

# HOUSE BILL 101

B1

(91r0228)

## **ENROLLED BILL**

*—Appropriations / Budget and Taxation—*

Introduced by **The Speaker (By Request – Administration)**

Read and Examined by Proofreaders:

\_\_\_\_\_  
Proofreader.

\_\_\_\_\_  
Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this

\_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_ o'clock, \_\_\_\_\_ M.

\_\_\_\_\_  
Speaker.

CHAPTER \_\_\_\_\_

AN ACT concerning

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

FOR the purpose of altering or repealing certain required appropriations; altering the amount of a certain Drinking Driver Monitor Program fee and removing a certain limitation on authorization for the fee; altering the calculation of certain State aid to local governments; altering the amount of certain State payments for certain local school employees; altering the calculation of certain local sharing of costs of educating certain children; altering the calculation of certain State aid to community colleges, Baltimore City Community College, and nonpublic institutions of higher education; delaying the applicability of certain provisions relating to the transfer to the State Department of Education of responsibility for educational programs at certain facilities of the Department of Juvenile Services; repealing certain provisions regarding the administration of certain child welfare programs; requiring that certain federal funds relating to certain previously disallowed claims be deposited in the General Fund of the

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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.

*Italics indicate opposite chamber / conference committee amendments.*



## HOUSE BILL 101

State; altering the calculation of certain State funding for library resource centers and county libraries; authorizing the use of certain funds for certain purposes under certain circumstances; ~~altering certain provisions relating to certain requirements that certain nonprofit health service plans use certain funds for certain purposes under certain circumstances;~~ altering a certain definition under a certain program to subsidize health insurance for medically uninsurable individuals; providing a certain exception to a requirement that certain funding for Program Open Space be allocated in a certain manner; requiring that certain allocations of certain funds distributed to Program Open Space be adjusted in a certain manner for certain fiscal years under certain circumstances; requiring that a certain amount be allocated from certain transfer tax revenues to the General Fund of the State for certain fiscal years under certain circumstances; requiring that certain allocations from certain transfer tax revenues be adjusted in a certain manner for certain fiscal years under certain circumstances; authorizing the transfer of certain funds to the General Fund, subject to certain contingencies; providing that certain balances in a certain fund at the end of certain fiscal years revert to the General Fund; altering for a certain fiscal year certain provisions relating to the use of certain funds for certain purposes; altering the maximum amount of a certain contingency fund; altering a certain audit requirement; altering the distribution of certain federal subsidies received by the State for certain fiscal years; requiring the Comptroller to distribute a certain amount to the General Fund from a certain account; limiting for certain fiscal years the amounts of certain distributions required to be made to certain counties and Baltimore City based on per capita yield of county income taxes; requiring the Comptroller for certain fiscal years to distribute certain amounts from the income tax revenue from individuals to a certain account; requiring the Comptroller to adjust the amount distributed to the counties from the income tax revenue to allocate certain reductions among the counties in a certain manner; *altering the distribution of the income tax revenue from corporations for a certain fiscal year*; altering the distribution of certain motor fuel tax revenue; altering the distribution of certain sales and use tax revenues from short-term rental vehicles; ~~requiring the counties and Baltimore City to share certain costs of administering the Department of Assessments and Taxation; authorizing the Comptroller to withhold the distribution of certain local income tax revenue to a county or Baltimore City under certain circumstances; altering certain provisions relating to the funding of a certain highway;~~ *altering certain provisions relating to the funding of a certain highway*; repealing a certain audit requirement; repealing a requirement that the State provide funds for a certain survey; altering the calculation of the regular commissions of a licensed agent under the State lottery for certain fiscal years; clarifying a certain modification required under the Maryland income tax relating to the carryover of net operating losses under certain circumstances; *providing certain modifications to federal adjusted gross income of an individual or federal taxable income of a corporation for Maryland income tax purposes relating to certain income from the discharge of indebtedness*; providing that a certain limitation on the effect of certain amendments of the Internal Revenue Code on the Maryland income tax under

certain circumstances does not apply to certain amendments of the Internal Revenue Code enacted under a certain federal act; providing for the application of certain provisions of law; ~~altering the calculation of certain State reimbursement to the counties for inmates confined at local correctional facilities;~~ repealing certain requirements that the State reimburse the counties for certain inmates confined at local correctional facilities; requiring the State to provide certain grants to the counties for certain inmates confined at local correctional facilities; altering the allocation of certain funds received by the Maryland Strategic Energy Investment Fund; authorizing the Governor to transfer to the General Fund certain amounts from certain special funds for certain fiscal years; authorizing the Governor to transfer ~~a certain amount~~ certain amounts by budget amendment from ~~a certain special fund~~ certain funds for ~~a certain purpose~~ certain purposes; ~~reducing certain funding subject to a certain contingency;~~ requiring counties to pay certain employer contributions for certain members of the Employees' Retirement System, Employees' Pension System, and Law Enforcement Officers' Pension System; prohibiting or limiting certain pay increases for certain providers for a certain fiscal year; deferring certain payments for certain private donation incentives; eliminating or altering certain required payments for certain purposes for a certain fiscal year; prohibiting the payment of certain deferred compensation bonuses, merit increases, or cost-of-living adjustments for certain State employees, except under certain circumstances; ~~repealing~~ altering certain limits on the total amount of certain credits allowed against certain taxes for the purchase of Maryland-mined coal ~~that the Department of Assessments and Taxation may approve for certain calendar years;~~ requiring that certain salary or hours lost due to a mandatory furlough or salary reduction plan be included in certain calculations for retirement benefits and member contributions; providing for certain compensation for unused annual leave for employees on termination during a mandatory temporary salary reduction plan; requiring certain highway user revenues to be distributed to the General Fund for certain fiscal years; ~~altering the distribution of certain highway user revenues; reducing certain amounts due the counties under certain circumstances; requiring the Comptroller to withhold certain amounts from income tax attributable to the county income tax and crediting those amounts to the General Fund;~~ altering the distribution of certain funds; reducing the amount of certain highway user revenues to be distributed to certain local jurisdictions for certain fiscal years; reducing, and providing for the reversion to ~~the~~ certain funds of, certain unexpended appropriations; ~~providing for a payment of~~ requiring the Governor to appropriate a certain amount to a certain county and providing for recoupment of certain amounts from certain counties and libraries relating to an error in the application of a certain aid formula for certain fiscal years; stating the findings of the General Assembly that a certain fund cannot operate as originally contemplated and authorizing the transfer of certain amounts from the fund to be used for a certain purpose; restricting the use of certain funds to certain purposes; requiring the Department of Budget and Management to take certain actions in the development of a new statewide personnel management system; requiring that certain costs be allocated and charged back to State

*agencies for certain fiscal years in a certain manner; requiring the Governor to include a certain charge back in the State budget for a certain fiscal year; authorizing a county to request a waiver from certain maintenance of education spending requirements for a certain fiscal year under certain circumstances; providing for the calculation of certain maintenance of education spending requirements under certain circumstances; stating certain intent of the General Assembly that certain legislation be enacted under certain circumstances; requiring the Maryland Higher Education Commission to incorporate into a certain plan and implement certain recommendations to a certain extent; specifying the distribution of certain corporate income tax revenues; reducing certain funds to be disbursed to the Prince George's County Board of Education, subject to a certain contingency; authorizing certain departments and a certain federal agency to share certain information and records for certain purposes; defining certain terms; making the provisions of this Act severable; providing for the termination of certain provisions of this Act; providing for the effective dates and application of this Act; and generally relating to the financing of State government.*

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

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

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

BY repealing and reenacting, with amendments,  
Article – Education  
Section 5–202(a)(13) and (e)(3), 5–205(c)(3), 5–202(e) 5–206(f), 6–306(b), 8–415(d)(3), 15–106.6(b)(9), 16–305(e)(1)(i), 16–512(a)(1), 17–104(a) 16–305(c)(1), 16–512(a), 17–104(a) and (d), 22–303(a)(1) and (b), 23–205(c) and (d), and 23–503(b)(1)  
Annotated Code of Maryland  
(2008 Replacement Volume)

BY adding to  
Article – Education

Section 5-202(d)(7)(v)  
Annotated Code of Maryland  
(2008 Replacement Volume)

