

HB0101/434261/1

BY: Appropriations Committee

AMENDMENTS TO HOUSE BILL 101
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 10, after “education;” insert “delaying the applicability of certain provisions relating to the transfer to the State Department of Education of responsibility for educational programs at certain facilities of the Department of Juvenile Services; repealing certain provisions regarding the administration of certain child welfare programs; requiring that certain federal funds relating to certain previously disallowed claims be deposited in the General Fund of the State;”; strike beginning with “altering” in line 12 down through “circumstances;” in line 15; in line 16, after “individuals;” insert “providing a certain exception to a requirement that certain funding for Program Open Space be allocated in a certain manner; requiring that certain allocations of certain funds distributed to Program Open Space be adjusted in a certain manner for certain fiscal years under certain circumstances; requiring that a certain amount be allocated from certain transfer tax revenues to the General Fund of the State for certain fiscal years under certain circumstances; requiring that certain allocations from certain transfer tax revenues be adjusted in a certain manner for certain fiscal years under certain circumstances; authorizing the transfer of certain funds to the General Fund, subject to certain contingencies; providing that certain balances in a certain fund at the end of certain fiscal years revert to the General Fund;”; in the same line, after “altering” insert “for a certain fiscal year”; in line 17, after “purposes;” insert “altering the maximum amount of a certain contingency fund; altering a certain audit requirement;”; in line 18, after “State” insert “for certain fiscal years”; in line 20, after “account;” insert “limiting for certain fiscal years the amounts of certain distributions required to be made to certain counties and Baltimore City based on per capita yield of county income taxes;”; and strike beginning with “requiring” in line 26 down through “highway;” in line 30 and substitute “repealing a certain audit requirement; repealing a requirement that the State provide funds for a certain survey;”.

(Over)

On page 2, in line 1, after “lottery,” insert “clarifying a certain modification required under the Maryland income tax relating to the carryover of net operating losses under certain circumstances; providing that a certain limitation on the effect of certain amendments of the Internal Revenue Code on the Maryland income tax under certain circumstances does not apply to certain amendments of the Internal Revenue Code enacted under a certain federal act; providing for the application of certain provisions of law;”; strike beginning with “altering” in line 1 down through “facilities;” in line 2 and substitute “repealing certain requirements that the State reimburse the counties for certain inmates confined at local correctional facilities; requiring the State to provide certain grants to the counties for certain inmates confined at local correctional facilities;”; in line 6, strike “a certain amount” and substitute “certain amounts”; in the same line, strike “a certain special fund” and substitute “certain funds”; in line 7, strike “a certain purpose” and substitute “certain purposes”; in the same line, strike beginning with “reducing” through “contingency;” and substitute “requiring counties to pay certain employer contributions for certain members of the Employees’ Retirement System, Employees’ Pension System, and Law Enforcement Officers’ Pension System;”; in line 13, strike “repealing” and substitute “altering certain limits on the total amount of”; in line 14, after “coal” insert “that the Department of Assessments and Taxation may approve for certain calendar years”; and in line 19, after “plan;” insert “requiring certain highway user revenues to be distributed to the General Fund for certain fiscal years; reducing certain amounts due the counties under certain circumstances; requiring the Comptroller to withhold certain amounts from income tax attributable to the county income tax and crediting those amounts to the General Fund; altering the distribution of certain funds; reducing the amount of certain highway user revenues to be distributed to certain local jurisdictions for certain fiscal years; reducing, and providing for the reversion to the certain funds of, certain unexpended appropriations; providing for a payment of a certain amount to a certain county and recoupment of certain amounts from certain counties and libraries relating to an error in the application of a certain aid formula for certain fiscal years; defining certain terms;”.

AMENDMENT NO. 2

On page 2, strike in their entirety lines 23 through 27, inclusive; in line 40, strike “5-202(e)” and substitute “5-206(f)”; in the same line, after “17-104(a)” insert “22-303(a)(1) and (b)”; and after line 43, insert:

“BY repealing and reenacting, with amendments,

Article - Environment

Section 9-275

Annotated Code of Maryland

(2007 Replacement Volume and 2008 Supplement)”.

On page 3, in line 3, after “Section” insert “2-104(j)(2)”; in the same line, after “13-1015” insert “(a)”; after line 6, insert:

“BY repealing

Article - Human Services

Section 9-216(c)

Annotated Code of Maryland

(2007 Volume and 2008 Supplement)”;

in line 9, strike “14-106(d) and (e) and”; in line 14, after “Section” insert “5-902(c)”; in the same line, after “5-903(a)” insert “and (g)(1), and 5-903.1(c)”; in line 29, strike “7-512.1(f)” and substitute “7-512.1(c)(4) and (f)”; in line 34, strike “7-325(a)” and substitute “3-306”; and after line 41, insert:

“BY adding to

Article - State Personnel and Pensions

Section 21-307(n) and (o)

Annotated Code of Maryland

(2004 Replacement Volume and 2008 Supplement)”.

On page 4, in line 3, strike “and”; in the same line, after “2-1302.1” insert “, 8-406(b)(2)(iv), and 10-210.1(b)”; in line 8, strike “2-106” and substitute “13-209(d)”; after line 10, insert:

“BY adding to

Article - Tax - Property

Section 13-209(d-1)

Annotated Code of Maryland

(2007 Replacement Volume and 2008 Supplement)”;

after line 15, insert:

“BY repealing and reenacting, with amendments,

Chapter 306 of the Acts of the General Assembly of 2004

Section 8

BY repealing and reenacting, with amendments,

Chapter 307 of the Acts of the General Assembly of 2004

Section 8

BY repealing

Chapter 487 of the Acts of the General Assembly of 2004

Section 6

BY repealing and reenacting, with amendments,

Chapter 535 of the Acts of the General Assembly of 2004

Section 2 and 3

BY repealing and reenacting, with amendments,

Article 24 - Political Subdivisions - Miscellaneous Provisions

Section 9-1101

Annotated Code of Maryland

(2005 Replacement Volume and 2008 Supplement)”;

after line 20, insert:

“BY adding to

Article - State Government

Section 9-20B-05(g-1)

Annotated Code of Maryland

(2004 Replacement Volume and 2008 Supplement)”;

strike in their entirety lines 24 through 28, inclusive; and after line 31, insert:

“BY repealing

Article - Correctional Services

Section 9-401, 9-403, and 9-404

Annotated Code of Maryland

(2008 Replacement Volume and 2008 Supplement)”.

AMENDMENT NO. 3

On pages 4 and 5, strike in their entirety the lines beginning with line 34 on page 4 through line 13 on page 5, inclusive.

AMENDMENT NO. 4

On page 9, in line 2, strike “**50**” and substitute “**30**”.

AMENDMENT NO. 5

On page 9, in line 27, strike the third bracket; in line 31, strike the bracket; in line 28, strike “27%” and substitute “**23.4%**”; in line 31, strike “**\$194,454,853**”; and in line 33, strike “**20.9%**” and substitute “**24%**”.

On page 10, in lines 2 and 7, strike “**24%**” and “**26%**”, respectively, and substitute “**26%**” and “**28%**”, respectively; in line 11, after the semicolon insert “**AND**”;

(Over)

strike in their entirety lines 12 through 17, inclusive; in line 18, strike “7.” and substitute “6.”; and in the same line, strike “2015” and substitute “2014”.

