

SENATE BILL 166

B1

9lr0227
CF HB 101

By: **The President (By Request – Administration)**

Introduced and read first time: January 21, 2009

Assigned to: Budget and Taxation

A BILL ENTITLED

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; altering the calculation of certain
11 State funding for library resource centers and county libraries; authorizing the
12 use of certain funds for certain purposes under certain circumstances; altering
13 certain provisions relating to certain requirements that certain nonprofit health
14 service plans use certain funds for certain purposes under certain
15 circumstances; altering a certain definition under a certain program to
16 subsidize health insurance for medically uninsurable individuals; altering
17 certain provisions relating to the use of certain funds for certain purposes;
18 altering the distribution of certain federal subsidies received by the State;
19 requiring the Comptroller to distribute a certain amount to the General Fund
20 from a certain account; requiring the Comptroller for certain fiscal years to
21 distribute certain amounts from the income tax revenue from individuals to a
22 certain account; requiring the Comptroller to adjust the amount distributed to
23 the counties from the income tax revenue to allocate certain reductions among
24 the counties in a certain manner; altering the distribution of certain motor fuel
25 tax revenue; altering the distribution of certain sales and use tax revenues from
26 short-term rental vehicles; requiring the counties and Baltimore City to share
27 certain costs of administering the Department of Assessments and Taxation;
28 authorizing the Comptroller to withhold the distribution of certain local income
29 tax revenue to a county or Baltimore City under certain circumstances; altering
30 certain provisions relating to the funding of a certain highway; altering the
31 calculation of the regular commissions of a licensed agent under the State

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 lottery; altering the calculation of certain State reimbursement to the counties
2 for inmates confined at local correctional facilities; altering the allocation of
3 certain funds received by the Maryland Strategic Energy Investment Fund;
4 authorizing the Governor to transfer to the General Fund certain amounts from
5 certain special funds for certain fiscal years; authorizing the Governor to
6 transfer a certain amount by budget amendment from a certain special fund for
7 a certain purpose; reducing certain funding subject to a certain contingency;
8 prohibiting or limiting certain pay increases for certain providers for a certain
9 fiscal year; deferring certain payments for certain private donation incentives;
10 eliminating or altering certain required payments for certain purposes for a
11 certain fiscal year; prohibiting the payment of certain deferred compensation
12 bonuses, merit increases, or cost-of-living adjustments for certain State
13 employees, except under certain circumstances; repealing certain credits
14 allowed against certain taxes for the purchase of Maryland-mined coal;
15 requiring that certain salary or hours lost due to a mandatory furlough or
16 salary reduction plan be included in certain calculations for retirement benefits
17 and member contributions; providing for certain compensation for unused
18 annual leave for employees on termination during a mandatory temporary
19 salary reduction plan; making the provisions of this Act severable; providing for
20 the termination of certain provisions of this Act; providing for the effective dates
21 and application of this Act; and generally relating to the financing of State
22 government.

23 BY repealing and reenacting, with amendments,
24 Article – Agriculture
25 Section 8–405(c)
26 Annotated Code of Maryland
27 (2007 Replacement Volume and 2008 Supplement)

28 BY repealing and reenacting, with amendments,
29 Article – Correctional Services
30 Section 6–115(b) and (c) and 9–402
31 Annotated Code of Maryland
32 (2008 Replacement Volume and 2008 Supplement)

33 BY repealing and reenacting, with amendments,
34 Article – Economic Development
35 Section 4–216(b) and 10–523(a)
36 Annotated Code of Maryland
37 (2008 Volume)

38 BY repealing and reenacting, with amendments,
39 Article – Education
40 Section 5–202(e), 6–306(b), 8–415(d)(3), 16–305(c)(1)(i), 16–512(a)(1), 17–104(a),
41 23–205(c) and (d), and 23–503(b)(1)
42 Annotated Code of Maryland
43 (2008 Replacement Volume)