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

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

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

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

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

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

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

BY repealing and reenacting, with amendments,  
Article – Public Utility Companies  
Section ~~7-512.1(f)~~ 7-512.1(c)(4) and (f)  
Annotated Code of Maryland  
(2008 Replacement Volume and 2008 Supplement)

BY repealing and reenacting, with amendments,  
Article – State Finance and Procurement  
Section ~~7-325(a)~~ 3-306  
Annotated Code of Maryland  
(2006 Replacement Volume and 2008 Supplement)

BY repealing and reenacting, with amendments,  
Article – State Personnel and Pensions  
Section 2-516(c) and 34-101(d)  
Annotated Code of Maryland  
(2004 Replacement Volume and 2008 Supplement)

BY adding to  
Article – State Personnel and Pensions  
Section 21-307(n) and (o)  
Annotated Code of Maryland  
(2004 Replacement Volume and 2008 Supplement)

BY repealing and reenacting, with amendments,  
Article – Tax – General  
Section 2-606, 2-608, ~~2-613.1~~, 2-1104, ~~and~~ 2-1302.1, 8-406(b)(2)(iv), and  
10-210.1(b)  
Annotated Code of Maryland  
(2004 Replacement Volume and 2008 Supplement)

BY repealing and reenacting, without amendments,  
Article – Tax – General  
Section 10-310  
Annotated Code of Maryland  
(2004 Replacement Volume and 2008 Supplement)

BY repealing and reenacting, with amendments,  
Article – Tax – Property  
Section ~~2-106~~ 13-209(d)  
Annotated Code of Maryland  
(2007 Replacement Volume and 2008 Supplement)

BY adding to  
Article – Tax – Property  
Section 13-209(d-1)  
Annotated Code of Maryland

(2007 Replacement Volume and 2008 Supplement)

BY repealing and reenacting, with amendments,  
Article – Transportation  
Section 4–321(e) *and* 8–403  
Annotated Code of Maryland  
(2008 Replacement Volume)

BY repealing and reenacting, with amendments,  
Chapter 306 of the Acts of the General Assembly of 2004  
Section 8

BY repealing and reenacting, with amendments,  
Chapter 307 of the Acts of the General Assembly of 2004  
Section 8

BY repealing  
Chapter 487 of the Acts of the General Assembly of 2004  
Section 6

BY repealing and reenacting, with amendments,  
Chapter 535 of the Acts of the General Assembly of 2004  
Section 2 and 3

BY repealing and reenacting, with amendments,  
Article 24 – Political Subdivisions – Miscellaneous Provisions  
Section 9–1101  
Annotated Code of Maryland  
(2005 Replacement Volume and 2008 Supplement)

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

BY adding to  
Article – State Government  
Section 9–20B–05(g–1)  
Annotated Code of Maryland  
(2004 Replacement Volume and 2008 Supplement)

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

~~BY repealing~~

~~Article – Tax – General  
Section 8–406(b) and 10–704.1  
Annotated Code of Maryland  
(2004 Replacement Volume and 2008 Supplement)~~

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

BY repealing

Article – Correctional Services  
Section 9–401, 9–403, and 9–404  
Annotated Code of Maryland  
(2008 Replacement Volume and 2008 Supplement)

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

~~**Article – Agriculture**~~

~~8–405.~~

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

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

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

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

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

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

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

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

**Article – Correctional Services**

6–115.

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

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

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

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

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

### Article - Economic Development

4-216.

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

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

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

10-523.

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

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

(3) (i) To assist the Corporation in complying with subsection (c) of this section, the Governor shall include each year in the State budget bill an appropriation to the Corporation for rural business development and assistance for

each of fiscal years 2010 [through 2020] **AND 2011** in the amount of [\$4,000,000] **\$2,750,000 AND FOR EACH OF FISCAL YEARS 2012 THROUGH 2020, IN THE AMOUNT OF \$4,000,000.**

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

### Article – Education

5-202.

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

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

(ii) [In] EXCEPT AS PROVIDED IN ITEM (III) OF THIS PARAGRAPH, IN subsequent fiscal years:

1. The target per pupil foundation amount for the prior fiscal year increased by the same percentage as the lesser of:

A. The increase in the implicit price deflator for State and local government expenditures for the second prior fiscal year;

B. The Consumer Price Index for all urban consumers for the Washington–Baltimore metropolitan area, or any successor index, for the second [previous] PRIOR fiscal year; or

C. 5%; or

2. If there is no increase in the implicit price deflator for State and local government expenditures for the second prior fiscal year or in the Consumer Price Index for all urban consumers for the Washington–Baltimore metropolitan area, or any successor index, for the second [previous] PRIOR fiscal year, the target per pupil foundation amount for the prior fiscal year; AND

(III) IN FISCAL YEAR 2012:

1. THE TARGET PER PUPIL FOUNDATION AMOUNT FOR THE PRIOR FISCAL YEAR INCREASED BY THE SAME PERCENTAGE AS THE LESSER OF:

**A. THE INCREASE IN THE IMPLICIT PRICE DEFLATOR FOR STATE AND LOCAL GOVERNMENT EXPENDITURES FOR THE SECOND PRIOR FISCAL YEAR;**

**B. THE CONSUMER PRICE INDEX FOR ALL URBAN CONSUMERS FOR THE WASHINGTON-BALTIMORE METROPOLITAN AREA, OR ANY SUCCESSOR INDEX, FOR THE SECOND PRIOR FISCAL YEAR; OR**

**C. 1%; OR**

**2. IF THERE IS NO INCREASE IN THE IMPLICIT PRICE DEFLATOR FOR STATE AND LOCAL GOVERNMENT EXPENDITURES FOR THE SECOND PRIOR FISCAL YEAR OR IN THE CONSUMER PRICE INDEX FOR ALL URBAN CONSUMERS FOR THE WASHINGTON-BALTIMORE METROPOLITAN AREA, OR ANY SUCCESSOR INDEX, FOR THE SECOND PRIOR FISCAL YEAR, THE TARGET PER PUPIL FOUNDATION AMOUNT FOR THE PRIOR FISCAL YEAR.**

**(d) (7) (v) IF THE STATE BOARD OF EDUCATION GRANTS A COUNTY A TEMPORARY WAIVER OR PARTIAL WAIVER FROM THE PROVISIONS OF THIS SUBSECTION FOR ANY FISCAL YEAR, THE MINIMUM APPROPRIATION OF LOCAL FUNDS REQUIRED UNDER THIS SUBSECTION FOR THE COUNTY TO BE ELIGIBLE TO RECEIVE THE STATE SHARE OF THE FOUNDATION PROGRAM FOR THE NEXT FISCAL YEAR SHALL BE CALCULATED BASED ON THE PER PUPIL LOCAL APPROPRIATION FOR THE PRIOR FISCAL YEAR OR THE SECOND PRIOR FISCAL YEAR, WHICHEVER IS GREATER.**

**(e) (3) For fiscal year 2011, and each fiscal year thereafter, a county board shall receive a supplemental grant equal to the amount the county board received under paragraph (2) of this subsection in THE PRIOR fiscal year [2010].**

5-205.

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

**(II) FOR FISCAL YEAR 2012, THE INCREASE IN THE AMOUNT OF A BASE GRANT FOR STUDENT TRANSPORTATION THAT IS BASED ON THE INCREASE IN THE PRIVATE TRANSPORTATION CATEGORY OF THE CONSUMER PRICE INDEX MAY NOT BE MORE THAN 1 PERCENT OF THE AMOUNT OF THE GRANT FOR THE PREVIOUS YEAR.**

~~5-202.~~

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

- ~~(i) Funding for the foundation program under this section;~~
- ~~(ii) In fiscal year 2009, [50%] 100% of the funding received under the GCEI adjustment grant program under subsection (f) of this section and in fiscal year 2010, [60%] 100% of the funding received under the GCEI adjustment grant program under subsection (f) of this section;~~
- ~~(iii) Transportation aid under § 5-205 of this subtitle;~~
- ~~(iv) Funding for compensatory education under § 5-207 of this subtitle;~~
- ~~(v) Funding for students with limited English proficiency under § 5-208 of this subtitle;~~
- ~~(vi) Funding for special education students under § 5-209 of this subtitle;~~
- ~~(vii) Funding for the guaranteed tax base program under § 5-210 of this subtitle;~~
- ~~(viii) [50%] 100% of the State payments for retirement contributions for employees of a local school system in accordance with the provisions of Division II of the State Personnel and Pensions Article; and~~
- ~~(ix) Funding for supplemental grants under this subsection.~~

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

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

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

5-206.

