HOUSE BILL 1801

B1 2lr0254
CF SB 1301

By: **The Speaker (By Request – Administration)**
Introduced and read first time: May 14, 2012
Assigned to: Appropriations

A BILL ENTITLED

AN ACT concerning

Budget Reconciliation and Financing Act of 2012

FOR the purpose of altering or repealing certain required appropriations; altering the distribution of certain revenues; altering or repealing certain funding requirements; altering the authorized use of certain funds; authorizing the transfer of certain funds; requiring certain appropriations to certain counties; altering the distribution of certain traffic conviction surcharges; requiring the State Court Administrator to submit a certain annual report on or before a certain date; altering certain categories required to be included in certain annual budgets of county boards of education; prohibiting a county council or board of county commissioners from reducing a certain budget amount for a county board of education; authorizing the State to deduct a certain amount under certain circumstances from certain State funds that would otherwise be paid to certain county boards of education in a certain fiscal year; requiring the State to provide a certain grant to a county board of education in a certain fiscal year if certain funding provided to a county board decreases by a certain amount; adding St. Mary's College of Maryland to the list of public senior higher education institutions eligible for money from the Higher Education Investment Fund; clarifying language relating to the Higher Education Investment Fund; providing a certain exception to a certain requirement that certain money is to be included in the budget bill; altering certain State education funding for certain fiscal years; authorizing the Department of Health and Mental Hygiene to impose a certain claims processing charge on certain Medicaid claims; setting a limit on the claims processing charge; requiring the Department of Health and Mental Hygiene to adopt certain regulations; repealing a requirement for a certain payment to certain nursing facilities under certain circumstances; altering a certain authority for the Health Services Cost Review Commission to adopt certain regulations under certain circumstances; requiring a certain nonprofit health service plan to provide a certain subsidy; altering the percentage of the amount that may be assessed in the aggregate on certain nursing facilities; requiring that certain proceeds of a certain account be

EXPLANATION: **CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.**
[Brackets**]** indicate matter deleted from existing law.

transferred into the Mental Hygiene Community–Based Services Fund; repealing a certain provision related to the Injured Workers' Insurance Fund; providing that the State has no interest in the assets of the Injured Workers' Insurance Fund and that all revenues, money, and assets of the Fund belong to the Fund and are held in trust for certain persons; prohibiting the State from borrowing, appropriating, or directing payments from the Fund for any purpose; prohibiting the dissolution of the Fund; providing that certain money received by the State or otherwise subject to the direction or control of a State official as a result of a certain settlement, judgment, or consent decree shall be deposited in the State treasury, shall be expended only in a certain manner, and may be transferred by budget amendment; providing for a certain exception; authorizing certain State officials to recommend certain restrictions on the use of certain payments; requiring certain State officials to make certain requests; establishing a Mortgage Loan Servicing Practices Settlement Fund as a continuing, nonlapsing fund; requiring certain funds to be credited to the Mortgage Loan Servicing Practices Settlement Fund; providing for the use of the Mortgage Loan Servicing Practices Settlement Fund; requiring the Governor to take certain actions in connection with each program, project, or activity receiving certain funds; exempting certain interest earnings from a requirement that certain interest accrue to the General Fund; altering certain commissions for certain licensed agents for a certain fiscal year; requiring county boards of education to pay a certain portion of certain employer contributions for certain members of the Teachers' Retirement System or the Teachers' Pension System; requiring the Board of Trustees for the State Retirement and Pension System to include a separate certification of a certain normal contribution rate in the certification of certain rates; providing for the manner of payment by certain county boards of education for certain employer contributions; requiring certain county boards of education to make certain payments of certain employer contributions in certain fiscal years; requiring the Comptroller to withhold certain delinquent amounts from any money due under certain circumstances; requiring the Maryland Aviation Administration Fire Rescue Service to charge a certain ambulance transport fee; prohibiting certain regulations adopted by the Secretary of Health and Mental Hygiene from applying to certain prior calendar years; authorizing the Department of Health and Mental Hygiene to make certain changes to a certain methodology in connection with a certain Value Based Purchasing Initiative for a certain calendar year; altering the time period during which a certain education index adjustment is to be updated; altering certain criteria and methodology to be used in updating a certain education index adjustment; prohibiting the payment of certain merit increases for certain State employees for a certain period; requiring certain reports to be submitted to certain committees of the General Assembly; authorizing a county board of education to spend certain funds after approval by the county fiscal authority; requiring the county fiscal authority to approve the amount of certain funds within a certain period of time; providing that failure to take action constitutes approval by the county fiscal authority under certain circumstances; requiring the Governor to include a certain transfer in the budget bill for a certain fiscal year; declaring the intent of the

