

HB0101/709134/1

BY: Budget and Taxation Committee

AMENDMENTS TO HOUSE BILL 101

(Third Reading File Bill)

AMENDMENT NO. 1

On page 2, strike beginning with “providing” in line 5 down through “Fund;” in line 6; in line 20, after “vehicles;” insert “requiring the counties and Baltimore City to share certain costs of administering the Department of Assessments and Taxation for certain fiscal years; authorizing the Comptroller to withhold the distribution of certain local income tax revenue to a county or Baltimore City under certain circumstances;”; in line 25, before “repealing” insert “altering certain provisions relating to the funding of a certain highway;”; in line 28, after “lottery” insert “for certain fiscal years”; and in line 39, after “facilities;” insert “requiring the counties and Baltimore City to reimburse the State for certain funding for law clerks for circuit court judges for certain fiscal years;”.

On page 3, strike beginning with “reducing” in line 14 down through “Fund;” in line 17; in line 20, strike “providing for a payment of” and substitute “requiring the Governor to appropriate”; in line 21, after “and” insert “providing for”; and in line 23, after “years;” insert “prohibiting the expenditure of funds for a certain purpose except in accordance with certain provisions of law; stating the findings of the General Assembly that a certain fund cannot operate as originally contemplated and authorizing the transfer of certain amounts from the fund to be used for a certain purpose; restricting the use of certain funds to certain purposes; requiring the Department of Budget and Management to take certain actions in the development of a new statewide personnel management system; requiring that certain costs be allocated and charged back to State agencies for certain fiscal years in a certain manner; requiring the Governor to include a certain charge back in the State budget for a certain fiscal year; authorizing a county to request a waiver from certain maintenance of education spending requirements for a certain fiscal year under certain circumstances;”.

(Over)

AMENDMENT NO. 2

On page 4, in line 1, after “Section” insert “5-202(a)(13)(i) and (e), 5-205(c)(3),”; and in lines 1 and 2, strike “16-305(c)(1)(i), 16-512(a)(1), 17-104(a)” and substitute “16-305(c)(1), 16-512(a), 17-104(a) and (d)”.

On page 5, in line 8, strike “3-306” and substitute “7-325(a)”; and in line 28, after “Section” insert “2-106 and”.

On page 6, after line 17, insert:

“BY repealing and reenacting, with amendments,
Article - Courts and Judicial Proceedings
Section 2-512
Annotated Code of Maryland
(2006 Replacement Volume and 2008 Supplement)”.

AMENDMENT NO. 3

On page 8, in line 8, strike “**(1)**”; in the same line, strike “**FISCAL YEARS 2010 AND 2011**” and substitute “**EACH FISCAL YEAR**”; in line 10, strike “for each fiscal year”; and strike in their entirety lines 11 through 17, inclusive.

AMENDMENT NO. 4

On page 14, in lines 24 and 34, strike “**23.4%**” and “**26%**”, respectively, and substitute “**23.7%**” and “**25%**”, respectively; and in lines 27, 32, and 37, in each instance, strike “previous” and substitute “**SAME**”.

On page 15, in line 2, strike “**28%**” and substitute “**26%**”; in line 6, strike “previous” and substitute “**SAME**”; in the same line, strike “**AND**”; after line 6, insert:

“6. IN FISCAL YEAR 2014, NOT LESS THAN AN AMOUNT EQUAL TO 27.5% OF THE STATE’S GENERAL FUND APPROPRIATION PER FULL-TIME EQUIVALENT STUDENT TO THE 4-YEAR PUBLIC INSTITUTIONS OF HIGHER EDUCATION IN THE STATE AS DESIGNATED BY THE COMMISSION FOR THE PURPOSE OF ADMINISTERING THE JOSEPH A. SELLINGER PROGRAM UNDER TITLE 17 OF THIS ARTICLE IN THE SAME FISCAL YEAR; AND”;

in line 13, strike “**6.**” and substitute “**7.**”; in the same line, strike “**2014**” and substitute “**2015**”; in line 14, strike “**30%**” and substitute “**29%**”; in line 19, strike “**PREVIOUS**” and substitute “**SAME**”; and after line 19, insert:

“(ii) For purposes of this subsection, the State’s General Fund appropriation per full-time equivalent student to the 4-year public institutions of higher education in the State for [the previous] A fiscal year shall [:

1. Include] INCLUDE noncapital appropriations from the Higher Education Investment Fund [; and

2. Reflect any amendments or reductions to the appropriation for the previous fiscal year].”.

AMENDMENT NO. 5

On page 16, in lines 2, 7, and 17, strike “**64.6%**”, “**65%**”, and “**69%**”, respectively, and substitute “**65.4%**”, “**66.5%**”, and “**67.5%**”, respectively; in lines 5, 10, 15, and 21, in each instance, strike “previous” and substitute “**SAME**”; in line 21, strike “**AND**”; after line 21, insert:

“(VI) IN FISCAL YEAR 2014, NOT LESS THAN AN AMOUNT EQUAL TO 68% OF THE STATE’S GENERAL FUND APPROPRIATION PER FULL-TIME EQUIVALENT STUDENT TO THE 4-YEAR PUBLIC INSTITUTIONS OF HIGHER

EDUCATION IN THE STATE AS DESIGNATED BY THE COMMISSION FOR THE PURPOSE OF ADMINISTERING THE JOSEPH A. SELLINGER PROGRAM UNDER TITLE 17 OF THIS ARTICLE IN THE SAME FISCAL YEAR; AND;

in line 28, strike “(VI)” and substitute “(VII)”; in the same line, strike “2014” and substitute “2015”; in line 29, strike “71%” and substitute “68.5%”; in line 34, strike “PREVIOUS” and substitute “SAME”; and after line 34, insert:

“(2) For purposes of this subsection, the State’s General Fund appropriation per full-time equivalent student to the 4-year public institutions of higher education in the State for [the previous] A fiscal year shall [:

(i) Include] INCLUDE noncapital appropriations from the Higher Education Investment Fund [; and

(ii) Reflect any amendments or reductions to the appropriation for the previous fiscal year].”.

AMENDMENT NO. 6

On page 17, after line 15, insert:

“(II) IN FISCAL YEAR 2010, AN AMOUNT NOT LESS THAN 13.8% OF THE STATE’S GENERAL FUND PER FULL-TIME EQUIVALENT STUDENT APPROPRIATION TO THE 4-YEAR PUBLIC INSTITUTIONS OF HIGHER EDUCATION IN THIS STATE FOR THE SAME FISCAL YEAR;”;

in lines 17, 22, 26, 30, and 34, strike “(II)”, “(III)”, “(IV)”, “(V)”, and “(VI)”, respectively, and substitute “(III)”, “(IV)”, “(V)”, “(VI)”, and “(VII)”, respectively; in line 17, strike “EACH OF FISCAL YEARS 2010 AND” and substitute “FISCAL YEAR”; in lines 18, 23, 27, 31, and 35, strike “11.2%”, “12.7%”, “13.7%”, “14.7%”, and “16%”, respectively, and substitute “14%”, “14.3%”, “14.7%”, “15%”, and “15.5%”,

respectively; and in lines 21, 25, 29, and 33, in each instance, strike “PRECEDING” and substitute “SAME”.

On page 18, in line 2, strike “PRECEDING” and substitute “SAME”; and after line 2, insert:

“(d) For purposes of this section, the State’s General Fund appropriation per full-time equivalent student to the 4-year public institutions of higher education in the State for [the previous] A fiscal year shall [:

(1) Include] INCLUDE noncapital appropriations from the Higher Education Investment Fund [; and

(2) Reflect any amendments or reductions to the appropriation for the previous fiscal year].”.

AMENDMENT NO. 7

On page 19, in lines 26 and 28, in each instance, strike “\$13.50” and substitute “\$14.00”.

AMENDMENT NO. 8

On page 31, after line 9, insert:

“7-325.