AMENDMENT NO. 6

On page 11, in line 6 strike the third bracket; in line 10, strike the bracket; in line 7, strike “68%” and substitute “64.6%”; in line 10, strike “\$42,005,078”; in lines 12, 17, and 22, strike “63%”, “65%”, and “67%”, respectively, and substitute “65%”, “67%”, and “69%”, respectively; in line 26, after the semicolon insert “AND”; strike in their entirety lines 27 through 32, inclusive; in line 33, strike “(VII)” and substitute “(VI)”; and in the same line, strike “2015” and substitute “2014”.

AMENDMENT NO. 7

On page 12, strike line 20 in its entirety; in lines 21, 25, 29, and 33, strike “(III)”, “(IV)”, “(V)”, and “(VI)”, respectively, and substitute “(II)”, “(III)”, “(IV)”, and “(V)”, respectively; in line 21, strike “FISCAL YEAR” and substitute “EACH OF FISCAL YEARS 2010 AND”; and in line 22, strike “11.7%” and substitute “11.2%”.

On page 13, in line 1, strike “(VII)” and substitute “(VI)”.

AMENDMENT NO. 8

On pages 22 and 23, strike in their entirety the lines beginning with line 16 on page 22 through line 2 on page 23, inclusive.

AMENDMENT NO. 9

On page 23, in lines 5, 6, 14, 15, and 16, in each instance, strike the bracket; in lines 5 and 6, strike “2006 and 2007” and substitute “2010 THROUGH 2012”; in line 14, strike “Beginning in fiscal year 2008” and substitute “FOR FISCAL YEAR 2013 AND EACH FISCAL YEAR THEREAFTER”; in line 15, strike “THE”; in the same line, strike “SHALL CONSIST OF”; and strike beginning with “FUNDS” in line 17 down through “2009,” in line 18.

AMENDMENT NO. 10

On page 26, in line 17, strike “\$2,554,000” and substitute “\$8,385,845”.

On page 27, in line 7, strike “\$3,933,556” and substitute “\$13,100,711”.

AMENDMENT NO. 11

On pages 27 and 28, strike in their entirety the lines beginning with line 10 on page 27 through line 15 on page 28, inclusive.

AMENDMENT NO. 12

On page 29, before line 5, insert:

“Article – Correctional Services

9–402.

(A) IN THIS SECTION, “SENTENCED INMATES” MEANS THOSE INMATES CONFINED IN A LOCAL CORRECTIONAL FACILITY AFTER BEING SENTENCED TO THE CUSTODY OF THE LOCAL CORRECTIONAL FACILITY FOR MORE THAN 12 MONTHS AND NOT MORE THAN 18 MONTHS.

[(a)] (B) Subject to subsection [(b)] (D) of this section, FOR EACH FISCAL YEAR the State shall [reimburse] PROVIDE each county [according to the following formula so that each county receives the greater of:

(1) for sentenced inmates who are sentenced on or after January 1, 1987, the State shall reimburse a county for each day from the 91st day through the 365th day that sentenced inmates are confined in a local correctional facility at a rate of reimbursement of 50% of the rate set forth in § 9–403 of this subtitle; or

(2) for each fiscal year, the Secretary shall determine for each county the difference between the actual number of inmate days for the previous fiscal year

(Over)

and the average number of inmate days and multiply this number of inmate days, if positive, by 85% of the rate of reimbursement set forth in § 9-403 of this subtitle] A GRANT EQUAL TO AT LEAST \$45 FOR EACH DAY FROM THE END OF THE 12TH MONTH THROUGH THE END OF THE 18TH MONTH THAT A SENTENCED INMATE WAS CONFINED IN A LOCAL CORRECTIONAL FACILITY DURING THE SECOND PRECEDING FISCAL YEAR.

(C) SUBJECT TO SUBSECTION (D) OF THIS SECTION, FOR EACH FISCAL YEAR THE STATE SHALL PROVIDE EACH COUNTY A GRANT EQUAL TO AT LEAST \$45 FOR EACH DAY AFTER THE FIRST DAY THROUGH THE DAY OF RELEASE THAT AN INMATE WHO HAS BEEN SENTENCED TO THE JURISDICTION OF THE DIVISION OF CORRECTION WAS CONFINED IN A LOCAL CORRECTIONAL FACILITY DURING THE SECOND PRECEDING FISCAL YEAR.

[(b)] (D) (1) [Each] ON OR BEFORE OCTOBER 1 OF EACH YEAR, EACH county shall submit to the Department[:

(i) on or before December 1 of the fiscal year, closeout data for the previous fiscal year;

(ii) on or before October 1 of the fiscal year,] inmate days reports for the previous fiscal year.

(2) If a county fails to submit the information required under paragraph (1) of this subsection when due, the Department shall deduct an amount equal to 20% of the [total reimbursement otherwise due the county] GRANT under [the] SUBSECTION (B) OF THIS section for each 30 days or part of 30 days after the due date that the information has not been submitted.”.

On pages 29 and 30, strike in their entirety the lines beginning with line 12 on page 29 through line 2 on page 30, inclusive.

On page 35, after line 28, insert:

“SECTION 20. AND BE IT FURTHER ENACTED, That Section(s) 9-401, 9-403, and 9-404 of Article – Correctional Services of the Annotated Code of Maryland be repealed.

SECTION 21. AND BE IT FURTHER ENACTED, That, notwithstanding § 9-402 of the Correctional Services Article as in effect prior to the effective date of Section 2 of this Act or any other provision of law, the State is not required to reimburse the counties any amounts for sentenced inmates for any period through June 30, 2009, except to the extent provided for that purpose in the fiscal 2009 State budget.”.

AMENDMENT NO. 13

On page 29, strike in their entirety lines 10 and 11, inclusive.

On page 30, in line 5, strike “**PROCEEDS**” and substitute “**EXCEPT AS PROVIDED IN SUBSECTION (G-1) OF THIS SECTION, PROCEEDS**”; in lines 5 and 7, in each instance, strike “each year”; in lines 8, 15, 21, and 26, in each instance, strike the brackets; in line 8, strike “**UP TO 50%**”; in line 15, strike “**17.5%**”; in line 21, strike “**AT LEAST 6.5%**”; in line 26, strike “**3.0%**”; and after line 29, insert:

“(G-1) THE PROCEEDS DESCRIBED IN SUBSECTION (G) OF THIS SECTION SHALL BE ALLOCATED IN FISCAL YEARS 2010 AND 2011 AS FOLLOWS:

(1) UP TO 50% SHALL BE TRANSFERRED TO THE DEPARTMENT OF HUMAN RESOURCES TO BE USED AS DESCRIBED IN SUBSECTION (G)(1) OF THIS SECTION;

(Over)

(2) 23% SHALL BE ALLOCATED AS PROVIDED IN SUBSECTION (G)(2) OF THIS SECTION;

(3) AT LEAST 17.5% SHALL BE ALLOCATED AS PROVIDED IN SUBSECTION (G)(3) OF THIS SECTION;

(4) AT LEAST 6.5% SHALL BE ALLOCATED AS PROVIDED IN SUBSECTION (G)(4) OF THIS SECTION; AND

(5) UP TO 3.0%, BUT NOT MORE THAN \$4,000,000, SHALL BE ALLOCATED AS PROVIDED IN SUBSECTION (G)(5) OF THIS SECTION.