General Assembly; repealing certain provisions relating to payment of overpayment of retirement contributions for certain members of the Teachers' Retirement System or the Teachers' Pension System; setting certain limits on increases in payments to certain providers for a certain fiscal year; requiring the Health Services Cost Review Commission to approve certain remittances to support the general operations of the Medicaid program; authorizing a certain reduction to the remittances; requiring that the Governor transfer a certain amount from the Injured Workers' Insurance Fund to a certain special fund under certain circumstances; providing that the Injured Workers' Insurance Fund and its successor are jointly liable for a certain payment to the State under certain circumstances; providing that a certain transfer resolves certain claims; requiring that certain money received by the State as a result of a certain approved merger between Exelon Corporation and Constellation Energy Group be expended only in a certain manner; providing that certain money received by the State is not subject to transfer by budget amendment, except under certain circumstances; requiring each county to appropriate to the county board of education certain amounts; requiring that for a certain fiscal year a certain maintenance of effort amount be calculated in a certain manner; requiring that for a certain fiscal year the maintenance of effort calculation for Baltimore City exclude certain reductions in the cost of health benefits for retired employees of the Baltimore City Public School System under certain circumstances; providing that a certain provision of law does not apply to a certain process for awarding a video lottery operation license; authorizing certain counties to reduce a certain education funding requirement in a certain fiscal year under certain circumstances; requiring the Governor to reduce certain appropriations by a certain amount and to propose certain additional reductions for a certain fiscal year under certain circumstances; reducing certain appropriations for a certain fiscal year in a certain manner; requiring the implementation of certain reductions in appropriations without the review or approval by the Board of Public Works; altering certain procedural requirements concerning the allocation of certain statewide reductions in appropriations; providing for the distribution of certain revenues for a certain fiscal year to a certain special fund, to be used only for certain purposes; authorizing for a certain fiscal year the use of certain funds for certain purposes subject to a certain budget amendment procedure; requiring a certain reversion of funds to the General Fund; altering the budget amendment process under certain circumstances; defining certain terms; altering certain definitions; providing for the construction of certain provisions of this Act; providing for the termination of certain provisions of this Act; making the provisions of this Act severable; providing for the effective dates of this Act; and generally relating to the financing of State and local government.

BY repealing
Article 24 – Political Subdivisions – Miscellaneous Provisions
Section 9–1104
Annotated Code of Maryland
(2011 Replacement Volume)

BY adding to
Article 24 – Political Subdivisions – Miscellaneous Provisions
Section 9–1105
Annotated Code of Maryland
(2011 Replacement Volume)

BY repealing and reenacting, with amendments,
Article – Courts and Judicial Proceedings
Section 7–301(f)
Annotated Code of Maryland
(2006 Replacement Volume and 2011 Supplement)

BY repealing and reenacting, with amendments,
Article – Economic Development
Section 10–523(a)(3)(i)
Annotated Code of Maryland
(2008 Volume and 2011 Supplement)

BY repealing and reenacting, with amendments,
Article – Education
Section 5–101(b)(4), 5–103(c), 5–105(c), 5–202(i), 5–206(f)(2), 15–106.6(a)(3) and (b)(9), 16–305(c)(1)(i), 16–512(a)(1), and 17–104(a)(1)
Annotated Code of Maryland
(2008 Replacement Volume and 2011 Supplement)

BY adding to
Article – Education
Section 5–105(d), 5–202(j), 16–305(c)(1)(iv), 16–512(a)(4), and 17–104(a)(3)
Annotated Code of Maryland
(2008 Replacement Volume and 2011 Supplement)

BY repealing and reenacting, with amendments,
Article – Environment
Section 7–604(b) and (h) and 9–1707(f)(6)
Annotated Code of Maryland
(2007 Replacement Volume and 2011 Supplement)

BY repealing and reenacting, without amendments,
Article – Environment
Section 9–1707(f)(1)
Annotated Code of Maryland
(2007 Replacement Volume and 2011 Supplement)

BY repealing and reenacting, with amendments,
Article – Health – General
Section 15–117(b) and (c), 19–214(b) and (c), 19–310.1(b)(2), and 24–1105

Annotated Code of Maryland
(2009 Replacement Volume and 2011 Supplement)

BY adding to
Article – Health – General
Section 15–102.8
Annotated Code of Maryland
(2009 Replacement Volume and 2011 Supplement)

BY repealing and reenacting, with amendments,
Article – Insurance
Section 14–106(d)
Annotated Code of Maryland
(2011 Replacement Volume)
(As enacted by Chapter 66 of the Acts of the General Assembly of 2012)

BY repealing and reenacting, with amendments,
Article – Insurance
Section 14–106.1 and 14–504(e)
Annotated Code of Maryland
(2011 Replacement Volume)

BY repealing
Article – Labor and Employment
Section 10–127
Annotated Code of Maryland
(2008 Replacement Volume and 2011 Supplement)

BY adding to
Article – Labor and Employment
Section 10–127
Annotated Code of Maryland
(2008 Replacement Volume and 2011 Supplement)

BY repealing and reenacting, without amendments,
Article – State Finance and Procurement
Section 6–226(a)(2)(i)
Annotated Code of Maryland
(2009 Replacement Volume and 2011 Supplement)

BY adding to
Article – State Finance and Procurement
Section 6–226(a)(2)(ii)64., 7–310.1, and 7–328
Annotated Code of Maryland
(2009 Replacement Volume and 2011 Supplement)

BY repealing and reenacting, with amendments,

Article – State Finance and Procurement
Section 6–226(a)(2)(ii)62. and 63.
Annotated Code of Maryland
(2009 Replacement Volume and 2011 Supplement)

BY repealing and reenacting, with amendments,
Article – State Government
Section 9–117(a)(1) and 12–203
Annotated Code of Maryland
(2009 Replacement Volume and 2011 Supplement)

BY repealing and reenacting, without amendments,
Article – State Personnel and Pensions
Section 21–125(b) and 21–304(c)
Annotated Code of Maryland
(2009 Replacement Volume and 2011 Supplement)

BY repealing and reenacting, with amendments,
Article – State Personnel and Pensions
Section 21–304(a) and (b) and 21–308(a)(1)
Annotated Code of Maryland
(2009 Replacement Volume and 2011 Supplement)