- 1 BY repealing and reenacting, with amendments,
2 Article – Health – General
3 Section 13–1015, 13–1116(a)(1), 13–1117(a)(1), 13–1118(a)(1), 15–701(i), and
4 19–214(d)(5)
5 Annotated Code of Maryland
6 (2005 Replacement Volume and 2008 Supplement)
- 7 BY repealing and reenacting, with amendments,
8 Article – Insurance
9 Section 14–106(d) and (e) and 14–501(h)(2)
10 Annotated Code of Maryland
11 (2006 Replacement Volume and 2008 Supplement)
- 12 BY repealing and reenacting, with amendments,
13 Article – Natural Resources
14 Section 5–903(a)
15 Annotated Code of Maryland
16 (2005 Replacement Volume and 2008 Supplement)
- 17 BY repealing
18 Article – Natural Resources
19 Section 8–707(d)
20 Annotated Code of Maryland
21 (2007 Replacement Volume and 2008 Supplement)
- 22 BY repealing and reenacting, with amendments,
23 Article – Natural Resources
24 Section 8–709(d)
25 Annotated Code of Maryland
26 (2007 Replacement Volume and 2008 Supplement)
- 27 BY repealing and reenacting, with amendments,
28 Article – Public Utility Companies
29 Section 7–512.1(f)
30 Annotated Code of Maryland
31 (2008 Replacement Volume and 2008 Supplement)
- 32 BY repealing and reenacting, with amendments,
33 Article – State Finance and Procurement
34 Section 7–325(a)
35 Annotated Code of Maryland
36 (2006 Replacement Volume and 2008 Supplement)
- 37 BY repealing and reenacting, with amendments,
38 Article – State Personnel and Pensions
39 Section 2–516(c) and 34–101(d)
40 Annotated Code of Maryland
41 (2004 Replacement Volume and 2008 Supplement)

1 BY repealing and reenacting, with amendments,
2 Article – Tax – General
3 Section 2–606, 2–608, 2–1104, and 2–1302.1
4 Annotated Code of Maryland
5 (2004 Replacement Volume and 2008 Supplement)

6 BY repealing and reenacting, with amendments,
7 Article – Tax – Property
8 Section 2–106
9 Annotated Code of Maryland
10 (2007 Replacement Volume and 2008 Supplement)

11 BY repealing and reenacting, with amendments,
12 Article – Transportation
13 Section 4–321(e)
14 Annotated Code of Maryland
15 (2008 Replacement Volume)

16 BY repealing and reenacting, with amendments,
17 Article – State Government
18 Section 9–117(a)(1) and 9–20B–05(g)
19 Annotated Code of Maryland
20 (2004 Replacement Volume and 2008 Supplement)

21 BY repealing and reenacting, with amendments,
22 Chapter 245 of the Acts of the General Assembly of 2008
23 Section 3

24 BY repealing
25 Article – Tax – General
26 Section 8–406(b) and 10–704.1
27 Annotated Code of Maryland
28 (2004 Replacement Volume and 2008 Supplement)

29 BY repealing and reenacting, with amendments,
30 Chapter 62 of the Acts of the General Assembly of 1992
31 Section 8

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

34 **Article – Agriculture**

35 8–405.

1 (c) [(1) The Governor shall include in the annual budget bill an amount
2 sufficient to employ not less than 110 field personnel in the soil conservation districts
3 under this title.

4 (2)] The appropriation for the 24 soil conservation districts shall be as
5 follows:

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

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

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

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

11 (4) **FOR FISCAL YEAR 2012, \$9,600,000; AND**

12 (5) **FOR FISCAL YEAR 2013 AND EACH FISCAL YEAR THEREAFTER,**
13 **\$10,000,000.**

14 **Article – Correctional Services**

15 6–115.

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

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

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

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

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

27 **Article – Economic Development**

28 4–216.

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

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

7 (3) **FOR FISCAL YEAR 2013 AND EACH FISCAL YEAR THEREAFTER,**
8 **THE GOVERNOR SHALL INCLUDE IN THE ANNUAL BUDGET BILL A PROPOSED**
9 **GENERAL FUND APPROPRIATION TO THE FUND IN AN AMOUNT NOT LESS THAN**
10 **\$6,000,000 FOR EACH FISCAL YEAR.**

11 10-523.

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

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

16 (3) (i) To assist the Corporation in complying with subsection (c) of
17 this section, the Governor shall include each year in the State budget bill an
18 appropriation to the Corporation for rural business development and assistance for
19 each of fiscal years 2010 [through 2020] **AND 2011** in the amount of [~~\$4,000,000~~]
20 **\$2,750,000 AND FOR EACH OF FISCAL YEARS 2012 THROUGH 2020, IN THE**
21 **AMOUNT OF \$4,000,000.**

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

27 **Article - Education**

28 5-202.

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

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

33 (ii) In fiscal year 2009, [~~50%~~] **100%** of the funding received
34 under the GCEI adjustment grant program under subsection (f) of this section and in

1 fiscal year 2010, [60%] **100%** of the funding received under the GCEI adjustment
2 grant program under subsection (f) of this section;

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

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

6 (v) Funding for students with limited English proficiency under
7 § 5–208 of this subtitle;

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

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

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

15 (ix) Funding for supplemental grants under this subsection.