SECTION 3. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:".

AMENDMENT NO. 14

On page 33, in line 14, strike "\$1,000,000" and substitute "\$5,000,000".

AMENDMENT NO. 15

On page 33, in line 15, after "Deaf." insert "For purposes of determining the minimum appropriation for the Maryland School for the Deaf under § 8-310.3(b) of the Education Article for fiscal year 2011, the prior year appropriation shall be deemed to include any General Fund appropriation for fiscal year 2010 for the Maryland School for the Deaf and any amount transferred to the Maryland School for the Deaf for fiscal year 2010 under this section.".

AMENDMENT NO. 16

On page 33, strike in their entirety lines 16 through 21.

AMENDMENT NO. 17

On page 7, after line 26, insert:

“5-206.

(f) (1) In fiscal year 2006 and in each fiscal year thereafter, the State shall distribute grants to county boards under the Aging Schools Program administered by the Interagency Committee on School Construction in amounts equal to the funding level calculated under paragraph (2) of this subsection.

(2) The funding level for a county is:

(i) IN FISCAL YEAR 2011, THE FOLLOWING AMOUNTS FOR THE FOLLOWING COUNTIES:

1. ALLEGANY COUNTY \$97,791;
2. ANNE ARUNDEL COUNTY \$506,038;
3. BALTIMORE CITY \$1,387,924;
4. BALTIMORE COUNTY \$874,227;
5. CALVERT COUNTY \$38,292;
6. CAROLINE COUNTY \$50,074;
7. CARROLL COUNTY \$137,261;
8. CECIL COUNTY \$96,024;
9. CHARLES COUNTY \$50,074;

(Over)

APP

- 10. DORCHESTER COUNTY \$38,292;**
- 11. FREDERICK COUNTY \$182,622;**
- 12. GARRETT COUNTY \$38,292;**
- 13. HARFORD COUNTY \$217,379;**
- 14. HOWARD COUNTY \$87,776;**
- 15. KENT COUNTY \$38,292;**
- 16. MONTGOMERY COUNTY \$602,651;**
- 17. PRINCE GEORGE’S COUNTY... \$1,209,426;**
- 18. QUEEN ANNE’S COUNTY \$50,074;**
- 19. ST. MARY’S COUNTY \$50,074;**
- 20. SOMERSET COUNTY \$38,292;**
- 21. TALBOT COUNTY \$38,292;**
- 22. WASHINGTON COUNTY \$134,904;**
- 23. WICOMICO COUNTY \$106,627; AND**
- 24. WORCESTER COUNTY \$38,292;**

APP

[(i)] (II) In fiscal year [2007] 2012, the following amounts for the following counties:

1. Allegany County.....\$166,000;
2. Anne Arundel County\$859,000;
3. Baltimore City.....\$2,356,000;
4. Baltimore County.....\$1,484,000;
5. Calvert County\$65,000;
6. Caroline County\$85,000;
7. Carroll County.....\$233,000;
8. Cecil County\$163,000;
9. Charles County.....\$85,000;
10. Dorchester County\$65,000;
11. Frederick County\$310,000;
12. Garrett County\$65,000;
13. Harford County\$369,000;
14. Howard County\$149,000;

(Over)

APP

- 15. Kent County\$65,000;
- 16. Montgomery County.....\$1,023,000;
- 17. Prince George’s County.....\$2,053,000;
- 18. Queen Anne’s County.....\$85,000;
- 19. St. Mary’s County.....\$85,000;
- 20. Somerset County\$65,000;
- 21. Talbot County.....\$65,000;
- 22. Washington County.....\$229,000;
- 23. Wicomico County..... \$181,000; and
- 24. Worcester County..... \$65,000; and

[(ii)] (III) Except as provided in paragraph (3) of this subsection, in fiscal year [2008] 2013 and in each fiscal year thereafter, the funding level for the county for the prior fiscal year increased by the product of the funding level for the county for the prior fiscal year and the percentage change in the Consumer Price Index – all urban consumers – all items, as published by the Bureau of Labor Statistics of the United States Department of Labor, for the second prior fiscal year.

(3) If the funding level calculated under paragraph (2)(ii) of this subsection is less than the funding level for the prior fiscal year, the funding level for the county shall be the funding level for the prior fiscal year.”.

On page 33, strike beginning with the comma in line 35 down through “Article” in line 37.

AMENDMENT NO. 18

On page 35, in line 28, after “reduction.” insert “This section shall be construed to apply retroactively and shall be applied to and interpreted to affect the calculation of unused annual leave payouts for employees leaving State employment on or after February 11, 2009.”.

AMENDMENT NO. 19

On pages 6 and 7, strike in their entirety the lines beginning with line 28 on page 6 through line 26 on page 7, inclusive.

AMENDMENT NO. 20

On page 29, after line 4, insert:

“Article 24 – Political Subdivisions – Miscellaneous Provisions

9–1101.

(a) (1) [For] SUBJECT TO SUBSECTION (D) OF THIS SECTION, FOR each fiscal year, the Comptroller shall distribute to a county the amount determined for each county under this section.

(2) The amount a county shall receive under this section in any fiscal year shall be based on the county income tax collected from individuals for the taxable year that ended in the second prior fiscal year, from returns filed through August 15 immediately preceding the applicable fiscal year, as determined by the Comptroller.

(b) (1) For each fiscal year, the Comptroller shall determine as rounded to the nearest cent:

(Over)

(i) The per capita yield of the county income tax for each county, based on:

1. Unless a county income tax rate of other than 2.54% was in effect, the receipts described in subsection (a)(2) of this section;

2. The population of the county as last projected by the Department of Health and Mental Hygiene for July 1 of the applicable taxable year or the latest decennial census for the applicable taxable year; and

3. If the county income tax rate is other than 2.54% in the applicable taxable year, the receipts described in subsection (a)(2) of this section that would have been received if a county income tax rate of 2.54% had been in effect; and

(ii) The per capita statewide yield of the county income tax, based on:

1. The total receipts for county income tax described in subsection (a)(2) of this section for counties with an income tax rate of 2.54% in effect;

2. The State population as last projected by the Department of Health and Mental Hygiene for July 1 of the applicable taxable year or the latest decennial census for the applicable taxable year; and

3. For counties with an income tax rate of other than 2.54% in effect, the total receipts for county income tax described in subsection (a)(2) of this section that would have been received if a county income tax rate of 2.54% had been in effect.

(2) If the per capita yield of the county income tax for a county determined under paragraph (1)(i) of this subsection is less than 75% of the per capita

statewide yield of the county income tax determined under paragraph (1)(ii) of this subsection, the Comptroller shall determine the amount that would increase the county per capita yield to equal 75% of the statewide per capita yield, as rounded to the nearest dollar.

(3) A county may not receive a distribution under this subsection if the county tax rate in that county was less than 2.4%:

(i) For the taxable year that ended in the second prior fiscal year; or

(ii) For any subsequent taxable year through the taxable year that ends in the current fiscal year.

(c) The Comptroller shall make payments of the additional amounts provided under this section quarterly during the fiscal year for which the payment is made.