BY adding to
Article – State Personnel and Pensions
Section 21–309.1
Annotated Code of Maryland
(2009 Replacement Volume and 2011 Supplement)

BY repealing
Article – Tax – General
Section 2–608(c), (d), (e), and (f)
Annotated Code of Maryland
(2010 Replacement Volume and 2011 Supplement)

BY repealing and reenacting, with amendments,
Article – Tax – General
Section 2–1104(b)
Annotated Code of Maryland
(2010 Replacement Volume and 2011 Supplement)

BY repealing and reenacting, with amendments,
Article – Transportation
Section 4–321(e)
Annotated Code of Maryland
(2009 Replacement Volume and 2011 Supplement)

BY adding to
Article – Transportation
Section 5–415
Annotated Code of Maryland
(2008 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,
Article – Transportation
Section 12–118(e)(2)
Annotated Code of Maryland
(2009 Replacement Volume and 2011 Supplement)
(As enacted by Chapter 500 of the Acts of the General Assembly of 2009)

BY repealing and reenacting, with amendments,
Chapter 193 of the Acts of the General Assembly of 2005
Section 2 and 3

BY repealing and reenacting, with amendments,
Chapter 2 of the Acts of the General Assembly of the Special Session of 2007
Section 13(a)

BY repealing and reenacting, with amendments,
Chapter 397 of the Acts of the General Assembly of 2011
Section 11 and 24

BY repealing and reenacting, without amendments,
Article – Education
Section 5–105(a)
Annotated Code of Maryland
(2008 Replacement Volume and 2011 Supplement)

BY repealing
Article – Education
Section 5–203
Annotated Code of Maryland
(2008 Replacement Volume and 2011 Supplement)

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

Article 24 – Political Subdivisions – Miscellaneous Provisions

[9–1104.

The Governor shall include in the budget bill for each fiscal year a General Fund appropriation to Baltimore City of $3,075,000.**]**

9–1105.

THE GOVERNOR SHALL INCLUDE IN THE BUDGET BILL FOR EACH FISCAL YEAR A GENERAL FUND APPROPRIATION FOR THE FOLLOWING TEACHER RETIREMENT SUPPLEMENTAL GRANTS TO THE COUNTIES:

(1) ALLEGANY COUNTY – $1,632,106;

(2) BALTIMORE CITY – $10,047,596;

(3) BALTIMORE COUNTY – $3,000,000;

(4) CAROLINE COUNTY – $685,108;

(5) DORCHESTER COUNTY – $308,913;

(6) GARRETT COUNTY – $406,400;

(7) PRINCE GEORGE'S COUNTY – $9,628,702;

(8) SOMERSET COUNTY – $381,999; AND

(9) WICOMICO COUNTY – $1,567,837.

Article – Courts and Judicial Proceedings

7–301.

(f) (1) This subsection does not apply to a traffic case under § 21–202.1, § 21–809, or § 21–810 of the Transportation Article or to a parking or impounding case.

(2) In a traffic case under subsection (a)(1) of this section the court shall add a $7.50 surcharge to the court costs imposed by the court.

(3) (i) The Comptroller annually shall credit the surcharges collected under this subsection as provided in this paragraph.

(ii) An amount annually as set forth in the State budget shall be distributed for the Charles W. Riley Fire and Emergency Medical Services Tuition Reimbursement Program as established in § 18–603 of the Education Article.

(iii) After the distribution under subparagraph (ii) of this paragraph, **[**subject to subparagraph (iv) of this paragraph,**]** **$200,000 SHALL BE DISTRIBUTED TO THE MARYLAND STATE FIREMEN'S ASSOCIATION.**

(IV) AFTER THE DISTRIBUTION UNDER SUBPARAGRAPHS (II) AND (III) OF THIS PARAGRAPH AND UNTIL A TOTAL OF $20,000,000 HAS BEEN DISTRIBUTED TO THE VOLUNTEER COMPANY ASSISTANCE FUND SINCE THE ESTABLISHMENT OF THE SURCHARGE UNDER THIS SUBSECTION, THE REMAINDER SHALL BE CREDITED TO THE VOLUNTEER COMPANY ASSISTANCE FUND TO BE USED IN ACCORDANCE WITH THE PROVISIONS OF TITLE 8, SUBTITLE 2 OF THE PUBLIC SAFETY ARTICLE.

(V) AFTER A TOTAL OF $20,000,000 HAS BEEN DISTRIBUTED TO THE VOLUNTEER COMPANY ASSISTANCE FUND, 100% of the remainder shall be credited to the Maryland Emergency Medical Systems Operation Fund established under § 13–955 of the Transportation Article.

[(iv) For fiscal years 2012 and 2013 only, before the distribution to the Maryland Emergency Medical Systems Operation Fund under subparagraph (iii) of this paragraph, from the surcharges collected under this subsection, an amount equal to $8,201,311 for fiscal year 2012 and $2,114,000 for fiscal year 2013 shall be credited to the Volunteer Company Assistance Fund to be used in accordance with the provisions of Title 8, Subtitle 2 of the Public Safety Article.**]**

(VI) ON OR BEFORE SEPTEMBER 1 OF EACH YEAR UNTIL $20,000,000 HAS BEEN DISTRIBUTED TO THE VOLUNTEER COMPANY ASSISTANCE FUND, THE STATE COURT ADMINISTRATOR SHALL SUBMIT A REPORT TO THE SENATE BUDGET AND TAXATION COMMITTEE AND THE HOUSE APPROPRIATIONS COMMITTEE, IN ACCORDANCE WITH § 2–1246 OF THE STATE GOVERNMENT ARTICLE, ON THE AMOUNT OF REVENUE DISTRIBUTED TO THE VOLUNTEER COMPANY ASSISTANCE FUND UNDER THIS PARAGRAPH.

