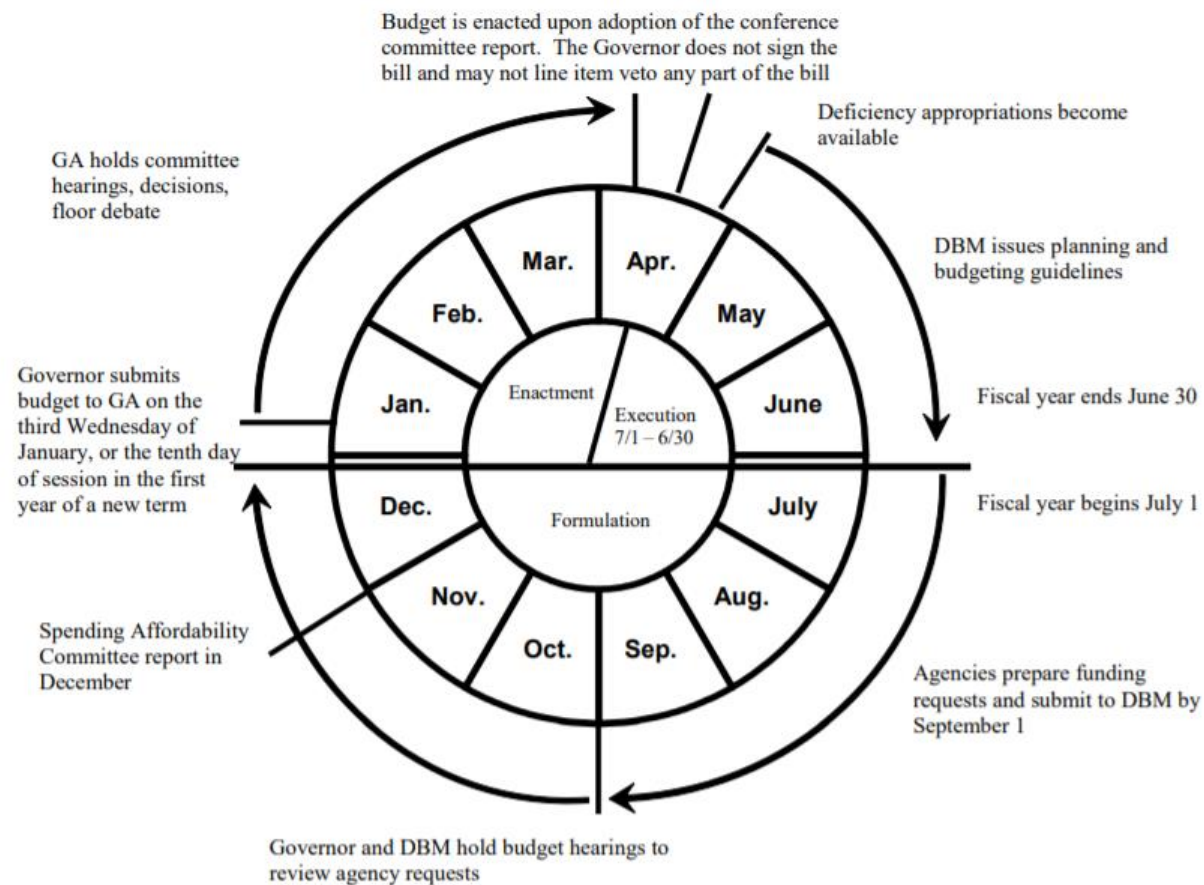
\*But NOT in Maryland







## The Budget Cycle



DBM: Department of Budget and Management

GA: General Assembly

Source: Department of Legislative Services

# Maryland

# Things to Note: Maryland

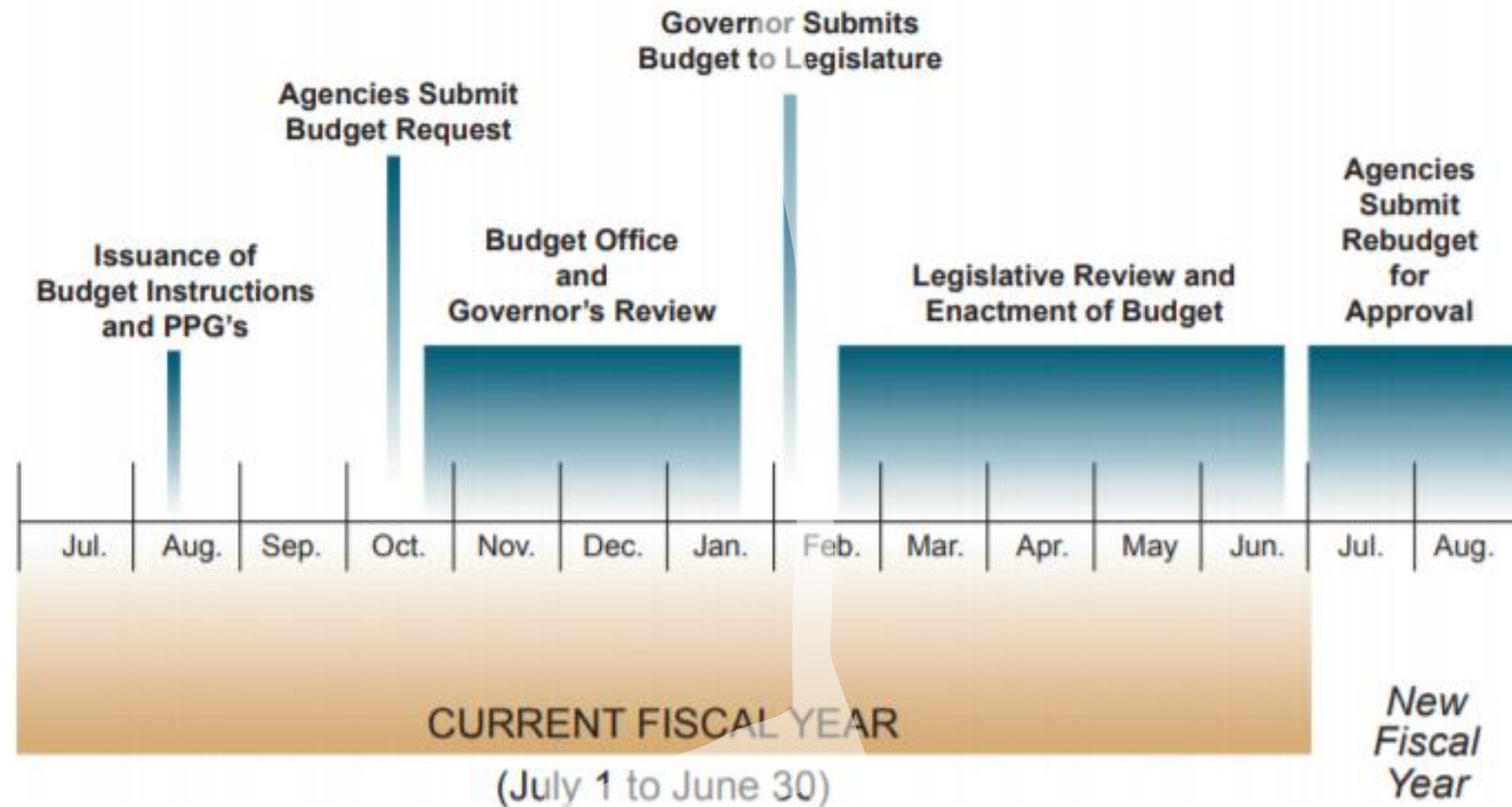
- ▶ Legislature is constitutionally required to pass a balanced budget
- ▶ Relative power of Governor v. Legislature
- ▶ Legislature does not see agency requests prior to budget being prepared
- ▶ No veto or amending authority by the governor
- ▶ Capital Budget Bond Bill
- ▶ Ways the legislature can work around the budget