(a) (1) FOR EACH OF FISCAL YEARS 2010 THROUGH 2013, THE GOVERNOR SHALL INCLUDE IN THE ANNUAL BUDGET BILL SUBMITTED TO THE GENERAL ASSEMBLY A GENERAL FUND APPROPRIATION FOR THE MARYLAND STATE ARTS COUNCIL OF NOT LESS THAN \$13,545,740.

(2) For [each] fiscal year 2014 AND EACH FISCAL YEAR THEREAFTER, the Governor shall include in the annual budget bill submitted to the General Assembly a General Fund appropriation for the Maryland State Arts Council in an amount not less than the amount of the General Fund appropriation for the Council as approved in the State budget as enacted by the General Assembly for the prior fiscal year, increased by not less than A PERCENTAGE EQUAL TO ONE-HALF the percentage by which the projected total General Fund revenues for the upcoming fiscal year exceed the revised estimate of total General Fund revenues for the current fiscal year, as contained in the report of estimated State revenues submitted by the Board of Revenue Estimates to the Governor under § 6-106(b) of this article.”.

On page 54, strike in their entirety lines 27 through 31, inclusive.

AMENDMENT NO. 9

On page 34, in lines 30 and 31, strike “2013 THROUGH 2022” and substitute “2011 THROUGH 2020”.

AMENDMENT NO. 10

On page 38, after line 18, insert:

“2-106.

(A) Each county shall provide the supervisor of the county with an office in the county seat or in Baltimore City, for the supervisor of Baltimore City. The Department is responsible for providing each supervisor with clerical staff, equipment, and other facilities and assistance that the Department considers necessary and as provided in the State budget.

(B) FOR FISCAL YEAR 2010 AND FISCAL YEAR 2011 ONLY, EACH COUNTY AND BALTIMORE CITY SHALL BE RESPONSIBLE FOR REIMBURSING THE STATE FOR THE COSTS OF ADMINISTERING THE DEPARTMENT AS FOLLOWS:

- (1) 50% OF THE COSTS OF REAL PROPERTY VALUATION;**
- (2) 50% OF THE COSTS OF BUSINESS PROPERTY VALUATION; AND**
- (3) 50% OF THE COSTS OF THE OFFICE OF INFORMATION TECHNOLOGY WITHIN THE DEPARTMENT, INCLUDING ANY FUNDING FOR DEPARTMENTAL PROJECTS IN THE MAJOR INFORMATION TECHNOLOGY DEVELOPMENT PROJECT FUND ESTABLISHED UNDER § 3A-309 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.**

(C) COSTS UNDER SUBSECTION (B) OF THIS SECTION SHALL BE ALLOCATED AMONG THE COUNTIES AND BALTIMORE CITY AS FOLLOWS:

(1) COSTS UNDER SUBSECTION (B)(1) AND (3) OF THIS SECTION WILL BE ALLOCATED BASED ON THE NUMBER OF REAL PROPERTY ACCOUNTS OF A COUNTY OR BALTIMORE CITY AS A PERCENTAGE OF THE TOTAL NUMBER OF REAL PROPERTY ACCOUNTS STATEWIDE AS OF JULY 1 OF THE PRECEDING FISCAL YEAR; AND

(2) COSTS UNDER SUBSECTION (B)(2) OF THIS SECTION WILL BE ALLOCATED BASED ON THE BUSINESS PERSONAL PROPERTY ASSESSABLE BASE OF A COUNTY OR BALTIMORE CITY AS A PERCENTAGE OF THE TOTAL BUSINESS PERSONAL PROPERTY ASSESSABLE BASE STATEWIDE AS OF JULY 1 OF THE PRECEDING FISCAL YEAR.

(D) EACH COUNTY AND BALTIMORE CITY SHALL REMIT A QUARTERLY PAYMENT TO THE COMPTROLLER FOR 25% OF THE JURISDICTION'S SHARE OF COSTS ON OR BEFORE THE FOLLOWING DATES:

(Over)

- (1) JULY 1;
- (2) OCTOBER 1;
- (3) JANUARY 1; AND
- (4) APRIL 1.