(D) FOR FISCAL YEAR 2011 AND EACH SUBSEQUENT FISCAL YEAR, THE DISTRIBUTION PROVIDED TO ANY COUNTY OR BALTIMORE CITY UNDER THIS SECTION MAY NOT EXCEED THE AMOUNT DISTRIBUTED TO THE COUNTY OR BALTIMORE CITY FOR FISCAL YEAR 2010.

AMENDMENT NO. 21

On page 23, after line 12, insert:

“21-307.

(N) (1) IN THIS SECTION, “ELECTED OR APPOINTED OFFICIAL” MEANS AN INDIVIDUAL WHO IS EMPLOYED AS:

- (I) A STATE'S ATTORNEY;
- (II) A SHERIFF;
- (III) A COUNTY TREASURER;
- (IV) A COUNTY COMMISSIONER;
- (V) AN ORPHANS' COURT JUDGE;
- (VI) A BINGO BOARD MEMBER; OR
- (VII) A LIQUOR AND LICENSE BOARD MEMBER.

(2) FOR THE FISCAL YEAR BEGINNING JULY 1, 2009, AND EACH SUBSEQUENT FISCAL YEAR, ON BEHALF OF THE ELECTED OR APPOINTED OFFICIALS OF EACH COUNTY WHO ARE MEMBERS OF THE EMPLOYEES' RETIREMENT SYSTEM, THE EMPLOYEES' PENSION SYSTEM, OR THE LAW ENFORCEMENT OFFICERS' PENSION SYSTEM, THE COUNTY WHERE EACH ELECTED OR APPOINTED OFFICIAL IS EMPLOYED SHALL PAY THE EMPLOYER CONTRIBUTIONS OTHERWISE REQUIRED TO BE MADE BY THE STATE ON BEHALF OF THE MEMBER.

(O) FOR THE FISCAL YEAR BEGINNING JULY 1, 2009, AND EACH SUBSEQUENT FISCAL YEAR, FOR A DEPUTY SHERIFF EMPLOYED BY THE BALTIMORE CITY SHERIFF'S DEPARTMENT WHO IS A MEMBER OF THE LAW ENFORCEMENT OFFICERS' PENSION SYSTEM, BALTIMORE CITY SHALL PAY THE EMPLOYER CONTRIBUTIONS OTHERWISE REQUIRED TO BE MADE BY THE STATE ON BEHALF OF THE MEMBERS."

AMENDMENT NO. 22

On page 34, strike in their entirety lines 1 through 4, inclusive.

AMENDMENT NO. 23

On page 34, before line 5, insert:

“SECTION 12. AND BE IT FURTHER ENACTED, That, notwithstanding § 8-403 of the Transportation Article or any other provision of law, for each of fiscal years 2010 and 2011 only:

(a) \$101,920,000 of the amounts otherwise required to be distributed to Baltimore City and the counties and municipalities under § 8-403 of the Transportation Article shall be distributed instead to the General Fund; and

(b) The amount to be distributed to Baltimore City and the counties under § 8-403(a) and (b) of the Transportation Article shall be reduced by the following amounts:

<u>Allegany</u>	<u>\$ 1,831,846</u>
<u>Anne Arundel</u>	<u>7,996,894</u>
<u>Baltimore City</u>	<u>19,871,424</u>
<u>Baltimore</u>	<u>10,757,194</u>
<u>Calvert</u>	<u>1,777,551</u>
<u>Caroline</u>	<u>1,272,303</u>
<u>Carroll</u>	<u>3,592,233</u>
<u>Cecil</u>	<u>1,990,712</u>
<u>Charles</u>	<u>2,578,168</u>
<u>Dorchester</u>	<u>1,406,739</u>
<u>Frederick</u>	<u>4,738,497</u>
<u>Garrett</u>	<u>1,592,885</u>
<u>Harford</u>	<u>4,171,792</u>
<u>Howard</u>	<u>3,960,732</u>

(Over)

<u>Kent</u>	<u>714,961</u>
<u>Montgomery</u>	<u>11,235,610</u>
<u>Prince George's</u>	<u>9,788,358</u>
<u>Queen Anne's</u>	<u>1,472,251</u>
<u>St. Mary's</u>	<u>1,979,073</u>
<u>Somerset</u>	<u>849,884</u>
<u>Talbot</u>	<u>1,171,692</u>
<u>Washington</u>	<u>3,047,889</u>
<u>Wicomico</u>	<u>2,375,652</u>
<u>Worcester</u>	<u>1,745,660</u> ".

AMENDMENT NO. 24

On page 33, strike beginning with "no" in line 30 down through "on" in line 31 and substitute "\$119,731 of"; and strike beginning with "in" in line 31 down through "2011" in line 32 and substitute "shall be deferred until, and paid in, fiscal year 2011".

AMENDMENT NO. 25

On page 20, before line 19, insert:

"5-903.1.

(c) The Fund is a continuing, nonlapsing, revolving fund not to exceed [\$250,000] \$1,000,000 that consists of the amount of appropriations for a capital project:

- (1) In excess of the amount needed for the capital project; and
- (2) Allocated to the Fund by the Governor."

AMENDMENT NO. 26

On page 29, after line 2, insert:

“Chapter 487 of the Acts of 2004

[SECTION 6. AND BE IT FURTHER ENACTED, That:

(a) The Office of Legislative Audits shall conduct a performance audit of the Maryland Renewable Energy Fund which includes, for each year since the creation of the Fund, an assessment of:

(1) the amount of funds received in the Fund;

(2) the uses of the funds; and

(3) the administrative expenses related to the Fund for project review and oversight.

(b) The Office shall report the results of the audit to the General Assembly, in accordance with § 2-1246 of the State Government Article, on or before December 1, 2009.

(c) The cost of the performance audit shall be included in the administrative expenses under § 7-707(f)(4) of the Public Utility Companies Article, as enacted by this Act.]”.

AMENDMENT NO. 27

On page 21, after line 9, insert:

“(c) (4) [(i)] The Office of Legislative Audits shall conduct [a performance] AN audit of the electric universal service program AT LEAST once every 3 years [or at another interval as directed by the Joint Audit Committee] and shall report the results of the audit [to the General Assembly] IN ACCORDANCE WITH § 2-1224 OF THE STATE GOVERNMENT ARTICLE.

(Over)

[(ii) The cost of the performance audit under this paragraph shall be included in the costs of administering the electric universal service program, and funded through the electric universal service program fund under subsection (f) of this section.]”.

AMENDMENT NO. 28

On page 29, in line 2, after “prudent.” insert:

“Chapter 306 of the Acts of 2004

SECTION 8. AND BE IT FURTHER ENACTED, That the State Department of Education shall adopt regulations that provide for periodic surveys of the condition of public school facilities in Maryland at least every 4 years. The surveys should be similar to the Facility Assessment Survey that the State Department conducted, at the direction of the Task Force to Study Public School Facilities, in 2003. [The State shall provide funds necessary to conduct the survey.]

Chapter 307 of the Acts of 2004

SECTION 8. AND BE IT FURTHER ENACTED, That the State Department of Education shall adopt regulations that provide for periodic surveys of the condition of public school facilities in Maryland at least every 4 years. The surveys should be similar to the Facility Assessment Survey that the State Department conducted, at the direction of the Task Force to Study Public School Facilities, in 2003. [The State shall provide funds necessary to conduct the survey.]”.

