

# HOUSE BILL 101

B1

9lr0228  
CF SB 166

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By: **The Speaker (By Request - Administration)**

Introduced and read first time: January 21, 2009

Assigned to: Appropriations

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Committee Report: Favorable with amendments

House action: Adopted with floor amendments

Read second time: March 22, 2009

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Budget Reconciliation and Financing Act of 2009**

3 FOR the purpose of altering or repealing certain required appropriations; altering the  
4 amount of a certain Drinking Driver Monitor Program fee and removing a  
5 certain limitation on authorization for the fee; altering the calculation of certain  
6 State aid to local governments; altering the amount of certain State payments  
7 for certain local school employees; altering the calculation of certain local  
8 sharing of costs of educating certain children; altering the calculation of certain  
9 State aid to community colleges, Baltimore City Community College, and  
10 nonpublic institutions of higher education; delaying the applicability of certain  
11 provisions relating to the transfer to the State Department of Education of  
12 responsibility for educational programs at certain facilities of the Department of  
13 Juvenile Services; repealing certain provisions regarding the administration of  
14 certain child welfare programs; requiring that certain federal funds relating to  
15 certain previously disallowed claims be deposited in the General Fund of the  
16 State; altering the calculation of certain State funding for library resource  
17 centers and county libraries; authorizing the use of certain funds for certain  
18 purposes under certain circumstances; ~~altering certain provisions relating to~~  
19 ~~certain requirements that certain nonprofit health service plans use certain~~  
20 ~~funds for certain purposes under certain circumstances;~~ altering a certain  
21 definition under a certain program to subsidize health insurance for medically  
22 uninsurable individuals; providing a certain exception to a requirement that  
23 certain funding for Program Open Space be allocated in a certain manner;  
24 requiring that certain allocations of certain funds distributed to Program Open  
25 Space be adjusted in a certain manner for certain fiscal years under certain  
26 circumstances; requiring that a certain amount be allocated from certain

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike-out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 transfer tax revenues to the General Fund of the State for certain fiscal years  
2 under certain circumstances; requiring that certain allocations from certain  
3 transfer tax revenues be adjusted in a certain manner for certain fiscal years  
4 under certain circumstances; authorizing the transfer of certain funds to the  
5 General Fund, subject to certain contingencies; providing that certain balances  
6 in a certain fund at the end of certain fiscal years revert to the General Fund;  
7 altering for a certain fiscal year certain provisions relating to the use of certain  
8 funds for certain purposes; altering the maximum amount of a certain  
9 contingency fund; altering a certain audit requirement; altering the distribution  
10 of certain federal subsidies received by the State for certain fiscal years;  
11 requiring the Comptroller to distribute a certain amount to the General Fund  
12 from a certain account; limiting for certain fiscal years the amounts of certain  
13 distributions required to be made to certain counties and Baltimore City based  
14 on per capita yield of county income taxes; requiring the Comptroller for certain  
15 fiscal years to distribute certain amounts from the income tax revenue from  
16 individuals to a certain account; requiring the Comptroller to adjust the amount  
17 distributed to the counties from the income tax revenue to allocate certain  
18 reductions among the counties in a certain manner; altering the distribution of  
19 certain motor fuel tax revenue; altering the distribution of certain sales and use  
20 tax revenues from short-term rental vehicles; ~~requiring the counties and~~  
21 ~~Baltimore City to share certain costs of administering the Department of~~  
22 ~~Assessments and Taxation; authorizing the Comptroller to withhold the~~  
23 ~~distribution of certain local income tax revenue to a county or Baltimore City~~  
24 ~~under certain circumstances; altering certain provisions relating to the funding~~  
25 ~~of a certain highway; repealing a certain audit requirement; repealing a~~  
26 ~~requirement that the State provide funds for a certain survey; altering the~~  
27 ~~calculation of the regular commissions of a licensed agent under the State~~  
28 ~~lottery; clarifying a certain modification required under the Maryland income~~  
29 ~~tax relating to the carryover of net operating losses under certain~~  
30 ~~circumstances; providing that a certain limitation on the effect of certain~~  
31 ~~amendments of the Internal Revenue Code on the Maryland income tax under~~  
32 ~~certain circumstances does not apply to certain amendments of the Internal~~  
33 ~~Revenue Code enacted under a certain federal act; providing for the application~~  
34 ~~of certain provisions of law; altering the calculation of certain State~~  
35 ~~reimbursement to the counties for inmates confined at local correctional~~  
36 ~~facilities; repealing certain requirements that the State reimburse the counties~~  
37 ~~for certain inmates confined at local correctional facilities; requiring the State to~~  
38 ~~provide certain grants to the counties for certain inmates confined at local~~  
39 ~~correctional facilities; altering the allocation of certain funds received by the~~  
40 ~~Maryland Strategic Energy Investment Fund; authorizing the Governor to~~  
41 ~~transfer to the General Fund certain amounts from certain special funds for~~  
42 ~~certain fiscal years; authorizing the Governor to transfer a certain amount~~  
43 ~~certain amounts by budget amendment from a certain special fund certain~~  
44 ~~funds for a certain purpose certain purposes; reducing certain funding subject to~~  
45 ~~a certain contingency; requiring counties to pay certain employer contributions~~  
46 ~~for certain members of the Employees' Retirement System, Employees' Pension~~  
47 ~~System, and Law Enforcement Officers' Pension System; prohibiting or limiting~~  
48 ~~certain pay increases for certain providers for a certain fiscal year; deferring~~

1 certain payments for certain private donation incentives; eliminating or altering  
 2 certain required payments for certain purposes for a certain fiscal year;  
 3 prohibiting the payment of certain deferred compensation bonuses, merit  
 4 increases, or cost-of-living adjustments for certain State employees, except  
 5 under certain circumstances; ~~repealing~~ altering certain limits on the total  
 6 amount of certain credits allowed against certain taxes for the purchase of  
 7 Maryland-mined coal that the Department of Assessments and Taxation may  
 8 approve for certain calendar years; requiring that certain salary or hours lost  
 9 due to a mandatory furlough or salary reduction plan be included in certain  
 10 calculations for retirement benefits and member contributions; providing for  
 11 certain compensation for unused annual leave for employees on termination  
 12 during a mandatory temporary salary reduction plan; requiring certain highway  
 13 user revenues to be distributed to the General Fund for certain fiscal years;  
 14 reducing certain amounts due the counties under certain circumstances;  
 15 requiring the Comptroller to withhold certain amounts from income tax  
 16 attributable to the county income tax and crediting those amounts to the  
 17 General Fund; altering the distribution of certain funds; reducing the amount of  
 18 certain highway user revenues to be distributed to certain local jurisdictions for  
 19 certain fiscal years; reducing, and providing for the reversion to the certain  
 20 funds of, certain unexpended appropriations; providing for a payment of a  
 21 certain amount to a certain county and recoupment of certain amounts from  
 22 certain counties and libraries relating to an error in the application of a certain  
 23 aid formula for certain fiscal years; defining certain terms; making the  
 24 provisions of this Act severable; providing for the termination of certain  
 25 provisions of this Act; providing for the effective dates and application of this  
 26 Act; and generally relating to the financing of State government.

27 ~~BY repealing and reenacting, with amendments,~~  
 28 ~~Article – Agriculture~~  
 29 ~~Section 8–405(e)~~  
 30 ~~Annotated Code of Maryland~~  
 31 ~~(2007 Replacement Volume and 2008 Supplement)~~

32 BY repealing and reenacting, with amendments,  
 33 Article – Correctional Services  
 34 Section 6–115(b) and (c) and 9–402  
 35 Annotated Code of Maryland  
 36 (2008 Replacement Volume and 2008 Supplement)

37 BY repealing and reenacting, with amendments,  
 38 Article – Economic Development  
 39 Section 4–216(b) and 10–523(a)  
 40 Annotated Code of Maryland  
 41 (2008 Volume)

42 BY repealing and reenacting, with amendments,  
 43 Article – Education

1 Section ~~5-202(c)~~ 5-206(f), 6-306(b), 8-415(d)(3), 16-305(c)(1)(i), 16-512(a)(1),  
2 17-104(a), 22-303(a)(1) and (b), 23-205(c) and (d), and 23-503(b)(1)  
3 Annotated Code of Maryland  
4 (2008 Replacement Volume)

5 BY repealing and reenacting, with amendments,  
6 Article – Environment  
7 Section 9-275  
8 Annotated Code of Maryland  
9 (2007 Replacement Volume and 2008 Supplement)

10 BY repealing and reenacting, with amendments,  
11 Article – Health – General  
12 Section 2-104(j)(2), 13-1015(a), 13-1116(a)(1), 13-1117(a)(1), 13-1118(a)(1),  
13 15-701(i), and 19-214(d)(5)  
14 Annotated Code of Maryland  
15 (2005 Replacement Volume and 2008 Supplement)

16 BY repealing  
17 Article – Human Services  
18 Section 9-216(c)  
19 Annotated Code of Maryland  
20 (2007 Volume and 2008 Supplement)

21 BY repealing and reenacting, with amendments,  
22 Article – Insurance  
23 Section ~~14-106(d) and (e) and~~ 14-501(h)(2)  
24 Annotated Code of Maryland  
25 (2006 Replacement Volume and 2008 Supplement)

26 BY repealing and reenacting, with amendments,  
27 Article – Natural Resources  
28 Section 5-902(c), 5-903(a) and (g)(1), and 5-903.1(c)  
29 Annotated Code of Maryland  
30 (2005 Replacement Volume and 2008 Supplement)

31 BY repealing  
32 Article – Natural Resources  
33 Section 8-707(d)  
34 Annotated Code of Maryland  
35 (2007 Replacement Volume and 2008 Supplement)

36 BY repealing and reenacting, with amendments,  
37 Article – Natural Resources  
38 Section 8-709(d)  
39 Annotated Code of Maryland  
40 (2007 Replacement Volume and 2008 Supplement)

- 1 BY repealing and reenacting, with amendments,  
2 Article – Public Utility Companies  
3 Section ~~7-512.1(f)~~ 7-512.1(c)(4) and (f)  
4 Annotated Code of Maryland  
5 (2008 Replacement Volume and 2008 Supplement)
- 6 BY repealing and reenacting, with amendments,  
7 Article – State Finance and Procurement  
8 Section ~~7-325(a)~~ 3-306  
9 Annotated Code of Maryland  
10 (2006 Replacement Volume and 2008 Supplement)
- 11 BY repealing and reenacting, with amendments,  
12 Article – State Personnel and Pensions  
13 Section 2-516(c) and 34-101(d)  
14 Annotated Code of Maryland  
15 (2004 Replacement Volume and 2008 Supplement)
- 16 BY adding to  
17 Article – State Personnel and Pensions  
18 Section 21-307(n) and (o)  
19 Annotated Code of Maryland  
20 (2004 Replacement Volume and 2008 Supplement)
- 21 BY repealing and reenacting, with amendments,  
22 Article – Tax – General  
23 Section 2-606, 2-608, 2-1104, ~~and~~ 2-1302.1, 8-406(b)(2)(iv), and 10-210.1(b)  
24 Annotated Code of Maryland  
25 (2004 Replacement Volume and 2008 Supplement)
- 26 BY repealing and reenacting, with amendments,  
27 Article – Tax – Property  
28 Section ~~2-106~~ 13-209(d)  
29 Annotated Code of Maryland  
30 (2007 Replacement Volume and 2008 Supplement)
- 31 BY adding to  
32 Article – Tax – Property  
33 Section 13-209(d-1)  
34 Annotated Code of Maryland  
35 (2007 Replacement Volume and 2008 Supplement)
- 36 BY repealing and reenacting, with amendments,  
37 Article – Transportation  
38 Section 4-321(e)  
39 Annotated Code of Maryland  
40 (2008 Replacement Volume)

- 1 BY repealing and reenacting, with amendments,  
2 Chapter 306 of the Acts of the General Assembly of 2004  
3 Section 8
- 4 BY repealing and reenacting, with amendments,  
5 Chapter 307 of the Acts of the General Assembly of 2004  
6 Section 8
- 7 BY repealing  
8 Chapter 487 of the Acts of the General Assembly of 2004  
9 Section 6
- 10 BY repealing and reenacting, with amendments,  
11 Chapter 535 of the Acts of the General Assembly of 2004  
12 Section 2 and 3
- 13 BY repealing and reenacting, with amendments,  
14 Article 24 – Political Subdivisions – Miscellaneous Provisions  
15 Section 9–1101  
16 Annotated Code of Maryland  
17 (2005 Replacement Volume and 2008 Supplement)
- 18 BY repealing and reenacting, with amendments,  
19 Article – State Government  
20 Section 9–117(a)(1) and 9–20B–05(g)  
21 Annotated Code of Maryland  
22 (2004 Replacement Volume and 2008 Supplement)
- 23 BY adding to  
24 Article – State Government  
25 Section 9–20B–05(g–1)  
26 Annotated Code of Maryland  
27 (2004 Replacement Volume and 2008 Supplement)
- 28 BY repealing and reenacting, with amendments,  
29 Chapter 245 of the Acts of the General Assembly of 2008  
30 Section 3
- 31 ~~BY repealing~~  
32 ~~Article – Tax – General~~  
33 ~~Section 8–406(b) and 10–704.1~~  
34 ~~Annotated Code of Maryland~~  
35 ~~(2004 Replacement Volume and 2008 Supplement)~~
- 36 BY repealing and reenacting, with amendments,  
37 Chapter 62 of the Acts of the General Assembly of 1992  
38 Section 8

1 BY repealing  
 2 Article – Correctional Services  
 3 Section 9–401, 9–403, and 9–404  
 4 Annotated Code of Maryland  
 5 (2008 Replacement Volume and 2008 Supplement)

6 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
 7 MARYLAND, That the Laws of Maryland read as follows:

8 ~~Article – Agriculture~~

9 ~~§ 405.~~

10 ~~(e) [(1) The Governor shall include in the annual budget bill an amount~~  
 11 ~~sufficient to employ not less than 110 field personnel in the soil conservation districts~~  
 12 ~~under this title.~~

13 ~~(2) The appropriation for the 24 soil conservation districts shall be as~~  
 14 ~~follows:~~

15 ~~[(i) For fiscal year 2008, \$8,800,000;]~~

16 ~~[(ii) (1) For fiscal year 2009, \$9,200,000;~~

17 ~~[(iii) (2) For fiscal year 2010, [\$9,600,000; and] \$9,200,000;~~

18 ~~[(iv) (3) For fiscal year 2011 [and each fiscal year thereafter,~~  
 19 ~~\$10,000,000], \$9,200,000;~~

20 ~~(4) FOR FISCAL YEAR 2012, \$9,600,000; AND~~

21 ~~(5) FOR FISCAL YEAR 2013 AND EACH FISCAL YEAR THEREAFTER,~~  
 22 ~~\$10,000,000.~~

23 **Article – Correctional Services**

24 6–115.