(E) THE COMPTROLLER MAY WITHHOLD A PORTION OF A LOCAL INCOME TAX DISTRIBUTION OF A COUNTY OR BALTIMORE CITY THAT FAILS TO MAKE TIMELY PAYMENT IN ACCORDANCE WITH THIS SECTION.”.

AMENDMENT NO. 11

On page 40, in line 2, strike “\$98,000,000” and substitute “AT LEAST \$85,000,000”; and in line 4, strike “\$113,913,000” and substitute “ANY REMAINING BALANCE”.

AMENDMENT NO. 12

On page 44, in line 3, after “(1)” insert “(I)”; in the same line, strike “During a calendar year, a” and substitute “EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH, A”; in line 4, strike the brackets; in the same line, strike “5.0%”; in line 5, strike “made during that year”; and after line 5, insert:

“(II) FOR FISCAL YEARS 2010 AND 2011 ONLY, A LICENSED AGENT SHALL RECEIVE REGULAR COMMISSIONS OF 5.0% OF THE LICENSED AGENT’S GROSS RECEIPTS FROM TICKET SALES.”.

AMENDMENT NO. 13

On page 54, in line 10, strike “the State is not required” and substitute “the State’s responsibility”; in line 11, strike “any amounts”; and in line 12, after “2009,” insert “is limited to \$5,700,000.”.

AMENDMENT NO. 14

On page 48, in line 8, strike “\$30,000,000” and substitute “\$24,000,000”.

AMENDMENT NO. 15

On page 49, in line 9, strike “\$1,656,101” and substitute “\$1,605,035”.

AMENDMENT NO. 16

On page 50, in line 1, strike “\$15,000,000” and substitute “\$10,000,000”.

AMENDMENT NO. 17

On page 43, after line 37, insert:

“Article – Courts and Judicial Proceedings

2-512.

(a) Each circuit court judge shall have one law clerk, to be employed by the State.

(b) The budget for the Administrative Office of the Courts shall include funds to employ one law clerk for each circuit court judge.

(C) FOR EACH OF FISCAL YEARS 2010 AND 2011, EACH COUNTY AND BALTIMORE CITY SHALL REIMBURSE THE STATE FOR 25% OF THE SALARY AND OTHER EXPENSES TO EMPLOY ONE LAW CLERK FOR EACH CIRCUIT COURT JUDGE IN THE COUNTY OR BALTIMORE CITY.”

AMENDMENT NO. 18

On pages 51 and 52, strike in their entirety the lines beginning with line 22 on page 51 through line 3 on page 52, inclusive, and substitute:

<u>“Allegany</u>	<u>\$1,936,869</u>
<u>Anne Arundel</u>	<u>8,455,371</u>
<u>Baltimore City</u>	<u>15,167,424</u>
<u>Baltimore</u>	<u>11,373,924</u>
<u>Calvert</u>	<u>1,879,461</u>
<u>Caroline</u>	<u>1,345,246</u>
<u>Carroll</u>	<u>3,798,183</u>
<u>Cecil</u>	<u>2,104,844</u>
<u>Charles</u>	<u>2,725,980</u>
<u>Dorchester</u>	<u>1,487,390</u>
<u>Frederick</u>	<u>5,010,164</u>
<u>Garrett</u>	<u>1,684,208</u>
<u>Harford</u>	<u>4,410,969</u>
<u>Howard</u>	<u>4,187,808</u>
<u>Kent</u>	<u>755,951</u>
<u>Montgomery</u>	<u>11,879,769</u>
<u>Prince George’s</u>	<u>10,349,543</u>
<u>Queen Anne’s</u>	<u>1,556,658</u>
<u>St. Mary’s</u>	<u>2,092,537</u>
<u>Somerset</u>	<u>898,609</u>
<u>Talbot</u>	<u>1,238,867</u>
<u>Washington</u>	<u>3,222,630</u>
<u>Wicomico</u>	<u>2,511,852</u>
<u>Worcester</u>	<u>1,845,742”.</u>

AMENDMENT NO. 19

On pages 30 and 31, strike in their entirety the lines beginning with line 25 on page 30 through line 9 on page 31, inclusive.