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

(2) The funding level for a county is:

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

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

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- 17. PRINCE GEORGE'S COUNTY.....\$1,209,426;**  
**18. QUEEN ANNE'S COUNTY.....\$50,074;**  
**19. ST. MARY'S COUNTY.....\$50,074;**  
**20. SOMERSET COUNTY.....\$38,292;**  
**21. TALBOT COUNTY.....\$38,292;**  
**22. WASHINGTON COUNTY.....\$134,904;**  
**23. WICOMICO COUNTY.....\$106,627; AND**  
**24. WORCESTER COUNTY \$38,292;**

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

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

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

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

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

6–306.

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

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

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

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

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

8-415.

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

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

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

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

**B. FOR FISCAL YEAR 2010 AND EACH SUBSEQUENT FISCAL YEAR THEREAFTER, AN ADDITIONAL AMOUNT EQUAL TO ~~50~~ 30 PERCENT**

**OF THE APPROVED COST OR REIMBURSEMENT IN EXCESS OF THE SUM OF ITEMS 1 AND 2 OF THIS SUBPARAGRAPH.**

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

15-106.6.

(b) (9) Money in the Fund may be expended only:

(i) To supplement General Fund appropriations to public senior higher education institutions **AND RESEARCH INSTITUTES OF THE UNIVERSITY SYSTEM OF MARYLAND;**

(ii) For [public senior higher education] capital projects **FOR PUBLIC SENIOR HIGHER EDUCATION INSTITUTIONS AND RESEARCH INSTITUTES OF THE UNIVERSITY SYSTEM OF MARYLAND;**

(iii) For workforce development initiatives administered by the Commission; and

(iv) For initiatives to address higher education needs related to the United States Department of Defense Base Realignment and Closure process.

16-305.

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

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

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

3.] In fiscal year 2009, not less than an amount equal to 26.25% of the State's General Fund appropriation per full-time equivalent student to the 4-year public institutions of higher education in the State as designated by the

Commission for the purpose of administering the Joseph A. Sellinger Program under Title 17 of this article in the previous fiscal year;

[4.] **2.** In fiscal year 2010, ~~not less than an amount equal to 27% ~~23.4%~~ 23.6%~~ of the State's General Fund appropriation per full-time equivalent student to the 4-year public institutions of higher education in the State as designated by the Commission for the purpose of administering the Joseph A. Sellinger Program under Title 17 of this article in the ~~previous~~ SAME fiscal year] ~~\$194,454,853;~~

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

[6.] **4.** In fiscal year 2012, not less than an amount equal to [29%] ~~24%~~ ~~26%~~ 25% of the State's General Fund appropriation per full-time equivalent student to the 4-year public institutions of higher education in the State as designated by the Commission for the purpose of administering the Joseph A. Sellinger Program under Title 17 of this article in the ~~previous~~ SAME fiscal year; [and]

[7.] **5.** In fiscal year 2013 [and in each fiscal year thereafter], not less than an amount equal to [30%] ~~26%~~ ~~28%~~ 27% of the State's General Fund appropriation per full-time equivalent student to the 4-year public institutions of higher education in the State as designated by the Commission for the purpose of administering the Joseph A. Sellinger Program under Title 17 of this article in the ~~previous~~ SAME fiscal year; AND

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

~~**7.**~~ **6.** IN FISCAL YEAR ~~2015~~ 2014 AND IN EACH FISCAL YEAR THEREAFTER, NOT LESS THAN AN AMOUNT EQUAL TO ~~30%~~ 29% OF THE STATE'S GENERAL FUND APPROPRIATION PER FULL-TIME EQUIVALENT STUDENT TO THE 4-YEAR PUBLIC INSTITUTIONS OF HIGHER EDUCATION IN THE STATE AS DESIGNATED BY THE COMMISSION FOR THE PURPOSE OF ADMINISTERING THE JOSEPH A. SELLINGER PROGRAM UNDER TITLE 17 OF THIS ARTICLE IN THE ~~PREVIOUS~~ SAME FISCAL YEAR.

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

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

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

16-512.

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

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

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

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

[(iv)] (II) In fiscal year 2010, ~~not less than an amount equal to 68% 64.6% 65.1%~~ of the State's General Fund appropriation per full-time equivalent student to the 4-year public institutions of higher education in the State as designated by the Commission for the purpose of administering the Joseph A. Sellinger Program under Title 17 of this article in the ~~previous~~ SAME fiscal year] ~~\$42,005,078;~~

[(v)] (III) In fiscal year 2011, not less than an amount equal to [69%] ~~63% 65%~~ 65.5% of the State's General Fund appropriation per full-time equivalent student to the 4-year public institutions of higher education in the State as designated by the Commission for the purpose of administering the Joseph A. Sellinger Program under Title 17 of this article in the ~~previous~~ SAME fiscal year;

[(vi)] (IV) In fiscal year 2012, not less than an amount equal to [70%] ~~65%~~ ~~67%~~ 66% of the State's General Fund appropriation per full-time equivalent student to the 4-year public institutions of higher education in the State as designated by the Commission for the purpose of administering the Joseph A. Sellinger Program under Title 17 of this article in the ~~previous~~ SAME fiscal year; [and]

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

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

~~(VII)~~ (VI) IN FISCAL YEAR ~~2015~~ 2014 AND EACH FISCAL YEAR THEREAFTER, NOT LESS THAN AN AMOUNT EQUAL TO ~~71%~~ 68.5% OF THE STATE'S GENERAL FUND APPROPRIATION PER FULL-TIME EQUIVALENT STUDENT TO THE 4-YEAR PUBLIC INSTITUTIONS OF HIGHER EDUCATION IN THE STATE AS DESIGNATED BY THE COMMISSION FOR THE PURPOSE OF ADMINISTERING THE JOSEPH A. SELLINGER PROGRAM UNDER TITLE 17 OF THIS ARTICLE IN THE ~~PREVIOUS~~ SAME FISCAL YEAR.

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

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

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

17-104.

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

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

~~(2)~~ **(1)** ~~(i)~~ [In each of fiscal years 2003 and 2004, an amount not less than 14.3% of the State's General Fund per full-time equivalent student appropriation to the 4-year public institutions of higher education in this State for the preceding fiscal year;

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

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

**(2) IN FISCAL YEAR 2010, AN AMOUNT NOT LESS THAN 12.85% OF THE STATE'S GENERAL FUND PER FULL-TIME EQUIVALENT STUDENT APPROPRIATION TO THE 4-YEAR PUBLIC INSTITUTIONS OF HIGHER EDUCATION IN THE STATE FOR THE SAME FISCAL YEAR;**

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

~~(III)~~ ~~(II)~~ **(3) IN FISCAL YEAR EACH OF FISCAL YEARS 2010 AND FISCAL YEAR 2011, AN AMOUNT NOT LESS THAN 11.7% 11.2% 13% OF THE STATE'S GENERAL FUND PER FULL-TIME EQUIVALENT STUDENT APPROPRIATION TO THE 4-YEAR PUBLIC INSTITUTIONS OF HIGHER EDUCATION IN THIS STATE FOR THE PRECEDING SAME FISCAL YEAR;**

~~(IV)~~ ~~(III)~~ **(4) IN FISCAL YEAR 2012, AN AMOUNT NOT LESS THAN 12.7% 13.5% OF THE STATE'S GENERAL FUND PER FULL-TIME EQUIVALENT STUDENT APPROPRIATION TO THE 4-YEAR PUBLIC INSTITUTIONS OF HIGHER EDUCATION IN THIS STATE FOR THE PRECEDING SAME FISCAL YEAR;**