# Pennsylvania



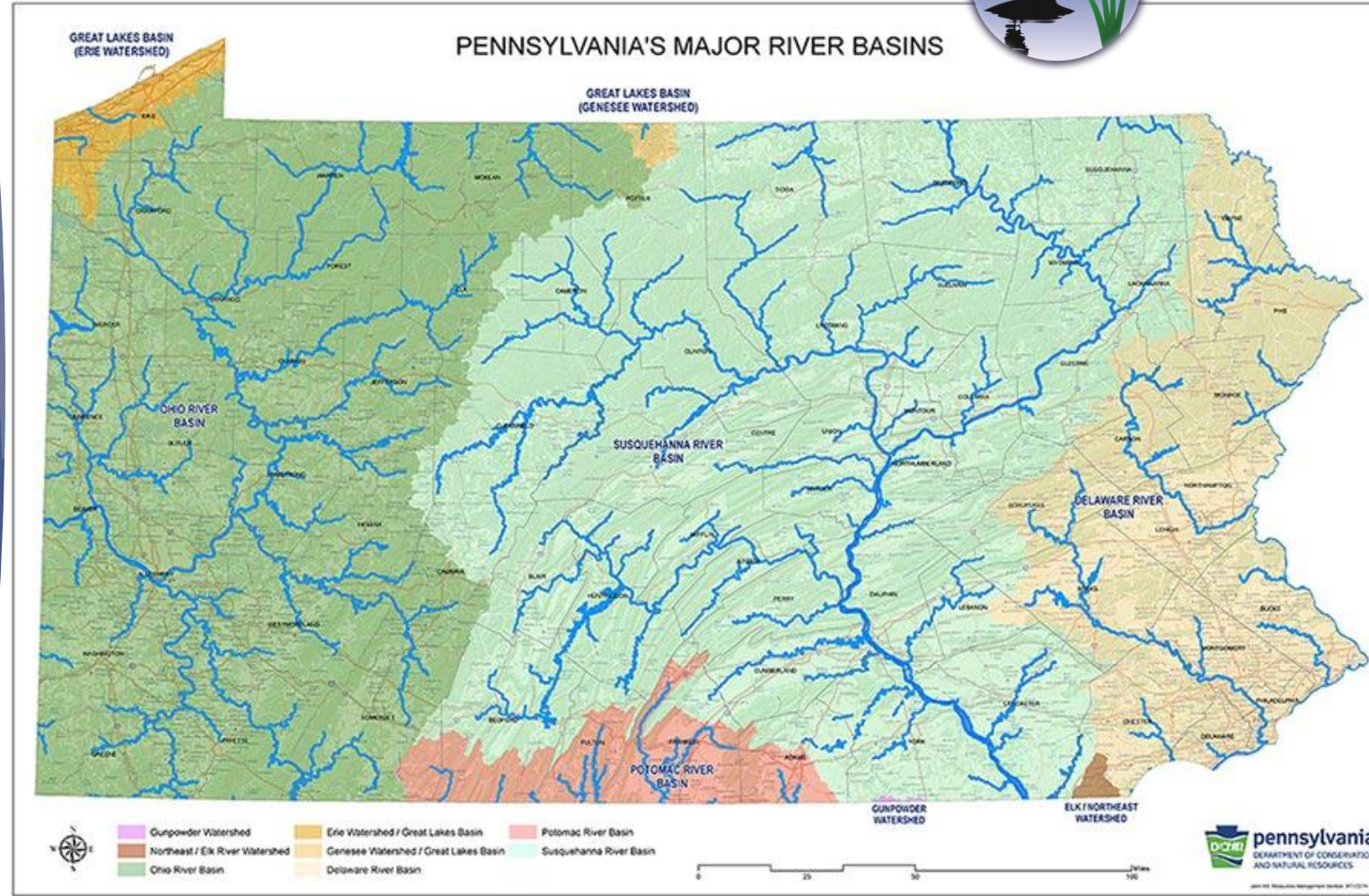
## Budget Process in Pennsylvania

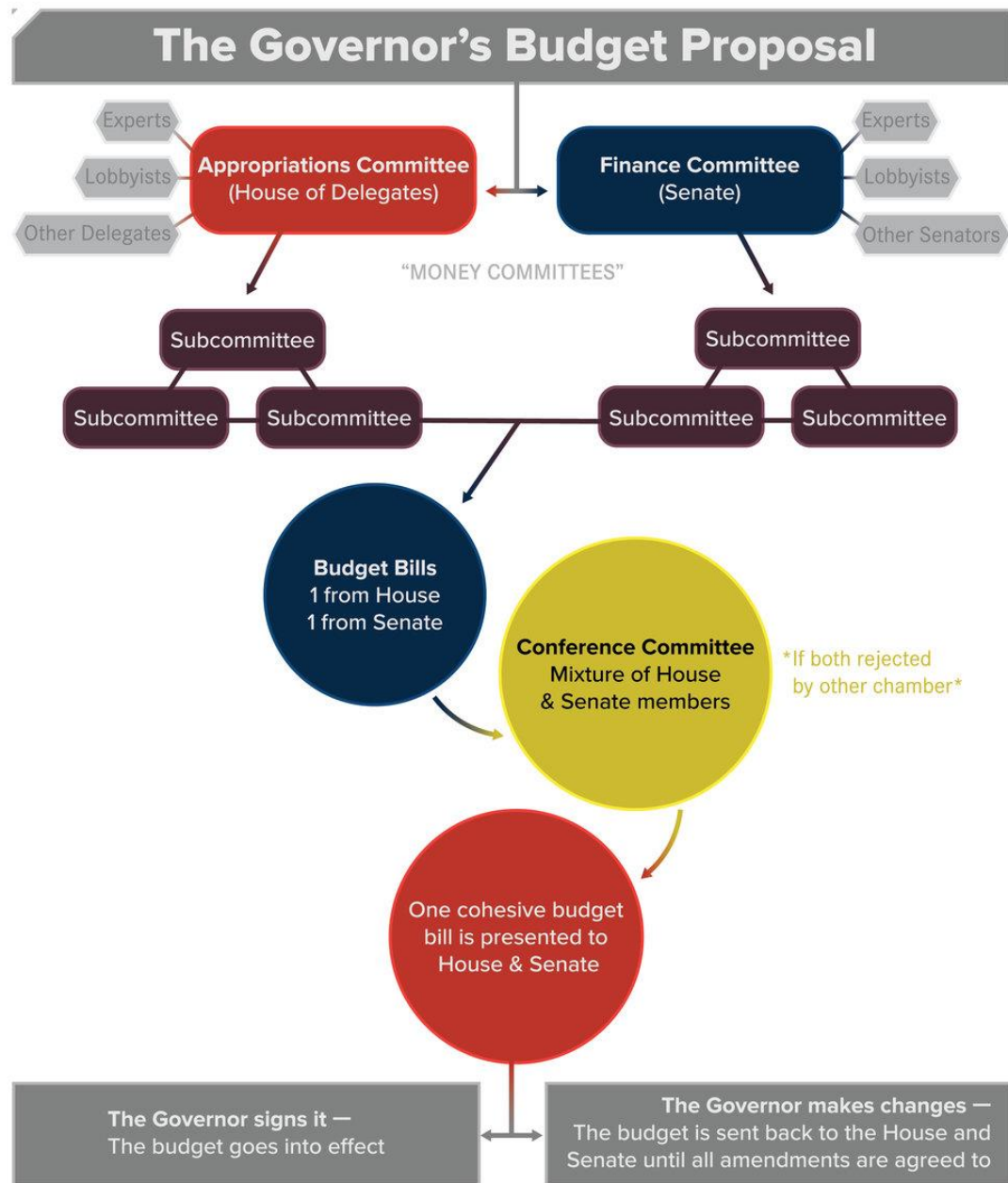




# Things to Note: Pennsylvania

- ▶ Water quality spending is statewide, not Bay Watershed specific
- ▶ Two budgets per session
- ▶ Capital Budget
- ▶ Ways the legislature can work around the budget