Article – Economic Development

10–523.

(a) (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 as follows:

1. for fiscal year 2011, $2,750,000;

2. for fiscal year 2012, $2,750,000;

3. for fiscal year 2013, **[**$3,000,000**] $2,875,000**; **[**and**]**

4. **FOR FISCAL YEAR 2014, $2,875,000; AND**

5. for each of **THE** fiscal years **[**2014**] 2015** through 2020, $4,000,000.

Article – Education

5–101.

(b) The budget shall be prepared to include the following categories:

(4) School Construction Fund, requested appropriations:

(i) Land for school sites;

(ii) Buildings and the equipment that will be an integral part of a building by project;

(iii) School site improvement by project;

(iv) Remodeling by project;

(v) Additional equipment by project; **[**and**]**

(vi) Debt service**; AND**

(VII) AN AMOUNT THAT IS ADEQUATE TO SATISFY A FINAL COURT JUDGMENT THAT, AFTER EXHAUSTION OF THE RIGHTS OF APPEAL, IS RENDERED AGAINST THE COUNTY BOARD OF EDUCATION OR ANY OF ITS OFFICERS OR EMPLOYEES.

5–103.

(c) If a county council or board of county commissioners does not approve the amount requested in the budget that is more than the amount required by § 5–202(d)(1)(i) of this title:

(1) The county council or board of county commissioners **[**shall**]:**

(I) MAY NOT REDUCE THE AMOUNT REQUESTED IN THE BUDGET THAT IS DEDICATED TO SATISFYING A FINAL COURT JUDGMENT; AND

(II) SHALL indicate in writing, within 15 days after the adoption of the budget, which major categories of the annual budget have been reduced and the reason for the reduction; and

(2) The county board shall submit to the county governing body, within 30 days after the adoption of the budget, a report indicating how the alterations

to the budget will be implemented, accompanied by reasonable supporting detail and analysis.

5–202.

(i) (1) In this subsection, "total direct education aid" means the total financial assistance provided by the State to a county board under the following programs:

(i) Funding for the foundation program including funds for the Geographic Cost of Education under this section;

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

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

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

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

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

(vii) Funding for grants provided under this subsection.

(2) For fiscal year 2012 only, if a county board's total direct education aid in the current fiscal year is less than the prior fiscal year by more than 6.5%, then the State shall provide a grant to the county board in an amount necessary to ensure that a decrease in total direct education aid is not more than 6.5%.

(3) FOR FISCAL YEAR 2013 ONLY, IF A COUNTY BOARD'S TOTAL DIRECT EDUCATION AID IN THE CURRENT FISCAL YEAR IS LESS THAN THE PRIOR FISCAL YEAR BY MORE THAN 5%, THEN THE STATE SHALL PROVIDE A GRANT TO THE COUNTY BOARD IN AN AMOUNT NECESSARY TO ENSURE THAT A DECREASE IN TOTAL DIRECT EDUCATION AID IS NOT MORE THAN 5%.

(J) IF A FINAL COURT JUDGMENT REQUIRES THE STATE TO INCLUDE IN THE BUDGET BILL MONEY TO SATISFY A JUDGMENT AGAINST THE COUNTY BOARD OF EDUCATION, THE STATE MAY DEDUCT THAT AMOUNT FROM ANY OTHER STATE FUNDS THAT WOULD OTHERWISE BE PAID TO THE COUNTY BOARD OF EDUCATION UNDER THIS SUBTITLE IN THE FOLLOWING FISCAL YEAR.

5–206.

(f) (2) **[**The**]** **IN FISCAL YEAR 2013 AND IN EACH FISCAL YEAR THEREAFTER, THE** funding level for a county is**[**:

(i) In fiscal year 2011,**]** the following amounts for the following counties:

[1.**]** **(I)** Allegany County $97,791;

[2.**]** **(II)** Anne Arundel County.....$506,038;

[3.**]** **(III)** Baltimore City $1,387,924;

[4.**]** **(IV)** Baltimore County $874,227;

[5.**]** **(V)** Calvert County $38,292;

[6.**]** **(VI)** Caroline County.....$50,074;

[7.**]** **(VII)** Carroll County $137,261;

[8.**]** **(VIII)** Cecil County.....$96,024;

[9.**]** **(IX)** Charles County.....$50,074;

[10.**]** **(X)** Dorchester County.....$38,292;

[11.**]** **(XI)** Frederick County.....$182,622;

[12.**]** **(XII)** Garrett County $38,292;

[13.**]** **(XIII)** Harford County.....$217,379;

[14.**]** **(XIV)** Howard County.....$87,776;

[15.**]** **(XV)** Kent County.....$38,292;

[16.**]** **(XVI)** Montgomery County.....$602,651;

[17.**]** **(XVII)** Prince George's County $1,209,426;

[18.**]** **(XVIII)** Queen Anne's County $50,074;

[19.**]** **(XIX)** St. Mary's County $50,074;

[20.**] (XX)** Somerset County $38,292;

[21.**] (XXI)** Talbot County $38,292;

[22.**] (XXII)** Washington County.....$134,904;

[23.**] (XXIII)** Wicomico County ..... $106,627; and

[24.**] (XXIV)** Worcester County .....$38,292**[**; and

(ii) In fiscal year 2012 and in each fiscal year thereafter, the funding level for the county for the prior fiscal year**]**.