~~(V)~~ ~~(IV)~~ **(5) IN FISCAL YEAR 2013, AN AMOUNT NOT LESS THAN 13.7% 14% OF THE STATE'S GENERAL FUND PER FULL-TIME EQUIVALENT STUDENT APPROPRIATION TO THE 4-YEAR PUBLIC INSTITUTIONS OF HIGHER EDUCATION IN THIS STATE FOR THE PRECEDING SAME FISCAL YEAR;**

~~(VI)~~ ~~(V)~~ **(6)** IN FISCAL YEAR 2014, AN AMOUNT NOT LESS THAN ~~14.7%~~ 14.5% OF THE STATE'S GENERAL FUND PER FULL-TIME EQUIVALENT STUDENT APPROPRIATION TO THE 4-YEAR PUBLIC INSTITUTIONS OF HIGHER EDUCATION IN THIS STATE FOR THE ~~PRECEDING~~ SAME FISCAL YEAR; AND

~~(VII)~~ ~~(VI)~~ **(7)** IN FISCAL YEAR 2015 AND EACH FISCAL YEAR THEREAFTER, AN AMOUNT NOT LESS THAN ~~16%~~ 15.5% OF THE STATE'S GENERAL FUND PER FULL-TIME EQUIVALENT STUDENT APPROPRIATION TO THE 4-YEAR PUBLIC INSTITUTIONS OF HIGHER EDUCATION IN THIS STATE FOR THE ~~PRECEDING~~ SAME FISCAL YEAR.

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

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

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

22-303.

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

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

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

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

23-205.

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

(2) The allocation shall be calculated as follows:

- (i) [For fiscal year 2006.....\$4.50 per each resident of the area served;
- (ii) For fiscal year 2007.....\$5.50 per each resident of the area served;
- (iii) For fiscal year 2008.....\$6.50 per each resident of the area served;
- (iv)] For fiscal year 2009..... \$6.50 per each resident of the area served;

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

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

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

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

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

(2) The allocation shall be calculated as follows:

- (i) [For fiscal year 2001.....\$1.35 per State resident;
- (ii) For fiscal year 2002.....\$1.55 per State resident;
- (iii) For fiscal year 2003.....\$1.70 per State resident; and
- (iv)] For fiscal year [2004 and each fiscal year thereafter] **2009**.....\$1.85 per State resident;

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

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

23-503.

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

(i) [For fiscal year 2006 – \$12.00;

(ii) For fiscal year 2007 – \$13.00;

(iii) For fiscal year 2008 – \$14.00;

(iv)] For fiscal year 2009 – \$14.00;

[(v)] (II) For fiscal year 2010 – [\$15.00; and] ~~\$13.50~~ **\$14.00;**

[(vi)] (III) For fiscal year 2011 [and each fiscal year thereafter] – [\$16.00] ~~\$13.50~~ **\$14.00;**

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

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

### Article – Environment

9-275.

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

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

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

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

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

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

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

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

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

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

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

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

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

### **Article - Health - General**

2-104.

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

fund the Maryland AIDS Drug Assistance Program AND THE MARYLAND AIDS INSURANCE ASSISTANCE PROGRAM.

~~13-1015.~~

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

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

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

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

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

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

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

15-701.

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

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

(i) An Act of the General Assembly; or

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

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

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

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

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

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

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

19-214.

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

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

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

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

**Article - Human Services**

9-216.

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

### Article - Insurance

~~14-106.~~

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

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

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

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

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

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

~~1. operating grants to community health resources;~~

~~2. funding for a unified data information system;~~

~~3. the documented direct costs of fulfilling the statutory and regulatory duties of the Commission; and~~

~~4. the administrative costs of the Commission.~~

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

~~1. \$2,000,000 in fiscal year 2006; [and]~~

~~2. in EACH OF fiscal [year 2007 and annually thereafter] YEARS 2007, 2008, AND 2009, the value of the premium tax exemption less:~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

14-501.

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

(i) the federal Medicare program;

(ii) **UNLESS THE INDIVIDUAL IS ELIGIBLE FOR A SUBSIDY OF PLAN COSTS PROVIDED BY THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE UNDER A MEDICAID WAIVER PROGRAM,** the Maryland Medical Assistance Program;

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

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

### **Article - Natural Resources**

5-902.

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

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

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

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

5-903.

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

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

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

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

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

(ii) At least \$1,500,000 of the State's share of funds available under subparagraph (i)1A of this paragraph for this program shall be utilized to make grants to Baltimore City for projects which meet park purposes. The grants shall be in addition to any funds Baltimore City is eligible to receive under subsection (b) of this section, and may be used for acquisition or development. In order for Baltimore City to

be eligible for a State grant, the Department shall review projects or land to be acquired within Baltimore City, and upon the Department's recommendation, the Board of Public Works may approve projects and land including the cost. Title to the land shall be in the name of the Mayor and City Council of Baltimore City. The State is not responsible for costs involved in the development or maintenance of the land.

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

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

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

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

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

(i) Approved in the State budget; and

(ii) Compatible with:

1. Any master plan developed for the land; and

2. The natural features of the land.

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

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

8-707.

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

8-709.

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

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

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

- (i) In fiscal year 2006, 8%;
- (ii) In fiscal year 2007, 6%;
- (iii) In fiscal year 2008, 4%; and
- (iv) In fiscal year 2009, 2%; and

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

### Article – Public Utility Companies

7-512.1.

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

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

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

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

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

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

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

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

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

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

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

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

2. apply for assistance from the fund before the end of the given fiscal year; and
3. remain eligible for assistance at the time services are provided.

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

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

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

#### 3–306.

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

~~7-325.~~

~~(a) (1) FOR EACH OF FISCAL YEARS 2010 AND 2011, THE GOVERNOR SHALL INCLUDE IN THE ANNUAL BUDGET BILL SUBMITTED TO THE GENERAL ASSEMBLY A GENERAL FUND APPROPRIATION FOR THE MARYLAND STATE ARTS COUNCIL OF NOT LESS THAN \$10,545,740.~~

~~(2) FOR FISCAL YEAR 2012, THE GOVERNOR SHALL INCLUDE IN THE BUDGET BILL SUBMITTED TO THE GENERAL ASSEMBLY A GENERAL FUND APPROPRIATION FOR THE MARYLAND STATE ARTS COUNCIL OF NOT LESS THAN \$13,545,740.~~

~~(3) FOR FISCAL YEAR 2013, THE GOVERNOR SHALL INCLUDE IN THE BUDGET BILL SUBMITTED TO THE GENERAL ASSEMBLY A GENERAL FUND APPROPRIATION FOR THE MARYLAND STATE ARTS COUNCIL OF NOT LESS THAN \$16,545,740.~~

~~(4) For [each] fiscal year 2014 AND EACH FISCAL YEAR THEREAFTER, the Governor shall include in the annual budget bill submitted to the General Assembly a General Fund appropriation for the Maryland State Arts Council in an amount not less than the amount of the General Fund appropriation for the Council as approved in the State budget as enacted by the General Assembly for the prior fiscal year, increased by not less than the percentage by which the projected total General Fund revenues for the upcoming fiscal year exceed the revised estimate of total General Fund revenues for the current fiscal year, as contained in the report of estimated State revenues submitted by the Board of Revenue Estimates to the Governor under § 6-106(b) of this article.~~

#### Article - State Personnel and Pensions

~~2-516.~~

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

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

~~21-307.~~

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

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

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

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

34-101.

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

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

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

### Article – Tax – General

2–606.

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

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

(2) that is attributable to:

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

(ii) estimated income tax payments by individuals.

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

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

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

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

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

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

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

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

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

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

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

2-608.

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

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

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

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

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

**(D) THE COMPTROLLER SHALL ADJUST THE AMOUNT DISTRIBUTED UNDER SUBSECTION (A) OF THIS SECTION TO A COUNTY TO ALLOW FOR A**

PROPORTIONATE PART OF THE REDUCTION MADE UNDER SUBSECTION (C) OF THIS SECTION.

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

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

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

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

2-613.1.