25 (b) All supervisees placed in the Drinking Driver Monitor Program by the  
 26 Division shall be:

27 (1) subject to a monthly supervision fee in accordance with § 6–226 of  
 28 the Criminal Procedure Article; and

29 (2) [for fiscal years 2006 through 2010 only,] assessed a monthly  
 30 program fee of [\$45] **\$55** by the Division.

1 (c) (1) The Program fee imposed under this section shall be paid to the  
2 Division by all supervisees in the Drinking Driver Monitor Program [from July 1, 2005  
3 through June 30, 2010].

4 (2) The Division shall pay the Program fees collected under this  
5 section into the Drinking Driver Monitor Program Fund.

#### 6 Article – Economic Development

7 4–216.

8 (b) (1) [The] **FOR FISCAL YEARS 2010 AND 2011, THE** Governor shall  
9 include in the annual budget bill a proposed General Fund appropriation to the Fund  
10 in an amount not less than [\$6,000,000] **\$4,900,000** for each fiscal year.

11 (2) **FOR FISCAL YEAR 2012, THE GOVERNOR SHALL INCLUDE IN**  
12 **THE BUDGET BILL A PROPOSED GENERAL FUND APPROPRIATION TO THE FUND**  
13 **IN AN AMOUNT NOT LESS THAN \$5,500,000.**

14 (3) **FOR FISCAL YEAR 2013 AND EACH FISCAL YEAR THEREAFTER,**  
15 **THE GOVERNOR SHALL INCLUDE IN THE ANNUAL BUDGET BILL A PROPOSED**  
16 **GENERAL FUND APPROPRIATION TO THE FUND IN AN AMOUNT NOT LESS THAN**  
17 **\$6,000,000 FOR EACH FISCAL YEAR.**

18 10–523.

19 (a) (1) The Corporation may receive annual funding through an  
20 appropriation in the State budget.

21 (2) The Corporation may also receive money for projects included in  
22 the budgets of State units.

23 (3) (i) To assist the Corporation in complying with subsection (c) of  
24 this section, the Governor shall include each year in the State budget bill an  
25 appropriation to the Corporation for rural business development and assistance for  
26 each of fiscal years 2010 [through 2020] **AND 2011** in the amount of [\$4,000,000]  
27 **\$2,750,000 AND FOR EACH OF FISCAL YEARS 2012 THROUGH 2020, IN THE**  
28 **AMOUNT OF \$4,000,000.**

29 (ii) In addition to any money provided under subparagraph (i) of  
30 this paragraph, the Governor may include each year in the State budget bill an  
31 appropriation to the Corporation in an amount not exceeding \$5,000,000 for rural land  
32 acquisition and easement programs, including programs to assist young and beginning  
33 farmers.

34 Article – Education



1 ~~5-202.~~

2       ~~(c) (1) In this subsection, "State financial assistance for public education"~~  
3 ~~means the total financial assistance provided by the State to a county board under the~~  
4 ~~following programs:~~

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

6               ~~(ii) In fiscal year 2009, [50%] **100%** of the funding received~~  
7 ~~under the GCEI adjustment grant program under subsection (f) of this section and in~~  
8 ~~fiscal year 2010, [60%] **100%** of the funding received under the GCEI adjustment~~  
9 ~~grant program under subsection (f) of this section;~~

10              ~~(iii) Transportation aid under § 5-205 of this subtitle;~~

11              ~~(iv) Funding for compensatory education under § 5-207 of this~~  
12 ~~subtitle;~~

13              ~~(v) Funding for students with limited English proficiency under~~  
14 ~~§ 5-208 of this subtitle;~~

15              ~~(vi) Funding for special education students under § 5-209 of this~~  
16 ~~subtitle;~~

17              ~~(vii) Funding for the guaranteed tax base program under § 5-210~~  
18 ~~of this subtitle;~~

19              ~~(viii) [50%] **100%** of the State payments for retirement~~  
20 ~~contributions for employees of a local school system in accordance with the provisions~~  
21 ~~of Division II of the State Personnel and Pensions Article; and~~

22              ~~(ix) Funding for supplemental grants under this subsection.~~

23              ~~(2) (i) For fiscal years 2009 and 2010 only, the State shall provide~~  
24 ~~a supplemental grant to a county board that does not receive at least [a 1% increase~~  
25 ~~in] **THE SAME AMOUNT OF** State financial assistance for public education [over] **AS**~~  
26 ~~the amount received by the county board in the previous fiscal year.~~

27              ~~(ii) The supplemental grant under this paragraph shall be the~~  
28 ~~amount necessary to [increase] **ENSURE THAT** a county board's State financial~~  
29 ~~assistance for public education [by 1% over] **EQUALS AT LEAST** the amount received~~  
30 ~~by the county board in the previous fiscal year.~~

31              ~~(3) For fiscal year 2011 and each fiscal year thereafter, a county board~~  
32 ~~shall receive a supplemental grant equal to the amount the county board received~~  
33 ~~under paragraph (2) of this subsection in fiscal year 2010.~~

1 5-206.

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

6 (2) The funding level for a county is:

7 (I) IN FISCAL YEAR 2011, THE FOLLOWING AMOUNTS FOR  
8 THE FOLLOWING COUNTIES:

- 9 1. ALLEGANY COUNTY ..... \$97,791;
- 10 2. ANNE ARUNDEL COUNTY ..... \$506,038;
- 11 3. BALTIMORE CITY ..... \$1,387,924;
- 12 4. BALTIMORE COUNTY ..... \$874,227;
- 13 5. CALVERT COUNTY ..... \$38,292;
- 14 6. CAROLINE COUNTY ..... \$50,074;
- 15 7. CARROLL COUNTY ..... \$137,261;
- 16 8. CECIL COUNTY ..... \$96,024;
- 17 9. CHARLES COUNTY ..... \$50,074;
- 18 10. DORCHESTER COUNTY ..... \$38,292;
- 19 11. FREDERICK COUNTY ..... \$182,622;
- 20 12. GARRETT COUNTY ..... \$38,292;
- 21 13. HARFORD COUNTY ..... \$217,379;
- 22 14. HOWARD COUNTY ..... \$87,776;
- 23 15. KENT COUNTY ..... \$38,292;
- 24 16. MONTGOMERY COUNTY ..... \$602,651;
- 25 17. PRINCE GEORGE’S COUNTY ..... \$1,209,426;

1 **18. QUEEN ANNE’S COUNTY..... \$50,074;**

2 **19. ST. MARY’S COUNTY..... \$50,074;**

3 **20. SOMERSET COUNTY..... \$38,292;**

4 **21. TALBOT COUNTY..... \$38,292;**

5 **22. WASHINGTON COUNTY ..... \$134,904;**

6 **23. WICOMICO COUNTY ..... \$106,627; AND**

7 **24. WORCESTER COUNTY..... \$38,292;**

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

10 **1. Allegany County..... \$166,000;**

11 **2. Anne Arundel County ..... \$859,000;**

12 **3. Baltimore City..... \$2,356,000;**

13 **4. Baltimore County..... \$1,484,000;**

14 **5. Calvert County..... \$65,000;**

15 **6. Caroline County ..... \$85,000;**

16 **7. Carroll County..... \$233,000;**

17 **8. Cecil County ..... \$163,000;**

18 **9. Charles County..... \$85,000;**

19 **10. Dorchester County ..... \$65,000;**

20 **11. Frederick County ..... \$310,000;**

21 **12. Garrett County ..... \$65,000;**

22 **13. Harford County ..... \$369,000;**

23 **14. Howard County ..... \$149,000;**

24 **15. Kent County ..... \$65,000;**

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

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

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

19 6–306.

20                    (b) (1) For fiscal year 2000 and each subsequent fiscal year, the Governor  
 21 shall include in each year’s operating budget funding for the stipends and bonuses  
 22 provided in this subsection.

23                    (2) A classroom teacher or other nonadministrative  
 24 school-based employee **IN A PUBLIC SCHOOL IDENTIFIED BY THE STATE BOARD**  
 25 **AS HAVING COMPREHENSIVE NEEDS** who holds a standard professional certificate  
 26 or an advanced professional certificate who is employed by a county board and who  
 27 holds a certificate issued by the National Board for Professional Teaching Standards  
 28 shall receive a stipend from the State in an amount equal to the county grant for  
 29 national certification, up to a maximum of \$2,000 per qualified individual.

30                    (3) [(i) An individual who graduates from an accredited institution  
 31 of higher education with a grade point average of at least 3.5 on a 4.0 scale or its  
 32 equivalent, becomes employed by a county board, and remains employed as a

1 classroom teacher in the public school system for a minimum of 3 consecutive years  
2 shall receive a salary signing bonus of \$1,000.

3 (ii) If the individual leaves employment with the public school  
4 system before the end of the 3-year commitment, the individual shall reimburse the  
5 State in the amount of \$1,000] **A CLASSROOM TEACHER OR OTHER**  
6 **NONADMINISTRATIVE SCHOOL-BASED EMPLOYEE IN A SCHOOL NOT IDENTIFIED**  
7 **BY THE STATE BOARD AS HAVING COMPREHENSIVE NEEDS WHO HOLDS A**  
8 **STANDARD PROFESSIONAL CERTIFICATE OR AN ADVANCED PROFESSIONAL**  
9 **CERTIFICATE WHO IS EMPLOYED BY A COUNTY BOARD AND WHO HOLDS A**  
10 **CERTIFICATE ISSUED BY THE NATIONAL BOARD FOR PROFESSIONAL TEACHING**  
11 **STANDARDS SHALL RECEIVE A STIPEND FROM THE STATE IN AN AMOUNT**  
12 **EQUAL TO THE COUNTY GRANT FOR NATIONAL CERTIFICATION, UP TO A**  
13 **MAXIMUM OF \$1,000 PER QUALIFIED INDIVIDUAL.**

14 (4) A classroom teacher who holds an advanced professional certificate  
15 and teaches in a public school identified by the State Board as a school [in corrective  
16 action, a school in restructuring, or a challenge school] **HAVING COMPREHENSIVE**  
17 **NEEDS** shall receive a stipend from the State in the amount of [\$2,000] **\$1,500** for  
18 each year that the teacher performs satisfactorily in the classroom.

19 8-415.

20 (d) (3) (i) Subject to the limitation under subparagraph (ii) of this  
21 paragraph, for each of these children domiciled in the county, the county shall  
22 contribute for each placement the sum of:

23 1. The local share of the basic cost;  
24 2. An additional amount equal to 200 percent of the  
25 basic cost; and

26 3. A. For [fiscal year 2005 and fiscal year 2006 only,  
27 an additional amount equal to 25 percent of the approved cost or reimbursement in  
28 excess of the sum of items 1 and 2 of this subparagraph; and

29 B. For] fiscal year [2007] **2009**, [and each subsequent  
30 fiscal year,] an additional amount equal to 20 percent of the approved cost or  
31 reimbursement in excess of the sum of items 1 and 2 of this subparagraph; **AND**

32 **B. FOR FISCAL YEAR 2010 AND EACH SUBSEQUENT**  
33 **FISCAL YEAR THEREAFTER, AN ADDITIONAL AMOUNT EQUAL TO ~~50~~ 30 PERCENT**  
34 **OF THE APPROVED COST OR REIMBURSEMENT IN EXCESS OF THE SUM OF ITEMS**  
35 **1 AND 2 OF THIS SUBPARAGRAPH.**

1 (ii) The amount that a county is required to contribute under  
2 subparagraph (i) of this paragraph may not exceed the total cost or reimbursement  
3 amount approved by the Department.