15–106.6.

(a) (3) "Public Senior Higher Education Institution" has the meaning stated in § **[**10–101(m)(1) and (2)**] 10–101(m)** of this article.

(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 **AND PUBLIC SENIOR HIGHER EDUCATION INSTITUTIONS**;

(ii) For capital projects for **[**public senior higher education institutions and**]** research institutes of the University System of Maryland **AND PUBLIC SENIOR HIGHER EDUCATION INSTITUTIONS**;

(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 **OTHER THAN FISCAL YEAR 2013,** as requested by the Governor shall be:

1. 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;

2. In fiscal year 2010, not less than an amount equal to 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 same fiscal year;

3. In fiscal year 2011, not less than an amount equal to 21.8% of the State's General Fund appropriation per full–time equivalent student to the 4–year public institutions of higher education in the State as designated by the Commission for the purpose of administering the Joseph A. Sellinger Program under Title 17 of this article in the same fiscal year;

4. In fiscal year 2012, not less than an amount equal to 20% of the State's General Fund appropriation per full–time equivalent student to the 4–year public institutions of higher education in the State as designated by the Commission for the purpose of administering the Joseph A. Sellinger Program under Title 17 of this article in the same fiscal year;

[5. In fiscal year 2013, not less than an amount equal to 19% of the State's General Fund appropriation per full–time equivalent student to the 4–year public institutions of higher education in the State as designated by the Commission for the purpose of administering the Joseph A. Sellinger Program under Title 17 of this article in the same fiscal year;**]**

[6.**] 5.** In fiscal year 2014, **[**not less than an amount equal to 19%**] AN AMOUNT THAT IS THE GREATER OF 19.7% OF THE STATE'S GENERAL FUND APPROPRIATION PER FULL–TIME EQUIVALENT STUDENT** to the 4–year public institutions of higher education in the State as designated by the Commission for the purpose of administering the Joseph A. Sellinger Program under Title 17 of this article in the same fiscal year **OR $1,839.47 PER FULL–TIME EQUIVALENT STUDENT**;

[7.**] 6.** In fiscal year 2015, **[**not less than an amount equal to 19.5%**] AN AMOUNT THAT IS THE GREATER OF 19.7% OF THE STATE'S GENERAL FUND** appropriation per full–time equivalent student to the 4–year public institutions of higher education in the State as designated by the Commission for the purpose of administering the Joseph A. Sellinger Program under Title 17 of this article in the same fiscal year **OR $1,839.47 PER FULL–TIME EQUIVALENT STUDENT**;

[8.**] 7.** In fiscal year 2016, **[**not less than an amount equal to 21%**] AN AMOUNT THAT IS THE GREATER OF 19% OF THE STATE'S GENERAL FUND** appropriation per full–time equivalent student to the 4–year public institutions of higher education in the State as designated by the Commission for the purpose of administering the Joseph A. Sellinger Program under Title 17 of this article in the same fiscal year **OR $1,839.47 PER FULL–TIME EQUIVALENT STUDENT**;

[9.**] 8.** In fiscal year 2017, **[**not less than an amount equal to 22%**] AN AMOUNT THAT IS THE GREATER OF 19% OF THE STATE'S GENERAL FUND** appropriation per full–time equivalent student to the 4–year public institutions of higher education in the State as designated by the Commission for the purpose of administering the Joseph A. Sellinger Program under Title 17 of this article in the same fiscal year **OR $1,839.47 PER FULL–TIME EQUIVALENT STUDENT**;

[10.**] 9.** In fiscal year 2018, not less than an amount equal to **[**23%**] 20% OF THE STATE'S GENERAL FUND APPROPRIATION PER FULL–TIME** equivalent student to the 4–year public institutions of higher education in the State as designated by the Commission for the purpose of administering the Joseph A. Sellinger Program under Title 17 of this article in the same fiscal year;

[11.**] 10.** In fiscal year 2019, not less than an amount equal to **[**24%**] 21%** of the State's General Fund appropriation per full–time equivalent student to the 4–year public institutions of higher education in the State as designated by the Commission for the purpose of administering the Joseph A. Sellinger Program under Title 17 of this article in the same fiscal year;

[12.**] 11.** In fiscal year 2020, not less than an amount equal to **[**25%**] 23%** of the State's General Fund appropriation per full–time equivalent student to the 4–year public institutions of higher education in the State as designated by the Commission for the purpose of administering the Joseph A. Sellinger Program under Title 17 of this article in the same fiscal year;

[13.**] 12.** In fiscal year 2021, 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 same fiscal year;

[14.**] 13.** In fiscal year 2022, not less than an amount equal to **[**27.5%**] 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 same fiscal year; and

[15.**] 14.** In fiscal year 2023 and each fiscal year thereafter, not less than an amount equal to 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 same fiscal year.

