

BY: Commerce and Government Matters Committee

AMENDMENTS TO SENATE BILL NO. 393

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 4, strike “an independent unit in the Office of the Governor” and substitute “a public corporation and instrumentality of the State”; and strike beginning with “requiring” in line 19 down through “structure;” in line 20.

AMENDMENT NO. 2

On page 11, in line 12, strike “AN INDEPENDENT UNIT” and substitute “A PUBLIC CORPORATION AND INSTRUMENTALITY OF THE STATE”.

AMENDMENT NO. 3

On page 12, in line 1, after “COMMISSION” insert “CORPORATE”; in line 18, strike “BASIC”; and in the same line, after “FUNDING” insert “MECHANISMS”.

AMENDMENT NO. 4

On page 13, in line 19, after “STATE” insert “AND A PUBLIC CORPORATION”; and strike lines 30 and 31 in their entirety.

AMENDMENT NO. 5

On page 21, strike line 7 in its entirety; in lines 8 and 10, strike “(I)” and “(II)”, respectively, and substitute “(2)” and “(3)”, respectively; and in line 9, strike “; AND” and substitute a period.

AMENDMENT NO. 6

On page 21, after line 29, insert:

“(2) THE FUND CONSISTS OF:

(I) THE ANNUAL GENERAL FUND GRANT TO THE COMMISSION;

(Over)

(II) ANY FEES, RENTS, OR OTHER CHARGES COLLECTED BY THE COMMISSION;

(III) ANY INVESTMENT EARNINGS ON THE FUNDS IN THE ACCOUNT; AND

(IV) ANY OTHER MONEYS RECEIVED BY OR PAID TO THE COMMISSION FROM ANY OTHER SOURCE.”.

AMENDMENT NO. 7

On page 21, in line 30, strike “(2)” and substitute “(3)”; and after line 34 insert:

“(4) THE FUNDS IN THE ACCOUNT ARE NOT MONEYS OF THE STATE SUBJECT TO APPROPRIATION AND ANY UNEXPENDED FUNDS HELD BY THE STATE TREASURER AT THE END OF ANY FISCAL YEAR SHALL NOT REVERT TO THE GENERAL FUND OR ANY SPECIAL FUND OF THE STATE.”.

AMENDMENT NO. 8

On pages 22 and 23, strike in their entirety the lines beginning with line 17 on page 22 through line 16 on page 23, inclusive.

On page 23, in line 17, strike “(D)” and substitute “(B)”.

AMENDMENT NO. 9

On page 23, strike in their entirety lines 26 through 30, inclusive; and in line 31, strike “(F)” and substitute “(C)”.

AMENDMENT NO. 10

On page 23, after line 36, insert:

“(D) (1) THE COMMISSION HAS THE RESPONSIBILITY FOR THE GOVERNANCE AND MANAGEMENT OF HISTORIC ST. MARY’S CITY, INCLUDING THE CARE, CONTROL, AND MAINTENANCE OF ALL OF ITS PROPERTY AND ASSETS.”;

in line 37, strike “(G) (1)” and substitute “(2)”; and in line 37, after “ADOPT” insert “AND IMPLEMENT BOTH”.

AMENDMENT NO. 11

On page 23, after line 39, insert:

“(E) (1) IN ORDER TO ESTABLISH A PREDICTABLE LEVEL OF FUNDING, THE GOVERNOR SHALL INCLUDE IN THE ANNUAL BUDGET BILL SUBMITTED TO THE GENERAL ASSEMBLY A GENERAL FUND GRANT TO THE HISTORIC ST. MARY’S CITY COMMISSION.

(2) THE PROPOSED GRANT SHALL BE IN AN AMOUNT NOT LESS THAN THE AMOUNT OF THE GENERAL FUND OPERATING APPROPRIATION FOR THE COMMISSION INCLUDED IN THE STATE BUDGET FOR FISCAL YEAR 1998 AS PASSED BY THE GENERAL ASSEMBLY.

(3) THE GRANT AS PROPOSED IS SUBJECT TO REDUCTION PURSUANT TO THE BUDGETARY POWER OF THE GENERAL ASSEMBLY.

(4) THE STATE SHALL PAY THE GENERAL FUND GRANT UNDER THIS SUBSECTION TO THE COMMISSION ON A QUARTERLY BASIS.