Virginia



# Virginia's budget

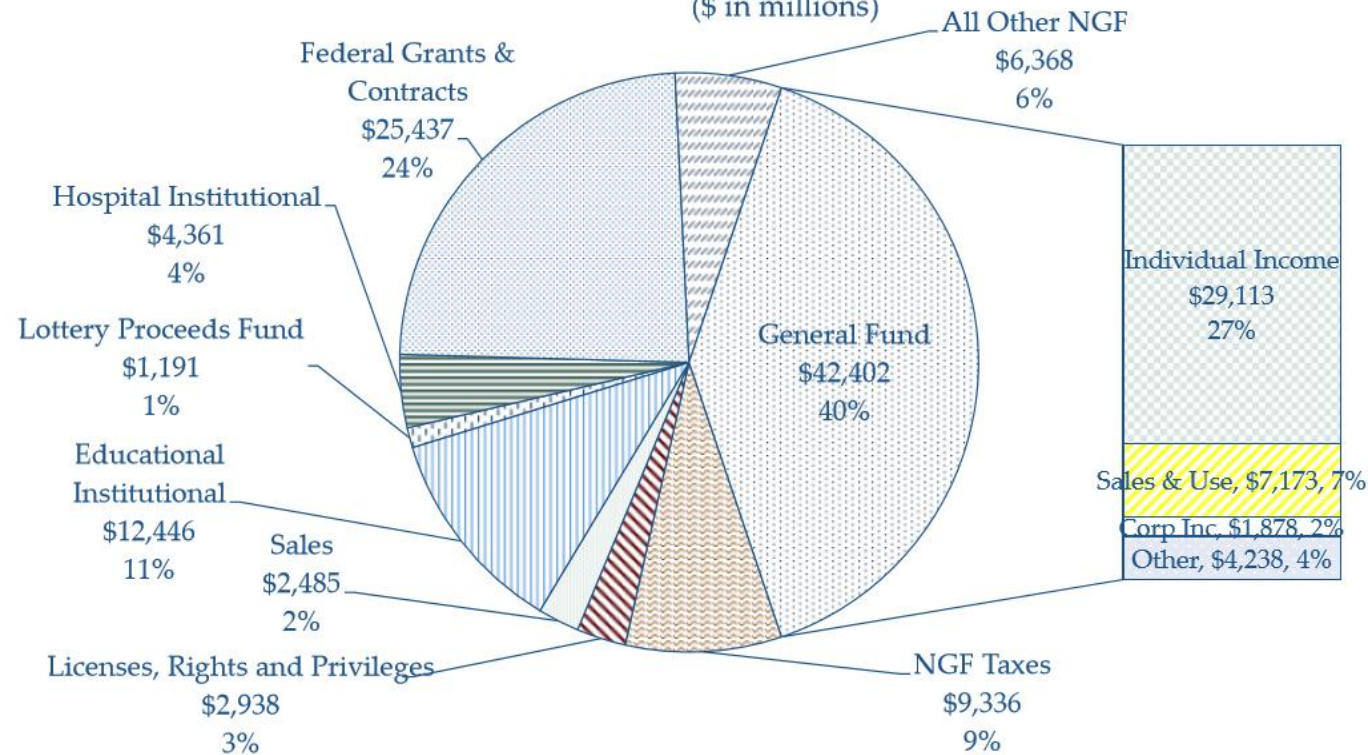
## Revenue sources



FY 2018-20 Total Revenues = \$107.0 billion

Chapter 2 (HB 5002, as Adopted)

(\$ in millions)



# Things to Note: Virginia



- ▶ Biennial
- ▶ Short Session
- ▶ Governor is limited to 4-year term
- ▶ Conference Committee
- ▶ AAA Bond rating
- ▶ Budget trumps Code of Virginia
- ▶ Ways the Legislature can work around the Budget