(IV) IN FISCAL YEAR 2013, THE TOTAL STATE OPERATING FUNDS FOR COMMUNITY COLLEGES SHALL BE $199,176,114, TO BE DISTRIBUTED AS FOLLOWS:

1. ALLEGANY COLLEGE $4,773,622;

2. ANNE ARUNDEL COMMUNITY COLLEGE $27,235,329;

3. COMMUNITY COLLEGE OF BALTIMORE COUNTY $34,398,366;

4. CARROLL COMMUNITY COLLEGE $6,851,515;

5. CECIL COMMUNITY COLLEGE $4,645,751;

6. COLLEGE OF SOUTHERN MARYLAND $10,902,580;

7. CHESAPEAKE COLLEGE $5,675,815;

8. FREDERICK COMMUNITY COLLEGE ... $8,145,648;

9. GARRETT COLLEGE $2,246,709;

10. HAGERSTOWN COMMUNITY COLLEGE $6,965,064;

11. HARFORD COMMUNITY COLLEGE $9,990,806;

12. HOWARD COMMUNITY COLLEGE $12,584,485;

13. MONTGOMERY COLLEGE $35,998,553;

14. PRINCE GEORGE'S COMMUNITY COLLEGE ..... $22,013,074; AND

15. WOR–WIC COMMUNITY COLLEGE ..... $6,748,796.

16–512.

(a) (1) The total State operating fund per full–time equivalent student appropriated to Baltimore City Community College for each fiscal year **OTHER THAN FISCAL YEAR 2013,** as requested by the Governor shall be:

(i) 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;

(ii) In fiscal year 2010, not less than an amount equal to 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 same fiscal year;

(iii) In fiscal year 2011, not less than an amount equal to 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 same fiscal year;

(iv) In fiscal year 2012, not less than an amount equal to 63% of the State's General Fund appropriation per full–time equivalent student to the 4–year public institutions of higher education in the State as designated by the Commission for the purpose of administering the Joseph A. Sellinger Program under Title 17 of this article in the same fiscal year;

[(v) In fiscal year 2013, not less than an amount equal to 63.5% of the State's General Fund appropriation per full–time equivalent student to the 4–year public institutions of higher education in the State as designated by the Commission for the purpose of administering the Joseph A. Sellinger Program under Title 17 of this article in the same fiscal year;**]**

[(vi)**] (V)** In fiscal year 2014, **[**not less than an amount equal to 64%**] AN AMOUNT THAT IS THE GREATER OF 61%** of the State's General Fund appropriation per full–time equivalent student to the 4–year public institutions of higher education in the State as designated by the Commission for the purpose of administering the Joseph A. Sellinger Program under Title 17 of this article in the same fiscal year **OR $5,695.63 PER FULL–TIME EQUIVALENT STUDENT**;

[(vii)**] (VI)** In fiscal year 2015, **[**not less than an amount equal to 64.5%**] AN AMOUNT THAT IS THE GREATER OF 61%** of the State's General Fund appropriation per full–time equivalent student to the 4–year public institutions of higher education in the State as designated by the Commission for the purpose of administering the Joseph A. Sellinger Program under Title 17 of this article in the same fiscal year **OR $5,695.63 PER FULL–TIME EQUIVALENT STUDENT**;

[(viii)**] (VII)** In fiscal year 2016, **[**not less than an amount equal to 64.75%**] AN AMOUNT THAT IS THE GREATER OF 58%** of the State's General Fund

appropriation per full–time equivalent student to the 4–year public institutions of higher education in the State as designated by the Commission for the purpose of administering the Joseph A. Sellinger Program under Title 17 of this article in the same fiscal year **OR $5,695.63 PER FULL–TIME EQUIVALENT STUDENT**;

[(ix)**] (VIII)** In fiscal year 2017, **[**not less than an amount equal to 65.25%**] AN AMOUNT THAT IS THE GREATER OF 58%** of the State's General Fund appropriation per full–time equivalent student to the 4–year public institutions of higher education in the State as designated by the Commission for the purpose of administering the Joseph A. Sellinger Program under Title 17 of this article in the same fiscal year **OR $5,695.63 PER FULL–TIME EQUIVALENT STUDENT**;

[(x)**] (IX)** In fiscal year 2018, not less than an amount equal to **[**65.75%**] 60%** of the State's General Fund appropriation per full–time equivalent student to the 4–year public institutions of higher education in the State as designated by the Commission for the purpose of administering the Joseph A. Sellinger Program under Title 17 of this article in the same fiscal year;

[(xi)**] (X)** In fiscal year 2019, not less than an amount equal to **[**66.25%**] 61%** of the State's General Fund appropriation per full–time equivalent student to the 4–year public institutions of higher education in the State as designated by the Commission for the purpose of administering the Joseph A. Sellinger Program under Title 17 of this article in the same fiscal year;

[(xii)**] (XI)** In fiscal year 2020, not less than an amount equal to **[**67%**] 62.5%** of the State's General Fund appropriation per full–time equivalent student to the 4–year public institutions of higher education in the State as designated by the Commission for the purpose of administering the Joseph A. Sellinger Program under Title 17 of this article in the same fiscal year;

[(xiii)**] (XII)** In fiscal year 2021, not less than an amount equal to **[**67.5%**] 64.5%** of the State's General Fund appropriation per full–time equivalent student to the 4–year public institutions of higher education in the State as designated by the Commission for the purpose of administering the Joseph A. Sellinger Program under Title 17 of this article in the same fiscal year;

[(xiv)**] (XIII)** In fiscal year 2022, not less than an amount equal to **[**68%**] 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 same fiscal year; and

[(xv)**] (XIV)** In fiscal year 2023 and each fiscal year thereafter, not less than an amount equal to 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 same fiscal year.

(4) IN FISCAL YEAR 2013, THE TOTAL STATE OPERATING FUNDS APPROPRIATED TO BALTIMORE CITY COMMUNITY COLLEGE UNDER THIS SECTION SHALL BE $39,863,729.