After making the distribution required under § 2-613 of this subtitle:

(1) of the remaining income tax revenue from corporations, the Comptroller shall distribute:

(i) for fiscal year 2008 only:

1. \$16,000,000 to the Higher Education Investment Fund established under § 15-106.6 of the Education Article; and

2. the amount by which 15.15% of the remaining income tax revenue from corporations exceeds \$16,000,000 to the General Fund; and

(ii) for [fiscal year] EACH OF FISCAL YEARS 2009 AND 2010 only:

1. 6% to the Higher Education Investment Fund established under § 15-106.6 of the Education Article; and

2. 9.15% to the General Fund; and

(2) for fiscal year [2010] 2011 and subsequent fiscal years, the Comptroller shall distribute 15.15% of the remaining income tax revenue from corporations to the General Fund of the State.

2-1104.

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

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

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

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

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

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

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

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

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

2-1302.1.

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

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

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

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

- (1) \$18,500,000 to the General Fund of the State; and
- (2) the remainder to the Chesapeake Bay 2010 Trust Fund.

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

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

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

8-406.

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

1. ~~[\$9,000,000] ~~\$3,000,000~~ \$4,500,000 for a calendar year beginning after December 31, ~~[2006] 2008~~, but before January 1, ~~2011~~ 2013;~~

2. \$6,000,000 for a calendar year beginning after December 31, ~~2010~~ 2012, but before January 1, 2015; or

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

### ~~Article Tax Property~~

~~2-106.~~

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

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

- ~~(1) 90% OF THE COSTS OF REAL PROPERTY VALUATION;~~
- ~~(2) 90% OF THE COSTS OF BUSINESS PROPERTY VALUATION; AND~~
- ~~(3) 75% OF THE COSTS OF THE OFFICE OF INFORMATION TECHNOLOGY WITHIN THE DEPARTMENT, INCLUDING ANY FUNDING FOR DEPARTMENTAL PROJECTS IN THE MAJOR INFORMATION TECHNOLOGY DEVELOPMENT PROJECT FUND ESTABLISHED UNDER § 3A-309 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.~~

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

- ~~(1) COSTS UNDER SUBSECTION (B)(1) AND (3) OF THIS SECTION WILL BE ALLOCATED BASED ON THE NUMBER OF REAL PROPERTY ACCOUNTS OF A COUNTY OR BALTIMORE CITY AS A PERCENTAGE OF THE TOTAL NUMBER OF REAL PROPERTY ACCOUNTS STATEWIDE AS OF JULY 1 OF THE PRECEDING FISCAL YEAR; AND~~
- ~~(2) COSTS UNDER SUBSECTION (B)(2) OF THIS SECTION WILL BE ALLOCATED BASED ON THE BUSINESS PERSONAL PROPERTY ASSESSABLE BASE OF A COUNTY OR BALTIMORE CITY AS A PERCENTAGE OF THE TOTAL BUSINESS PERSONAL PROPERTY ASSESSABLE BASE STATEWIDE AS OF JULY 1 OF THE PRECEDING FISCAL YEAR.~~

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

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

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

**Article - Tax - Property****13-209.**

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

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

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

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

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

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

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

**(2) FOR ANY FISCAL YEAR BEGINNING ON OR AFTER JULY 1, 2010, BUT BEFORE JULY 1, 2013, FOR WHICH FUNDING IS PROVIDED FOR AN ELIGIBLE PURPOSE THROUGH THE STATE CONSOLIDATED CAPITAL BOND FUNDING PROGRAM OR OTHER BOND ENABLING ACT:**

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

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

**FOR EACH ELIGIBLE PURPOSE BY THE AMOUNT OF FUNDING PROVIDED FOR THAT PURPOSE UNDER THE BOND ENABLING ACT.**

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

**Article – Transportation**

4–321.

(e) The Governor shall transfer to the Authority for the Intercounty Connector:

(1) From the Transportation Trust Fund, at least \$30,000,000 each year for fiscal years 2007 through 2010;

(2) From the General Fund **OR GENERAL OBLIGATION BONDS**, an aggregate appropriation by fiscal year 2011 equal to \$264,913,000, as follows:

(i) \$53,000,000 for fiscal year 2007;

(ii) [~~\$85,000,000~~ for fiscal year 2009;

(iii) \$63,000,000] ~~\$146,900,000~~ ~~\$98,000,000~~ \$55,000,000 for fiscal year 2010; and

[(iv)] (iii) [\$63,913,000] ~~\$65,013,000~~ \$113,913,000 \$156,913,000 for fiscal year 2011; and

(3) At least \$10,000,000 federal aid from any source in amounts as deemed prudent.

**Chapter 306 of the Acts of 2004**

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

**Chapter 307 of the Acts of 2004**

SECTION 8. AND BE IT FURTHER ENACTED, That the State Department of Education shall adopt regulations that provide for periodic surveys of the condition of

public school facilities in Maryland at least every 4 years. The surveys should be similar to the Facility Assessment Survey that the State Department conducted, at the direction of the Task Force to Study Public School Facilities, in 2003. [The State shall provide funds necessary to conduct the survey.]

### **Chapter 487 of the Acts of 2004**

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

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

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

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

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

### **Chapter 535 of the Acts of 2004**

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

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

SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

### **Article 24 – Political Subdivisions – Miscellaneous Provisions**

9-1101.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

### **Article - Correctional Services**

9-402.

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

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

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

**(2) for each fiscal year, the Secretary shall determine for each county the difference between the actual number of inmate days for the previous fiscal year and the average number of inmate days and multiply this number of inmate days, if positive, by 85% of the rate of reimbursement set forth in § 9-403 of this subtitle] A GRANT EQUAL TO AT LEAST \$45 FOR EACH DAY FROM THE END OF THE 12TH**

MONTH THROUGH THE END OF THE 18TH MONTH THAT A SENTENCED INMATE WAS CONFINED IN A LOCAL CORRECTIONAL FACILITY DURING THE SECOND PRECEDING FISCAL YEAR.

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

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

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

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

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

### **Article - State Government**

9-117.

(a) (1) (I) ~~During a calendar year, a~~ **EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH,** A licensed agent shall receive regular commissions of ~~[5.5%]~~ **5.0%** of the licensed agent's gross receipts from ticket sales ~~made during that year.~~

**(II) FOR FISCAL YEARS 2010 THROUGH 2012 ONLY, A LICENSED AGENT SHALL RECEIVE REGULAR COMMISSIONS OF 5.0% OF THE LICENSED AGENT'S GROSS RECEIPTS FROM TICKET SALES.**

### **Article - Tax - General**

10-210.1.

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

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

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

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

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

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

**(4) AN AMOUNT IS ADDED TO OR SUBTRACTED FROM FEDERAL ADJUSTED GROSS INCOME TO REFLECT THE RECOGNITION OF INCOME FROM DISCHARGE OF INDEBTEDNESS AND THE ALLOWANCE OF ANY DEDUCTION WITH RESPECT TO ORIGINAL ISSUE DISCOUNT WITHOUT REGARD TO § 108(I) OF THE INTERNAL REVENUE CODE; AND**

~~(4)~~ **(5)** an amount is added to or subtracted from federal adjusted gross income to reflect the determination of the depreciation deduction with respect to any heavy duty SUV as if the heavy duty SUV were subject to the limitations of § 280F of the Internal Revenue Code in the same manner as it would be if the vehicle were rated at 6,000 pounds gross vehicle weight or less.

10-310.

*In addition to the modifications under §§ 10-305 through 10-309 of this subtitle, to determine Maryland modified income the federal taxable income of a corporation shall be adjusted as provided for an individual under § 10-210.1 of this title.*

~~SECTION 3. AND BE IT FURTHER ENACTED, That the Laws of Maryland 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~~ **TO THE FOLLOWING ACCOUNTS:**

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

(2) 23% **SHALL BE CREDITED TO A RATE RELIEF ACCOUNT** to provide rate relief by offsetting electricity rates of residential customers, including an

offset of surcharges imposed on ratepayers under § 7-211 of the Public Utility Companies Article, on a per customer basis and in a manner prescribed by the Public Service Commission;

(3) at least ~~{46%}~~ ~~17.5%~~ **SHALL BE CREDITED TO A LOW AND MODERATE INCOME EFFICIENCY AND CONSERVATION PROGRAMS ACCOUNT AND TO A GENERAL EFFICIENCY AND CONSERVATION PROGRAMS ACCOUNT** for energy efficiency and conservation programs, projects, or activities and demand response programs, of which at least one-half shall be targeted to **THE LOW AND MODERATE INCOME EFFICIENCY AND CONSERVATION PROGRAMS ACCOUNT FOR:**

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

(ii) the moderate-income residential sector;

(4) ~~{up to 10.5%}~~ ~~AT LEAST 6.5%~~ **SHALL BE CREDITED TO A RENEWABLE AND CLEAN ENERGY PROGRAMS ACCOUNT** for:

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

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

(iii) climate change programs; and

(5) up to ~~{3.5%}~~ ~~3.0%~~, but not more than \$4,000,000, **SHALL BE CREDITED TO AN ADMINISTRATIVE EXPENSE ACCOUNT** for costs related to the administration of the Fund, including the review of electric company plans for achieving electricity savings and demand reductions that the electric companies are required under law to submit to the Administration.