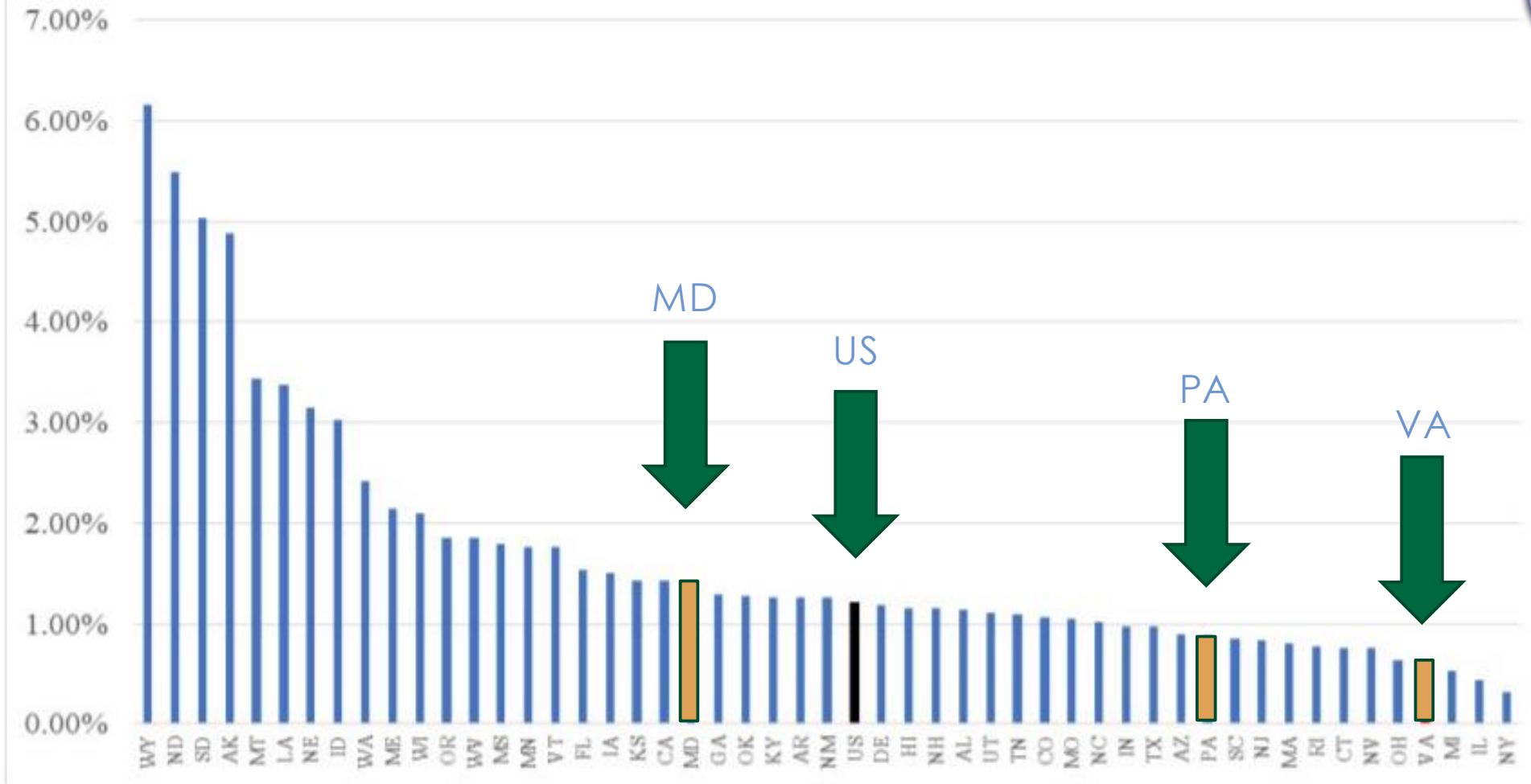
# Some Interesting Numbers\*

---

\*That you should take with a grain of salt



## Natural Resources Spending % of General Revenue (2015)



Source: U.S. Census Bureau, 2015 data

## Percent of State General Revenue Spent Directly on Natural Resources

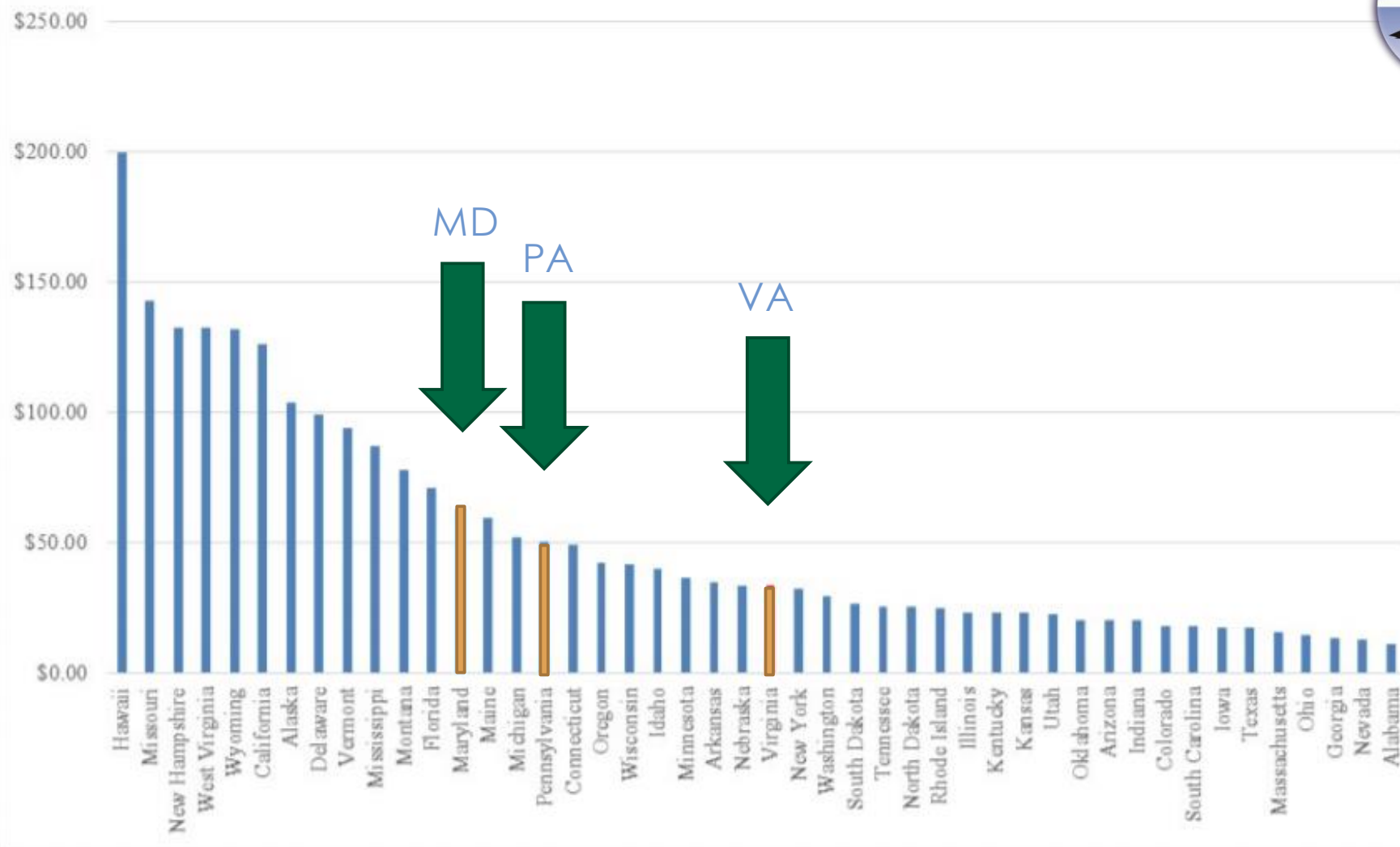
	US Average	MD	NC	PA	VA
2015	1.21%	1.39%	1.02%	0.89%	0.60%
2014	1.80%	1.31%	1.03%	0.92%	0.61%
2013	1.26%	1.29%	1.07%	0.92%	0.61%
2012	1.35%	1.52%	1.31%	1.31%	1.74%
2011	1.33%	1.42%	1.36%	0.95%	1.75%
2010	1.37%	1.57%	1.26%	1.08%	0.64%
2009	1.51%	2.18%	1.85%	1.08%	0.65%
2008	1.49%	1.95%	1.61%	1.12%	0.59%
2007	1.52%	1.89%	1.61%	1.08%	0.60%
2006	1.44%	1.55%	1.33%	1.04%	0.64%