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

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

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

27 6–306.

28 (b) (1) For fiscal year 2000 and each subsequent fiscal year, the Governor
29 shall include in each year's operating budget funding for the stipends and bonuses
30 provided in this subsection.

31 (2) A classroom teacher or other nonadministrative
32 school-based employee **IN A PUBLIC SCHOOL IDENTIFIED BY THE STATE BOARD**
33 **AS HAVING COMPREHENSIVE NEEDS** who holds a standard professional certificate
34 or an advanced professional certificate who is employed by a county board and who

1 holds a certificate issued by the National Board for Professional Teaching Standards
 2 shall receive a stipend from the State in an amount equal to the county grant for
 3 national certification, up to a maximum of \$2,000 per qualified individual.

4 (3) [(i) An individual who graduates from an accredited institution
 5 of higher education with a grade point average of at least 3.5 on a 4.0 scale or its
 6 equivalent, becomes employed by a county board, and remains employed as a
 7 classroom teacher in the public school system for a minimum of 3 consecutive years
 8 shall receive a salary signing bonus of \$1,000.

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

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

25 8-415.

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

- 29 1. The local share of the basic cost;
- 30 2. An additional amount equal to 200 percent of the
 31 basic cost; and
- 32 3. A. For [fiscal year 2005 and fiscal year 2006 only,
 33 an additional amount equal to 25 percent of the approved cost or reimbursement in
 34 excess of the sum of items 1 and 2 of this subparagraph; and

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

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

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

8 16-305.

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

12 1. [In fiscal year 2007, not less than an amount equal to
13 25% of the State's General Fund appropriation per full-time equivalent student to the
14 4-year public institutions of higher education in the State as designated by the
15 Commission for the purpose of administering the Joseph A. Sellinger Program under
16 Title 17 of this article in the previous fiscal year;

17 2. In fiscal year 2008, not less than an amount equal to
18 25.5% of the State's General Fund appropriation per full-time equivalent student to
19 the 4-year public institutions of higher education in the State as designated by the
20 Commission for the purpose of administering the Joseph A. Sellinger Program under
21 Title 17 of this article in the previous fiscal year;

22 3.] In fiscal year 2009, not less than an amount equal to
23 26.25% of the State's General Fund appropriation per full-time equivalent student to
24 the 4-year public institutions of higher education in the State as designated by the
25 Commission for the purpose of administering the Joseph A. Sellinger Program under
26 Title 17 of this article in the previous fiscal year;

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

32 [5.] **3.** In fiscal year 2011, not less than an amount equal to
33 [28%] **20.9%** of the State's General Fund appropriation per full-time equivalent
34 student to the 4-year public institutions of higher education in the State as designated
35 by the Commission for the purpose of administering the Joseph A. Sellinger Program
36 under Title 17 of this article in the previous fiscal year;

1 [6.] 4. In fiscal year 2012, not less than an amount equal to
2 [29%] **24%** of the State's General Fund appropriation per full-time equivalent student
3 to the 4-year public institutions of higher education in the State as designated by the
4 Commission for the purpose of administering the Joseph A. Sellinger Program under
5 Title 17 of this article in the previous fiscal year; [and]

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

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

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

25 16-512.

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

29 (i) [In fiscal year 2007, not less than an amount equal to 66% of
30 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 (ii) In fiscal year 2008, not less than an amount equal to 66.5%
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 (iii) In fiscal year 2009, not less than an amount equal to 67.25%
2 of the State's General Fund appropriation per full-time equivalent student to the
3 4-year public institutions of higher education in the State as designated by the
4 Commission for the purpose of administering the Joseph A. Sellinger Program under
5 Title 17 of this article in the previous fiscal year;

6 [(iv)] (II) In fiscal year 2010, [not less than an amount equal to
7 68% of the State's General Fund appropriation per full-time equivalent student to the
8 4-year public institutions of higher education in the State as designated by the
9 Commission for the purpose of administering the Joseph A. Sellinger Program under
10 Title 17 of this article in the previous fiscal year] **\$42,005,078;**

11 [(v)] (III) In fiscal year 2011, not less than an amount equal to
12 [69%] **63%** of the State's General Fund appropriation per full-time equivalent student
13 to the 4-year public institutions of higher education in the State as designated by the
14 Commission for the purpose of administering the Joseph A. Sellinger Program under
15 Title 17 of this article in the previous fiscal year;

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

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

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

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

1 17-104.