17–104.

(a) (1) Except as provided in paragraph (2) of this subsection, the Maryland Higher Education Commission shall compute the amount of the annual apportionment for each institution that qualifies under this subtitle by multiplying 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 by:

(i) In fiscal year 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;

(ii) 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;

(iii) In fiscal year 2011, an amount not less than 9.8% of the State's General Fund per full–time equivalent student appropriation to the 4–year public institutions of higher education in this State for the same fiscal year;

(iv) In fiscal year 2012, an amount not less than 9.2% 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 same fiscal year;

[(v) In fiscal year 2013, an amount not less than 9.7% of the State's General Fund per full–time equivalent student appropriation to the 4–year public institutions of higher education in this State for the same fiscal year;**]**

[(vi)**] (V)** In fiscal year 2014, **[**an amount not less than 10%**] AN AMOUNT THAT IS THE GREATER OF 9.4%** of the State's General Fund per full–time equivalent student appropriation to the 4–year public institutions of higher education in this State for the same fiscal year **OR $875.53 PER FULL–TIME EQUIVALENT STUDENT**;

[(vii)**] (VI)** In fiscal year 2015, an amount **[**not less than 10.6%**] THAT IS THE GREATER OF 9.4%** of the State's General Fund per full–time equivalent student appropriation to the 4–year public institutions of higher education in this State for the same fiscal year **OR $875.53 PER FULL–TIME EQUIVALENT STUDENT**;

[(viii)**] (VII)** In fiscal year 2016, an amount **[**not less than 11.1%**] THAT IS THE GREATER OF 9%** of the State's General Fund per full–time equivalent student appropriation to the 4–year public institutions of higher education in this State for the same fiscal year **OR $875.53 PER FULL–TIME EQUIVALENT STUDENT**;

[(ix)**] (VIII)** In fiscal year 2017, an amount **[**not less than 12%**] THAT IS THE GREATER OF 9%** of the State's General Fund per full–time equivalent student appropriation to the 4–year public institutions of higher education in this State for the same fiscal year **OR $875.53 PER FULL–TIME EQUIVALENT STUDENT**;

[(x)**] (IX)** In fiscal year 2018, an amount not less than **[**13%**] 9.3%** 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 same fiscal year;

[(xi)**] (X)** In fiscal year 2019, an amount not less than **[**14%**] 11.3%** 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 same fiscal year;

[(xii)**] (XI)** In fiscal year 2020, an amount not less than **[**15%**] 13.3%** 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 same fiscal year; and

[(xiii)**] (XII)** In fiscal year 2021 and each fiscal year thereafter, an amount not less than 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 same fiscal year.

(3) IN FISCAL YEAR 2013, THE TOTAL AMOUNT OF AID DUE TO ALL INSTITUTIONS SHALL BE $38,056,175.

Article – Environment

7–604.

(b) The Department shall use the Community Right–to–Know Fund for:

(1) The collection, management, and analysis of data received by the Department from an owner or operator of a facility that is required by the federal Act or any regulations adopted under the federal Act to provide information to the State under § 7–602(b) of this subtitle;

(2) Enforcement by the State of this subtitle or the federal Act; **[**and**]**

(3) Planning and training functions performed by the State or local instrumentalities as may be required by the federal Act including:

(i) Conducting:

1. Incident response activities;

2. Shelter in place and evacuation planning;

3. Railroad, maritime, and transportation exercises; and

4. Emergency response activities;

(ii) The collection of hazardous material commodity flow information;

(iii) The acquisition and maintenance of chemical reference materials;

(iv) Public outreach activities including case studies, school safety, and emergency planning for citizens; and

(v) Participation by emergency response personnel in related training conferences on local, State, and federal regulatory and compliance updates, incident command, and crisis control**; AND**

(4) EMERGENCY RESPONSE ACTIVITIES OF THE DEPARTMENT.

(h) The Department **[**shall**]** **MAY** use 50% of the moneys in the Fund to provide grants to local emergency planning committees.

9–1707.

(f) (1) There is a State Recycling Trust Fund.

(6) In accordance with the State budget, the Fund shall be used only:

(i) To provide grants to the counties to be used by the counties to develop and implement local recycling plans;

(ii) To provide grants to counties that have addressed methods for the separate collection and recycling of covered electronic devices in accordance with § 9–1703(c)(1) of this subtitle;

(iii) To provide grants to municipalities to be used by the municipalities to implement local covered electronic device recycling programs; and

(iv) To carry out the purposes of the **[**Office of Recycling under this subtitle and under Title 6, Subtitle 9 of this article**]** **LAND MANAGEMENT ADMINISTRATION**.

Article – Health – General

15–102.8.

(A) THE DEPARTMENT MAY IMPOSE A CLAIMS PROCESSING CHARGE ON ALL MEDICAID CLAIMS PROCESSED, APPROVED, AND PAID BY THE DEPARTMENT TO HOSPITALS LOCATED IN THE DISTRICT OF COLUMBIA FOR THE PROVISION OF INPATIENT AND OUTPATIENT HOSPITAL SERVICES.

(B) THE AMOUNT TO BE PAID UNDER SUBSECTION (A) OF THIS SECTION MAY NOT EXCEED 6% OF THE AMOUNT OF CLAIMS PAID.

(C) THE DEPARTMENT SHALL ADOPT REGULATIONS TO IMPLEMENT THIS SECTION.