4 16-305.

5 (c) (1) (i) The total State operating fund per full-time equivalent  
6 student to the community colleges for each fiscal year as requested by the Governor  
7 shall be:

8 1. [In fiscal year 2007, not less than an amount equal to  
9 25% of the State's General Fund appropriation per full-time equivalent student to the  
10 4-year public institutions of higher education in the State as designated by the  
11 Commission for the purpose of administering the Joseph A. Sellinger Program under  
12 Title 17 of this article in the previous fiscal year;

13 2. In fiscal year 2008, not less than an amount equal to  
14 25.5% of the State's General Fund appropriation per full-time equivalent student to  
15 the 4-year public institutions of higher education in the State as designated by the  
16 Commission for the purpose of administering the Joseph A. Sellinger Program under  
17 Title 17 of this article in the previous fiscal year;

18 3.] In fiscal year 2009, not less than an amount equal to  
19 26.25% of the State's General Fund appropriation per full-time equivalent student to  
20 the 4-year public institutions of higher education in the State as designated by the  
21 Commission for the purpose of administering the Joseph A. Sellinger Program under  
22 Title 17 of this article in the previous fiscal year;

23 [4.] **2.** In fiscal year 2010, ~~not less than an amount equal to~~  
24 ~~27%~~ **23.4%** of the State's General Fund appropriation per full-time equivalent  
25 student to the 4-year public institutions of higher education in the State as designated  
26 by the Commission for the purpose of administering the Joseph A. Sellinger Program  
27 under Title 17 of this article in the previous fiscal year; ~~and \$194,454,853;~~

28 [5.] **3.** In fiscal year 2011, not less than an amount equal to  
29 ~~[28%]~~ ~~20.9%~~ **24%** of the State's General Fund appropriation per full-time equivalent  
30 student to the 4-year public institutions of higher education in the State as designated  
31 by the Commission for the purpose of administering the Joseph A. Sellinger Program  
32 under Title 17 of this article in the previous fiscal year;

33 [6.] **4.** In fiscal year 2012, not less than an amount equal to  
34 ~~[29%]~~ ~~24%~~ **26%** of the State's General Fund appropriation per full-time equivalent  
35 student to the 4-year public institutions of higher education in the State as designated  
36 by the Commission for the purpose of administering the Joseph A. Sellinger Program  
37 under Title 17 of this article in the previous fiscal year; [and]

1                   [7.] **5.** In fiscal year 2013 [and in each fiscal year  
2 thereafter], not less than an amount equal to [30%] ~~26%~~ 28% of the State's General  
3 Fund appropriation per full-time equivalent student to the 4-year public institutions  
4 of higher education in the State as designated by the Commission for the purpose of  
5 administering the Joseph A. Sellinger Program under Title 17 of this article in the  
6 previous fiscal year; AND

7                   ~~**6.** IN FISCAL YEAR 2014, NOT LESS THAN AN  
8 AMOUNT EQUAL TO 28% OF THE STATE'S GENERAL FUND APPROPRIATION PER  
9 FULL-TIME EQUIVALENT STUDENT TO THE 4-YEAR PUBLIC INSTITUTIONS OF  
10 HIGHER EDUCATION IN THE STATE AS DESIGNATED BY THE COMMISSION FOR  
11 THE PURPOSE OF ADMINISTERING THE JOSEPH A. SELLINGER PROGRAM  
12 UNDER TITLE 17 OF THIS ARTICLE IN THE PREVIOUS FISCAL YEAR; AND~~

13                   **7. 6.** IN FISCAL YEAR ~~2015~~ **2014** AND IN EACH FISCAL  
14 YEAR THEREAFTER, NOT LESS THAN AN AMOUNT EQUAL TO **30%** OF THE  
15 STATE'S GENERAL FUND APPROPRIATION PER FULL-TIME EQUIVALENT  
16 STUDENT TO THE 4-YEAR PUBLIC INSTITUTIONS OF HIGHER EDUCATION IN THE  
17 STATE AS DESIGNATED BY THE COMMISSION FOR THE PURPOSE OF  
18 ADMINISTERING THE JOSEPH A. SELLINGER PROGRAM UNDER TITLE 17 OF  
19 THIS ARTICLE IN THE PREVIOUS FISCAL YEAR.

20 16-512.

21                   (a) (1) The total State operating fund per full-time equivalent student  
22 appropriated to Baltimore City Community College for each fiscal year as requested by  
23 the Governor shall be:

24                   (i) [In fiscal year 2007, not less than an amount equal to 66% of  
25 the State's General Fund appropriation per full-time equivalent student to the  
26 4-year public institutions of higher education in the State as designated by the  
27 Commission for the purpose of administering the Joseph A. Sellinger Program under  
28 Title 17 of this article in the previous fiscal year;

29                   (ii) In fiscal year 2008, not less than an amount equal to 66.5%  
30 of the State's General Fund appropriation per full-time equivalent student to the  
31 4-year public institutions of higher education in the State as designated by the  
32 Commission for the purpose of administering the Joseph A. Sellinger Program under  
33 Title 17 of this article in the previous fiscal year;

34                   (iii)] In fiscal year 2009, not less than an amount equal to 67.25%  
35 of the State's General Fund appropriation per full-time equivalent student to the  
36 4-year public institutions of higher education in the State as designated by the  
37 Commission for the purpose of administering the Joseph A. Sellinger Program under  
38 Title 17 of this article in the previous fiscal year;

1                    [(iv)] (II)    In fiscal year 2010, ~~not less than an amount equal to~~  
 2 ~~68%~~ 64.6% of the State's General Fund appropriation per full-time equivalent  
 3 student to the 4-year public institutions of higher education in the State as designated  
 4 by the Commission for the purpose of administering the Joseph A. Sellinger Program  
 5 under Title 17 of this article in the previous fiscal year; ~~\$42,005,078;~~

6                    [(v)] (III)    In fiscal year 2011, not less than an amount equal to  
 7 [69%] ~~63%~~ 65% of the State's General Fund appropriation per full-time equivalent  
 8 student to the 4-year public institutions of higher education in the State as designated  
 9 by the Commission for the purpose of administering the Joseph A. Sellinger Program  
 10 under Title 17 of this article in the previous fiscal year;

11                    [(vi)] (IV)    In fiscal year 2012, not less than an amount equal to  
 12 [70%] ~~65%~~ 67% of the State's General Fund appropriation per full-time equivalent  
 13 student to the 4-year public institutions of higher education in the State as designated  
 14 by the Commission for the purpose of administering the Joseph A. Sellinger Program  
 15 under Title 17 of this article in the previous fiscal year; [and]

16                    [(vii)] (V)    In fiscal year 2013 [and in each fiscal year  
 17 thereafter], not less than an amount equal to [71%] ~~67%~~ 69% of the State's General  
 18 Fund appropriation per full-time equivalent student to the 4-year public institutions  
 19 of higher education in the State as designated by the Commission for the purpose of  
 20 administering the Joseph A. Sellinger Program under Title 17 of this article in the  
 21 previous fiscal year; AND

22                    ~~(VI) IN FISCAL YEAR 2014, NOT LESS THAN AN AMOUNT~~  
 23 ~~EQUAL TO 69% OF THE STATE'S GENERAL FUND APPROPRIATION PER~~  
 24 ~~FULL-TIME EQUIVALENT STUDENT TO THE 4-YEAR PUBLIC INSTITUTIONS OF~~  
 25 ~~HIGHER EDUCATION IN THE STATE AS DESIGNATED BY THE COMMISSION FOR~~  
 26 ~~THE PURPOSE OF ADMINISTERING THE JOSEPH A. SELLINGER PROGRAM~~  
 27 ~~UNDER TITLE 17 OF THIS ARTICLE IN THE PREVIOUS FISCAL YEAR; AND~~

28                    ~~(VII)~~ (VI)    IN FISCAL YEAR ~~2015~~ 2014 AND EACH FISCAL  
 29 YEAR THEREAFTER, NOT LESS THAN AN AMOUNT EQUAL TO 71% OF THE  
 30 STATE'S GENERAL FUND APPROPRIATION PER FULL-TIME EQUIVALENT  
 31 STUDENT TO THE 4-YEAR PUBLIC INSTITUTIONS OF HIGHER EDUCATION IN THE  
 32 STATE AS DESIGNATED BY THE COMMISSION FOR THE PURPOSE OF  
 33 ADMINISTERING THE JOSEPH A. SELLINGER PROGRAM UNDER TITLE 17 OF  
 34 THIS ARTICLE IN THE PREVIOUS FISCAL YEAR.

35 17-104.

36                    (a)    The Maryland Higher Education Commission shall compute the amount  
 37 of the annual apportionment for each institution that qualifies under this subtitle by  
 38 multiplying:



1 (1) The number of full-time equivalent students enrolled at the  
2 institution during the fall semester of the fiscal year preceding the fiscal year for  
3 which the aid apportionment is made, as determined by the Maryland Higher  
4 Education Commission [times]; **TIMES**

5 (2) (i) [In each of fiscal years 2003 and 2004, an amount not less  
6 than 14.3% of the State's General Fund per full-time equivalent student appropriation  
7 to the 4-year public institutions of higher education in this State for the preceding  
8 fiscal year;

9 (ii) In fiscal year 2005, an amount not less than 15.2% of the  
10 State's General Fund per full-time equivalent student appropriation to the 4-year  
11 public institutions of higher education in this State for the preceding fiscal year; and

12 (iii) In fiscal year [2006 and each fiscal year thereafter] **2009**,  
13 an amount not less than 16% of the State's General Fund per full-time equivalent  
14 student appropriation to the 4-year public institutions of higher education in this  
15 State for the preceding fiscal year;

16 ~~(H)~~ **IN FISCAL YEAR 2010, \$50,445,958;**

17 ~~(H)~~ **(II) IN FISCAL YEAR EACH OF FISCAL YEARS 2010 AND**  
18 **2011, AN AMOUNT NOT LESS THAN ~~11.7%~~ 11.2% OF THE STATE'S GENERAL**  
19 **FUND PER FULL-TIME EQUIVALENT STUDENT APPROPRIATION TO THE 4-YEAR**  
20 **PUBLIC INSTITUTIONS OF HIGHER EDUCATION IN THIS STATE FOR THE**  
21 **PRECEDING FISCAL YEAR;**

22 ~~(IV)~~ **(III) IN FISCAL YEAR 2012, AN AMOUNT NOT LESS**  
23 **THAN 12.7% OF THE STATE'S GENERAL FUND PER FULL-TIME EQUIVALENT**  
24 **STUDENT APPROPRIATION TO THE 4-YEAR PUBLIC INSTITUTIONS OF HIGHER**  
25 **EDUCATION IN THIS STATE FOR THE PRECEDING FISCAL YEAR;**

26 ~~(V)~~ **(IV) IN FISCAL YEAR 2013, AN AMOUNT NOT LESS**  
27 **THAN 13.7% OF THE STATE'S GENERAL FUND PER FULL-TIME EQUIVALENT**  
28 **STUDENT APPROPRIATION TO THE 4-YEAR PUBLIC INSTITUTIONS OF HIGHER**  
29 **EDUCATION IN THIS STATE FOR THE PRECEDING FISCAL YEAR;**

30 ~~(VI)~~ **(V) IN FISCAL YEAR 2014, AN AMOUNT NOT LESS**  
31 **THAN 14.7% OF THE STATE'S GENERAL FUND PER FULL-TIME EQUIVALENT**  
32 **STUDENT APPROPRIATION TO THE 4-YEAR PUBLIC INSTITUTIONS OF HIGHER**  
33 **EDUCATION IN THIS STATE FOR THE PRECEDING FISCAL YEAR; AND**

34 ~~(VII)~~ **(VI) IN FISCAL YEAR 2015 AND EACH FISCAL YEAR**  
35 **THEREAFTER, AN AMOUNT NOT LESS THAN 16% OF THE STATE'S GENERAL**  
36 **FUND PER FULL-TIME EQUIVALENT STUDENT APPROPRIATION TO THE 4-YEAR**

1 PUBLIC INSTITUTIONS OF HIGHER EDUCATION IN THIS STATE FOR THE  
2 PRECEDING FISCAL YEAR.

3 22-303.

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

7 (b) On or before February 1, 2006, and every other year thereafter until  
8 [2012] 2014, the Department shall report to the Governor and, in accordance with §  
9 2-1246 of the State Government Article, to the General Assembly on the Department's  
10 implementation of this subtitle, including:

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

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

15 23-205.

16 (c) (1) Each year each participating regional resource center shall receive  
17 a minimum amount of funding for each resident of the area served, to be used for  
18 operating and capital expenses.