AMENDMENT NO. 29

On page 16, after line 25, insert:

“Article – Human Services

9-216.

[(c) The Department may not administer any child welfare program of the Department of Human Resources, including the Family Investment Program and the Foster Care Program.]”.

On page 33, before line 22, insert:

“SECTION 7. AND BE IT FURTHER ENACTED, That, notwithstanding any other provision of law, to the extent that general funds of the State have been appropriated previously to make up for the loss of federal funds relating to federal Title IV-E claims disallowed by the federal government in fiscal 2008 and fiscal 2009, any federal Title IV-E funds recovered by the Department of Juvenile Services for claims previously disallowed shall be deposited in the General Fund.”.

AMENDMENT NO. 30

On page 20, after line 18, insert:

“(g) (1) [For the fiscal year commencing July 1, 1990, any] ANY amount appropriated in the State budget, and for each subsequent fiscal year, up to 25 percent of the State’s share of funds that would be available under the program if 100 percent of the funds not required under § 13-209(b) of the Tax – Property Article were available for distribution as provided in § 13-209(d)(3) of the Tax – Property Article may be used for capital improvements on land owned by the State for the use of the Department, **THE MARYLAND HISTORICAL TRUST FOR MUSEUMS OPERATED BY THE TRUST, OR THE HISTORIC ST. MARY’S COMMISSION**, if the improvements are:

- (i) Approved in the State budget; and
- (ii) Compatible with:

(Over)

1. Any master plan developed for the land; and
2. The natural features of the land.”.

AMENDMENT NO. 31

On page 22, after line 15, insert:

“3-306.

- (a) There is a Central Collection Fund.
- (b) The Central Collection Fund is a continuing, nonlapsing fund that is not subject to § 7-302 of this article.
- (c) The Fund shall consist of all fees collected under § 3-304(a)(2) of this subtitle.
- (d) Subject to the appropriation process in the State budget **AND SUBJECT TO SUBSECTION (H) OF THIS SECTION**, the Department shall use the Fund for the expenses of operating the Central Collection Unit.
- (e) The State Treasurer shall hold and the State Comptroller shall account for the Fund.
- (f) The Fund shall be invested and reinvested in the same manner as other State funds.
- (g) Investment earnings accrue to the benefit of the Fund.
- (h) **FOR ANY FISCAL YEAR BEGINNING ON OR AFTER JULY 1, 2010, ANY BALANCE IN THE FUND AT THE END OF THE FISCAL YEAR IN EXCESS OF 10% OF**

THE ACTUAL EXPENSES OF OPERATING THE CENTRAL COLLECTION UNIT FOR THAT FISCAL YEAR REVERTS TO THE GENERAL FUND OF THE STATE.”.

AMENDMENT NO. 32

On page 14, after line 22, insert:

“Article – Environment

9–275.

(a) FOR FISCAL YEAR 2010 AND EACH FISCAL YEAR THEREAFTER, UP TO 50% OF THE REVENUES RECEIVED BY THE STATE USED TIRE CLEANUP AND RECYCLING FUND MAY BE USED FOR ADMINISTRATIVE EXPENSES OF THE DEPARTMENT.

(B) Subject to the appropriation process in the annual operating budget AND SUBJECT TO SUBSECTION (A) OF THIS SECTION, the Department shall use THE REMAINDER OF the State Used Tire Cleanup and Recycling Fund solely:

(1) For removal, restoration, emergency, or remedial action, including the restoration of natural resources where feasible, site maintenance and monitoring, and fire cessation, if requested by a local government, not to exceed \$100,000 for each fire cessation emergency action in that jurisdiction, in response to the disposal or storage of scrap tires in violation of this subtitle, including:

(i) All costs incurred by the State in inspecting and monitoring any site where scrap tires are processed, stored, or disposed of in violation of this subtitle and assessing the threat to the public health and the environment of the site, the costs of investigations conducted for the purpose of defining necessary remedial action, and the costs of litigation expenses incurred in obtaining reimbursement for expenditures; and

(Over)

(ii) All costs incurred in providing public information concerning a site where scrap tires are processed, stored, or disposed of;

(2) For activities related to scrap tire recycling programs, including research, planning, monitoring, public education, and market development, and for associated administrative costs; and

(3) With the approval of the Board of Public Works, to provide financial assistance:

(i) Through the service for projects approved by the Department to reduce, recover, and recycle scrap tires; and

(ii) To the service for costs related to the implementation of scrap tire recycling systems, including the costs of:

1. Preparation of a scrap tire recycling system under § 9-228(e) of this subtitle;

2. Implementation of any program established by the service as a part of a scrap tire recycling system; and

3. Assisting in funding the establishment of a private or public scrap tire collection, processing, or recycling facility.

[(b)] (C) Subject to § 2-1246 of the State Government Article, the Department shall provide the standing committees of the Maryland General Assembly with primary jurisdiction over this section with a status report on the Fund on or before November 1 of each year. The report shall include an accounting of all moneys expended for each of the purposes specified in subsection (a) of this section.”

AMENDMENT NO. 33

On page 35, before line 10, insert:

“SECTION 17. AND BE IT FURTHER ENACTED, That, notwithstanding § 9-1605.2(h)(2) of the Environment Article or any other provision of law, for fiscal year 2010 only, the Comptroller shall disburse the funds described under § 1605.2(h)(1) of the Environment Article as follows:

(1) 22.4% of the funds shall be deposited in the separate account to be used as provided under § 1605.2(h)(2)(i) of the Environment Article; and

(2) 77.6% of the funds shall be transferred to the Maryland Agriculture Water Quality Cost Share Program in the Department of Agriculture in order to fund cover crop activities.”.

AMENDMENT NO. 34

On page 13, after line 5, insert:

“22-303.

(a) (1) The Department shall develop and implement juvenile services educational programs at all residential facilities of the Department of Juvenile Services by July 1, [2012] 2014.

(b) On or before February 1, 2006, and every other year thereafter until [2012] 2014, the Department shall report to the Governor and, in accordance with § 2-1246 of the State Government Article, to the General Assembly on the Department’s implementation of this subtitle, including:

(1) The identification of all residential facilities for which the Department has assumed responsibility for the educational services; and

(Over)

(2) All facilities for which the Department plans to assume responsibility during the next calendar year.”.

On page 29, before line 3, insert:

“Chapter 535 of the Acts of 2004

SECTION 2. AND BE IT FURTHER ENACTED, That the Director of Juvenile Services Educational Programs and the Coordinating Council for Juvenile Services shall assume the control and general management for the education service for all residential facilities on or before July 1, [2012] 2014.

SECTION 3. AND BE IT FURTHER ENACTED, That all appropriations held by the Department of Juvenile Services to carry out the exclusive functions of the Juvenile Services Education Program under this Act shall be transferred to the State Department of Education on the day the State Department of Education assumes control over the educational programs of the Department of Juvenile Services, but not later than July 1, [2012] 2014.”.

AMENDMENT NO. 35

On page 34, strike beginning with “to” in line 11 down through “budget” in line 12.

