

## APPENDIX A

### Special Appropriations Table, Special Highway Table and Special Study Table

#### I. Introduction

The act of tabling a bill or motion is the process of setting aside or deferring action on the bill or motion. The Special Appropriations Table and the Special Highway Table are special processes in the Maine State Senate for deferring actions on bills affecting General Fund appropriations and/or revenue and Highway Fund allocations and/or revenue, respectively. These tables were designed to track legislation affecting the General Fund and Highway Fund; to provide equitable treatment for these bills; and to maintain balanced General Fund and Highway Fund budgets.

These special tables are established by Senate Orders. These orders are printed in the Senate Calendar, usually very early in the First Regular Session.

Special Appropriations Table - Created by Senate Order, usually on 1st legislative day of new session.

“Ordered, that all Bills and Resolves carrying or requiring an appropriation or involving a loss of revenue that are in order to be passed to be enacted, or finally passed, shall, at the request of a member of the Committee on Appropriations and Financial Affairs, be placed on a special calendar to be called up for consideration only by a member of the Committee.”

Special Highway Table - Created by Senate Order, usually on 1st legislative day of new session

“Ordered, that all Bills and Resolves carrying or requiring an appropriation of highway revenue or involving a loss of highway revenue that are in order to be passed to be enacted, or finally passed, shall, at the request of a member of the Committee on Transportation, be placed on a special calendar to be called up for consideration only by a member of the Committee.”

#### II. Purpose of the Special Appropriations Table and Special Highway Table

These tables have been established to provide the Joint Standing Committee on Appropriations and Financial Affairs and the Joint Standing Committee on Transportation with methods of making sure that the General Fund and the Highway Fund, respectively, are maintained as balanced budgets. They also place the decisions for bills affecting the General Fund and the Highway Fund with the Committees charged with the oversight of those specific funds, rather than distributing these decisions to other policy committees.

Note: Reference to “requiring an appropriation” in these orders has been interpreted by the Office of Fiscal and Program Review to mean current biennium costs, future costs, and potential costs.

These tables provide a formal method for tracking the effect of legislation on the General Fund and Highway Fund. Tracking these bills could be done on an on-going basis and be factored into the decision-making processes of both budgets. However, this on-going tracking process would make the budget decisions of the Joint Standing Committees on Appropriations and Financial Affairs and Transportation reactive rather than proactive. The budget bills usually include the major financial decisions regarding the General Fund and Highway Fund. Therefore, to maintain their central role in the budget decision-making process, the legislature has decided to defer action on most other bills

affecting the General Fund and Highway Fund until after the budget bills have been reported out of their respective committees and enacted. Other bills with General Fund or Highway Fund impacts must compete equally for finite resources rather than on a first come, first served basis.

### **III. Process of Tabling Bills**

The authorizing Senate Order passed early in the session specifies any senate member of the Joint Standing Committee on Appropriations and Financial Affairs may make the motion to set aside a bill on the Special Appropriations Table. The same rule applies to senate members of the Joint Standing Committee on Transportation for the Special Highway Table. Motions to place bills on either of these tables are made when the bill is pending final enactment in the Senate. The Senate Chairs of the Committee on Appropriations and Financial Affairs and the Committee on Transportation usually make the motions to table on the Special Appropriations and Special Highway Tables, respectively, but other members of those committees, in the absence of the chairs, may make motions to table bills on the Special Appropriations and Special Highway Tables.

### **IV. Role of the Office of Fiscal and Program Review**

The Office of Fiscal and Program Review (OFPR), a non-partisan staff office of the legislature, provides the legislature with fiscal research and fiscal notes and staffs the Joint Standing Committees on Appropriations and Financial Affairs, Taxation and Transportation. All bills with a fiscal impact are tracked through the fiscal note process administered by OFPR. Given its roles in the fiscal note process and the staffing of the Committee on Appropriations and Financial Affairs and the Committee on Transportation, OFPR has the role of notifying the members of the committees, usually through the respective Senate chairs, when a bill up for final enactment meets the criteria for placement on the Special Appropriations and Special Highway Tables.

OFPR produces reports about the bills and resolves on these tables. These reports summarize the expenditure and revenue impacts of each bill. OFPR also provides staff assistance to the Committee on Appropriations and Financial Affairs, the Committee on Transportation and Legislative Leadership during the final decision-making phases of the bills on these tables.

