

SB0187/863325/1

BY: Conference Committee

AMENDMENTS TO SENATE BILL 187
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 22, after “funding;” insert “altering certain data sources used in the calculation for certain local health services funding; altering the purpose of a certain Fund;”.

On page 2, in line 1, after “review;” insert “requiring an itemized statement of certain estimated revenues to be included in a certain report of the Bureau of Revenue Estimates; requiring the Maryland Insurance Administration to submit certain data to the Bureau of Revenue Estimates in a certain format to be included in a certain report;”; in line 16, after “circumstances;” insert “requiring that the Maryland Historical Society receive a certain distribution from certain funds distributed to the Maryland State Arts Council from certain revenue distributed from the State admissions and amusement tax on electronic bingo and electronic tip jars;”; in line 20, after “forecast;” insert “requiring a certain financial forecast for a certain period to increase operating expenses each year by a certain minimum amount, subject to a certain limitation;”; in line 26, after “funds;” insert “requiring certain funds appropriated for certain fiscal years to revert to the General Fund or the Cigarette Restitution Fund;”; and in line 39, after “targets;” insert “requiring certain departments to jointly determine a certain Consumer Price Index to be used in certain formula calculations for a certain fiscal year; requiring the Commission on Innovation and Excellence in Education to make certain recommendations in its final report on or before a certain date regarding certain inflationary indices to be used in certain formulas; requiring the Department of Legislative Services to review and identify certain statutory provisions that reference a certain Consumer Price Index and to make certain recommendations on or before a certain date regarding certain inflationary measures to be used in certain instances; stating the intent of the General Assembly that certain entities licensed in accordance with certain provisions of law to operate games of instant bingo using electronic”

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machines be authorized to operate any electronic machine approved by the State Lottery and Gaming Control Commission for use by any other entity authorized to operate games of instant bingo using electronic machines;”.

On page 4, in line 13, strike “4-509(a)(1) and (4) and” and substitute “4-508(a), 4-509(a)(1) and (4), and”; in line 18, strike “4-509(j) and” and substitute “4-508(c) and (g)(1), 4-509(j), and”; and in line 28, strike “6-104(e)” and substitute “6-104(b) and (e)”.

On page 5, in line 14, after “Section” insert “2-202(c) and”; and in line 34, after “Section” insert “2-103.1(m)(2) and”.

On page 34, in lines 13, 17, and 26, strike “10.”, “11.”, and “13.”, respectively, and substitute “12.”, “13.”, and “15.”, respectively.

On page 35, in lines 21 and 25, strike “14.” and “15.”, respectively, and substitute “19.” and “20.”, respectively.

On page 36, in line 7, strike “16.” and substitute “24.”.

AMENDMENT NO. 2

On page 16, in lines 19 and 20, strike “U.S. Department of Commerce” and substitute “**BUREAU OF LABOR STATISTICS OF THE U.S. DEPARTMENT OF LABOR**”; and in line 23, strike “Maryland Department of Health” and substitute “**U.S. DEPARTMENT OF COMMERCE**”.

AMENDMENT NO. 3

On page 19, after line 5, insert:

“4-508.

(a) In this section, “Fund” means the Strategic Demolition and Smart Growth Impact Fund.

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(c) The purpose of the Fund is to provide grants and loans to assist in predevelopment activities, including INTERIOR AND EXTERIOR demolition, land assembly, architecture and engineering, and site development for revitalization projects in designated areas of the State.

(g) (1) The Fund may be used only to provide grants and loans to government agencies and community development organizations for INTERIOR AND EXTERIOR demolition, land assembly, architecture and engineering, and site development for revitalization projects in an area designated as a Sustainable Community.”.

AMENDMENT NO. 4

On page 19, in line 10, strike the second set of brackets; in line 11, strike “MAY”; in lines 11 and 12, in each instance, strike the bracket; and in line 12, strike “\$5,000,000” and substitute “\$4,000,000”.

AMENDMENT NO. 5

On page 23, after line 27, insert:

“(b) (1) After the end of each fiscal year, the Bureau shall submit to the Board a report that:

(i) contains an itemized statement of the State revenues from all sources for that fiscal year; and

(ii) includes any recommendations of the Bureau.