19 (2) The allocation shall be calculated as follows:

20 (i) [For fiscal year 2006.....\$4.50 per each resident of the  
21 area served;

22 (ii) For fiscal year 2007.....\$5.50 per each resident of the  
23 area served;

24 (iii) For fiscal year 2008.....\$6.50 per each resident of the  
25 area served;

26 (iv)] For fiscal year 2009..... \$6.50 per each resident of the  
27 area served;

28 [(v)] (II) For fiscal year 2010.....[\$7.50] **\$6.75** per each  
29 resident of the area served; [and]

30 [(vi)] (III) For fiscal year 2011 [and each fiscal year  
31 thereafter].....[\$8.50] **\$6.75** per each resident of the area served;

1 (IV) FOR FISCAL YEAR 2012.....\$7.50 PER EACH  
2 RESIDENT OF THE AREA SERVED; AND

3 (V) FOR FISCAL YEAR 2013 AND EACH FISCAL YEAR  
4 THEREAFTER.....\$8.50 PER EACH RESIDENT OF THE AREA SERVED.

5 (d) (1) Each year the State Library Resource Center shall receive a  
6 minimum amount of funding for each State resident in the previous fiscal year, to be  
7 used for operating and capital expenses.

8 (2) The allocation shall be calculated as follows:

9 (i) [For fiscal year 2001.....\$1.35 per State resident;

10 (ii) For fiscal year 2002.....\$1.55 per State resident;

11 (iii) For fiscal year 2003.....\$1.70 per State resident; and

12 (iv)] For fiscal year [2004 and each fiscal year thereafter]  
13 **2009**.....\$1.85 per State resident;

14 (II) FOR EACH OF FISCAL YEARS 2010 AND  
15 **2011**.....\$1.67 PER STATE RESIDENT; AND

16 (III) FOR FISCAL YEAR 2012 AND EACH FISCAL YEAR  
17 THEREAFTER.....\$1.85 PER STATE RESIDENT.

18 23-503.

19 (b) (1) Each county public library system that participates in the  
20 minimum library program shall be provided for each resident of the county, to be used  
21 for operating and capital expenses:

22 (i) [For fiscal year 2006 – \$12.00;

23 (ii) For fiscal year 2007 – \$13.00;

24 (iii) For fiscal year 2008 – \$14.00;

25 (iv)] For fiscal year 2009 – \$14.00;

26 [(v)] (II) For fiscal year 2010 – [\$15.00; and] **\$13.50;**

27 [(vi)] (III) For fiscal year 2011 [and each fiscal year thereafter] –  
28 [\$16.00] **\$13.50;**

1 (IV) FOR FISCAL YEAR 2012 – \$15.00; AND

2 (V) FOR FISCAL YEAR 2013 AND EACH FISCAL YEAR  
3 THEREAFTER – \$16.00.

4 Article – Environment

5 9–275.

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

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

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

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

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

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

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

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

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



1 ~~[(b) For fiscal year 2006, the Governor shall include at least \$10,000,000 in~~  
2 ~~the annual budget in appropriations for the purposes described in subsection (a) of this~~  
3 ~~section.]~~

4 15-701.

5 (i) (1) Subject to paragraph (2) of this subsection, **IN FISCAL YEAR 2010,**  
6 **\$12,000,000, AND** in fiscal years 2011 through 2013, up to \$10,000,000 may be  
7 transferred annually from the Fund to the Department for the purpose of providing a  
8 special fund operating grant to an independent entity with authority over the facilities  
9 currently operated and health care services currently provided by Dimensions  
10 Healthcare System until the facilities and obligation to provide the services are  
11 transferred to a new owner or operator.

12 (2) The Department may not provide a special fund operating grant  
13 until a long-term, comprehensive solution to the control and operation of the facilities  
14 and provision of health care services currently operated and provided by Dimensions  
15 Healthcare System is reached through:

16 (i) An Act of the General Assembly; or

17 (ii) A memorandum of understanding between the State and  
18 Prince George's County.

19 (3) The long-term, comprehensive solution under paragraph (2) of this  
20 subsection shall address issues related to health care needs in Prince George's County  
21 and the surrounding region, including:

22 (i) The transfer to a new owner or operator of the facilities  
23 currently operated and the obligation to provide the health care services currently  
24 provided by Dimensions Healthcare System;

25 (ii) A plan for the assets currently held by Prince George's  
26 County related to the facilities currently operated by Dimensions Healthcare System;

27 (iii) A mechanism to provide a steady revenue stream to help  
28 support ongoing operations of the facilities currently operated by Dimensions  
29 Healthcare System and to retire the long-term bond indebtedness and satisfy the  
30 unfunded pension liability of Dimensions Healthcare System; and

31 (iv) A mechanism to assure equitable and sustainable funding  
32 from Prince George's County and the State.

33 (4) Moneys transferred from the Maryland Health Insurance Plan  
34 Fund or collected from an assessment by the State Health Services Cost Review  
35 Commission on hospitals may not be used for the purpose of this subsection.

1 19-214.

2 (d) (5) Funds generated from the assessment under this subsection may  
3 be used only [to] **AS FOLLOWS:**

4 (i) [Supplement] **TO SUPPLEMENT** coverage under the  
5 Medical Assistance Program beyond the eligibility requirements in existence on  
6 January 1, 2008; [and]

7 (ii) [Provide] **TO PROVIDE** funding for the operation and  
8 administration of the Maryland Health Insurance Plan, **INCLUDING REIMBURSING**  
9 **THE DEPARTMENT FOR SUBSIDIZING THE PLAN COSTS OF MEMBERS OF THE**  
10 **MARYLAND HEALTH INSURANCE PLAN UNDER A MEDICAID WAIVER PROGRAM;**  
11 **AND**

12 (iii) **ANY FUNDS REMAINING AFTER EXPENDITURES UNDER**  
13 **ITEMS (I) AND (II) OF THIS PARAGRAPH HAVE BEEN MADE MAY BE USED FOR**  
14 **THE GENERAL OPERATIONS OF THE MEDICAID PROGRAM.**

15 **Article - Human Services**

16 9-216.

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

20 **Article - Insurance**

21 ~~14-106.~~

22 ~~(d) (1) Notwithstanding subsection (c) of this section, a nonprofit health~~  
23 ~~service plan that is subject to this section and issues comprehensive health care~~  
24 ~~benefits in the State shall:~~

25 (i) ~~offer health care products in the individual market;~~

26 (ii) ~~offer health care products in the small employer group~~  
27 ~~market in accordance with Title 15, Subtitle 12 of this article;~~

28 (iii) ~~subsidize the Senior Prescription Drug Assistance Program~~  
29 ~~established under Subtitle 5, Part II of this title;~~

30 (iv) ~~subsidize the [Maryland Pharmacy Discount Program]~~  
31 **PRIMARY ADULT CARE PROGRAM** under [§ 15-124.1 of the Health General  
32 Article] **THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE;** and

1 ~~(v) support the costs of the Community Health Resources~~  
 2 ~~Commission under Title 19, Subtitle 21 of the Health General Article, including:~~

- 3 ~~1. operating grants to community health resources;~~  
 4 ~~2. funding for a unified data information system;~~  
 5 ~~3. the documented direct costs of fulfilling the statutory~~  
 6 ~~and regulatory duties of the Commission; and~~  
 7 ~~4. the administrative costs of the Commission.~~

8 ~~(2) (i) The support provided under paragraph (1)(v)1, 3, and 4 of~~  
 9 ~~this subsection to the Community Health Resources Commission shall be limited to:~~

- 10 ~~1. \$2,000,000 in fiscal year 2006; [and]~~  
 11 ~~2. in EACH OF fiscal [year 2007 and annually~~  
 12 ~~thereafter] YEARS 2007, 2008, AND 2009, the value of the premium tax exemption~~  
 13 ~~less:~~

14 ~~A. the subsidy required under this subsection for the~~  
 15 ~~Senior Prescription Drug Assistance Program; AND~~

16 ~~B. [the subsidy required under this subsection for the~~  
 17 ~~Maryland Pharmacy Discount Program; and~~

18 ~~C.] the funding required under this subsection for the~~  
 19 ~~unified data information system; AND~~

20 ~~3. IN FISCAL YEAR 2010 AND ANNUALLY~~  
 21 ~~THEREAFTER, \$3,000,000 LESS THE FUNDING REQUIRED UNDER THIS~~  
 22 ~~SUBSECTION FOR THE UNIFIED DATA INFORMATION SYSTEM.~~

23 ~~(ii) The subsidy provided under paragraph (1)(iv) of this~~  
 24 ~~subsection [for the Maryland Pharmacy Discount Program] IN FISCAL YEAR 2010~~  
 25 ~~AND EVERY FISCAL YEAR THEREAFTER shall be [limited to] THE VALUE OF THE~~  
 26 ~~PREMIUM TAX EXEMPTION LESS:~~

27 ~~1. [\$500,000 in fiscal year 2006] THE SUBSIDY~~  
 28 ~~REQUIRED UNDER THIS SUBSECTION FOR THE SENIOR PRESCRIPTION DRUG~~  
 29 ~~ASSISTANCE PROGRAM; and~~

30 ~~2. [\$300,000 in fiscal year 2007 and annually thereafter]~~  
 31 ~~THE SUBSIDIES REQUIRED UNDER THIS SUBSECTION FOR THE MARYLAND~~



1 ~~COMMUNITY HEALTH RESOURCES COMMISSION AND THE UNIFIED DATA~~  
 2 ~~INFORMATION SYSTEM.~~

3 ~~(iii) The amount provided under paragraph (1)(v)2 of this~~  
 4 ~~subsection to fund a unified data information system shall be limited to:~~

5 1. ~~\$500,000 in fiscal year 2006; [and]~~

6 2. ~~\$1,700,000 in fiscal year 2007 [and annually~~  
 7 ~~thereafter] AND FISCAL YEAR 2008; AND~~

8 3. ~~IN FISCAL YEAR 2009 AND ANNUALLY~~  
 9 ~~THEREAFTER, AN AMOUNT, NOT TO EXCEED \$3,000,000, TO BE DETERMINED BY~~  
 10 ~~THE COMMUNITY HEALTH RESOURCES COMMISSION UNDER TITLE 19,~~  
 11 ~~SUBTITLE 21 OF THE HEALTH GENERAL ARTICLE.~~

12 ~~(3) For any year, the subsidy and funding required under this~~  
 13 ~~subsection by a nonprofit health service plan subject to this section may not exceed the~~  
 14 ~~value of the nonprofit health service plan's premium tax exemption under § 6-101(b)~~  
 15 ~~of this article.~~

16 ~~(e) The subsidy required under SUBSECTION (D) OF THIS SECTION FOR~~  
 17 ~~the Senior Prescription Drug Assistance Program [may not exceed] SHALL BE THE~~  
 18 ~~LESSER OF:~~

19 ~~(1) THE VALUE OF THE NONPROFIT HEALTH SERVICE PLAN'S~~  
 20 ~~PREMIUM TAX EXEMPTION UNDER § 6-101(B) OF THIS ARTICLE; AND~~

21 ~~[(1)] (2) (I) for the period of January 1, 2006 through June 30,~~  
 22 ~~2006, \$8,000,000; AND~~

23 ~~[(2)] (II) for fiscal years 2008 through 2010, \$14,000,000; and~~

24 ~~(3) for any year, the value of the nonprofit health service plan's~~  
 25 ~~premium tax exemption under § 6-101(b) of this article].~~

26 14-501.

27 (h) (2) "Medically uninsurable individual" does not include an individual  
 28 who is eligible for coverage under:

29 (i) the federal Medicare program;

30 (ii) **UNLESS THE INDIVIDUAL IS ELIGIBLE FOR A SUBSIDY**  
 31 **OF PLAN COSTS PROVIDED BY THE DEPARTMENT OF HEALTH AND MENTAL**

1 **HYGIENE UNDER A MEDICAID WAIVER PROGRAM**, the Maryland Medical  
2 Assistance Program;

3 (iii) the Maryland Children's Health Program; or

4 (iv) an employer-sponsored group health insurance plan that  
5 includes benefits comparable to Plan benefits, unless the individual is eligible for the  
6 tax credit for health insurance costs under § 35 of the Internal Revenue Code.

7 **Article – Natural Resources**

8 5-902.

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

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

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

20 (II) THE FOR FISCAL YEARS 2011 THROUGH 2013 ONLY,  
21 THE ALLOCATIONS PROVIDED UNDER § 5-903 OF THIS SUBTITLE OF THE FUNDS  
22 DISTRIBUTED TO PROGRAM OPEN SPACE UNDER § 13-209 OF THE TAX –  
23 PROPERTY ARTICLE SHALL BE ADJUSTED TO REDUCE THE AMOUNT THAT  
24 WOULD OTHERWISE BE ALLOCATED FOR ANY PURPOSE BY THE AMOUNT OF  
25 FUNDING PROVIDED FOR THAT PURPOSE UNDER THE BOND ENABLING ACT.

26 5-903.

27 (a) (1) Of the funds distributed to Program Open Space under § 13-209 of  
28 the Tax – Property Article, up to \$3,000,000 may be transferred by an appropriation in  
29 the State budget, or by an amendment to the State budget under Title 7, Subtitle 2 of  
30 the State Finance and Procurement Article, to the Maryland Heritage Areas Authority  
31 Financing Fund established under Title 13, Subtitle 11 of the Financial Institutions  
32 Article to be used for the purposes provided in that subtitle.

33 (2) (i) 1. Of the remaining funds not appropriated under  
34 paragraph (1) of this subsection:

1                   A.     One half of the funds shall be used for recreation and  
2 open space purposes by the Department and the Historic St. Mary's City Commission;  
3 and

4                   B.     20% of the funds or \$21,000,000, whichever is greater,  
5 shall be appropriated to the Forest and Park Service in the Department to operate  
6 State forests and parks.