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

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

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

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

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

20 (II) **IN FISCAL YEAR 2010, \$50,445,958;**

21 (III) **IN FISCAL YEAR 2011, AN AMOUNT NOT LESS THAN**
22 **11.7% OF THE STATE'S GENERAL FUND PER FULL-TIME EQUIVALENT STUDENT**
23 **APPROPRIATION TO THE 4-YEAR PUBLIC INSTITUTIONS OF HIGHER EDUCATION**
24 **IN THIS STATE FOR THE PRECEDING FISCAL YEAR;**

25 (IV) **IN FISCAL YEAR 2012, AN AMOUNT NOT LESS THAN**
26 **12.7% OF THE STATE'S GENERAL FUND PER FULL-TIME EQUIVALENT STUDENT**
27 **APPROPRIATION TO THE 4-YEAR PUBLIC INSTITUTIONS OF HIGHER EDUCATION**
28 **IN THIS STATE FOR THE PRECEDING FISCAL YEAR;**

29 (V) **IN FISCAL YEAR 2013, AN AMOUNT NOT LESS THAN**
30 **13.7% OF THE STATE'S GENERAL FUND PER FULL-TIME EQUIVALENT STUDENT**
31 **APPROPRIATION TO THE 4-YEAR PUBLIC INSTITUTIONS OF HIGHER EDUCATION**
32 **IN THIS STATE FOR THE PRECEDING FISCAL YEAR;**

33 (VI) **IN FISCAL YEAR 2014, AN AMOUNT NOT LESS THAN**
34 **14.7% OF THE STATE'S GENERAL FUND PER FULL-TIME EQUIVALENT STUDENT**
35 **APPROPRIATION TO THE 4-YEAR PUBLIC INSTITUTIONS OF HIGHER EDUCATION**
36 **IN THIS STATE FOR THE PRECEDING FISCAL YEAR; AND**

1 (VII) IN FISCAL YEAR 2015 AND EACH FISCAL YEAR
2 THEREAFTER, AN AMOUNT NOT LESS THAN 16% OF THE STATE'S GENERAL
3 FUND PER FULL-TIME EQUIVALENT STUDENT APPROPRIATION TO THE 4-YEAR
4 PUBLIC INSTITUTIONS OF HIGHER EDUCATION IN THIS STATE FOR THE
5 PRECEDING FISCAL YEAR.

6 23-205.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

3 (iv)] For fiscal year [2004 and each fiscal year thereafter]
4 **2009.....\$1.85 per State resident;**

5 (II) FOR EACH OF FISCAL YEARS 2010 AND
6 **2011.....\$1.67 PER STATE RESIDENT; AND**

7 (III) FOR FISCAL YEAR 2012 AND EACH FISCAL YEAR
8 **THEREAFTER.....\$1.85 PER STATE RESIDENT.**

9 23-503.

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

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

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

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

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

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

18 [(vi)] (III) For fiscal year 2011 [and each fiscal year thereafter] –
19 **[\$16.00] \$13.50;**

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

21 (V) **FOR FISCAL YEAR 2013 AND EACH FISCAL YEAR**
22 **THEREAFTER – \$16.00.**

23 **Article – Health – General**

24 13-1015.

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

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

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

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

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

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

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

13 15-701.

14 (i) (1) Subject to paragraph (2) of this subsection, **IN FISCAL YEAR 2010,**
15 **\$12,000,000, AND** in fiscal years 2011 through 2013, up to \$10,000,000 may be
16 transferred annually from the Fund to the Department for the purpose of providing a
17 special fund operating grant to an independent entity with authority over the facilities
18 currently operated and health care services currently provided by Dimensions
19 Healthcare System until the facilities and obligation to provide the services are
20 transferred to a new owner or operator.

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

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

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

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

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

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

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

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

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

12 19-214.

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

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

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

23 **(III) ANY FUNDS REMAINING AFTER EXPENDITURES UNDER**
24 **ITEMS (I) AND (II) OF THIS PARAGRAPH HAVE BEEN MADE MAY BE USED FOR**
25 **THE GENERAL OPERATIONS OF THE MEDICAID PROGRAM.**

26 **Article - Insurance**

27 14-106.

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

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

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

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

3 (iv) subsidize the [Maryland Pharmacy Discount Program]
4 **PRIMARY ADULT CARE PROGRAM** under [§ 15–124.1 of the Health – General
5 Article] **THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE**; and

6 (v) support the costs of the Community Health Resources
7 Commission under Title 19, Subtitle 21 of the Health – General Article, including:

- 8 1. operating grants to community health resources;
- 9 2. funding for a unified data information system;
- 10 3. the documented direct costs of fulfilling the statutory
11 and regulatory duties of the Commission; and
- 12 4. the administrative costs of the Commission.