**(G-1) THE PROCEEDS DESCRIBED IN SUBSECTION (G) OF THIS SECTION FROM THE ALLOWANCES SOLD BETWEEN MARCH 1, 2009, AND JUNE 30, 2011, SHALL BE ALLOCATED IN FISCAL YEARS 2010 AND 2011 AS FOLLOWS:**

**(1) UP TO 50% SHALL BE ~~TRANSFERRED TO THE DEPARTMENT OF HUMAN RESOURCES~~ CREDITED TO AN ENERGY ASSISTANCE ACCOUNT TO BE USED AS DESCRIBED IN SUBSECTION (G)(1) OF THIS SECTION;**

**(2) 23% SHALL BE CREDITED TO A RATE RELIEF ACCOUNT TO BE ALLOCATED AS PROVIDED IN SUBSECTION (G)(2) OF THIS SECTION;**

**(3) AT LEAST 17.5% SHALL BE CREDITED TO A LOW AND MODERATE INCOME EFFICIENCY AND CONSERVATION PROGRAMS ACCOUNT AND**

TO A GENERAL EFFICIENCY AND CONSERVATION PROGRAMS ACCOUNT TO BE ALLOCATED AS PROVIDED IN SUBSECTION (G)(3) OF THIS SECTION;

(4) AT LEAST 6.5% SHALL BE CREDITED TO A RENEWABLE AND CLEAN ENERGY PROGRAMS ACCOUNT TO BE ALLOCATED AS PROVIDED IN SUBSECTION (G)(4) OF THIS SECTION; AND

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

*(j) (1) The Treasurer shall invest the money of the Fund in the same manner as other State money may be invested.*

*(2) Any investment earnings of the Fund shall be paid into AN ADMINISTRATIVE EXPENSE ACCOUNT WITHIN the Fund.*

*(3) Any repayment of principal and interest on loans made from the Fund shall be paid into the Fund.*

*(4) Balances in the Fund shall be held for the benefit of the Program, shall be expended solely for the purposes of the Program, and may not be used for the general obligations of government.*

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

### **Article - Health - General**

13-1015.

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

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

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

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

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

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

13-1116.

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

13-1117.

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

13-1118.

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

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

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

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

~~\$20,000,000~~ ~~\$30,000,000~~ \$29,000,000 of the funds in the accounts of the University System of Maryland;

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

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

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

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

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

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

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

~~\$5,000,000~~ ~~\$10,000,000~~ \$6,000,000 of the funds in the Maryland Economic Development Assistance Authority Fund established under § 5–310 of the Economic Development Article;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

~~\$5,000,000~~ ~~\$10,000,000~~ \$6,000,000 of the funds in the Maryland Economic Development Assistance Authority Fund established under § 5–310 of the Economic Development Article; and

~~\$5,000,000~~ ~~\$15,000,000~~ \$10,000,000 of the funds in the Central Collection Fund established under § 3–306 of the State Finance and Procurement Article; ~~and~~

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

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

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

SECTION 6. AND BE IT FURTHER ENACTED, That, notwithstanding the provisions of § 3A–506 of the State Finance and Procurement Article, in fiscal year 2010 the Governor may transfer by budget amendment up to ~~\$1,000,000~~ \$5,000,000 from the Universal ~~Services~~ Service Trust Fund to the Maryland School for the Deaf. For purposes of determining the minimum appropriation for the Maryland School for the Deaf under § 8–310.3(b) of the Education Article for fiscal year 2011, the prior year

appropriation shall be deemed to include any General Fund appropriation for fiscal year 2010 for the Maryland School for the Deaf and any amount transferred to the Maryland School for the Deaf for fiscal year 2010 under this section.

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

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

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

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

SECTION 10. AND BE IT FURTHER ENACTED, That, notwithstanding the provisions of § 17-302 of the Education Article, ~~no payments shall be made by the State on \$119,731 of the outstanding obligations of the Private Donation Incentive Program in fiscal year 2010. Deferred fiscal year 2010 payments shall be paid in fiscal year 2011~~ shall be deferred until, and paid in, fiscal year 2011.

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

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

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

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

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

<u>Allegany</u>	<u>\$ 1,831, 846</u>
<u>Anne Arundel</u>	<u>7,996,894</u>
<u>Baltimore City</u>	<u>19,871,424</u>
<u>Baltimore</u>	<u>10,757,194</u>
<u>Calvert</u>	<u>1,777,551</u>
<u>Caroline</u>	<u>1,272,303</u>
<u>Carroll</u>	<u>3,592,233</u>
<u>Cecil</u>	<u>1,990,712</u>
<u>Charles</u>	<u>2,578,168</u>
<u>Dorchester</u>	<u>1,406,739</u>
<u>Frederick</u>	<u>4,738,497</u>
<u>Garrett</u>	<u>1,592,885</u>
<u>Harford</u>	<u>4,171,792</u>
<u>Howard</u>	<u>3,960,732</u>
<u>Kent</u>	<u>714,961</u>
<u>Montgomery</u>	<u>11,235,610</u>
<u>Prince George's</u>	<u>9,788,358</u>
<u>Queen Anne's</u>	<u>1,472,251</u>
<u>St. Mary's</u>	<u>1,979,073</u>
<u>Somerset</u>	<u>849,884</u>
<u>Talbot</u>	<u>1,171,692</u>
<u>Washington</u>	<u>3,047,889</u>
<u>Wicomico</u>	<u>2,375,652</u>
<u>Worcester</u>	<u>1,745,660</u>

(c) For purposes of determining a municipality's net share of highway user revenues under § 8-405 of the Transportation Article:

(1) 31.63% of the reduction specified under subsection (b) of this section shall be deducted from the gross share of highway user revenues allocated to the county within which the municipality is located;

(2) 68.37% of the reduction specified under subsection (b) of this section shall be deducted from the net share of highway user revenues allocated to the county within which the municipality is located; and

(3) the municipality's net share of highway user revenues shall be determined based on the gross share of highway user revenues allocated to the county

within which the municipality is located, calculated after the deduction under item (1) of this subsection but before the deduction under item (2) of this subsection.

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

SECTION 14. AND BE IT FURTHER ENACTED, That, notwithstanding any provision of law, State employees employed by any entity ~~to which funds are appropriated in the State budget~~, including the University System of Maryland, Morgan State University, and St. Mary's College of Maryland, may not receive bonuses related to individual performance, merit increases, or cost-of-living adjustments in fiscal year 2010. This provision does not affect:

(1) salaries for constitutional officers or members of the General Assembly ~~or~~;

(2) increases necessary for the retention of faculty in the University System of Maryland, Morgan State University, or St. Mary's College of Maryland; or

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

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

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

### **Chapter 245 of the Acts of 2008**

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

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

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

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

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

(i) the health care coverage expansion; and

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

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

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

(1) 22.4% of the funds shall be deposited in the separate account to be used as provided under § 9–1605.2(h)(2)(i) of the Environment Article; and

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

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

**Chapter 62 of the Acts of 1992**

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

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

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

SECTION 19. AND BE IT FURTHER ENACTED, That, notwithstanding § 9–305 of the State Personnel and Pensions Article, an employee entitled to compensation for unused annual leave upon termination of State employment during a mandatory temporary salary reduction plan shall receive such compensation at the employee’s rate of compensation in effect immediately prior to the temporary salary reduction. This section shall be construed to apply retroactively and shall be applied to and interpreted to affect the calculation of unused annual leave payouts for employees leaving State employment on or after February 11, 2009.