(2) In December, March, and September of each year, the Bureau shall submit to the Board a report that contains an itemized statement of the estimated State revenues from all sources for the fiscal year following the fiscal year in which the report is made.

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(3) The Bureau shall provide to the Board any other information that the Board requests.

(4) Notwithstanding any other provision of law, the reports required under paragraphs (1) and (2) of this subsection shall include an itemized statement of:

(i) revenues or estimated revenues distributed to the Transportation Trust Fund, including the motor fuel taxes imposed under Title 9, Subtitle 3 of the Tax – General Article and motor vehicle titling taxes imposed under Title 13, Subtitle 8 of the Transportation Article;

(ii) revenues from the State transfer tax imposed under Title 13, Subtitle 2 of the Tax – Property Article; [and]

(iii) estimated revenues from nonwithholding income taxes calculated in accordance with subsection (e) of this section; AND

(IV) ESTIMATED REVENUES FROM ANY PREMIUM TAXES COLLECTED BY THE MARYLAND INSURANCE ADMINISTRATION.

(5) (I) IN ORDER FOR THE BUREAU TO INCLUDE IN THE REPORTS REQUIRED UNDER PARAGRAPHS (1) AND (2) OF THIS SUBSECTION ESTIMATED REVENUES FROM ANY PREMIUM TAXES COLLECTED BY THE MARYLAND INSURANCE ADMINISTRATION, THE MARYLAND INSURANCE ADMINISTRATION SHALL SUBMIT TO THE BUREAU:

1. WITHIN 1 MONTH AFTER THE END OF THE PRECEDING FISCAL QUARTER, QUARTERLY PREMIUM TAX DATA ON A CASH BASIS AND BY FUND SOURCE, INCLUDING PAYMENTS, REFUNDS, OTHER FINANCIAL TRANSACTIONS, AND TOTAL NET CASH IMPACT;

2. A FISCAL YEAR-END CLOSE-OUT REPORT RECONCILING THE QUARTERLY DATA;

3. AN ANNUAL REPORT TABULATING DATA FROM SUBMITTED TAX FORMS FOR EACH INSURER, INCLUDING TOTAL PREMIUMS, TOTAL DEDUCTIONS, TOTAL TAXABLE PREMIUMS, GROSS TAX OWED, AND LIABILITY INFORMATION; AND

4. ANY OTHER DATA REQUESTED BY THE BUREAU.

(II) THE MARYLAND INSURANCE ADMINISTRATION SHALL SUBMIT THE DATA REQUIRED UNDER THIS PARAGRAPH IN A FORMAT DETERMINED BY THE BUREAU.”

AMENDMENT NO. 6

On page 27, in line 27, strike “OCTOBER” and substitute “JULY”.

AMENDMENT NO. 7

On page 28, after line 4, insert:

“2-202.

(c) From the revenue attributable to a tax rate of 5% to be distributed to the Special Fund for Preservation of Cultural Arts in Maryland or the Maryland State Arts Council under subsection (a)(1)(ii) of this section, the Comptroller shall distribute[.]:

(1) for fiscal year 2019 and each fiscal year thereafter, \$250,000 to the Arts Council of Anne Arundel County; AND

(2) FOR FISCAL YEAR 2020 AND EACH FISCAL YEAR THEREAFTER, \$250,000 TO THE MARYLAND HISTORICAL SOCIETY.”.

AMENDMENT NO. 8

On page 31, after line 3, insert:

“2-103.1.

(m) (2) (i) The financial forecast supporting the Consolidated Transportation Program to be submitted to the General Assembly under paragraph (1) of this subsection shall include the following components:

1. A schedule of operating expenses for each specific modal administration;

2. A schedule of revenues, including tax and fee revenues, deductions from revenues for other agencies, Department program and fees, Motor Vehicle Administration cost recovery, deductions for highway user revenues, operating revenues by modal administration, and miscellaneous revenues; and

3. A summary schedule for the Transportation Trust Fund that includes the opening and closing Fund balance, revenues, transfers, bond sales, bond premiums, any other revenues, expenditures for debt service, operating expenses, amounts available for capital expenses, bond interest rates, bond coverage ratios, total bonds outstanding, federal capital aid, and the total amount for the Transportation Capital Program.