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

- 15 1. \$2,000,000 in fiscal year 2006; [and]
- 16 2. in **EACH OF** fiscal [year 2007 and annually
17 thereafter] **YEARS 2007, 2008, AND 2009**, the value of the premium tax exemption
18 less:

19 A. the subsidy required under this subsection for the
20 Senior Prescription Drug Assistance Program; **AND**

21 B. [the subsidy required under this subsection for the
22 Maryland Pharmacy Discount Program; and

23 C.] the funding required under this subsection for the
24 unified data information system; **AND**

25 **3. IN FISCAL YEAR 2010 AND ANNUALLY**
26 **THEREAFTER, \$3,000,000 LESS THE FUNDING REQUIRED UNDER THIS**
27 **SUBSECTION FOR THE UNIFIED DATA INFORMATION SYSTEM.**

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

1 1. [\$500,000 in fiscal year 2006] **THE SUBSIDY**
 2 **REQUIRED UNDER THIS SUBSECTION FOR THE SENIOR PRESCRIPTION DRUG**
 3 **ASSISTANCE PROGRAM; and**

4 2. [\$300,000 in fiscal year 2007 and annually thereafter]
 5 **THE SUBSIDIES REQUIRED UNDER THIS SUBSECTION FOR THE MARYLAND**
 6 **COMMUNITY HEALTH RESOURCES COMMISSION AND THE UNIFIED DATA**
 7 **INFORMATION SYSTEM.**

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

10 1. \$500,000 in fiscal year 2006; [and]

11 2. \$1,700,000 in fiscal year 2007 [and annually
 12 thereafter] **AND FISCAL YEAR 2008; AND**

13 **3. IN FISCAL YEAR 2009 AND ANNUALLY**
 14 **THEREAFTER, AN AMOUNT, NOT TO EXCEED \$3,000,000, TO BE DETERMINED BY**
 15 **THE COMMUNITY HEALTH RESOURCES COMMISSION UNDER TITLE 19,**
 16 **SUBTITLE 21 OF THE HEALTH – GENERAL ARTICLE.**

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

21 (e) The subsidy required under **SUBSECTION (D) OF THIS SECTION FOR**
 22 **the Senior Prescription Drug Assistance Program [may not exceed] SHALL BE THE**
 23 **LESSER OF:**

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

26 [(1)] **(2) (I) for the period of January 1, 2006 through June 30,**
 27 **2006, \$8,000,000; AND**

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

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

31 14-501.

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

- 1 (i) the federal Medicare program;
- 2 (ii) **UNLESS THE INDIVIDUAL IS ELIGIBLE FOR A SUBSIDY**
3 **OF PLAN COSTS PROVIDED BY THE DEPARTMENT OF HEALTH AND MENTAL**
4 **HYGIENE UNDER A MEDICAID WAIVER PROGRAM,** the Maryland Medical
5 Assistance Program;
- 6 (iii) the Maryland Children’s Health Program; or
- 7 (iv) an employer–sponsored group health insurance plan that
8 includes benefits comparable to Plan benefits, unless the individual is eligible for the
9 tax credit for health insurance costs under § 35 of the Internal Revenue Code.

10 **Article – Natural Resources**

11 5–903.

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

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

20 A. One half of the funds shall be used for recreation and
21 open space purposes by the Department and the Historic St. Mary’s City Commission;
22 and

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

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

29 (ii) At least \$1,500,000 of the State’s share of funds available
30 under subparagraph (i)1A of this paragraph for this program shall be utilized to make
31 grants to Baltimore City for projects which meet park purposes. The grants shall be in
32 addition to any funds Baltimore City is eligible to receive under subsection (b) of this
33 section, and may be used for acquisition or development. In order for Baltimore City to
34 be eligible for a State grant, the Department shall review projects or land to be
35 acquired within Baltimore City, and upon the Department’s recommendation, the

1 Board of Public Works may approve projects and land including the cost. Title to the
 2 land shall be in the name of the Mayor and City Council of Baltimore City. The State
 3 is not responsible for costs involved in the development or maintenance of the land.