AMENDMENT NO. 36

On page 35, before line 29, insert:

“SECTION 22. AND BE IT FURTHER ENACTED, That the unexpended General Fund appropriation for Program F10A02.08 Entitled Statewide Expenses that was included in the fiscal year 2009 operating budget (Chapter 335 of the Acts of 2008) is reduced by \$1,598,760 and shall revert to the State General Fund.

SECTION 23. AND BE IT FURTHER ENACTED, That the unexpended appropriation for the Small Business Health Insurance Partnership, within the Maryland Health Care Commission (M00R01.01), that was included in the fiscal year 2009 operating budget (Chapter 335 of the Acts of 2008) is reduced by \$13,500,000 and shall revert to the Health Care Coverage Fund.

SECTION 24. AND BE IT FURTHER ENACTED, That, notwithstanding any other provision of law, § 10-108(a) of the Tax – General Article does not apply to any amendment of the Internal Revenue Code that was enacted under the American Recovery and Reinvestment Act of 2009 (P.L. 111-5).

SECTION 25. AND BE IT FURTHER ENACTED, That, notwithstanding § 7-325 of the State Finance and Procurement Article or any other provision of law, the minimum General Fund appropriation that the Governor is required to include in the annual budget bill for fiscal year 2011 for the Maryland State Arts Council is \$13,454,740.

SECTION 26. AND BE IT FURTHER ENACTED, That, notwithstanding the provisions of § 19-2201(e) of the Health - General Article or any other provision of law, in fiscal year 2010, the Governor may transfer by budget amendment up to \$9,100,000 from the Community Health Resources Commission Fund to the Primary Adult Care Program in the Medical Care Programs Administration.

SECTION 27. AND BE IT FURTHER ENACTED, That, notwithstanding any other provision of law:

(a) The State shall make a payment of \$24,171,216 to Montgomery County Public Schools in fiscal year 2010 to compensate for underpayment of State education aid to Montgomery County in fiscal year 2009 due to an error in the application of the education aid formula.

(b) The State shall recoup overpayments made to other local education agencies for fiscal year 2009 as a result of the error in the application of the education aid formula through an intercept in the State Foundation Program (Budget Code RA02.01) in fiscal year 2010 in the following amounts:

<u>Allegany</u>	<u>\$878,978</u>
<u>Anne Arundel</u>	<u>5,154,362</u>
<u>Baltimore</u>	<u>5,991,962</u>
<u>Calvert</u>	<u>895,611</u>
<u>Caroline</u>	<u>356,786</u>
<u>Carroll</u>	<u>1,429,622</u>
<u>Cecil</u>	<u>975,906</u>
<u>Charles</u>	<u>2,545,208</u>
<u>Dorchester</u>	<u>337,509</u>
<u>Frederick</u>	<u>2,147,774</u>
<u>Harford</u>	<u>1,963,041</u>
<u>Howard</u>	<u>3,167,202</u>
<u>Prince George's</u>	<u>67,701</u>
<u>Queen Anne's</u>	<u>497,460</u>
<u>St. Mary's</u>	<u>1,417,905</u>
<u>Washington</u>	<u>1,770,294</u>
<u>Wicomico</u>	<u>1,241,172</u>

(c) The State shall recoup overpayments made to other local education agencies for fiscal year 2010 as a result of the error in the application of the education aid formula through an intercept in the State Foundation Program – Supplemental Grants (Budget Code RA02.01) in fiscal year 2011 in the following amounts:

<u>Allegany</u>	<u>\$433,637</u>
<u>Caroline</u>	<u>360,353</u>
<u>Carroll</u>	<u>619,714</u>
<u>Cecil</u>	<u>471,190</u>

<u>Dorchester</u>	<u>340,884</u>
<u>Harford</u>	<u>977,701</u>
<u>Prince George's</u>	<u>68,379</u>
<u>St. Mary's</u>	<u>1,432,084</u>

(d) The State shall recoup overpayments made to public libraries for fiscal year 2009 as a result of the error in the application of the library aid formula through an intercept in the Public Library Aid Program (Budget Code RA02.31) in fiscal year 2010 in the following amounts:

<u>Allegany</u>	<u>\$4,719</u>
<u>Anne Arundel</u>	<u>96,963</u>
<u>Baltimore City</u>	<u>42,521</u>
<u>Baltimore</u>	<u>105,690</u>
<u>Calvert</u>	<u>15,039</u>
<u>Caroline</u>	<u>3,339</u>
<u>Carroll</u>	<u>25,382</u>
<u>Cecil</u>	<u>12,481</u>
<u>Charles</u>	<u>20,995</u>
<u>Dorchester</u>	<u>3,668</u>
<u>Frederick</u>	<u>37,477</u>
<u>Garrett</u>	<u>4,790</u>
<u>Harford</u>	<u>33,065</u>
<u>Kent</u>	<u>3,324</u>
<u>Prince George's</u>	<u>99,174</u>
<u>Queen Anne's</u>	<u>3,552</u>
<u>St. Mary's</u>	<u>13,683</u>
<u>Somerset</u>	<u>1,841</u>
<u>Washington</u>	<u>16,551</u>
<u>Wicomico</u>	<u>8,989</u>

(Over)

SECTION 28. AND BE IT FURTHER ENACTED, That, notwithstanding the provisions of § 15-701 of the Health – General Article or any other provision of law, in fiscal year 2010, up to \$53,500,000 of the funds in the Health Care Coverage Fund may be used to cover provider reimbursements in the Medical Care Programs Administration (M00Q01.03).

SECTION 29. AND BE IT FURTHER ENACTED, That, notwithstanding any other provision of law:

(a) (1) The amounts due from the State to the counties and Baltimore City for fiscal year 2010 shall be reduced in a total amount equal to \$60,000,000, to be allocated among the counties and Baltimore City as specified below:

<u>Allegany</u>	<u>\$ 319,000</u>
<u>Anne Arundel</u>	<u>9,059,000</u>
<u>Baltimore City</u>	<u>2,963,000</u>
<u>Baltimore</u>	<u>8,901,000</u>
<u>Calvert</u>	<u>1,193,000</u>
<u>Caroline</u>	<u>304,000</u>
<u>Carroll</u>	<u>1,639,000</u>
<u>Cecil</u>	<u>1,004,000</u>
<u>Charles</u>	<u>1,551,000</u>
<u>Dorchester</u>	<u>320,000</u>
<u>Frederick</u>	<u>2,573,000</u>
<u>Garrett</u>	<u>350,000</u>
<u>Harford</u>	<u>2,150,000</u>
<u>Howard</u>	<u>3,202,000</u>
<u>Kent</u>	<u>239,000</u>
<u>Montgomery</u>	<u>12,088,000</u>
<u>Prince George's</u>	<u>5,600,000</u>
<u>Queen Anne's</u>	<u>682,000</u>

<u>St. Mary's</u>	<u>947,000</u>
<u>Somerset</u>	<u>108,000</u>
<u>Talbot</u>	<u>968,000</u>
<u>Washington</u>	<u>1,349,000</u>
<u>Wicomico</u>	<u>569,000</u>
<u>Worcester</u>	<u>1,921,000</u>

(2) Notwithstanding the provisions of § 2-608 of the Tax – General Article, in lieu of reductions in specific appropriations for aid to the counties and Baltimore City, for ease in accounting and to provide the counties and Baltimore City flexibility in managing their affairs, the Comptroller shall withhold from each county or Baltimore City an amount of the income tax from individuals attributable to the county or Baltimore City income tax equal to the amount specified in paragraph (1) of this subsection.