AMENDMENT NO. 20

On page 56, in line 22, strike “\$53,500,000” and substitute “\$50,000,000”.

AMENDMENT NO. 21

On page 56, in line 25, after “notwithstanding” insert “§§ 8–403 through 8-405 of the Transportation Article or”; in line 26, after “law” insert “, for fiscal year 2010 only”; and strike in their entirety lines 27 through 29, inclusive, and substitute:

“(a) \$60,000,000 of the amounts otherwise required to be distributed to Baltimore City and the counties 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 under § 8–403(a) of the Transportation Article and each county’s net share of highway user revenues shall be reduced by the following amounts:”.

On page 57, strike in their entirety lines 10 through 18, inclusive, and substitute:

“(c) Each municipality’s net share of highway user revenues under § 8-405 of the Transportation Article shall be determined based on the gross share of highway user revenues allocated under § 8-404 of the Transportation Article to the county within which the municipality is located, calculated before making the reductions specified under this section.”.

AMENDMENT NO. 22

On page 52, in line 14, after “affect” insert “:

(1)”;

in line 15, strike the second “or” and substitute “;

(2)”;

and in line 17, after “Maryland” insert “; or

(3) financial incentives awarded in accordance with § 21-118.1 of the State Personnel and Pensions Article”.

AMENDMENT NO. 23

On page 57, after line 18, insert:

“SECTION 30. AND BE IT FURTHER ENACTED, That, notwithstanding any other provision of law, on or before June 30, 2009:

(a) The Governor may transfer to the General Fund:

(1) \$40,000,000 of the unencumbered balance of the funds for State land acquisition under Program Open Space in the special fund established under § 13-209 of the Tax – Property Article; and

(2) \$25,000,000 of the unencumbered balance of the funds for local land acquisition under Program Open Space in the special fund established under § 13-209 of the Tax – Property Article.

(b) A transfer of funds from the special fund to the General Fund under this section 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.”;

in lines 19 and 34, strike “30.” and “31.”, respectively, and substitute “31.” and “32.”, respectively; in line 21, after “2009.” insert “in addition to amounts transferred under Section 30 of this Act.”; strike beginning with the colon in line 35 down through “section” in line 36; and in line 39, strike “subsection” and substitute “section”.

On page 58, strike in their entirety lines 1 through 12, inclusive.

AMENDMENT NO. 24

On page 8, after line 34, insert:

“5–202.

(a) (13) “Target per pupil foundation amount” means:

(i) In EACH OF fiscal years 2008 [, 2009, and 2010] THROUGH 2012, \$6,694; and

(e) (1) In this subsection, “State financial assistance for public education” means the total financial assistance provided by the State to a county board under the following programs:

(i) Funding for the foundation program under this section;

(ii) In fiscal year 2009, 50% of the funding received under the GCEI adjustment grant program under subsection (f) of this section and in [fiscal year] EACH OF FISCAL YEARS 2010 THROUGH 2012, 60% of the funding received under the GCEI adjustment grant program under subsection (f) of this section;

(iii) Transportation aid under § 5–205 of this subtitle;

(iv) Funding for compensatory education under § 5–207 of this subtitle;

(v) Funding for students with limited English proficiency under § 5–208 of this subtitle;

(vi) Funding for special education students under § 5–209 of this subtitle;

(Over)

(vii) Funding for the guaranteed tax base program under § 5–210 of this subtitle;

(viii) 50% of the State payments for retirement contributions for employees of a local school system in accordance with the provisions of Division II of the State Personnel and Pensions Article; and

(ix) Funding for supplemental grants under this subsection.

(2) (i) For fiscal years 2009 and 2010 only, the State shall provide a supplemental grant to a county board that does not receive at least a 1% increase in State financial assistance for public education over the amount received by the county board in the previous fiscal year.

(ii) The supplemental grant under this paragraph shall be the amount necessary to increase a county board's State financial assistance for public education by 1% over the amount received by the county board in the previous fiscal year.