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

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

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

13 (IV) **FOR EACH OF FISCAL YEARS 2011 AND 2012, \$1,217,000**
 14 **OF THE STATE'S SHARE OF FUNDS AVAILABLE UNDER SUBPARAGRAPH (I)1A OF**
 15 **THIS PARAGRAPH MAY BE APPROPRIATED IN THE BUDGETS OF THE**
 16 **DEPARTMENT, THE DEPARTMENT OF GENERAL SERVICES, AND THE**
 17 **DEPARTMENT OF PLANNING FOR EXPENSES NECESSARY TO ADMINISTER THIS**
 18 **PROGRAM.**

19 8-707.

20 [(d) The Governor shall include in the budget bill for each fiscal year a
 21 General Fund appropriation to the Waterway Improvement Fund of not less than
 22 \$1,794,000.]

23 8-709.

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

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

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

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

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

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

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

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

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

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

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

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

28 (6) (i) At the end of a given fiscal year, any unexpended bill
29 assistance and arrearage retirement funds that were collected for that fiscal year shall
30 be retained in the fund and shall be made available for disbursement through the first
31 3 months of the next fiscal year to customers who:

32 1. qualify for assistance from the fund during the given
33 fiscal year;

1 estimated State revenues submitted by the Board of Revenue Estimates to the
2 Governor under § 6-106(b) of this article.

3 **Article – State Personnel and Pensions**

4 2-516.

5 (c) (1) Notwithstanding any other provision of law, [for fiscal years 2006
6 and 2007 only,] there shall be credited to the Fund any subsidy received by the State
7 that is provided to employers 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.

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

13 34-101.

14 (d) [Beginning in fiscal year 2008, the following funds shall be deposited into
15 the] **THE** Postretirement Health Benefits Trust Fund **SHALL CONSIST OF:**

16 (1) any [subsidy received by the State that is provided to employers]
17 **FUNDS DEPOSITED IN THE POSTRETIREMENT HEALTH BENEFITS TRUST FUND**
18 **BEFORE JUNE 1, 2009**, as a result of the federal Medicare Prescription Drug,
19 Improvement, and Modernization Act of 2003, or similar federal subsidy received as a
20 result of the State's prescription drug program; and

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

23 **Article – Tax – General**

24 2-606.

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

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

29 (2) that is attributable to:

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

32 (ii) estimated income tax payments by individuals.

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

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

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

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

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

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

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

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

26 (i) the numerator of which is the amount distributed under §
27 2-607 of this subtitle to that municipal corporation or special taxing district for that
28 year; and

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

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

34 2-608.

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

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

8 (c) **FOR EACH OF FISCAL YEARS 2010 THROUGH 2019, INCLUSIVE:**

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

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

16 (d) **THE COMPTROLLER SHALL ADJUST THE AMOUNT DISTRIBUTED**
17 **UNDER SUBSECTION (A) OF THIS SECTION TO A COUNTY TO ALLOW FOR A**
18 **PROPORTIONATE PART OF THE REDUCTION MADE UNDER SUBSECTION (C) OF**
19 **THIS SECTION.**

20 (e) **TO DETERMINE THE PRO RATA SHARE FOR A COUNTY UNDER**
21 **SUBSECTION (D) OF THIS SECTION, THE COMPTROLLER SHALL COMPUTE THE**
22 **AMOUNT EQUAL TO THE PRODUCT OF MULTIPLYING \$36,677,863 BY A**
23 **FRACTION:**

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

28 (2) **THE DENOMINATOR OF WHICH IS THE TOTAL AMOUNT OF**
29 **COUNTY INCOME TAXES COLLECTED FROM INDIVIDUALS, CALCULATED USING**
30 **TAX RETURNS FILED WITH THE COMPTROLLER FOR THE MOST RECENT**
31 **PRECEDING TAX YEAR.**

32 (f) **THE PRO RATA SHARE CALCULATED UNDER SUBSECTION (E) OF**
33 **THIS SECTION SHALL BE USED FOR THE QUARTERLY DISTRIBUTIONS OF LOCAL**
34 **INCOME TAX REVENUE BEGINNING IN NOVEMBER AND ENDING IN AUGUST.**

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

5 (1) 2.3% to the Chesapeake Bay 2010 Trust Fund; and

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

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

11 (1) \$6,500,000 to the General Fund of the State; and

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

13 **(C) FOR THE FISCAL YEAR BEGINNING JULY 1, 2009, INSTEAD OF THE**
14 **DISTRIBUTION REQUIRED UNDER SUBSECTION (A)(1) OF THIS SECTION, THE**
15 **COMPTROLLER SHALL DISTRIBUTE 2.3% OF THE REMAINING MOTOR FUEL TAX**
16 **REVENUE AS FOLLOWS:**

17 **(1) \$2,554,000 TO THE GENERAL FUND OF THE STATE; AND**

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

19 2–1302.1.