Source: U.S. Census Bureau





## Per Capita Environmental Agency Spending FY 2015



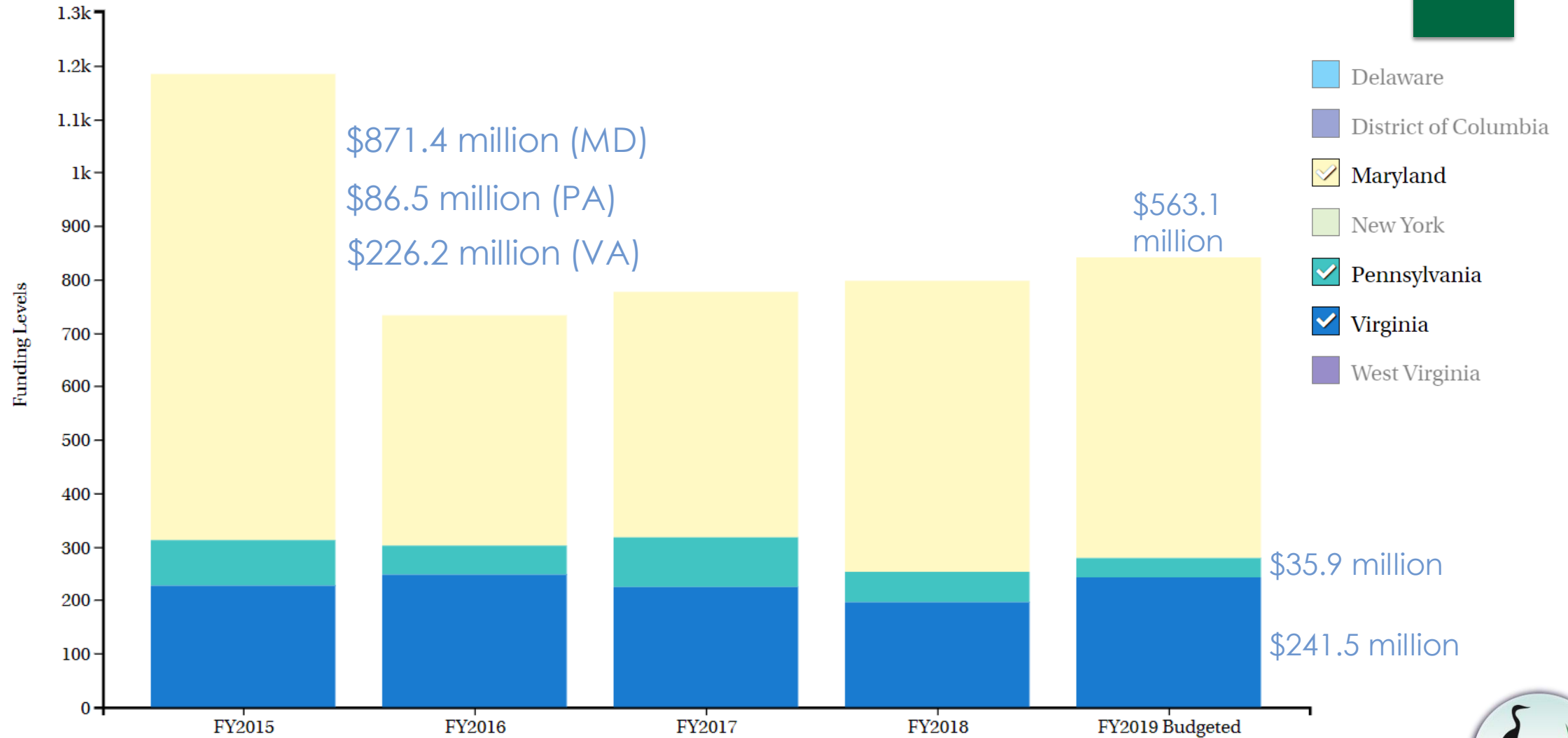


## Environmental Agency Spending in Chesapeake Bay States

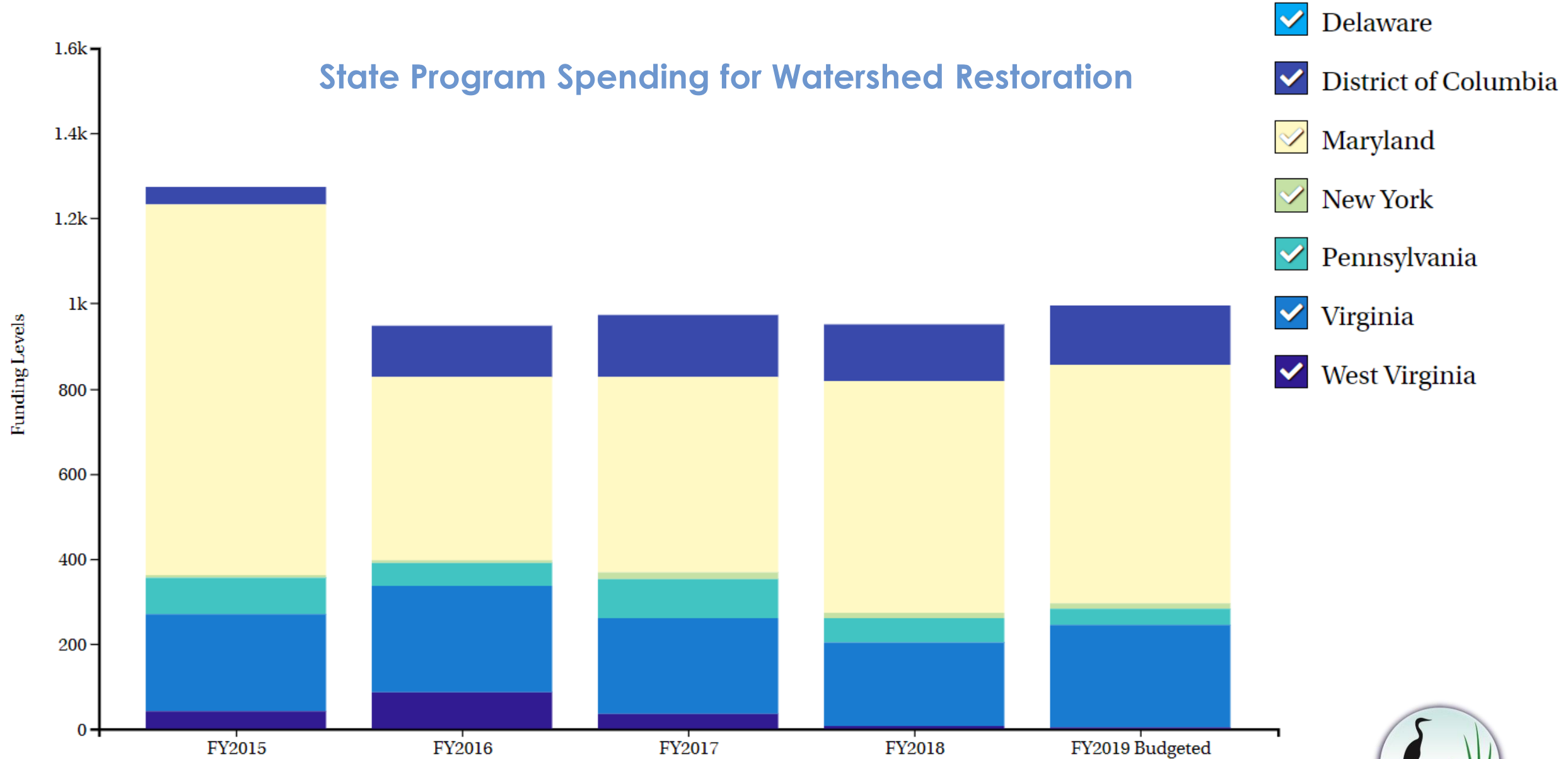
	Population	FY 2015 EAB Budget	Per Capita EAB Spending FY 2015	Per Capita EAB Spending FY 2014	Per Capita EAB Spending FY 2013
Virginia	8,383,993	\$282,201,486	\$33.66	\$26.55	\$28.43
Pennsylvania	12,802,503	\$649,584,000	\$50.74	\$51.67	\$46.91
Maryland	6,006,401	\$379,064,123	\$63.11	\$62.42	\$78.29