(b) The amounts withheld by the Comptroller under subsection (a)(2) of this section shall be credited to the General Fund of the State.

SECTION 30. AND BE IT FURTHER ENACTED, That, notwithstanding any other provisions of law:

(a) Subject to subsection (b) of this section, on or before June 30, 2009, the Governor may transfer to the General Fund \$71,300,000 of the funds for State land acquisition in the special fund established under § 13-209 of the Tax - Property Article. A transfer of funds from the special fund to the General Fund under this subsection may not be taken into account for purposes of determining any allocation or appropriation required under § 13-209(f) or (g) of the Tax – Property Article.

(b) Subsection (a) of this section is contingent on the taking effect of legislation authorizing the creation of State general obligation debt in the amount of \$71,300,000 for Program Open Space State land acquisition in fiscal year 2009, and if legislation authorizing the creation of State general obligation debt in the amount of

(Over)

\$71,300,000 for Program Open Space State land acquisition in fiscal year 2009 does not become effective, subsection (a) of this section shall be null and void without the necessity of further action by the General Assembly.

SECTION 31. AND BE IT FURTHER ENACTED, That, notwithstanding any other provisions of law:

(a) Subject to subsection (b) of this section, on or before June 30, 2010, the Governor may transfer to the General Fund \$46,955,634 of the funds in the special fund established under § 13-209 of the Tax - Property Article. A transfer of funds from the special fund to the General Fund under this subsection may not be taken into account for purposes of determining any allocation or appropriation required under § 13-209(f) or (g) of the Tax – Property Article.

(b) Subsection (a) of this section is contingent on the taking effect of legislation authorizing the creation of State general obligation debt totaling \$46,955,634 for the following purposes:

<u>Program Open Space – State Acquisition</u>	<u>\$9,835,419</u>
<u>Rural Legacy</u>	<u>11,812,252</u>
<u>Program Open Space – Local Share</u>	<u>6,149,076</u>
<u>Program Open Space – Capital Improvements</u>	<u>6,159,107</u>
<u>Maryland Agricultural Land Preservation Foundation</u>	<u>12,999,780</u>

If legislation authorizing the creation of State general obligation debt totaling \$46,955,634 for the purposes described in this subsection does not become effective, subsection (a) of this section shall be null and void without the necessity of further action by the General Assembly.”.

On page 28, in line 26, strike “**\$146,900,000**” and substitute “**\$98,000,000**”; and in line 27, strike “**\$65,013,000**” and substitute “**\$113,913,000**”.

AMENDMENT NO. 38

On page 32, after line 22, insert:

“\$435,721 of the funds in the special fund established under § 1-203.3 of the Corporations and Associations Article.”.

AMENDMENT NO. 39

On page 14, after line 23, insert:

“2-104.

(j) (2) Any rebates received by the Department from the Maryland AIDS Drug Assistance Program shall be distributed to a special nonlapsing fund that is not subject to § 7-302 of the State Finance and Procurement Article, to be used only to fund the Maryland AIDS Drug Assistance Program AND THE MARYLAND AIDS INSURANCE ASSISTANCE PROGRAM.”.

AMENDMENT NO. 40

On page 32, before line 23, insert:

“\$5,000,000 from the Universal Service Trust Fund established under § 3A-506 of the State Finance and Procurement Article;

\$10,000,000 from the reserve account established by the State to pay unemployment compensation benefits for State employees;”.

On page 33, in line 6, after the semicolon, insert “and

\$500,000 from the Maryland Legal Services Corporation Fund established under § 11-402 of the Human Services Article.”.

AMENDMENT NO. 41

On page 19, after line 10, insert:

“5-902.

(c) (1) To effectuate the purposes of this section, the General Assembly has established a funding program under Chapter 403 of the Acts of the General Assembly of 1969.

(2) In any fiscal year [in] FOR which funding for Program Open Space is provided through the State Consolidated Capital Bond Funding Program or other bond enabling act, [the] EXCEPT AS OTHERWISE EXPRESSLY PROVIDED UNDER THE BOND ENABLING ACT THROUGH WHICH THE FUNDING IS PROVIDED:

(I) THE debt allocations shall be provided to the Department of Natural Resources and the Department shall allocate funds among local governing bodies according to the apportionment formula described in § 5-903 of this subtitle; AND

(II) THE ALLOCATIONS PROVIDED UNDER § 5-903 OF THIS SUBTITLE OF THE FUNDS DISTRIBUTED TO PROGRAM OPEN SPACE UNDER § 13-209 OF THE TAX – PROPERTY ARTICLE SHALL BE ADJUSTED TO REDUCE THE AMOUNT THAT WOULD OTHERWISE BE ALLOCATED FOR ANY PURPOSE BY THE AMOUNT OF FUNDING PROVIDED FOR THAT PURPOSE UNDER THE BOND ENABLING ACT.”.

On page 28, after line 15, insert:

“Article – Tax – Property

13–209.

(d) Subject to [subsection (e)] SUBSECTIONS (D-1) AND (E) of this section, for the fiscal year beginning July 1, 2002 and for each subsequent fiscal year, the balance of the revenue in the special fund, not required under subsection (b) of this section and not allocated to the General Fund under subsection (c)(1) of this section shall be allocated in the State budget as follows:

(1) (i) 75.15% for the purposes specified in Title 5, Subtitle 9 of the Natural Resources Article (Program Open Space); and

(ii) an additional 1% for Program Open Space, for land acquisition purposes as specified in § 5–903(a)(2) of the Natural Resources Article;

(2) 17.05% for the Agricultural Land Preservation Fund established under § 2–505 of the Agriculture Article;

(3) 5% for the Rural Legacy Program established under § 5–9A–01 of the Natural Resources Article; and

(4) 1.8% for the Heritage Conservation Fund established under § 5–1501 of the Natural Resources Article.

(D-1) (1) IN THIS SUBSECTION, “ELIGIBLE PURPOSE” MEANS A PURPOSE, PROGRAM, OR FUND TO WHICH REVENUE IN THE SPECIAL FUND IS REQUIRED TO BE ALLOCATED UNDER SUBSECTION (D) OF THIS SECTION.

(2) FOR ANY FISCAL YEAR BEGINNING ON OR AFTER JULY 1, 2010, FOR WHICH FUNDING IS PROVIDED FOR AN ELIGIBLE PURPOSE THROUGH

(Over)

THE STATE CONSOLIDATED CAPITAL BOND FUNDING PROGRAM OR OTHER BOND ENABLING ACT:

(I) FROM THE BALANCE OF THE SPECIAL FUND, BEFORE THE ALLOCATIONS UNDER SUBSECTION (D) OF THIS SECTION ARE MADE, AN AMOUNT SHALL BE ALLOCATED TO THE GENERAL FUND OF THE STATE EQUAL TO THE TOTAL AMOUNT OF FUNDING PROVIDED FOR ELIGIBLE PURPOSES THROUGH THE BOND ENABLING ACT; AND

(II) EXCEPT AS OTHERWISE EXPRESSLY PROVIDED UNDER THE BOND ENABLING ACT THROUGH WHICH THE FUNDING IS PROVIDED, THE ALLOCATIONS PROVIDED UNDER SUBSECTION (D) OF THIS SECTION SHALL BE ADJUSTED TO REDUCE THE AMOUNT THAT WOULD OTHERWISE BE ALLOCATED FOR EACH ELIGIBLE PURPOSE BY THE AMOUNT OF FUNDING PROVIDED FOR THAT PURPOSE UNDER THE BOND ENABLING ACT.