20 (a) Except as provided in [subsection (b)] **SUBSECTIONS (B) AND (C)** of this
21 section, after making the distributions required under §§ 2–1301 and 2–1302 of this
22 subtitle, of the sales and use tax collected on short–term vehicle rentals under §
23 11–104(c) of this article the Comptroller shall distribute:

24 (1) 45% to the Transportation Trust Fund established under § 3–216
25 of the Transportation Article; and

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

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

31 (1) \$18,500,000 to the General Fund of the State; and

1 for each 30 days or part of 30 days after the due date that the information has not
2 been submitted.

3 **Article – State Government**

4 9–20B–05.

5 (g) [Moneys] **PROCEEDS** received each year by the Fund **FROM THE SALE**
6 **OF ALLOWANCES UNDER § 2–1002(G) OF THE ENVIRONMENT ARTICLE** shall be
7 allocated each year as follows:

8 (1) [17%] **UP TO 50%** shall be transferred to the Department of
9 Human Resources to be used for the Electric Universal Service Program and other
10 electricity assistance programs in the Department of Human Resources;

11 (2) 23% to provide rate relief by offsetting electricity rates of
12 residential customers, including an offset of surcharges imposed on ratepayers under §
13 7–211 of the Public Utility Companies Article, on a per customer basis and in a
14 manner prescribed by the Public Service Commission;

15 (3) at least [46%] **17.5%** for energy efficiency and conservation
16 programs, projects, or activities and demand response programs, of which at least
17 one-half shall be targeted to:

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

20 (ii) the moderate-income residential sector;

21 (4) [up to 10.5%] **AT LEAST 6.5%** for:

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

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

25 (iii) climate change programs; and

26 (5) up to [3.5%] **3.0%**, but not more than \$4,000,000, for costs related
27 to the administration of the Fund, including the review of electric company plans for
28 achieving electricity savings and demand reductions that the electric companies are
29 required under law to submit to the Administration.

30 **Article – Health – General**

31 13–1116.

1 (a) (1) For fiscal year [2007] **2010** and [each subsequent] fiscal year
2 **2011**, the Governor shall include at least [\$10,400,000] **\$6,700,000** in the annual
3 budget in appropriations for the Statewide Academic Health Center Cancer Research
4 Grants under this section.

5 13-1117.

6 (a) (1) For fiscal year [2007] **2010** and [each subsequent] fiscal year
7 **2011**, the Governor shall include at least [\$2,000,000] **\$1,250,000** in the annual
8 budget in appropriations for the Statewide Academic Health Center Tobacco-Related
9 Diseases Research Grant under this section.

10 13-1118.

11 (a) (1) For fiscal year [2007] **2010** and [each subsequent] fiscal year
12 **2011**, the Governor shall include at least [\$3,000,000] **\$1,900,000** in the annual
13 budget in appropriations for the Statewide Academic Health Center Network Grant
14 under this section.

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

18 \$73,000,000 of the funds in the Dedicated Purpose Account of the State Reserve
19 Fund established under § 7-310 of the State Finance and Procurement Article;

20 \$51,500,000 of the funds in the State Police Helicopter Replacement Fund
21 established under § 2-801 of the Public Safety Article;

22 \$20,000,000 of the funds in the accounts of the University System of Maryland;

23 \$18,000,000 of the funds in the Injured Workers' Insurance Fund reserve for
24 actuarial liability for claims against the State, established under § 10-104 of the
25 Labor and Employment Article;

26 \$17,000,000 of the funds in the Maryland Trauma Physician Services Fund
27 established under § 19-130 of the Health - General Article;

28 \$14,000,000 of the funds in the Community Health Resources Commission Fund
29 established under § 19-2201 of the Health - General Article;

30 \$10,000,000 of the funds in the State Insurance Trust Fund established under §
31 9-103 of the State Finance and Procurement Article;

32 \$7,000,000 of the funds in the Uninsured Account of the Maryland Automobile
33 Insurance Fund established under § 20-201 of the Insurance Article;

1 \$5,000,000 of the funds remaining in the Central Collection Fund established
2 under § 3–306 of the State Finance and Procurement Article, after the transfer of
3 funds authorized under § 5 of Chapter 417 of the Acts of 2008;

4 \$5,000,000 of the funds in the Economic Development Opportunities Program
5 Account of the State Reserve Fund established under § 7–314 of the State Finance and
6 Procurement Article;

7 \$5,000,000 of the funds in the Maryland Economic Development Assistance
8 Authority Fund established under § 5–310 of the Economic Development Article;