(ii) The financial forecast shall include, for each of the components specified in subparagraph (i) of this paragraph:

1. Actual information for the last full fiscal year; and

2. Forecasts of the information for each of the six subsequent fiscal years, including the current fiscal year, the fiscal year for the proposed budget, and the next four subsequent fiscal years.

(iii) 1. For the period beyond the budget request year, the financial forecast:

[1.] A. Shall maximize the use of funds for the capital program; [and]

[2.] B. Except as authorized by law, may not withhold or reserve funds for capital transportation grants to counties or municipal corporations; AND

C. EXCEPT AS PROVIDED IN SUBSUBPARAGRAPH 2 OF THIS SUBPARAGRAPH, SHALL INCREASE THE OPERATING EXPENSES, NET OF AVAILABILITY PAYMENTS PAID TO PUBLIC-PRIVATE PARTNERSHIP CONCESSIONAIRES, EACH YEAR BY AT LEAST THE 5-YEAR AVERAGE ANNUAL RATE OF CHANGE IN THE OPERATING EXPENSES OF THE DEPARTMENT, ENDING WITH THE MOST RECENTLY COMPLETED FISCAL YEAR.

2. THE ASSUMED RATE OF FUTURE OPERATING BUDGET GROWTH UNDER SUBSUBPARAGRAPH 1C OF THIS SUBPARAGRAPH MAY NOT INCREASE OR DECREASE BY MORE THAN 0.5 PERCENTAGE POINTS FROM THE GROWTH RATE ASSUMED IN THE PREVIOUS FORECAST.

(iv) The Department shall incorporate in the financial forecast the most recent estimates by the Board of Revenue Estimates of the revenues from:

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1. The corporate income tax and the sales and use tax for each of the six subsequent years, including the current fiscal year and the fiscal year for the proposed budget; and

2. Motor fuel taxes and motor vehicle titling taxes for the current fiscal year and the fiscal year for the proposed budget.”.

AMENDMENT NO. 9

On page 33, in line 16, strike “\$150,329,000” and substitute “\$148,519,000”.

AMENDMENT NO. 10

On page 34, after line 12, insert:

“SECTION 10. AND BE IT FURTHER ENACTED, That, notwithstanding any other provision of law, the unexpended allocations for local area agencies on aging made from the appropriation in Community Services (D26A07.03) within the Department of Aging that were included in the fiscal year 2018 operating budget (Chapter 150 of the Acts of 2017) may be encumbered and may not revert to the Department of Aging or to the General Fund or cancel at the close of fiscal year 2018, but instead may be spent in fiscal year 2019. Any encumbered fiscal year 2018 funds remaining unspent at the close of fiscal year 2019 shall revert to the General Fund or cancel at the close of fiscal year 2019.”.

AMENDMENT NO. 11

On page 34, before line 13, insert:

“SECTION 11. AND BE IT FURTHER ENACTED, That the unexpended appropriation for the purchase of textbooks, computer hardware, computer software, and other electronically delivered learning materials in the Aid to Non–Public Schools Program (R00A03.04) within the Maryland State Department of Education that was included in the fiscal year 2018 operating budget (Chapter 150 of the Acts of 2017) is reduced by \$100,000 in special funds, which shall revert to the Cigarette Restitution

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Fund established under § 7–317 of the State Finance and Procurement Article so that a nonpublic school that was found to be in violation of the nondiscrimination requirements in the Broadening Options and Opportunities for Students Today (BOOST) Program does not receive funding under this program in fiscal year 2018.”.

AMENDMENT NO. 12

On page 34, strike in their entirety lines 21 through 25, inclusive, and substitute:

“SECTION 14. AND BE IT FURTHER ENACTED, That, notwithstanding any other provision of law, \$650,000 of the unexpended appropriation in Major Information Technology Development Projects (D38I01.03) within the State Board of Elections that was included in the fiscal year 2018 operating budget (Chapter 150 of the Acts of 2017) or transferred to Major Information Technology Development Projects (D38I01.03) by budget amendment 18R-001 may be encumbered and may not revert to the General Fund or cancel at the close of fiscal year 2018, but instead may be spent in fiscal year 2019 for election–related purposes. Any encumbered fiscal year 2018 funds remaining unspent at the close of fiscal year 2019 shall revert to the General Fund or cancel at the close of fiscal year 2019.”.