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

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

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

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

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

SECTION 25. AND BE IT FURTHER ENACTED, That, notwithstanding § 7–325 of the State Finance and Procurement Article or any other provision of law, the minimum General Fund appropriation that the Governor is required to include in the annual budget bill for fiscal year 2011 for the Maryland State Arts Council is ~~\$13,454,740~~ \$13,545,740 and the minimum General Fund appropriation that the Governor is required to include in the annual budget bill for fiscal year 2012 for the Maryland State Arts Council shall be as determined under § 7–325 of the State Finance and Procurement Article.

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

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

(a) ~~The State shall make a payment of~~ In addition to the appropriation required under the State Foundation Program, the Governor shall appropriate \$24,171,216 to Montgomery County Public Schools in fiscal year ~~2010~~ 2009 to compensate for underpayment of State education aid to Montgomery County in fiscal year 2009 due to an error in the application of the education aid formula.

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

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

(c) (1) The State shall recoup overpayments made to other local education agencies for fiscal year 2010 as a result of the error in the application of the education aid formula through ~~an intercept~~ a reduction of the appropriation in the State Foundation Program – Supplemental Grants (Budget Code RA02.01) in fiscal year 2011 in the following amounts:

<u>Allegany</u>	<u>\$ 433,637</u>
<u>Caroline</u>	<u>360,353</u>

<u>Carroll</u>	<u>619,714</u>
<u>Cecil</u>	<u>471,190</u>
<u>Dorchester</u>	<u>340,884</u>
<u>Harford</u>	<u>977,701</u>
<u>Prince George's</u>	<u>68,379</u>
<u>St. Mary's</u>	<u>1,432,084</u>

(2) For fiscal year 2011, the supplemental grant to a county board required under § 5-202(e) of the Education Article shall equal the supplemental grant received by the county board in fiscal year 2010, as reduced by the amount specified under paragraph (1) of this subsection.

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

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

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

SECTION 29. AND BE IT FURTHER ENACTED, That, notwithstanding §§ 8-403 through 8-405 of the Transportation Article or any other provision of law, for fiscal year 2010 only:

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

*(a) \$60,000,000 of the amounts otherwise required to be distributed to Baltimore City and the counties under § 8-403 of the Transportation Article shall be distributed instead to the General Fund; and*

*(b) The amount to be distributed to Baltimore City under § 8-403(a) of the Transportation Article and each county's net share of highway user revenues shall be reduced by the following amounts:*

<u>Allegany</u>	<u>\$ 319,000</u>
<u>Anne Arundel</u>	<u>9,059,000</u>
<u>Baltimore City</u>	<u>2,963,000</u>
<u>Baltimore</u>	<u>8,901,000</u>
<u>Calvert</u>	<u>1,193,000</u>
<u>Caroline</u>	<u>304,000</u>
<u>Carroll</u>	<u>1,639,000</u>
<u>Cecil</u>	<u>1,004,000</u>
<u>Charles</u>	<u>1,551,000</u>
<u>Dorchester</u>	<u>320,000</u>
<u>Frederick</u>	<u>2,573,000</u>
<u>Garrett</u>	<u>350,000</u>
<u>Harford</u>	<u>2,150,000</u>
<u>Howard</u>	<u>3,202,000</u>
<u>Kent</u>	<u>239,000</u>
<u>Montgomery</u>	<u>12,088,000</u>
<u>Prince George's</u>	<u>5,600,000</u>
<u>Queen Anne's</u>	<u>682,000</u>
<u>St. Mary's</u>	<u>947,000</u>
<u>Somerset</u>	<u>108,000</u>
<u>Talbot</u>	<u>968,000</u>
<u>Washington</u>	<u>1,349,000</u>
<u>Wicomico</u>	<u>569,000</u>
<u>Worcester</u>	<u>1,921,000</u>

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

~~(2) Notwithstanding the provisions of § 2-608 of the Tax General Article, in lieu of reductions in specific appropriations for aid to the counties and Baltimore City, for ease in accounting and to provide the counties and Baltimore City~~

~~flexibility in managing their affairs, the Comptroller shall withhold from each county or Baltimore City an amount of the income tax from individuals attributable to the county or Baltimore City income tax equal to the amount specified in paragraph (1) of this subsection.~~

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

*SECTION 30. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:*

**Article - Transportation**

8-403.

(a) (1) Subject to the limitation under paragraph (2) of this subsection and subject to §§ 3-307 and 3-308 of this article, during each fiscal year, of the total highway user revenues, an amount shall be distributed to Baltimore City equal to the sum of:

(i) The greater of \$157,500,000 or 11.5% of the total highway user revenues for the fiscal year; and

(ii) 11.5% of the amount by which:

1. [30%] 28.5% of the total highway user revenues for the fiscal year minus the greater of \$157,500,000 or 11.5% of total highway user revenues for the fiscal year; exceeds

2. [30%] 28.5% of the total highway user revenues for the fiscal year that began July 1, 1997 minus the greater of \$157,500,000 or 11.5% of the total highway user revenues for the fiscal year that began July 1, 1997.

[(2) If the amount distributed to Baltimore City under paragraph (1) of this subsection for any fiscal year is less than 12.25% of the total highway user revenues for the fiscal year, the amount distributed to Baltimore City for any subsequent fiscal year that begins before July 1, 2007 may not exceed 12.25% of the total highway user revenues for the fiscal year for which the distribution is made.]

[(3)] (2) The amount distributed under this subsection shall be distributed in monthly installments.

(b) Subject to §§ 3-307 and 3-308 of this article, during each fiscal year, [30%] 28.5% of the total highway user revenues, less the amount distributed to Baltimore City under subsection (a) of this section, shall be distributed to the counties and municipalities of this State at the times specified in § 8-407 of this subtitle.

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

(a) On or before June 30, 2009, the Governor may transfer to the General Fund \$70,000,000 of the unencumbered balance of the funds for State land acquisition under Program Open Space in the special fund established under § 13-209 of the Tax – Property Article.

(b) A transfer of funds from the special fund to the General Fund under this section may not be taken into account for purposes of determining any allocation or appropriation required under § 13-209(f) or (g) of the Tax – Property Article.

SECTION ~~30~~ 32. AND BE IT FURTHER ENACTED, That, notwithstanding any other provisions of law:

(a) Subject to subsection (b) of this section, on or before June 30, 2009, in addition to amounts transferred under Section 31 of this Act, the Governor may transfer to the General Fund \$71,300,000 of the funds for State land acquisition in the special fund established under § 13-209 of the Tax – Property Article. A transfer of funds from the special fund to the General Fund under this subsection may not be taken into account for purposes of determining any allocation or appropriation required under § 13-209(f) or (g) of the Tax – Property Article.

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

SECTION ~~31~~ 33. AND BE IT FURTHER ENACTED, That, notwithstanding any other provisions of law:

(a) Subject to subsection (b) of this section, on or before June 30, 2010, the Governor may transfer to the General Fund ~~\$46,955,634~~ \$30,971,139 of the funds in the special fund established under § 13-209 of the Tax – Property Article. A transfer of funds from the special fund to the General Fund under this subsection may not be taken into account for purposes of determining any allocation or appropriation required under § 13-209(f) or (g) of the Tax – Property Article.

(b) Subsection (a) of this section is contingent on the taking effect of legislation authorizing the creation of State general obligation debt totaling ~~\$46,955,634~~ \$30,971,139 for the following purposes:

Program Open Space – State Acquisition

\$ 9,835,419

<u>Rural Legacy</u>	<u>11,812,252</u>
<u>Program Open Space — Local Share</u>	<u>6,149,076</u>
<u>Program Open Space — Capital Improvements</u>	<u>6,159,107</u>
<u>Maryland Agricultural Land Preservation Foundation</u>	<u>12,999,780</u>

If legislation authorizing the creation of State general obligation debt totaling ~~\$46,955,634~~ \$30,971,139 for the purposes described in this subsection does not become effective, subsection (a) of this section shall be null and void without the necessity of further action by the General Assembly.