Source: Environmental Council of the States, STATUS OF STATE ENVIRONMENTAL AGENCY BUDGETS, 2013-2015, March 15, 2017

# State Program Spending for Watershed Restoration



## State Program Spending for Watershed Restoration

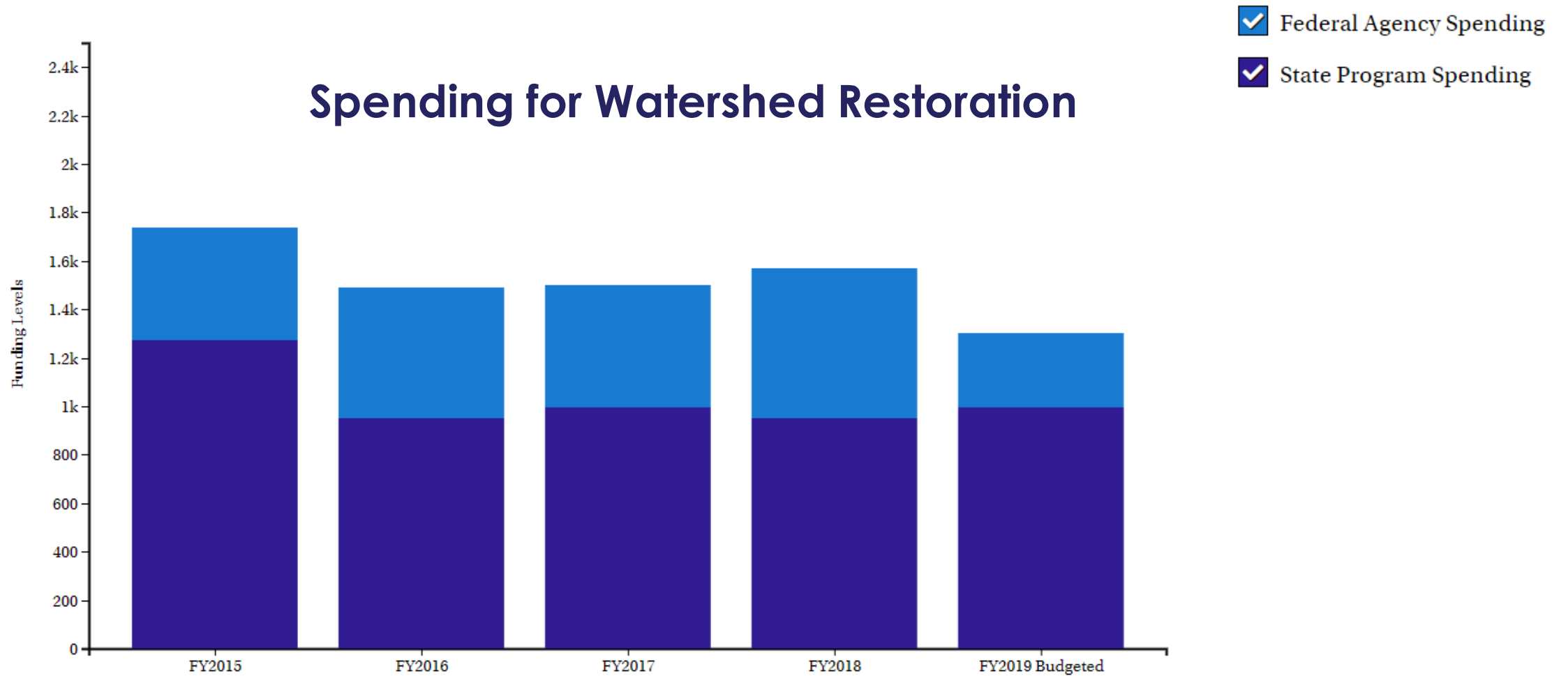


<https://www.chesapeakeprogress.com/funding>





# Spending for Watershed Restoration

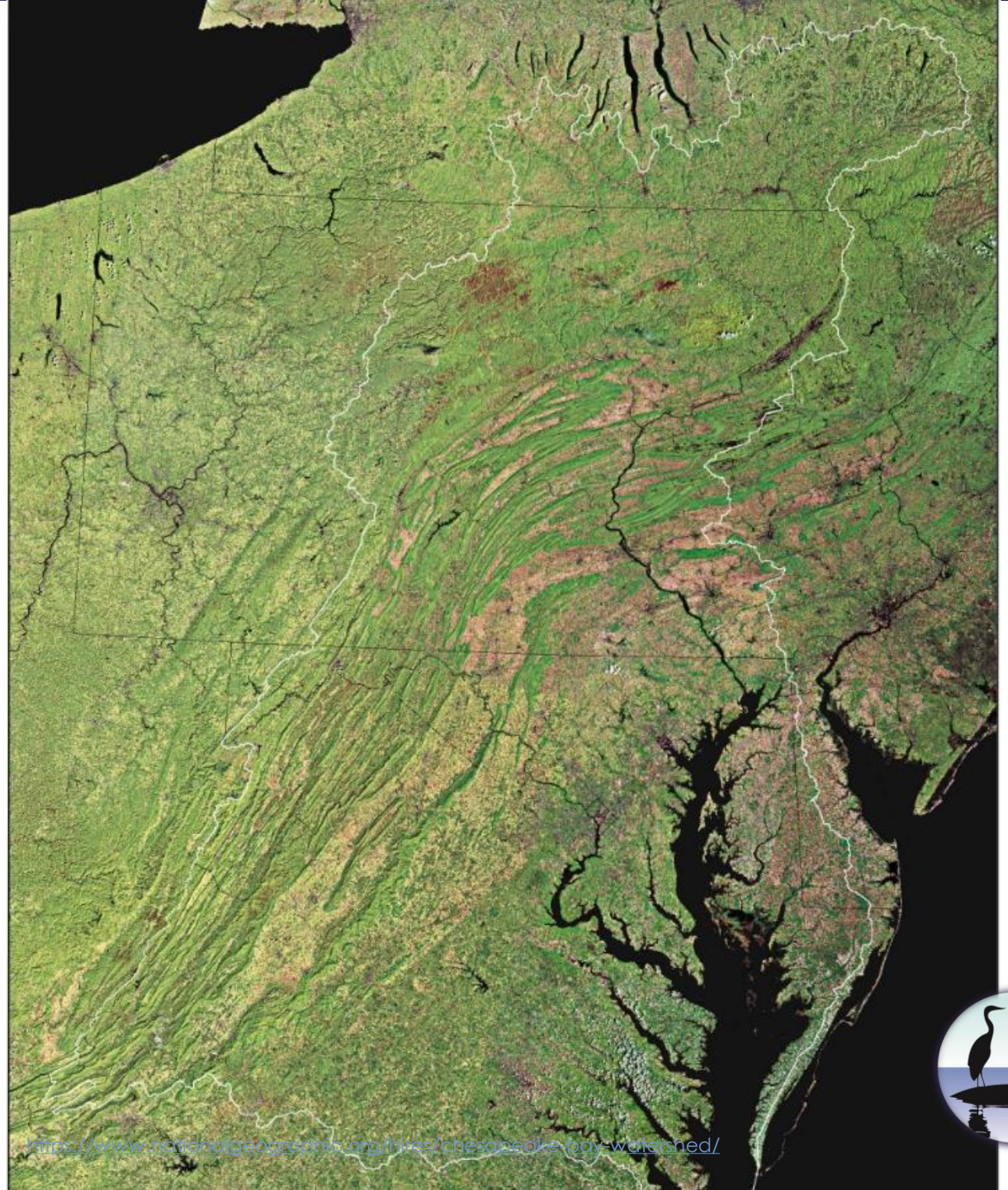


# Funding for the Watershed – Where does this money come from?

- ▶ Federal
- ▶ Maryland
  - ▶ Bay Restoration Fund
  - ▶ Chesapeake and Atlantic Coastal Bays Trust Fund
  - ▶ Water Quality Revolving Loan Fund
  - ▶ Maryland Ag Cost Share Program
- ▶ Pennsylvania
  - ▶ Clean Water State Revolving Fund
  - ▶ Growing Greener
- ▶ Virginia
  - ▶ Water Quality Improvement Fund
  - ▶ Stormwater Local Assistance Fund
  - ▶ Clean Water Revolving Loan Fund



How does this  
affect the  
Commission's  
work?



<https://www.nationalgeographic.org/files/chesapeake-bay-watershed/>



# Judges





# Maryland



## Appellate

- **Court of Appeals**  
10-year terms
- **Court of Special Appeals**  
10-year terms

## Trial

- **Circuit Court**  
15-year terms

## Limited Jurisdiction

- **District Court**  
10-year terms
- **Orphans' Court**  
4-year terms

# Maryland's Judicial Selection Process

## Appellate & District Courts



- Governor selects judges
- Selected judges are subject to Senate confirmation
- After serving for at least one year, Appellate judges subject to retention election

## Circuit Court

- Governor selects judges
- No Senate confirmation process