7                   2.     Except as otherwise provided in this section, any  
8 funds the General Assembly appropriates to the State under this subsection shall be  
9 used only for land acquisition projects.

10                   (ii)    At least \$1,500,000 of the State's share of funds available  
11 under subparagraph (i)1A of this paragraph for this program shall be utilized to make  
12 grants to Baltimore City for projects which meet park purposes. The grants shall be in  
13 addition to any funds Baltimore City is eligible to receive under subsection (b) of this  
14 section, and may be used for acquisition or development. In order for Baltimore City to  
15 be eligible for a State grant, the Department shall review projects or land to be  
16 acquired within Baltimore City, and upon the Department's recommendation, the  
17 Board of Public Works may approve projects and land including the cost. Title to the  
18 land shall be in the name of the Mayor and City Council of Baltimore City. The State  
19 is not responsible for costs involved in the development or maintenance of the land.

20                   (iii)  1.     A portion of the State's share of funds available under  
21 subparagraph (i)1A of this paragraph for this Program not to exceed \$8,000,000 for  
22 each fiscal year may be transferred by an appropriation in the State budget to the  
23 Rural Legacy Program under Subtitle 9A of this title.

24                   2.     In each fiscal year, up to \$2 million of the funds  
25 transferred under this subparagraph to the Rural Legacy Program may be used to  
26 purchase zero coupon bonds for easements.

27                   3.     Sums allocated to the Rural Legacy Program may not  
28 revert to the General Fund of the State.

29                   **(IV) FOR EACH OF FISCAL YEARS ~~2011 AND 2012~~ 2010 AND**  
30 **2011, \$1,217,000 OF THE STATE'S SHARE OF FUNDS AVAILABLE UNDER**  
31 **SUBPARAGRAPH (I)1A OF THIS PARAGRAPH MAY BE APPROPRIATED IN THE**  
32 **BUDGETS OF THE DEPARTMENT, THE DEPARTMENT OF GENERAL SERVICES,**  
33 **AND THE DEPARTMENT OF PLANNING FOR EXPENSES NECESSARY TO**  
34 **ADMINISTER THIS PROGRAM.**

35                   (g)    (1)    [For the fiscal year commencing July 1, 1990, any] ANY amount  
36 appropriated in the State budget, and for each subsequent fiscal year, up to 25 percent  
37 of the State's share of funds that would be available under the program if 100 percent  
38 of the funds not required under § 13-209(b) of the Tax – Property Article were  
39 available for distribution as provided in § 13-209(d)(3) of the Tax – Property Article

1 may be used for capital improvements on land owned by the State for the use of the  
2 Department, **THE MARYLAND HISTORICAL TRUST FOR MUSEUMS OPERATED BY**  
3 **THE TRUST, OR THE HISTORIC ST. MARY'S COMMISSION,** if the improvements  
4 are:

5 (i) Approved in the State budget; and

6 (ii) Compatible with:

7 1. Any master plan developed for the land; and

8 2. The natural features of the land.

9 5-903.1.

10 (c) The Fund is a continuing, nonlapsing, revolving fund not to exceed  
11 [\$250,000] **\$1,000,000** that consists of the amount of appropriations for a capital  
12 project:

13 (1) In excess of the amount needed for the capital project; and

14 (2) Allocated to the Fund by the Governor.

15 8-707.

16 [(d) The Governor shall include in the budget bill for each fiscal year a  
17 General Fund appropriation to the Waterway Improvement Fund of not less than  
18 \$1,794,000.]

19 8-709.

20 (d) Notwithstanding the provisions of subsection (a) of this section:

21 (1) [For each of fiscal years 2003 through 2005, as provided in the  
22 State budget, the Department may use the moneys in the Waterway Improvement  
23 Fund for administrative expenses directly relating to implementing the purposes of  
24 the Waterway Improvement Fund;

25 (2)] For fiscal year 2006 through fiscal year 2009, as provided in the  
26 State budget, the Department may use up to the following percentage of the moneys in  
27 the Waterway Improvement Fund for administrative expenses directly relating to  
28 implementing the purposes of the Waterway Improvement Fund:

29 (i) In fiscal year 2006, 8%;

30 (ii) In fiscal year 2007, 6%;

1 (iii) In fiscal year 2008, 4%; and

2 (iv) In fiscal year 2009, 2%; and

3 ~~[(3)]~~ (2) For fiscal years after fiscal year 2009, the Department may  
 4 [not use the moneys in the Waterway Improvement Fund for administrative expenses]  
 5 **USE UP TO \$750,000 IN THE WATERWAY IMPROVEMENT FUND FOR**  
 6 **ADMINISTRATIVE EXPENSES DIRECTLY RELATING TO IMPLEMENTING THE**  
 7 **PURPOSES OF THE WATERWAY IMPROVEMENT FUND.**

8 **Article – Public Utility Companies**

9 7–512.1.

10 (c) (4) ~~[(i)]~~ The Office of Legislative Audits shall conduct [a  
 11 performance] AN audit of the electric universal service program AT LEAST once every  
 12 3 years [or at another interval as directed by the Joint Audit Committee] and shall  
 13 report the results of the audit [to the General Assembly] IN ACCORDANCE WITH § 2–  
 14 1224 OF THE STATE GOVERNMENT ARTICLE.

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

19 (f) (1) In this subsection, “fund” means the electric universal service  
 20 program fund.

21 (2) There is an electric universal service program fund.

22 (3) (i) 1. The Comptroller shall collect the revenue collected by  
 23 electric companies under subsection (b) of this section and place the revenue into the  
 24 fund.

25 2. The General Assembly may appropriate funds  
 26 supplemental to the funds collected under subparagraph 1 of this subparagraph.

27 (ii) The fund is a continuing, nonlapsing fund that is not subject  
 28 to § 7–302 of the State Finance and Procurement Article.

29 (iii) The purpose of the fund is to assist electric customers as  
 30 provided in subsection (a)(1) of this section.

31 (4) The Department of Human Resources, with oversight by the  
 32 Commission, shall disburse the bill assistance and arrearage retirement funds in  
 33 accordance with the provisions of this section.

1 (5) The Comptroller annually shall disburse **UP TO** \$1,000,000 of  
2 low-income weatherization funds to the Department of Housing and Community  
3 Development, **AS PROVIDED IN THE STATE BUDGET.**

4 (6) (i) At the end of a given fiscal year, any unexpended bill  
5 assistance and arrearage retirement funds that were collected for that fiscal year shall  
6 be retained in the fund and shall be made available for disbursement through the first  
7 3 months of the next fiscal year to customers who:

- 8 1. qualify for assistance from the fund during the given  
9 fiscal year;
- 10 2. apply for assistance from the fund before the end of  
11 the given fiscal year; and
- 12 3. remain eligible for assistance at the time services are  
13 provided.

14 (ii) If the Commission determines that an extension is needed,  
15 the Commission may extend up to an additional 3 months the period in which  
16 unexpended bill assistance and arrearage retirement funds may be made available for  
17 disbursement under subparagraph (i) of this paragraph.

18 (iii) Any bill assistance and arrearage retirement funds collected  
19 for a given fiscal year that are retained under subparagraph (i) of this paragraph and  
20 that remain unexpended at the end of the period allowed under subparagraphs (i) and  
21 (ii) of this paragraph shall be returned to each customer class in the proportion that  
22 the customer class contributed charges to the fund for the given fiscal year in the form  
23 of a credit toward the charge assessed in the following fiscal year.

## 24 **Article – State Finance and Procurement**

### 25 3–306.

26 (a) There is a Central Collection Fund.

27 (b) The Central Collection Fund is a continuing, nonlapsing fund that is not  
28 subject to § 7–302 of this article.

29 (c) The Fund shall consist of all fees collected under § 3–304(a)(2) of this  
30 subtitle.

31 (d) Subject to the appropriation process in the State budget **AND SUBJECT**  
32 **TO SUBSECTION (H) OF THIS SECTION,** the Department shall use the Fund for the  
33 expenses of operating the Central Collection Unit.



1 (c) (1) Notwithstanding any other provision of law, ~~for fiscal years 2006~~  
 2 ~~and 2007~~ **2010 THROUGH 2012** only, there shall be credited to the Fund any subsidy  
 3 received by the State that is provided to employers as a result of the federal Medicare  
 4 Prescription Drug, Improvement, and Modernization Act of 2003, or similar federal  
 5 subsidy received as a result of the State's prescription drug program.

6 (2) The Fund also consists of moneys appropriated for State Employee  
 7 and Retiree Health Insurance or authorized to be transferred to that purpose in the  
 8 State budget.

9 21-307.

10 **(N) (1) IN THIS SECTION, "ELECTED OR APPOINTED OFFICIAL"**  
 11 **MEANS AN INDIVIDUAL WHO IS EMPLOYED AS:**

12 **(I) A STATE'S ATTORNEY;**

13 **(II) A SHERIFF;**

14 **(III) A COUNTY TREASURER;**

15 **(IV) A COUNTY COMMISSIONER;**

16 **(V) AN ORPHANS' COURT JUDGE;**

17 **(VI) A BINGO BOARD MEMBER; OR**

18 **(VII) A LIQUOR AND LICENSE BOARD MEMBER.**

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

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



1 34-101.

2 (d) ~~Beginning in fiscal year 2008~~ **FOR FISCAL YEAR 2013 AND EACH**  
3 **FISCAL YEAR THEREAFTER**, the following funds shall be deposited into the ~~THE~~  
4 Postretirement Health Benefits Trust Fund ~~SHALL CONSIST OF~~:

5 (1) any ~~subsidy received by the State that is provided to employers~~  
6 ~~FUNDS DEPOSITED IN THE POSTRETIREMENT HEALTH BENEFITS TRUST FUND~~  
7 ~~BEFORE JUNE 1, 2009~~, as a result of the federal Medicare Prescription Drug,  
8 Improvement, and Modernization Act of 2003, or similar federal subsidy received as a  
9 result of the State's prescription drug program; and

10 (2) any funds appropriated to the Postretirement Health Benefits  
11 Trust Fund, whether directly or through the budgets of any State agency.

## 12 Article - Tax - General

13 2-606.

14 (a) After making the distributions required under §§ 2-604 and 2-605 of this  
15 subtitle, from the remaining income tax revenue from individuals, the Comptroller  
16 shall distribute to an unallocated individual revenue account the income tax revenue:

17 (1) with respect to which an income tax return is not filed; and

18 (2) that is attributable to:

19 (i) income tax withheld from salary, wages, or other  
20 compensation for personal services under Title 10 of this article; or

21 (ii) estimated income tax payments by individuals.

22 (b) (1) In June of each year, from current collections, the Comptroller  
23 shall reserve an amount of unallocated revenue that the Comptroller estimates will be  
24 claimed on returns and refunded to taxpayers within 3 years of the date the income  
25 tax return was due to be filed, and distribute to each county, municipal corporation,  
26 and special taxing district a pro rata share of the balance of the unallocated individual  
27 income tax revenue.

28 (2) The Comptroller shall adjust the amount distributed under  
29 paragraph (1) of this subsection to a county, municipal corporation, or special taxing  
30 district to allow for the proportionate part of tax claim payments for a prior calendar  
31 year made after a distribution is made to the county, municipal corporation, or special  
32 taxing district for that year.

33 (c) (1) To compute the pro rata share for a county, the Comptroller shall:

1 (i) compute the amount equal to the product of multiplying the  
2 unallocated individual income tax revenue by a fraction:

3 1. the numerator of which is the income tax for the  
4 county collected for a calendar year; and

5 2. the denominator of which is the total income tax from  
6 individuals collected for that year; and

7 (ii) reduce the amount computed under item (i) of this  
8 paragraph by the pro rata share computed under paragraph (2) of this subsection for  
9 municipal corporations and special taxing districts that are located in the county.

10 (2) To compute the pro rata share for a municipal corporation or  
11 special taxing district, the Comptroller shall compute the amount equal to the product  
12 of multiplying the pro rata share for a calendar year for the county where the  
13 municipal corporation or district is located by a fraction:

14 (i) the numerator of which is the amount distributed under §  
15 2-607 of this subtitle to that municipal corporation or special taxing district for that  
16 year; and

17 (ii) the denominator of which is the total income tax for that  
18 county collected for that year.

19 **(D) ON OR BEFORE JUNE 30, 2009, THE COMPTROLLER SHALL**  
20 **DISTRIBUTE \$366,778,631 FROM THE LOCAL RESERVE ACCOUNT ESTABLISHED**  
21 **TO COMPLY WITH THIS SECTION TO THE GENERAL FUND OF THE STATE.**

22 2-608.

23 (a) After making the distributions required under §§ 2-604 through 2-607 of  
24 this subtitle, the Comptroller shall distribute to each county the remaining income tax  
25 revenue from individuals attributable to the county income tax for that county.

26 (b) The Comptroller shall adjust the amount distributed under subsection (a)  
27 of this section to a county to allow for a proportionate part of refund and interest  
28 payments made for a prior calendar year after a distribution is made to the county for  
29 that year.