SECTION 34. AND BE IT FURTHER ENACTED, That notwithstanding any provision of law that requires the Governor to include a certain level of funding in the annual budget bill for a specific program or item, and notwithstanding any other provision of law, for fiscal years 2011 and 2012 only:

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

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

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

(2) the State's employer contribution to the State Retirement and Pension System required under § 21-308 of the State Personnel and Pensions Article; or

(3) any appropriation required to the Revenue Stabilization Account of the State Reserve Fund under § 7-311 of the State Finance and Procurement Article.

SECTION 35. AND BE IT FURTHER ENACTED, That, notwithstanding any other provision of law, for fiscal year 2011 only, the Governor is not required to include in the budget bill any appropriation to the Revenue Stabilization Account of the State Reserve Fund otherwise required under § 7-311 of the State Finance and Procurement Article to the extent that the Governor determines that the appropriation would result in the loss of funds otherwise made available to the State under the American Recovery and Reinvestment Act of 2009 (P.L. 111-5).

SECTION 36. AND BE IT FURTHER ENACTED, That:

(a) It is the intent of the General Assembly that if the General Assembly determines it to be affordable and fiscally prudent to do so, legislation shall be enacted to:

(1) make permanent the distribution of corporate income tax revenues required under § 2-613.1 of the Tax – General Article to the Higher Education Investment Fund established in §15-106.6 of the Education Article; and

(2) adopt the recommendations of the Commission to Develop the Maryland Model for Funding Higher Education published in the December 2008 Final Report, which include establishing a funding model for higher education comprised of high State support of higher education institutions, moderate tuition levels for Maryland residents, high State need-based financial aid, and accountability that assesses the State's and institutions' progress in reaching the funding model's goals at least annually.

(b) Until legislation is enacted to adopt the recommendations of the Commission to Develop the Maryland Model for Funding Higher Education, the Maryland Higher Education Commission shall incorporate the recommendations of the Commission in the updated State Plan for Higher Education required under § 11-105(b) of the Education Article and implement those recommendations that do not require legislation, in collaboration with institutions of higher education, the P-20 Council, and other stakeholders, to the greatest extent possible as provided in the State budget.

SECTION 37. AND BE IT FURTHER ENACTED, That, notwithstanding the provisions of Section 12 of Chapter 3 of the Acts of the General Assembly of the 2007 Special Session, for fiscal year 2010 and subsequent fiscal years, the distribution of the income tax revenue from corporations under §§ 2-613.1 through 2-615 of the Tax – General Article shall be made based on receipts from income tax revenue from corporations and without regard to the taxable years for which revenues are received.

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

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

(b) Subject to subsection (c) of this section, up to \$2,000,000 of the balance in the Fund may be transferred to the Maryland Information Technology Development Project Fund (program F50A01.01) for the purpose of funding the purchase of a new Optical Scan Voting System.

(c) A transfer under this section may not reduce the balance in the Fund below \$1,000,000.

(d) Any funds transferred from the Fair Campaign Financing Fund to the Major Information Technology Development Project Fund as authorized under this section that are not used to purchase a new Optical Scan Voting System may not be retained by the Major Information Technology Development Project Fund and may only

be transferred to the Maryland Election Modernization Fund established under § 2-107 of the Election Law Article.

SECTION 39. AND BE IT FURTHER ENACTED, That:

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

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

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

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

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

SECTION 40. AND BE IT FURTHER ENACTED, That, notwithstanding any other provision of law, for fiscal year 2010 only, on or before May 1, 2009, a county may request from the State Board of Education a temporary or partial waiver from the provisions of § 5-202(d) of the Education Article. For a waiver requested by a county after April 1, 2009, the State Board of Education shall inform a county on or before June 1, 2009, whether the waiver for fiscal year 2010 is approved or denied in whole or in part. This section shall be construed to apply retroactively and shall apply to temporary or partial waivers requested on or before May 1, 2009. If a county requested a waiver from the provisions of § 5-202(d) of the Education Article on or before April 1, 2009, the county may make a request under this section to modify the earlier request or may withdraw the earlier request and make a new request under this section.

SECTION 41. AND BE IT FURTHER ENACTED, That, notwithstanding any other provision of law:

(a) Subject to subsection (b) of this section, \$36,000,000 of State Foundation Program funds (Budget Code R00A02.01) to be disbursed to the Prince George's County Board of Education in fiscal year 2010 shall be reduced, contingent upon the Board proceeding with the purchase or lease of a new administration building under or in connection with a lease entered into in June of 2008.

(b) Subsection (a) of this section is contingent on the failure of House Bill 960 prohibiting the expenditure of any funds by the Prince George's County Board of Education for the purpose of leasing, acquiring, or purchasing property under or in connection with a lease entered into in June of 2008 for consolidation of administrative offices of the Board, and if House Bill 960 becomes effective prohibiting the expenditure of any funds by the Prince George's County Board of Education for the purpose of leasing, acquiring, or purchasing property under or in connection with a lease entered into in June of 2008 for consolidation of administrative offices of the Board, subsection (a) of this section shall be null and void without the necessity of further action by the General Assembly.

SECTION 42. AND BE IT FURTHER ENACTED, That, notwithstanding any other provision of law, the Department of Juvenile Services, the Department of Human Resources, and the United States Department of Health and Human Services may share information and records as necessary to properly administer the federal Title IV-B and Title IV-E programs.

SECTION ~~20, 32,~~ 43. AND BE IT FURTHER ENACTED, That, if any provision of this Act or the application thereof to any person or circumstance is held invalid for any reason in a court of competent jurisdiction, the invalidity does not affect other provisions or any other application of this Act which can be given effect without the invalid provision or application, and for this purpose the provisions of this Act are declared severable.

SECTION ~~21, 33,~~ 44. AND BE IT FURTHER ENACTED, That Section 3 of this Act shall take effect July 1, 2009. It shall remain effective for a period of 2 years and, at the end of June 30, 2011, with no further action required by the General Assembly, Section 3 of this Act shall be abrogated and of no further force and effect.

SECTION ~~22, 34,~~ 45. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall take effect July 1, 2009, and shall be applicable to all fiscal years beginning on or after July 1, 2009.

SECTION 46. AND BE IT FURTHER ENACTED, That Section 30 of this Act shall take effect July 1, 2011, and shall be applicable to all fiscal years beginning on or after July 1, 2011.

SECTION ~~35,~~ 47. AND BE IT FURTHER ENACTED, That the provisions of § 10-210(b) of the Tax – General Article, as amended by Section 2 of this Act, shall be applicable to any taxable year to which § 108(i), § 168(k), § 172(b)(1)(H), or § 179 of the

Internal Revenue Code, as amended by the American Recovery and Reinvestment Act of 2009 (P.L. 111-5), apply.

SECTION ~~36~~ 48. AND BE IT FURTHER ENACTED, That, notwithstanding the changes to § 10-210.1(b)(2) of the Tax – General Article as enacted by Section 2 of this Act, the provisions of former § 10-210.1(b)(2) of the Tax – General Article as in effect prior to the effective date of Section 2 of this Act shall continue to apply to net operating loss carryovers in the case of net operating losses for taxable years ending during 2001 or 2002, to which the provisions of former § 172(b)(1)(H) as in effect prior to the amendment of that section by the American Recovery and Reinvestment Act of 2009 (P.L. 111-5) applied.

SECTION ~~23~~ ~~37~~ 49. AND BE IT FURTHER ENACTED, That ~~Section 17~~ § 8-406(b)(2)(iv) of the Tax – General Article, as enacted by Section 1 of this Act, shall be applicable to all taxable years beginning after December 31, 2008.

SECTION ~~24~~ ~~38~~ 50. AND BE IT FURTHER ENACTED, That Section 18 of this Act shall be construed to apply retroactively and shall be applied to and interpreted to affect the calculation of earnable compensation and service credits for the purpose of determining retirement benefits and member contributions on or after January 1, 2009.

SECTION ~~25~~ ~~39~~ 51. AND BE IT FURTHER ENACTED, That, except as provided in Sections ~~21 and 22~~ ~~33 and 34~~ 44 through 46 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.