(3) (I) For fiscal year 2011, THE STATE SHALL PROVIDE A SUPPLEMENTAL GRANT TO A COUNTY BOARD THAT DOES NOT RECEIVE AT LEAST A 0.5% INCREASE IN STATE FINANCIAL ASSISTANCE FOR PUBLIC EDUCATION OVER THE AMOUNT RECEIVED BY THE COUNTY BOARD IN THE PREVIOUS FISCAL YEAR.

(II) THE SUPPLEMENTAL GRANT UNDER THIS PARAGRAPH SHALL BE THE AMOUNT NECESSARY TO INCREASE A COUNTY BOARD'S STATE FINANCIAL ASSISTANCE FOR PUBLIC EDUCATION BY 0.5% OVER THE AMOUNT RECEIVED BY THE COUNTY BOARD IN THE PREVIOUS FISCAL YEAR.

(4) (I) FOR FISCAL YEAR 2012, THE STATE SHALL PROVIDE A SUPPLEMENTAL GRANT TO A COUNTY BOARD THAT DOES NOT RECEIVE AT LEAST THE SAME AMOUNT OF STATE FINANCIAL ASSISTANCE FOR PUBLIC EDUCATION AS THE AMOUNT RECEIVED BY THE COUNTY BOARD IN THE PREVIOUS FISCAL YEAR.

(II) THE SUPPLEMENTAL GRANT UNDER THIS PARAGRAPH SHALL BE THE AMOUNT NECESSARY TO ENSURE THAT A COUNTY BOARD'S STATE FINANCIAL ASSISTANCE FOR PUBLIC EDUCATION EQUALS AT LEAST THE AMOUNT RECEIVED BY THE COUNTY BOARD IN THE PREVIOUS FISCAL YEAR.

(5) FOR FISCAL YEAR 2013 and each fiscal year thereafter, a county board shall receive a supplemental grant equal to the amount the county board received under paragraph [(2)] (4) of this subsection in fiscal year [2010] 2012.

5-205.

(c) (3) (I) [The] EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH, THE increase in the amount of a base grant for student transportation that is based on the increase in the private transportation category of the Consumer Price Index may not be less than 3 percent nor more than 8 percent of the amount of the grant for the previous year.

(II) FOR EACH OF FISCAL YEARS 2011 AND 2012, THE AMOUNT OF THE COUNTY'S BASE GRANT FOR STUDENT TRANSPORTATION MAY NOT BE INCREASED OVER THE GRANT FOR THE PREVIOUS YEAR BASED ON AN INCREASE IN THE PRIVATE TRANSPORTATION CATEGORY OF THE CONSUMER PRICE INDEX.”.

On page 54, after line 26, insert:

(Over)

“SECTION 25. AND BE IT FURTHER ENACTED, That notwithstanding any provision of law that requires the Governor to include a certain level of funding in the annual budget bill for a specific program or item, and notwithstanding any other provision of law, for fiscal years 2011 and 2012 only:

(a) Except as provided in subsection (b) of this section and except as otherwise provided under this Act, the Governor is not required to include an appropriation in the budget for any program or item in an amount that exceeds the fiscal year 2010 appropriation for that item or program as approved in the State budget for fiscal year 2010 as enacted by the General Assembly.

(b) Subsection (a) of this section does not apply to:

(1) funding required for State aid to public elementary and secondary education as provided under Title 5, Subtitle 2 or § 4-121, § 4-122, § 6-306, § 8-310.3, § 8-317, or § 8-415 of the Education Article; or

(2) the State’s employer contribution to the State Retirement and Pension System required under § 21-308 of the State Personnel and Pensions Article.”.

AMENDMENT NO. 25

On page 49, in line 34, after “Article;” insert “and”.

On page 50, strike beginning with the semicolon in line 2 down through “Article” in line 4.

AMENDMENT NO. 26

On page 55, in line 1, strike “The State shall make a payment of” and substitute “In addition to the appropriation required under the State Foundation Program, the Governor shall appropriate”; and in lines 7, 28, and 40, in each instance, strike “an intercept” and substitute “a reduction of the appropriation”.