30 **(C) FOR EACH OF FISCAL YEARS ~~2010 THROUGH 2019~~ 2013 THROUGH**  
31 **2022, INCLUSIVE:**

32 **(1) THE COMPTROLLER SHALL DISTRIBUTE \$36,677,863 OF THE**  
33 **REMAINING INCOME TAX REVENUE FROM INDIVIDUALS TO THE LOCAL RESERVE**  
34 **ACCOUNT ESTABLISHED TO COMPLY WITH § 2-606 OF THE TAX - GENERAL**  
35 **ARTICLE; AND**

1           **(2) THE TOTAL AMOUNT DISTRIBUTED TO THE COUNTIES FOR**  
2 **EACH FISCAL YEAR UNDER SUBSECTION (A) OF THIS SECTION SHALL BE**  
3 **REDUCED BY \$36,677,863.**

4           **(D) THE COMPTROLLER SHALL ADJUST THE AMOUNT DISTRIBUTED**  
5 **UNDER SUBSECTION (A) OF THIS SECTION TO A COUNTY TO ALLOW FOR A**  
6 **PROPORTIONATE PART OF THE REDUCTION MADE UNDER SUBSECTION (C) OF**  
7 **THIS SECTION.**

8           **(E) TO DETERMINE THE PRO RATA SHARE FOR A COUNTY UNDER**  
9 **SUBSECTION (D) OF THIS SECTION, THE COMPTROLLER SHALL COMPUTE THE**  
10 **AMOUNT EQUAL TO THE PRODUCT OF MULTIPLYING \$36,677,863 BY A**  
11 **FRACTION:**

12           **(1) THE NUMERATOR OF WHICH IS THE AMOUNT OF COUNTY**  
13 **INCOME TAX FROM INDIVIDUALS COLLECTED AND ATTRIBUTABLE TO**  
14 **RESIDENTS OF THE COUNTY, CALCULATED USING TAX RETURNS FILED WITH**  
15 **THE COMPTROLLER FOR THE MOST RECENT PRECEDING TAX YEAR; AND**

16           **(2) THE DENOMINATOR OF WHICH IS THE TOTAL AMOUNT OF**  
17 **COUNTY INCOME TAXES COLLECTED FROM INDIVIDUALS, CALCULATED USING**  
18 **TAX RETURNS FILED WITH THE COMPTROLLER FOR THE MOST RECENT**  
19 **PRECEDING TAX YEAR.**

20           **(F) THE PRO RATA SHARE CALCULATED UNDER SUBSECTION (E) OF**  
21 **THIS SECTION SHALL BE USED FOR THE QUARTERLY DISTRIBUTIONS OF LOCAL**  
22 **INCOME TAX REVENUE BEGINNING IN NOVEMBER AND ENDING IN AUGUST.**

23 2-1104.

24           (a) Except as provided in [subsection (b)] **SUBSECTIONS (B) AND (C)** of this  
25 section, after making the distributions required under §§ 2-1101 through 2-1103 of  
26 this subtitle, from the remaining motor fuel tax revenue, the Comptroller shall  
27 distribute:

28           (1) 2.3% to the Chesapeake Bay 2010 Trust Fund; and

29           (2) any remaining balance to the Gasoline and Motor Vehicle Revenue  
30 Account of the Transportation Trust Fund.

31           (b) For the fiscal year beginning July 1, 2008, instead of the distribution  
32 required under subsection (a)(1) of this section, the Comptroller shall distribute 2.3%  
33 of the remaining motor fuel tax revenue as follows:

34           (1) \$6,500,000 to the General Fund of the State; and

1 (2) the balance to the Chesapeake Bay 2010 Trust Fund.

2 (c) **FOR THE FISCAL YEAR BEGINNING JULY 1, 2009, INSTEAD OF THE**  
3 **DISTRIBUTION REQUIRED UNDER SUBSECTION (A)(1) OF THIS SECTION, THE**  
4 **COMPTROLLER SHALL DISTRIBUTE 2.3% OF THE REMAINING MOTOR FUEL TAX**  
5 **REVENUE AS FOLLOWS:**

6 (1) ~~\$2,554,000~~ \$8,385,845 **TO THE GENERAL FUND OF THE**  
7 **STATE; AND**

8 (2) **THE BALANCE TO THE CHESAPEAKE BAY 2010 TRUST FUND.**

9 2-1302.1.

10 (a) Except as provided in [subsection (b)] **SUBSECTIONS (B) AND (C)** of this  
11 section, after making the distributions required under §§ 2-1301 and 2-1302 of this  
12 subtitle, of the sales and use tax collected on short-term vehicle rentals under §  
13 11-104(c) of this article the Comptroller shall distribute:

14 (1) 45% to the Transportation Trust Fund established under § 3-216  
15 of the Transportation Article; and

16 (2) the remainder to the Chesapeake Bay 2010 Trust Fund.

17 (b) For the fiscal year beginning July 1, 2008, after the distribution required  
18 under subsection (a)(1) of this section, the Comptroller shall distribute the remainder  
19 of the sales and use tax collected on short-term vehicle rentals under § 11-104(c) of  
20 this article as follows:

21 (1) \$18,500,000 to the General Fund of the State; and

22 (2) the remainder to the Chesapeake Bay 2010 Trust Fund.

23 (c) **FOR THE FISCAL YEAR BEGINNING JULY 1, 2009, AFTER THE**  
24 **DISTRIBUTION REQUIRED UNDER SUBSECTION (A)(1) OF THIS SECTION, THE**  
25 **COMPTROLLER SHALL DISTRIBUTE THE REMAINDER OF THE SALES AND USE**  
26 **TAX COLLECTED ON SHORT-TERM VEHICLE RENTALS UNDER § 11-104(C) OF**  
27 **THIS ARTICLE AS FOLLOWS:**

28 (1) ~~\$3,933,556~~ \$13,100,711 **TO THE GENERAL FUND OF THE**  
29 **STATE; AND**

30 (2) **THE REMAINDER TO THE CHESAPEAKE BAY 2010 TRUST**  
31 **FUND.**

1 ~~8-406.~~

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

5 1. [\$9,000,000] **\$3,000,000** for a calendar year  
6 beginning after December 31, [2006] **2008**, but before January 1, 2011;

7 2. \$6,000,000 for a calendar year beginning after  
8 December 31, 2010, but before January 1, 2015; or

9 3. \$3,000,000 for a calendar year beginning after  
10 December 31, 2014, but before January 1, 2021.

11 ~~**Article Tax Property**~~

12 ~~2-106.~~

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

18 ~~(B) EACH COUNTY AND BALTIMORE CITY SHALL BE RESPONSIBLE FOR~~  
19 ~~REIMBURSING THE STATE FOR THE COSTS OF ADMINISTERING THE~~  
20 ~~DEPARTMENT AS FOLLOWS:~~

21 ~~(1) 90% OF THE COSTS OF REAL PROPERTY VALUATION;~~

22 ~~(2) 90% OF THE COSTS OF BUSINESS PROPERTY VALUATION; AND~~

23 ~~(3) 75% OF THE COSTS OF THE OFFICE OF INFORMATION~~  
24 ~~TECHNOLOGY WITHIN THE DEPARTMENT, INCLUDING ANY FUNDING FOR~~  
25 ~~DEPARTMENTAL PROJECTS IN THE MAJOR INFORMATION TECHNOLOGY~~  
26 ~~DEVELOPMENT PROJECT FUND ESTABLISHED UNDER § 3A-309 OF THE STATE~~  
27 ~~FINANCE AND PROCUREMENT ARTICLE.~~

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

30 ~~(1) COSTS UNDER SUBSECTION (B)(1) AND (3) OF THIS SECTION~~  
31 ~~WILL BE ALLOCATED BASED ON THE NUMBER OF REAL PROPERTY ACCOUNTS OF~~  
32 ~~A COUNTY OR BALTIMORE CITY AS A PERCENTAGE OF THE TOTAL NUMBER OF~~

~~1 REAL PROPERTY ACCOUNTS STATEWIDE AS OF JULY 1 OF THE PRECEDING  
2 FISCAL YEAR; AND~~

~~3 (2) COSTS UNDER SUBSECTION (B)(2) OF THIS SECTION WILL BE  
4 ALLOCATED BASED ON THE BUSINESS PERSONAL PROPERTY ASSESSABLE BASE  
5 OF A COUNTY OR BALTIMORE CITY AS A PERCENTAGE OF THE TOTAL BUSINESS  
6 PERSONAL PROPERTY ASSESSABLE BASE STATEWIDE AS OF JULY 1 OF THE  
7 PRECEDING FISCAL YEAR.~~

~~8 (D) EACH COUNTY AND BALTIMORE CITY SHALL REMIT A QUARTERLY  
9 PAYMENT TO THE COMPTROLLER FOR 25% OF THE JURISDICTION'S SHARE OF  
10 COSTS ON OR BEFORE THE FOLLOWING DATES:~~

~~11 (1) JULY 1;~~

~~12 (2) OCTOBER 1;~~

~~13 (3) JANUARY 1; AND~~

~~14 (4) APRIL 1.~~

~~15 (E) THE COMPTROLLER MAY WITHHOLD A PORTION OF A LOCAL  
16 INCOME TAX DISTRIBUTION OF A COUNTY OR BALTIMORE CITY THAT FAILS TO  
17 MAKE TIMELY PAYMENT IN ACCORDANCE WITH THIS SECTION.~~

### 18 Article - Tax - Property

19 13-209.

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

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

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

29 (2) 17.05% for the Agricultural Land Preservation Fund established  
30 under § 2-505 of the Agriculture Article;

31 (3) 5% for the Rural Legacy Program established under § 5-9A-01 of  
32 the Natural Resources Article; and



- 1 (ii) [\$85,000,000 for fiscal year 2009;
- 2 (iii) \$63,000,000] ~~\$146,900,000~~ \$98,000,000 for fiscal year
- 3 2010; and
- 4 [(iv)] (iii) [\$63,913,000] ~~\$65,013,000~~ \$113,913,000 for fiscal
- 5 year 2011; and
- 6 (3) At least \$10,000,000 federal aid from any source in amounts as
- 7 deemed prudent.

8 **Chapter 306 of the Acts of 2004**

9 SECTION 8. AND BE IT FURTHER ENACTED, That the State Department of

10 Education shall adopt regulations that provide for periodic surveys of the condition of

11 public school facilities in Maryland at least every 4 years. The surveys should be

12 similar to the Facility Assessment Survey that the State Department conducted, at the

13 direction of the Task Force to Study Public School Facilities, in 2003. [The State shall

14 provide funds necessary to conduct the survey.]

15 **Chapter 307 of the Acts of 2004**

16 SECTION 8. AND BE IT FURTHER ENACTED, That the State Department of

17 Education shall adopt regulations that provide for periodic surveys of the condition of

18 public school facilities in Maryland at least every 4 years. The surveys should be

19 similar to the Facility Assessment Survey that the State Department conducted, at the

20 direction of the Task Force to Study Public School Facilities, in 2003. [The State shall

21 provide funds necessary to conduct the survey.]

22 **Chapter 487 of the Acts of 2004**

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

24 (a) The Office of Legislative Audits shall conduct a performance audit of the

25 Maryland Renewable Energy Fund which includes, for each year since the creation of

26 the Fund, an assessment of:

- 27 (1) the amount of funds received in the Fund;
- 28 (2) the uses of the funds; and
- 29 (3) the administrative expenses related to the Fund for project review
- 30 and oversight.

31 (b) The Office shall report the results of the audit to the General Assembly,

32 in accordance with § 2-1246 of the State Government Article, on or before December 1,

33 2009.





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

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

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

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

12                   3.     For counties with an income tax rate of other than  
13 2.54% in effect, the total receipts for county income tax described in subsection (a)(2) of  
14 this section that would have been received if a county income tax rate of 2.54% had  
15 been in effect.

16                   (2)    If the per capita yield of the county income tax for a county  
17 determined under paragraph (1)(i) of this subsection is less than 75% of the per capita  
18 statewide yield of the county income tax determined under paragraph (1)(ii) of this  
19 subsection, the Comptroller shall determine the amount that would increase the  
20 county per capita yield to equal 75% of the statewide per capita yield, as rounded to  
21 the nearest dollar.

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

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

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

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

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

1 9-402.

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

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

9 (1) for sentenced inmates who are sentenced on or after January 1,  
10 1987, the State shall reimburse a county for each day from the 91st day through the  
11 365th day that sentenced inmates are confined in a local correctional facility at a rate  
12 of reimbursement of 50% of the rate set forth in § 9-403 of this subtitle; or

13 (2) for each fiscal year, the Secretary shall determine for each county  
14 the difference between the actual number of inmate days for the previous fiscal year  
15 and the average number of inmate days and multiply this number of inmate days, if  
16 positive, by 85% of the rate of reimbursement set forth in § 9-403 of this subtitle] A  
17 GRANT EQUAL TO AT LEAST \$45 FOR EACH DAY FROM THE END OF THE 12TH  
18 MONTH THROUGH THE END OF THE 18TH MONTH THAT A SENTENCED INMATE  
19 WAS CONFINED IN A LOCAL CORRECTIONAL FACILITY DURING THE SECOND  
20 PRECEDING FISCAL YEAR.