(F) THE COMMISSION SHALL SUPPORT ALL OPERATING COSTS, INCLUDING PERSONNEL AND RETIREMENT COSTS, FROM ITS GENERAL FUND GRANT AND THE OTHER REVENUE SOURCES OF THE COMMISSION.

(G) (1) THE GENERAL FUND GRANT AND ALL OTHER INCOME OF THE COMMISSION SHALL BE DEPOSITED IN THE ST. MARY’S CITY FUND IN THE STATE TREASURY OR SUCH OTHER FINANCIAL INSTITUTION AS THE STATE TREASURER DIRECTS.

(2) THE COMMISSION MAY SPEND OR ENCUMBER, WITHIN THE FISCAL YEAR THEY ARE RECEIVED, OR ANY TIME THEREAFTER, REVENUES RECEIVED IN EXCESS OF THOSE ESTIMATED FOR ANY FISCAL YEAR.

(Over)

(H) (1) THE COMMISSION SHALL MAKE PROVISION, EITHER BY STAFF OR CONTRACT, FOR A SYSTEM OF FINANCIAL ACCOUNTING, CONTROLS, AUDITS AND REPORTS, CONSISTENT WITH SOUND BUSINESS PRACTICES USING GENERALLY ACCEPTED ACCOUNTING PRINCIPLES.

(2) THE COMMISSION SHALL CAUSE AN AUDIT BY AN INDEPENDENT CERTIFIED PUBLIC ACCOUNTANT TO BE MADE OF THE ACCOUNTS AND TRANSACTIONS OF THE COMMISSION AT THE CONCLUSION OF EACH FISCAL YEAR.

(3) THE BOOKS, RECORDS, ACCOUNTS, AND TRANSACTIONS OF THE COMMISSION ARE SUBJECT TO AUDIT BY THE OFFICE OF LEGISLATIVE AUDITS OF THE DEPARTMENT OF FISCAL SERVICES.”.

AMENDMENT NO. 12

On page 24, strike in their entirety lines 1 through 19, inclusive.

AMENDMENT NO. 13

On page 25, in line 2, after “(A)” insert “(1)”; strike beginning with “SELL” in line 3 down through “EXCEPT:” in line 8 and substitute “IN FURTHERANCE OF THE PURPOSES OF THE COMMISSION, ASSIGN, LEASE, MORTGAGE, ENCUMBER, OR CONDITIONALLY TRANSFER BY DEED OF TRUST ANY REAL PROPERTY MANAGED AND OPERATED AS MUSEUM PROPERTY BY THE COMMISSION, AND ENTER INTO ANY CONTRACTS INCIDENT THERETO, FOR SUCH TERM AND SUCH CONDITIONS AS THE COMMISSION DEEMS APPROPRIATE.”; in line 9, strike “(1)” and substitute “(2)”; in the same line strike “VALUED IN EXCESS OF \$5,000.00”; in the same line, after “SOLD” insert “OR DISPOSED OF IN ITS ENTIRETY BY GIFT OR ANY OTHER MEANS.”; in line 10, strike “; AND” and substitute a period; and strike lines 11 and 12 in their entirety.

AMENDMENT NO. 14

On page 28, in line 15, strike “SALE” and substitute “ISSUANCE”; and in line 25, strike “OR NOTES”.

On page 29, in line 26, strike “ST. MARY’S COLLEGE”.

On page 30, in line 22, strike “AND”; and in the same line, after “8-209” insert “, AND 8-213 THROUGH 8-221”.

AMENDMENT NO. 15

On page 33, strike in their entirety lines 3 through 5 and substitute:

“(2) THE COMMISSION MAY NOT ISSUE TAX-EXEMPT PRIVATE ACTIVITY BONDS THAT REQUIRE A VOLUME CAP ALLOCATION UNDER PROVISIONS OF THE INTERNAL REVENUE CODE.”.

AMENDMENT NO. 16

On page 34, in line 14, after “to” insert “a nonbudgeted account held by the Treasurer as the Historic St. Mary’s City Fund.”; strike beginning with “the” in line 16 down through “Article.” in line 17; and strike in their entirety lines 33 through 43, inclusive.

On page 35, in lines 1 and 6, strike “10.” and “11.”, respectively, and substitute “9.” and “10.”, respectively.