### **V. Types of Bills and Resolves to be Placed on These Tables**

Not all bills with fiscal impacts get placed on the Special Appropriations Table or the Special Highway Table. A general rule is applied by OFPR in making recommendations regarding whether a bill should be placed on these tables. If any bill or any portion of a bill includes a General Fund appropriation or deappropriation, a General Fund revenue reduction or any other General Fund cost, that bill should be set aside on the Appropriations Table. The same criteria apply to the Highway Fund Table. Bills that should be tabled include:

- Bills that include General Fund appropriations or Highway Fund allocations;
- Bills that include General Fund deappropriations or Highway Fund deallocations;
- Bills that reduce General Fund revenue or Highway Fund revenue; and
- Bills that increase future General Fund or Highway Fund costs or reduce future General Fund or Highway Fund revenues.

A bill that includes a General Fund appropriation or Highway Fund allocation that may be offset by additional General Fund or Highway Fund revenue, General Fund deappropriations or Highway Fund deallocations, will still receive a recommendation to be tabled even though the overall net impact could be positive to either fund.

If bills affect both the General Fund and the Highway Fund in such a way that a recommendation would be made to place the bill on both Tables, these bills will be recommended to be placed on the Special Appropriations Table.

The committees may decide to exempt a particular “emergency” bill from being placed on either of the funding tables. By tradition, the appropriate committee usually holds a public work session and specifically votes to exempt that bill from being placed on the respective table.

## **VI. Final Action on Bills and Resolves on These Tables**

### Special Appropriations Table

After the budget bills have been enacted or are pending enactment and the amount of funding still available for the table is known, the Joint Standing Committee on Appropriations and Financial Affairs reviews all bills placed on the table throughout the session and makes its decision on each. These decisions are made with a significant amount of input from other sources. Other committees are required, within 5 working days after reporting out all of their bills, to notify the Joint Standing Committee on Appropriations and Financial Affairs of their priorities of bills that are on the Special Appropriations Table. Leadership, sponsors and other interested parties are often involved in working out compromises or agreements for final disposition of bills on the table. Bills are passed as is, amended to change the cost or killed outright. There are no voting requirements specified in the joint order that created the table. By tradition, decisions are made by majority vote.

### Special Highway Table

The Special Highway Table decisions are made at approximately the same time as the Special Appropriations Table decisions. No other committees are required to submit priorities to the Transportation Committee and leadership does not usually get involved in the resolution of the Special Highway Table. As there are no voting requirements specified in the joint order, decisions are traditionally made by majority vote.

## **VII. Special Study Table**

Many potential studies are proposed during a typical legislative session. Although many are included in a bill when it is being worked in committee, others are created in response to offered bills that generate the desire for more information or other alternatives before enacting. The purpose of the Special Study Table is to prioritize among the studies so that limited financial and staff resources may be used in the most efficient and effective way. Typically studies are scheduled for the interim period between legislative sessions when staff and legislators are not overwhelmed with the business of the legislature. Bills may be placed on this table in either the House or Senate, usually by a member of the Legislative Council. The Special Study Table is essentially a function of the Legislative Council

and as such, the Executive Director's office plays an important role in communicating with the Council throughout the process. As it does with the Special Appropriations Table and the Special Highway Table, OFPR helps monitor bills that may need to be set aside on the Special Study Table and facilitates the process by alerting Senate staff when it is aware a bill is arriving on the floor that needs to be tabled. Near the end of the session the Legislative Council reviews the studies and makes its decisions for expenditure of the legislative study budget dollars. Some studies will be amended, some funded, and others killed outright. If a study is recommended by the Council and is to be funded from a direct appropriation apart from the study budget, OFPR will help get the bill sent to the Special Appropriations Table where the additional costs may be considered and funded by amendment.

Special Study Table - Created by Joint Rule, usually on the 1st legislative day of new session

Joint Rule 353, §8:

“All joint orders or legislation proposing legislative studies regardless of funding source must be placed on a special study table in the House or Senate. The Legislative Council shall review the proposed studies and establish priorities for allocation of budgetary and staffing resources.”