21 (C) SUBJECT TO SUBSECTION (D) OF THIS SECTION, FOR EACH FISCAL  
22 YEAR THE STATE SHALL PROVIDE EACH COUNTY A GRANT EQUAL TO AT LEAST  
23 \$45 FOR EACH DAY AFTER THE FIRST DAY THROUGH THE DAY OF RELEASE THAT  
24 AN INMATE WHO HAS BEEN SENTENCED TO THE JURISDICTION OF THE DIVISION  
25 OF CORRECTION WAS CONFINED IN A LOCAL CORRECTIONAL FACILITY DURING  
26 THE SECOND PRECEDING FISCAL YEAR.

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

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

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

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

1 **Article – State Government**

2 9–117.

3 (a) (1) During a calendar year, a licensed agent shall receive regular  
4 commissions of [5.5%] **5.0%** of the licensed agent’s gross receipts from ticket sales  
5 made during that year.

6 **Article – Tax – General**

7 10–210.1.

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

10 (1) an amount is added to or subtracted from federal adjusted gross  
11 income to reflect the determination of the depreciation deduction provided under §  
12 167(a) of the Internal Revenue Code and the adjusted basis of property without regard  
13 to the additional allowance under § 168(k) of the Internal Revenue Code;

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

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

23 (i) increasing above \$25,000 the dollar limitation set forth in §  
24 179(b)(1) of the Internal Revenue Code; or

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

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

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

~~Article – Correctional Services~~~~9-402.~~

~~(a) Subject to subsection (b) of this section, the State shall reimburse 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%] 34% 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 and the average number of inmate days and multiply this number of inmate days, if positive, by [85%] 50% of the rate of reimbursement set forth in § 9-403 of this subtitle.~~

~~(b) (1) 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 under the section for each 30 days or part of 30 days after the due date that the information has not been submitted.~~

## Article – State Government

9-20B-05.

(g) [Moneys] **PROCEEDS EXCEPT AS PROVIDED IN SUBSECTION (G-1) OF THIS SECTION, PROCEEDS** received ~~each year~~ by the Fund **FROM THE SALE OF ALLOWANCES UNDER § 2-1002(G) OF THE ENVIRONMENT ARTICLE** shall be allocated ~~each year~~ as follows:

(1) ~~[17%]~~ **UP TO 50%** shall be transferred to the Department of Human Resources to be used for the Electric Universal Service Program and other electricity assistance programs in the Department of Human Resources;

(2) 23% to provide rate relief by offsetting electricity rates of residential customers, including an offset of surcharges imposed on ratepayers under §

1 7-211 of the Public Utility Companies Article, on a per customer basis and in a  
2 manner prescribed by the Public Service Commission;

3 (3) at least ~~46%~~ ~~17.5%~~ for energy efficiency and conservation  
4 programs, projects, or activities and demand response programs, of which at least  
5 one-half shall be targeted to:

6 (i) the low-income residential sector at no cost to the  
7 participants of the programs, projects, or activities; and

8 (ii) the moderate-income residential sector;

9 (4) ~~up to 10.5%~~ ~~AT LEAST 6.5%~~ for:

10 (i) subject to subsection (i) of this section, renewable and clean  
11 energy programs and initiatives;

12 (ii) energy-related public education and outreach; and

13 (iii) climate change programs; and

14 (5) up to ~~3.5%~~ ~~3.0%~~, but not more than \$4,000,000, for costs related  
15 to the administration of the Fund, including the review of electric company plans for  
16 achieving electricity savings and demand reductions that the electric companies are  
17 required under law to submit to the Administration.

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

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

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

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

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

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



1 SECTION 4. AND BE IT FURTHER ENACTED, That, notwithstanding any  
2 other provision of law, on or before June 30, 2009, the Governor may transfer to the  
3 General Fund:

4 \$73,000,000 of the funds in the Dedicated Purpose Account of the State Reserve  
5 Fund established under § 7–310 of the State Finance and Procurement Article;

6 ~~\$51,500,000~~ \$52,700,000 of the funds in the State Police Helicopter  
7 Replacement Fund established under § 2–801 of the Public Safety Article;

8 ~~\$20,000,000~~ \$30,000,000 of the funds in the accounts of the University System  
9 of Maryland;

10 ~~\$18,000,000~~ \$28,000,000 of the funds in the Injured Workers' Insurance Fund  
11 reserve for actuarial liability for claims against the State, established under § 10–104  
12 of the Labor and Employment Article;

13 \$17,000,000 of the funds in the Maryland Trauma Physician Services Fund  
14 established under § 19–130 of the Health – General Article;

15 ~~\$14,000,000~~ \$12,100,000 of the funds in the Community Health Resources  
16 Commission Fund established under § 19–2201 of the Health – General Article;

17 \$10,000,000 of the funds in the State Insurance Trust Fund established under §  
18 9–103 of the State Finance and Procurement Article;

19 \$7,000,000 of the funds in the Uninsured Account of the Maryland Automobile  
20 Insurance Fund established under § 20–201 of the Insurance Article;

21 \$5,000,000 of the funds remaining in the Central Collection Fund established  
22 under § 3–306 of the State Finance and Procurement Article, after the transfer of  
23 funds authorized under § 5 of Chapter 417 of the Acts of 2008;

24 \$5,000,000 of the funds in the Economic Development Opportunities Program  
25 Account of the State Reserve Fund established under § 7–314 of the State Finance and  
26 Procurement Article;

27 ~~\$5,000,000~~ \$10,000,000 of the funds in the Maryland Economic Development  
28 Assistance Authority Fund established under § 5–310 of the Economic Development  
29 Article;

30 ~~\$3,000,000~~ \$3,200,000 of the funds in the Board of Physicians Fund established  
31 under § 14–207 of the Health Occupations Article;

32 \$2,006,000 of the funds in the Oil Disaster Containment, Clean-Up and  
33 Contingency Fund established under § 4–411 of the Environment Article;



1           \$2,000,000 of the funds in the Maryland Health Care Commission Fund  
2 established under § 19–111 of the Health – General Article;

3           \$1,000,000 of the funds in the Vehicle Theft Prevention Fund established under  
4 § 2–703 of the Public Safety Article;

5           ~~\$1,000,000~~ \$3,000,000 of the funds in the State Used Tire Cleanup and  
6 Recycling Fund established under § 9–273 of the Environment Article;

7           \$900,000 of the funds in the School Bus Safety Enforcement Fund established  
8 under § 4–202 of the Public Safety Article;

9           ~~\$605,035~~ \$1,656,101 of the funds in the Insurance Regulation Fund established  
10 under § 2–505 of the Insurance Article;

11           \$435,721 of the funds in the special fund established under § 1–203.3 of the  
12 Corporations and Associations Article;

13           \$5,000,000 from the Universal Service Trust Fund established under § 3A–506  
14 of the State Finance and Procurement Article;

15           \$10,000,000 from the reserve account established by the State to pay  
16 unemployment compensation benefits for State employees;

17           \$500,000 of the funds in the Board of Nursing Fund established under § 8–206  
18 of the Health Occupations Article; ~~and~~

19           \$277,785 of the funds in the Small Business Pollution Compliance Loan Fund  
20 established under § 2–802 of the Environment Article; ~~;~~ and

21           All funds remaining from the Senior Prescription Drug Program, after any  
22 transfers have been made pursuant to Chapter 453 of the Acts of 2008, including  
23 interest earned on these funds, that have accrued to the account of the Senior  
24 Prescription Drug Assistance Program of the Maryland Health Insurance Plan Fund  
25 established under § 14–504 of the Insurance Article.

26           SECTION 5. AND BE IT FURTHER ENACTED, That, notwithstanding any  
27 other provision of law, on or before June 30, 2010, the Governor may transfer to the  
28 General Fund:

29           ~~\$5,398,109~~ \$7,398,109 of the funds in the Catastrophic Event Account of the  
30 State Reserve Fund established under § 7–324 of the State Finance and Procurement  
31 Article;

32           ~~\$5,000,000~~ \$10,000,000 of the funds in the Maryland Economic Development  
33 Assistance Authority Fund established under § 5–310 of the Economic Development  
34 Article;

1           ~~\$5,000,000~~ \$15,000,000 of the funds in the Central Collection Fund established  
2 under § 3-306 of the State Finance and Procurement Article; and

3           \$500,000 from the Maryland Legal Services Corporation Fund established  
4 under § 11-402 of the Human Services Article.

5           ~~\$100,000 of the funds in the State Board of Occupational Therapy Practice Fund~~  
6 ~~established under § 10-206 of the Health Occupations Article; and~~

7           ~~\$100,000 of the funds in the State Board of Examiners for Audiologists, Hearing~~  
8 ~~Aid Dispensers, and Speech Language Pathologists Fund established under § 2-206 of~~  
9 ~~the Health Occupations Article.~~

10           SECTION 6. AND BE IT FURTHER ENACTED, That, notwithstanding the  
11 provisions of § 3A-506 of the State Finance and Procurement Article, in fiscal year  
12 2010 the Governor may transfer by budget amendment up to ~~\$1,000,000~~ \$5,000,000  
13 from the Universal ~~Services~~ Service Trust Fund to the Maryland School for the Deaf.  
14 For purposes of determining the minimum appropriation for the Maryland School for  
15 the Deaf under § 8-310.3(b) of the Education Article for fiscal year 2011, the prior year  
16 appropriation shall be deemed to include any General Fund appropriation for fiscal  
17 year 2010 for the Maryland School for the Deaf and any amount transferred to the  
18 Maryland School for the Deaf for fiscal year 2010 under this section.

19           ~~SECTION 7. AND BE IT FURTHER ENACTED, That, notwithstanding the~~  
20 ~~provisions of § 8-310.3 of the Education Article, in fiscal year 2010 funding for the~~  
21 ~~Maryland School for the Deaf shall be reduced by \$507,189 in Other Post-Employment~~  
22 ~~Benefits. Further, \$797,614 in merit increase or increment funding shall be reduced if~~  
23 ~~legislation is enacted removing merit increases and increment funding from the~~  
24 ~~budget for all State agencies.~~

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

31           SECTION 8. AND BE IT FURTHER ENACTED, That no amounts may be  
32 expended in fiscal year 2010 to pay increases over the rates in effect on January 21,  
33 2009, for providers with rates set by the Interagency Rates Committee under § 8-417  
34 of the Education Article.

35           SECTION 9. AND BE IT FURTHER ENACTED, That for fiscal year 2010  
36 payments to providers of nonpublic placements under § 8-406 of the Education Article  
37 may not increase by more than 1% over the rates in effect on January 21, 2009.

38           SECTION 10. AND BE IT FURTHER ENACTED, That, notwithstanding the  
39 provisions of § 17-302 of the Education Article, ~~no payments shall be made by the~~

1 ~~State on \$119,731 of the outstanding obligations of the Private Donation Incentive~~  
 2 ~~Program in fiscal year 2010. Deferred fiscal year 2010 payments shall be paid in fiscal~~  
 3 ~~year 2011 shall be deferred until, and paid in, fiscal year 2011.~~

4 SECTION 11. AND BE IT FURTHER ENACTED, That, notwithstanding the  
 5 provisions of § 5-206 of the Education Article, funding for the Aging Schools Program  
 6 shall be \$0 in fiscal year 2010, ~~and \$6,108,986 in fiscal year 2011. The grants for fiscal~~  
 7 ~~year 2011 shall be allocated proportionally in accordance with § 5-206 of the~~  
 8 ~~Education Article.~~

9 ~~SECTION 12. AND BE IT FURTHER ENACTED, That, notwithstanding the~~  
 10 ~~provisions of § 10-652 of the Economic Development Article, no payment of \$2,400,000~~  
 11 ~~shall be made from the Camden Yards Fund to the Public School Construction Fund in~~  
 12 ~~fiscal year 2010.~~

13 SECTION 12. AND BE IT FURTHER ENACTED, That, notwithstanding §  
 14 8-403 of the Transportation Article or any other provision of law, for each of fiscal  
 15 years 2010 and 2011 only:

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

19 (b) The amount to be distributed to Baltimore City and the counties under §  
 20 8-403(a) and (b) of the Transportation Article shall be reduced by the following  
 21 amounts:

22	<u>Allegany</u>	<u>\$ 1,831,846</u>
23	<u>Anne Arundel</u>	<u>7,996,894</u>
24	<u>Baltimore City</u>	<u>19,871,424</u>
25	<u>Baltimore</u>	<u>10,757,194</u>
26	<u>Calvert</u>	<u>1,777,551</u>
27	<u>Caroline</u>	<u>1,272,303</u>
28	<u>Carroll</u>	<u>3,592,233</u>
29	<u>Cecil</u>	<u>1,990,712</u>
30	<u>Charles</u>	<u>2,578,168</u>
31	<u>Dorchester</u>	<u>1,406,739</u>
32	<u>Frederick</u>	<u>4,738,497</u>
33	<u>Garrett</u>	<u>1,592,885</u>
34	<u>Harford</u>	<u>4,171,792</u>
35	<u>Howard</u>	<u>3,960,732</u>
36	<u>Kent</u>	<u>714,961</u>
37	<u>Montgomery</u>	<u>11,235,610</u>
38	<u>Prince George's</u>	<u>9,788,358</u>
39	<u>Queen Anne's</u>	<u>1,472,251</u>
40	<u>St. Mary's</u>	<u>1,979,073</u>
41	<u>Somerset</u>	<u>849,884</u>
42	<u>Talbot</u>	<u>1,171,692</u>

1	<u>Washington</u>	<u>3,047,889</u>
2	<u>Wicomico</u>	<u>2,375,652</u>
3	<u>Worcester</u>	<u>1,745,660</u>

4 SECTION 13. AND BE IT FURTHER ENACTED, That, notwithstanding the  
5 provisions of § 32–205 of the State Personnel and Pensions Article, in fiscal year 2010  
6 the State is not required to make the employer contributions to the applicable State  
7 supplemental plan for participating employees in the Optional Defined Contribution  
8 System.