9 \$3,000,000 of the funds in the Board of Physicians Fund established under §
10 14–207 of the Health Occupations Article;

11 \$2,006,000 of the funds in the Oil Disaster Containment, Clean-Up and
12 Contingency Fund established under § 4–411 of the Environment Article;

13 \$2,000,000 of the funds in the Maryland Health Care Commission Fund
14 established under § 19–111 of the Health – General Article;

15 \$1,000,000 of the funds in the Vehicle Theft Prevention Fund established under
16 § 2–703 of the Public Safety Article;

17 \$1,000,000 of the funds in the State Used Tire Cleanup and Recycling Fund
18 established under § 9–273 of the Environment Article;

19 \$900,000 of the funds in the School Bus Safety Enforcement Fund established
20 under § 4–202 of the Public Safety Article;

21 \$605,035 of the funds in the Insurance Regulation Fund established under §
22 2–505 of the Insurance Article;

23 \$500,000 of the funds in the Board of Nursing Fund established under § 8–206
24 of the Health Occupations Article; and

25 \$277,785 of the funds in the Small Business Pollution Compliance Loan Fund
26 established under § 2–802 of the Environment Article.

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

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

1 \$5,398,109 of the funds in the Catastrophic Event Account of the State Reserve
2 Fund established under § 7–324 of the State Finance and Procurement Article;

3 \$5,000,000 of the funds in the Maryland Economic Development Assistance
4 Authority Fund established under § 5–310 of the Economic Development Article;

5 \$5,000,000 of the funds in the Central Collection Fund established under §
6 3–306 of the State Finance and Procurement Article;

7 \$100,000 of the funds in the State Board of Occupational Therapy Practice Fund
8 established under § 10–206 of the Health Occupations Article; and

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

12 SECTION 6. AND BE IT FURTHER ENACTED, That, notwithstanding the
13 provisions of § 3A–506 of the State Finance and Procurement Article, in fiscal year
14 2010 the Governor may transfer by budget amendment up to \$1,000,000 from the
15 Universal Services Trust Fund to the Maryland School for the Deaf.

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

22 SECTION 8. AND BE IT FURTHER ENACTED, That no amounts may be
23 expended in fiscal year 2010 to pay increases over the rates in effect on January 21,
24 2009, for providers with rates set by the Interagency Rates Committee under § 8–417
25 of the Education Article.

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

29 SECTION 10. AND BE IT FURTHER ENACTED, That, notwithstanding the
30 provisions of § 17–302 of the Education Article, no payments shall be made by the
31 State on the outstanding obligations of the Private Donation Incentive Program in
32 fiscal year 2010. Deferred fiscal year 2010 payments shall be paid in fiscal year 2011.

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

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

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

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

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

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

25 **Chapter 245 of the Acts of 2008**

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

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

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

35 (II) FOR MEDICAID PAYMENTS TO HOSPITALS BETWEEN
36 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 18. AND BE IT FURTHER ENACTED, That the Laws of Maryland
11 read as follows:

12 **Chapter 62 of the Acts of 1992**

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

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

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

23 SECTION 19. AND BE IT FURTHER ENACTED, That, notwithstanding §
24 9–305 of the State Personnel and Pensions Article, an employee entitled to
25 compensation for unused annual leave upon termination of State employment during a
26 mandatory temporary salary reduction plan shall receive such compensation at the
27 employee’s rate of compensation in effect immediately prior to the temporary salary
28 reduction.

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

35 SECTION 21. AND BE IT FURTHER ENACTED, That Section 3 of this Act
36 shall take effect July 1, 2009. It shall remain effective for a period of 2 years and, at

1 the end of June 30, 2011, with no further action required by the General Assembly,
2 Section 3 of this Act shall be abrogated and of no further force and effect.

3 SECTION 22. AND BE IT FURTHER ENACTED, That Section 2 of this Act
4 shall take effect July 1, 2009.

5 SECTION 23. AND BE IT FURTHER ENACTED, That Section 17 of this Act
6 shall be applicable to all taxable years beginning after December 31, 2008.

7 SECTION 24. AND BE IT FURTHER ENACTED, That Section 18 of this Act
8 shall be construed to apply retroactively and shall be applied to and interpreted to
9 affect the calculation of earnable compensation and service credits for the purpose of
10 determining retirement benefits and member contributions on or after January 1,
11 2009.

12 SECTION 25. AND BE IT FURTHER ENACTED, That, except as provided in
13 Sections 21 and 22 of this Act, this Act shall take effect June 1, 2009.