- After serving for at least one year, participate in non-partisan elections

## Orphans' Court

- Partisan elections every 4 years

# Pennsylvania



## Appellate

Supreme Court

Superior Court    Commonwealth Court

## Trial

Courts of Common Pleas

## Limited Jurisdiction

Minor Courts

10-year terms

6-year terms





# Pennsylvania Judges are selected through Partisan Elections

# Virginia



## Appellate

- Supreme Court 12-year terms
- Court of Appeals 8-year terms

## Trial

8-year terms

- Circuit Courts

## Limited Jurisdiction 6-year terms

- General District Courts
- Juvenile
- Domestic Relations



Virginia Judges  
are selected  
through  
Legislative  
Election

# Takeaways: CBC Mission



“By laws enacted in the three member states more than three decades ago, **the CBC is charged with addressing the broad range of issues and policies that reflect the pollution sources, land uses and human impacts in the Bay region**, an area spanning six states, a 64,000 square mile watershed and 180,000 miles of tributaries and coastline. **Commission members craft and secure passage of laws and policies that must balance many ecological, societal and economic concerns.**

The restoration's primary focus is on clean water, believing that restored water quality will lead to improved conditions for the resources that depend upon it. “

# Questions



**Chesapeake Legal Alliance**  
501 Sixth Street | Annapolis, MD 21403  
T: 410-216-9441 | F: 410-216-7077  
[info@chesapeakelegal.org](mailto:info@chesapeakelegal.org)  
[www.chesapeakelegal.org](http://www.chesapeakelegal.org)