9 SECTION 14. AND BE IT FURTHER ENACTED, That, notwithstanding any  
10 provision of law, State employees employed by any entity ~~to which funds are~~  
11 ~~appropriated in the State budget~~, including the University System of Maryland,  
12 Morgan State University, and St. Mary's College of Maryland, may not receive  
13 bonuses related to individual performance, merit increases, or cost-of-living  
14 adjustments in fiscal year 2010. This provision does not affect salaries for  
15 constitutional officers or members of the General Assembly or increases necessary for  
16 the retention of faculty in the University System of Maryland, Morgan State  
17 University, or St. Mary's College of Maryland.

18 SECTION 15. AND BE IT FURTHER ENACTED, That, notwithstanding the  
19 provisions of § 5–212 or § 5–212.1 of the Natural Resources Article, revenue sharing  
20 payments may not be made to counties in fiscal years 2010 or 2011, with the exception  
21 of those derived from the sale of timber.

22 SECTION 16. AND BE IT FURTHER ENACTED, That the Laws of Maryland  
23 read as follows:

24 **Chapter 245 of the Acts of 2008**

25 SECTION 3. AND BE IT FURTHER ENACTED, That notwithstanding §  
26 19–214(d)(1), (2), and (5) of the Health – General Article, as enacted by Section 1 of  
27 this Act, § 15–701 of the Health – General Article, or a delay in the expansion of  
28 health care coverage beyond July 1, 2008, under Chapter 7 of the Acts of the General  
29 Assembly of the 2007 Special Session:

30 (1) funds generated from the assessment under § 19–214(d)(1)(i) of the  
31 Health – General Article, as enacted by Section 1 of this Act, may be used to pay:

32 (I) for the elimination of Medicaid day limits on hospital  
33 services for the period of July 1, 2008, through December 31, 2008; AND

34 (II) FOR MEDICAID PAYMENTS TO HOSPITALS BETWEEN  
35 JULY 1, 2009, AND JUNE 2010; and

1 (2) the Health Services Cost Review Commission shall ensure that the  
2 assessment under § 19-214(d)(1)(i) of the Health – General Article, as enacted by  
3 Section 1 of this Act, does not exceed the savings realized in averted hospital  
4 uncompensated care from:

5 (i) the health care coverage expansion; and

6 (ii) the elimination of Medicaid day limits on hospital services  
7 for the period of July 1, 2008, through December 31, 2008.

8 ~~SECTION 17. AND BE IT FURTHER ENACTED, That Section(s) 8-406(b) and~~  
9 ~~10-704.1 of Article Tax – General of the Annotated Code of Maryland be repealed.~~

10 SECTION 17. AND BE IT FURTHER ENACTED, That, notwithstanding §  
11 9-1605.2(h)(2) of the Environment Article or any other provision of law, for fiscal year  
12 2010 only, the Comptroller shall disburse the funds described under § 1605.2(h)(1) of  
13 the Environment Article as follows:

14 (1) 22.4% of the funds shall be deposited in the separate account to be  
15 used as provided under § 1605.2(h)(2)(i) of the Environment Article; and

16 (2) 77.6% of the funds shall be transferred to the Maryland  
17 Agriculture Water Quality Cost Share Program in the Department of Agriculture in  
18 order to fund cover crop activities.

19 SECTION 18. AND BE IT FURTHER ENACTED, That the Laws of Maryland  
20 read as follows:

### 21 Chapter 62 of the Acts of 1992

22 SECTION 8. AND BE IT FURTHER ENACTED, That, notwithstanding any  
23 other provision of law:

24 (a) Any salary or hours lost due to a mandatory furlough **OR TEMPORARY**  
25 **SALARY REDUCTION** plan shall be included in the calculation of earnable  
26 compensation and service credits by the Maryland State Retirement and Pension  
27 Systems for the purpose of determining retirement benefits **AND MEMBER**  
28 **CONTRIBUTIONS**; and

29 (b) The Board of Trustees of Maryland State Retirement and Pension  
30 Systems may adopt any policies and procedures necessary to carry out the provisions  
31 of this section.

32 SECTION 19. AND BE IT FURTHER ENACTED, That, notwithstanding §  
33 9-305 of the State Personnel and Pensions Article, an employee entitled to  
34 compensation for unused annual leave upon termination of State employment during a  
35 mandatory temporary salary reduction plan shall receive such compensation at the

1 employee's rate of compensation in effect immediately prior to the temporary salary  
2 reduction. This section shall be construed to apply retroactively and shall be applied to  
3 and interpreted to affect the calculation of unused annual leave payouts for employees  
4 leaving State employment on or after February 11, 2009.

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

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

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

18 SECTION 23. AND BE IT FURTHER ENACTED, That the unexpended  
19 appropriation for the Small Business Health Insurance Partnership, within the  
20 Maryland Health Care Commission (M00R01.01), that was included in the fiscal year  
21 2009 operating budget (Chapter 335 of the Acts of 2008) is reduced by \$13,500,000 and  
22 shall revert to the Health Care Coverage Fund.

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

27 SECTION 25. AND BE IT FURTHER ENACTED, That, notwithstanding §  
28 7-325 of the State Finance and Procurement Article or any other provision of law, the  
29 minimum General Fund appropriation that the Governor is required to include in the  
30 annual budget bill for fiscal year 2011 for the Maryland State Arts Council is  
31 \$13,454,740.

32 SECTION 26. AND BE IT FURTHER ENACTED, That, notwithstanding the  
33 provisions of § 19-2201(e) of the Health – General Article or any other provision of  
34 law, in fiscal year 2010, the Governor may transfer by budget amendment up to  
35 \$9,100,000 from the Community Health Resources Commission Fund to the Primary  
36 Adult Care Program in the Medical Care Programs Administration.

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

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

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

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

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

30	<u>Allegany</u>	<u>\$ 433,637</u>
31	<u>Caroline</u>	<u>360,353</u>
32	<u>Carroll</u>	<u>619,714</u>
33	<u>Cecil</u>	<u>471,190</u>
34	<u>Dorchester</u>	<u>340,884</u>
35	<u>Harford</u>	<u>977,701</u>
36	<u>Prince George's</u>	<u>68,379</u>
37	<u>St. Mary's</u>	<u>1,432,084</u>

38           (d) The State shall recoup overpayments made to public libraries for fiscal  
 39 year 2009 as a result of the error in the application of the library aid formula through  
 40 an intercept in the Public Library Aid Program (Budget Code RA02.31) in fiscal year  
 41 2010 in the following amounts:

42	<u>Allegany</u>	<u>\$ 4,719</u>
----	-----------------	-----------------

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

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

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

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

30	<u>Allegany</u>	<u>\$ 319,000</u>
31	<u>Anne Arundel</u>	<u>9,059,000</u>
32	<u>Baltimore City</u>	<u>2,963,000</u>
33	<u>Baltimore</u>	<u>8,901,000</u>
34	<u>Calvert</u>	<u>1,193,000</u>
35	<u>Caroline</u>	<u>304,000</u>
36	<u>Carroll</u>	<u>1,639,000</u>
37	<u>Cecil</u>	<u>1,004,000</u>
38	<u>Charles</u>	<u>1,551,000</u>
39	<u>Dorchester</u>	<u>320,000</u>
40	<u>Frederick</u>	<u>2,573,000</u>
41	<u>Garrett</u>	<u>350,000</u>
42	<u>Harford</u>	<u>2,150,000</u>
43	<u>Howard</u>	<u>3,202,000</u>
44	<u>Kent</u>	<u>239,000</u>



1	<u>Montgomery</u>	<u>12,088,000</u>
2	<u>Prince George's</u>	<u>5,600,000</u>
3	<u>Queen Anne's</u>	<u>682,000</u>
4	<u>St. Mary's</u>	<u>947,000</u>
5	<u>Somerset</u>	<u>108,000</u>
6	<u>Talbot</u>	<u>968,000</u>
7	<u>Washington</u>	<u>1,349,000</u>
8	<u>Wicomico</u>	<u>569,000</u>
9	<u>Worcester</u>	<u>1,921,000</u>

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

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

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

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

27           (b) Subsection (a) of this section is contingent on the taking effect of  
 28 legislation authorizing the creation of State general obligation debt in the amount of  
 29 \$71,300,000 for Program Open Space State land acquisition in fiscal year 2009, and if  
 30 legislation authorizing the creation of State general obligation debt in the amount of  
 31 \$71,300,000 for Program Open Space State land acquisition in fiscal year 2009 does  
 32 not become effective, subsection (a) of this section shall be null and void without the  
 33 necessity of further action by the General Assembly.

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

36           (a) Subject to subsection (b) of this section, on or before June 30, 2010, the  
 37 Governor may transfer to the General Fund \$46,955,634 of the funds in the special  
 38 fund established under § 13-209 of the Tax – Property Article. A transfer of funds  
 39 from the special fund to the General Fund under this subsection may not be taken into  
 40 account for purposes of determining any allocation or appropriation required under §  
 41 13-209(f) or (g) of the Tax – Property Article.

1        (b) Subsection (a) of this section is contingent on the taking effect of  
 2 legislation authorizing the creation of State general obligation debt totaling  
 3 \$46,955,634 for the following purposes:

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

9        If legislation authorizing the creation of State general obligation debt totaling  
 10 \$46,955,634 for the purposes described in this subsection does not become effective,  
 11 subsection (a) of this section shall be null and void without the necessity of further  
 12 action by the General Assembly.

13        SECTION ~~20~~ 32. AND BE IT FURTHER ENACTED, That, if any provision of  
 14 this Act or the application thereof to any person or circumstance is held invalid for any  
 15 reason in a court of competent jurisdiction, the invalidity does not affect other  
 16 provisions or any other application of this Act which can be given effect without the  
 17 invalid provision or application, and for this purpose the provisions of this Act are  
 18 declared severable.

19        SECTION ~~21~~ 33. AND BE IT FURTHER ENACTED, That Section 3 of this Act  
 20 shall take effect July 1, 2009. It shall remain effective for a period of 2 years and, at  
 21 the end of June 30, 2011, with no further action required by the General Assembly,  
 22 Section 3 of this Act shall be abrogated and of no further force and effect.

23        SECTION ~~22~~ 34. AND BE IT FURTHER ENACTED, That Section 2 of this Act  
 24 shall take effect July 1, 2009, and shall be applicable to all fiscal years beginning on or  
 25 after July 1, 2009.

26        SECTION 35. AND BE IT FURTHER ENACTED, That the provisions of §  
 27 10–210(b) of the Tax – General Article, as amended by Section 2 of this Act, shall be  
 28 applicable to any taxable year to which § 168(k), § 172(b)(1)(H), or § 179 of the  
 29 Internal Revenue Code, as amended by the American Recovery and Reinvestment Act  
 30 of 2009 (P.L. 111–5), apply.

31        SECTION 36. AND BE IT FURTHER ENACTED, That, notwithstanding the  
 32 changes to § 10–210.1(b)(2) of the Tax – General Article as enacted by Section 2 of this  
 33 Act, the provisions of former § 10–210.1(b)(2) of the Tax – General Article as in effect  
 34 prior to the effective date of Section 2 of this Act shall continue to apply to net  
 35 operating loss carryovers in the case of net operating losses for taxable years ending  
 36 during 2001 or 2002, to which the provisions of former § 172(b)(1)(H) as in effect prior  
 37 to the amendment of that section by the American Recovery and Reinvestment Act of  
 38 2009 (P.L. 111–5) applied.

1 SECTION ~~23~~ 37. AND BE IT FURTHER ENACTED, That ~~Section 17~~ §  
2 ~~8-406(b)(2)(iv)~~ of the Tax – General Article, as enacted by Section 1 of this Act, shall  
3 be applicable to all taxable years beginning after December 31, 2008.

4 SECTION ~~24~~ 38. AND BE IT FURTHER ENACTED, That Section 18 of this  
5 Act shall be construed to apply retroactively and shall be applied to and interpreted to  
6 affect the calculation of earnable compensation and service credits for the purpose of  
7 determining retirement benefits and member contributions on or after January 1,  
8 2009.

9 SECTION ~~25~~ 39. AND BE IT FURTHER ENACTED, That, except as provided  
10 in Sections ~~21 and 22~~ 33 and 34 of this Act, this Act shall take effect June 1, 2009.

Approved:

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Governor.

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Speaker of the House of Delegates.

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President of the Senate.