AMENDMENT NO. 13

On page 34, after line 29, insert:

“SECTION 16. AND BE IT FURTHER ENACTED, That, notwithstanding any other provision of law, on or before June 30, 2019, the Governor may transfer by budget amendment from the revenue distributed to the Special Fund for Preservation of Cultural Arts in Maryland or the Maryland State Arts Council under § 2–202(a)(1)(ii) of the Tax – General Article that is in excess of the budgeted amount in fiscal year 2018 or is available in the balance of the Special Fund an amount up to \$650,000 as a one-time supplemental grant to the Baltimore Symphony Orchestra.”.

AMENDMENT NO. 14

On page 34, before line 30, insert:

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“SECTION 17. AND BE IT FURTHER ENACTED, That, notwithstanding any other provision of law, on or before June 30, 2019, the Governor may transfer from the revenue distributed to the Special Fund for Preservation of Cultural Arts in Maryland or the Maryland State Arts Council under § 2-202(a)(1)(ii) of the Tax – General Article:

(1) \$200,000 as a grant to the Voxell LLC for the BARCO Playhouse Theater project;

(2) \$100,000 as a grant to PACT: Helping Children with Special Needs;

(3) \$100,000 as a grant to the Board of Directors of the Habitat for Humanity of the Chesapeake, Inc. for the Habitat for Humanity of the Chesapeake homes;

(4) \$75,000 as a grant to the Board of Trustees of the Chesapeake Shakespeare Company for a pedestrian bridge between the Chesapeake Shakespeare Company Theater and Studio buildings;

(5) \$75,000 as a grant to Community Services for Autistic Adults and Children for the RCI Group Home Renovations;

(6) \$50,000 as a grant to the Board of Directors of the Maryland Theatre Association, Inc.; and

(7) \$50,000 as a grant to Delmarva Community Services.

SECTION 18. AND BE IT FURTHER ENACTED, That, notwithstanding any other provision of law, the unexpended allocations for school safety made from the appropriations in the Public School Capital Appropriation (D06E02.02) within the Board of Public Works and in the Aid to Education Innovative Programs (R00A02.13) within the Maryland State Department of Education that were included in the fiscal

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year 2019 operating budget (S.B. 185/Chapter of the Acts of 2018) may be encumbered and may not revert to the Board of Public Works or the Maryland State Department of Education or to the General Fund or cancel at the close of fiscal year 2019, but instead may be spent in fiscal year 2020. Any encumbered fiscal year 2019 funds remaining unspent at the close of fiscal year 2020 shall revert to the General Fund or cancel at the close of fiscal year 2020.”.

AMENDMENT NO. 15

On page 36, after line 6, insert:

“SECTION 21. AND BE IT FURTHER ENACTED, That:

(a) Notwithstanding §§ 5–202 and 5–205 of the Education Article, for fiscal year 2020 only, the Department of Legislative Services, the Department of Budget and Management, and the Maryland State Department of Education shall jointly determine the appropriate regional Consumer Price Index to use in place of the Washington–Baltimore metropolitan area, which has been discontinued by the U.S. Bureau of Labor Statistics, in order to calculate the State Foundation Formula and the student transportation formula.

(b) The Commission on Innovation and Excellence in Education shall make recommendations in its final report to the Governor and General Assembly on or before December 31, 2018, on the appropriate inflationary indices that should be used in the State education aid formulas.

SECTION 22. AND BE IT FURTHER ENACTED, That the Department of Legislative Services shall:

(1) review and identify statutory provisions in the Annotated Code of Maryland that reference the discontinued Consumer Price Index Washington–Baltimore metropolitan area; and

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(2) make recommendations, in accordance with § 2-1246 of the State Government Article, to the General Assembly on or before November 1, 2018, regarding the appropriate inflationary measure to use in each instance in which the index is contained in statute other than those identified in Section 21 of this Act.”.

AMENDMENT NO. 16

On page 36, before line 7, insert:

“SECTION 23. AND BE IT FURTHER ENACTED, That, notwithstanding any other provision of law, it is the intent of the General Assembly that an entity licensed in accordance with Chapter 603 of the Acts of 2012 to operate a game of instant bingo using electronic machines be authorized to operate any electronic machine approved by the State Lottery and Gaming Control Commission for use by any other entity authorized under those provisions of law to operate a game of instant bingo using electronic machines.”.