AMENDMENT NO. 27

On page 37, strike in their entirety lines 5 and 6; in lines 7 and 9, strike “2.” and “3.”, respectively, and substitute “1.” and “2.”, respectively; and in line 8, strike “2010” and substitute “**2008**”.

AMENDMENT NO. 28

On page 58, before line 13, insert:

“SECTION 33. AND BE IT FURTHER ENACTED, That, notwithstanding any other provision of law, no funds may be expended for repair and modification of the Court of Appeals building except in accordance with § 3-602(d) of the State Finance and Procurement Article.

SECTION 34. AND BE IT FURTHER ENACTED, That, notwithstanding any other provision of law:

(a) The General Assembly finds that the Fair Campaign Financing Fund established under § 15-103 of the Election Law Article cannot operate as originally contemplated.

(b) \$2,887,538 of the balance in the Fund may be transferred to the Maryland Information Technology Development Project Fund (program F50A01.01) for the purpose of funding the purchase of a new Optical Scan Voting System.

(c) Any funds transferred from the Fair Campaign Financing Fund to the Major Information Technology Development Project Fund as authorized under this section that are not used to purchase a new Optical Scan Voting System may not be retained by the Major Information Technology Development Project Fund and may only be transferred to the Maryland Election Modernization Fund established under § 2-107 of the Election Law Article.

SECTION 35. AND BE IT FURTHER ENACTED, That, notwithstanding any other provision of law, \$50,550,154 of the fiscal year 2010 appropriation for the State Foundation Program under § 5-202 of the Education Article may only be used for public school construction projects approved by the Interagency Committee on School Construction and the Board of Public Works.

SECTION 36. AND BE IT FURTHER ENACTED, That:

(a) The General Assembly finds that the existing technology supporting State administration of its human resources management system is outmoded and inadequate for efficient administration of the State workforce.

(b) In the development of a new statewide human resources management system to address this deficiency, the Department of Budget and Management shall, in coordination with the Department of Information Technology, take all steps necessary to scope and define its requirements so as to qualify for funding as a Major Information Technology Development project supported through the Major Information Technology Project Development Fund established under § 3A-309 of the State Finance and Procurement Article.

(c) To support this project, for fiscal years 2011, 2012, and 2013 only, the Department of Budget and Management shall establish a statewide subobject for the purpose of charging back to each fund account of the State agencies the cost of developing, acquiring, and implementing the needed information technology.

(d) Costs shall be allocated to each agency based on that proportion of total positions authorized in each agency on June 30 of the second year preceding the year for which the budget is prepared compared to the total number of positions authorized for Executive agencies. Funds shall be credited to the Major Information Technology Project Development Fund solely for support of the project created under subsection (b) of this section.

(e) For fiscal year 2011, the Governor shall include in the State budget through the mechanism established in this section a charge back of not less than \$5,000,000.

SECTION 37. AND BE IT FURTHER ENACTED, That, notwithstanding any other provision of law, for fiscal year 2010 only, on or before May 1, 2009, a county may request from the State Board of Education a temporary or partial waiver from the provisions of § 5-202(d) of the Education Article. For a waiver requested by a county after April 1, 2009, the State Board of Education shall inform a county on or before June 1, 2009, whether the waiver for fiscal year 2010 is approved or denied in whole or in part. This section shall be construed to apply retroactively and shall apply to temporary or partial waivers requested on or before May 1, 2009.”.

AMENDMENT NO. 29

On page 58, in lines 13, 19, 23, 26, and 31, strike “32.”, “33.”, “34.”, “35.”, and “36.”, respectively, and substitute “38.”, “39.”, “40.”, “41.”, and “42.”, respectively.

On page 59, in lines 1, 4, and 9, strike “37.”, “38.”, and “39.”, respectively, and substitute “43.”, “44.”, and “45.”, respectively; and in line 10, strike “33 and 34” and substitute “39 and 40”.