(3) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, A TRANSFER UNDER THIS SUBSECTION MAY NOT BE TAKEN INTO ACCOUNT FOR PURPOSES OF DETERMINING ANY ALLOCATION OR APPROPRIATION REQUIRED UNDER SUBSECTION (F) OR (G) OF THIS SECTION.”.

AMENDMENT NO. 42

On page 29, after line 9, insert:

“Article – Tax – General

10-210.1.

(b) In addition to the modifications under §§ 10-204 through 10-210 of this subtitle, to determine Maryland adjusted gross income of an individual:

(1) an amount is added to or subtracted from federal adjusted gross income to reflect the determination of the depreciation deduction provided under § 167(a) of the Internal Revenue Code and the adjusted basis of property without regard to the additional allowance under § 168(k) of the Internal Revenue Code;

(2) an amount is added to or subtracted from federal adjusted gross income to determine the net operating loss deduction allowed under § 172 of the Internal Revenue Code without regard to [the special 5-year carryback period provided] **AN ELECTION** under § 172(b)(1)(H) of the Internal Revenue Code **FOR A CARRYBACK PERIOD OF UP TO 5 YEARS;**

(3) an amount is added to or subtracted from federal adjusted gross income to reflect the determination of the maximum aggregate costs that the taxpayer may treat as an expense under § 179 of the Internal Revenue Code for any taxable year without regard to any changes made to that section after December 31, 2002:

(i) increasing above \$25,000 the dollar limitation set forth in § 179(b)(1) of the Internal Revenue Code; or

(ii) increasing above \$200,000 the phase-out threshold set forth in § 179(b)(2) of the Internal Revenue Code; and

(4) an amount is added to or subtracted from federal adjusted gross income to reflect the determination of the depreciation deduction with respect to any heavy duty SUV as if the heavy duty SUV were subject to the limitations of § 280F of the Internal Revenue Code in the same manner as it would be if the vehicle were rated at 6,000 pounds gross vehicle weight or less.”.

On page 36, after line 4, insert:

“SECTION 35. AND BE IT FURTHER ENACTED, That the provisions of § 10-210(b) of the Tax – General Article, as amended by Section 2 of this Act, shall be

(Over)

applicable to any taxable year to which § 168(k), § 172(b)(1)(H), or § 179 of the Internal Revenue Code, as amended by the American Recovery and Reinvestment Act of 2009 (P.L. 111-5), apply.

SECTION 36. AND BE IT FURTHER ENACTED, That, notwithstanding the changes to § 10-210.1(b)(2) of the Tax – General Article as enacted by Section 2 of this Act, the provisions of former § 10-210.1(b)(2) of the Tax – General Article as in effect prior to the effective date of Section 2 of this Act shall continue to apply to net operating loss carryovers in the case of net operating losses for taxable years ending during 2001 or 2002, to which the provisions of former § 172(b)(1)(H) as in effect prior to the amendment of that section by the American Recovery and Reinvestment Act of 2009 (P.L. 111-5) applied.”.

AMENDMENT NO. 43

On page 31, in line 20, strike “\$51,500,000” and substitute “\$52,700,000”; in line 22, strike “\$20,000,000” and substitute “\$30,000,000”; and in line 23, strike “\$18,000,000” and substitute “\$28,000,000”.

On page 32, in line 7, strike “\$5,000,000” and substitute “\$10,000,000”; in line 9, strike “\$3,000,000” and substitute “\$3,200,000”; in line 17, strike “\$1,000,000” and substitute “\$3,000,000”; and in line 21, strike “\$605,035” and substitute “\$1,656,101”.

On page 33, in line 1, strike “\$5,398,109” and substitute “\$7,398,109”; in line 3, strike “\$5,000,000” and substitute “\$10,000,000”; in line 5, strike “\$5,000,000” and substitute “\$15,000,000”; and strike in their entirety lines 7 through 11, inclusive.

AMENDMENT NO. 44

On page 27, after line 9, insert:

“8-406.”

(b) (2) (iv) Subject to subparagraph (vi) of this paragraph, the total amount of credits approved by the Department under this paragraph for any calendar year may not exceed:

1. [\$9,000,000] **\$3,000,000** for a calendar year beginning after December 31, [2006] **2008**, but before January 1, 2011;

2. \$6,000,000 for a calendar year beginning after December 31, 2010, but before January 1, 2015; or

3. \$3,000,000 for a calendar year beginning after December 31, 2014, but before January 1, 2021.”.

On page 35, strike in their entirety lines 8 and 9.

On page 36, in line 5, strike “Section 17” and substitute “§ 8-406(b)(2)(iv) of the Tax – General Article, as enacted by Section 1”; and in the same line, after “Act” insert a comma.

AMENDMENT NO. 45

On pages 14 and 15, strike in their entirety the lines beginning with line 24 on page 14 through line 12 on page 15, inclusive.

On page 30, after line 30, insert:

“13–1015.

(a) For fiscal year [2007] **2010** and [each] fiscal year [thereafter] **2011**, the Governor shall include at least [\$21,000,000] **\$7,000,000** in the annual budget in appropriations for activities aimed at reducing tobacco use in Maryland as recommended by the Centers for Disease Control and Prevention, including:

(Over)

(1) Media campaigns aimed at reducing smoking initiation and encouraging smokers to quit smoking;

(2) Media campaigns educating the public about the dangers of secondhand smoke exposure;

(3) Enforcement of existing laws banning the sale or distribution of tobacco products to minors;

(4) Promotion and implementation of smoking cessation programs;
and

(5) Implementation of school-based tobacco education programs.”.

AMENDMENT NO. 46

On pages 16 through 18, strike in their entirety the lines beginning with line 27 on page 16 through line 30 on page 18, inclusive.

AMENDMENT NO. 47

On page 31, in line 28, strike “\$14,000,000” and substitute “\$12,100,000”.

AMENDMENT NO. 48

On page 20, in line 13, strike “**2011 AND 2012**” and substitute “**2010 AND 2011**”.

AMENDMENT NO. 49

On page 25, in line 8, strike “**2010 THROUGH 2019**” and substitute “**2013 THROUGH 2022**”.

AMENDMENT NO. 50

On page 32, in line 24, strike “and”; and in line 26, strike the period and substitute “; and”.

On page 33, in line 15, strike “Services” and substitute “Service”.

On page 35, in lines 29 and 35, strike “20.” and “21.”, respectively, and substitute “32.” and “33.”, respectively.

On page 36, in lines 3, 5, 7, and 12, strike “22.”, “23.”, “24.”, and “25.”, respectively, and substitute “34.”, “37.”, “38.”, and “39.”, respectively; in line 4, after “2009” insert “, and shall be applicable to all fiscal years beginning on or after July 1, 2009”; and in line 13, strike “21 and 22” and substitute “33 and 34”.