15–117.

(b) **[**(1)**]** To ensure that a bed is reserved for a Program recipient who is **[**absent temporarily from a nursing facility, the Program shall include the following payments for nursing facilities that have made a provider agreement with the Department.

(2) If the Program recipient is absent from a nursing facility due to hospitalization for an acute condition, the facility shall receive payment for each day that the Program recipient is hospitalized and a bed is reserved and made available for the return of that Program recipient.

(3) If a Program recipient is**]** on leave of absence from a nursing facility **THAT HAS MADE A PROVIDER AGREEMENT WITH THE DEPARTMENT**, the facility shall receive payment for each day that the Program recipient is absent and a bed is reserved and made available for the return of that Program recipient.

(c) (1) **[**Payments under subsection (b)(2) of this section may not be made for more than 15 days for any single hospital stay.

(2) (i)**]** Payments under subsection **[**(b)(3)**]** **(B)** of this section may not be made for more than 18 days in any calendar year.

[(ii)**]** **(2)** Notwithstanding any rule or regulation, a leave of absence is not subject to any requirement that it may not exceed a particular number

of days a visit, except that the leave of absence may not exceed a total of 18 days during any calendar year.

19–214.

(b) The Commission may adopt regulations establishing alternative methods for financing the reasonable total costs of hospital uncompensated care **AND THE DISPROPORTIONATE SHARE HOSPITAL PAYMENT** provided that the alternative methods:

(1) Are in the public interest;

(2) Will equitably distribute the reasonable costs of uncompensated care **AND THE DISPROPORTIONATE SHARE HOSPITAL PAYMENT**;

(3) Will fairly determine the cost of reasonable uncompensated care **AND THE DISPROPORTIONATE SHARE HOSPITAL PAYMENT** included in hospital rates;

(4) Will continue incentives for hospitals to adopt fair, efficient, and effective credit and collection policies; and

(5) Will not result in significantly increasing costs to Medicare or the loss of Maryland's Medicare Waiver under § 1814(b) of the Social Security Act.

(c) Any funds generated through hospital rates under an alternative method adopted by the Commission in accordance with subsection (b) of this section may only be used to finance the delivery of hospital uncompensated care **AND THE DISPROPORTIONATE SHARE HOSPITAL PAYMENT**.

19–310.1.

(b) (2) The amount assessed in the aggregate on all nursing facilities may not exceed **[**5.5%**] 6.0%** of the operating revenue for all nursing facilities subject to this section for the previous fiscal quarter.

24–1105.

(a) The Trust Fund may only be used in accordance with this section.

(b) In accordance with an appropriation approved by the General Assembly in the State budget, the Comptroller shall transfer **[**the investment earnings of**]**:

(1) The **INVESTMENT EARNINGS OF THE** Developmental Disabilities Administration account of the Trust Fund into the Waiting List Equity Fund established under § 7–205 of this article; and

(2) The **PROCEEDS AND INVESTMENT EARNINGS OF THE** Mental Hygiene Administration account of the Trust Fund into the Mental Hygiene Community–Based Services Fund established under § 10–208 of this article.

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 Kidney Disease Program under Title 13, Subtitle 3 of the Health – General Article; **[**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**; AND**

(VI) SUBSIDIZE THE PROVISION OF MENTAL HEALTH SERVICES TO THE UNINSURED UNDER TITLE 10, SUBTITLE 2 OF THE HEALTH – GENERAL ARTICLE.

(2) (i) Except as provided in subparagraph (ii) of this paragraph, the support provided under paragraph (1)(iv) **[**and (v)**], (V), AND (VI)** of this subsection to the Kidney Disease Program **[**and**],** the Community Health Resources Commission**, AND THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE**, respectively, shall be the value of the premium tax exemption less the subsidy required under this subsection for the Senior Prescription Drug Assistance Program.

(ii) The subsidy provided under this subsection to the Community Health Resources Commission may not be less than:

1. $3,000,000 for each of fiscal years 2012 and 2013; and

2. $8,000,000 for fiscal year 2014 and each fiscal year thereafter.

(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.

14–106.1.

Beginning in fiscal year 2006, a nonprofit health service plan shall transfer funds in the amounts provided under § 14–106(d)(2) of this subtitle to:

(1) the Community Health Resources Commission Fund established under § 19–2201 of the Health – General Article to support the costs of the Community Health Resources Commission as provided in § 14–106(d)(1)(v) of this subtitle; **[**and**]**

(2) the Department of Health and Mental Hygiene for the Kidney Disease Program under Title 13, Subtitle 3 of the Health – General Article**; AND**

(3) THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE FOR THE PROVISION OF MENTAL HEALTH SERVICES TO THE UNINSURED UNDER TITLE 10, SUBTITLE 2 OF THE HEALTH – GENERAL ARTICLE.

14–504.

(e) (1) In addition to the operation and administration of the Plan, the Fund shall be used**:**

(I) for the operation and administration of the Senior Prescription Drug Assistance Program established under Part II of this subtitle**; AND**

(II) TO SUPPORT THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE FOR THE PROVISION OF MENTAL HEALTH SERVICES TO THE UNINSURED UNDER TITLE 10, SUBTITLE 2 OF THE HEALTH – GENERAL ARTICLE.

(2) The Board shall maintain separate accounts within the Fund for the Senior Prescription Drug Assistance Program and the Maryland Health Insurance Plan.

(3) Accounts within the Fund shall contain those moneys that are intended to support the operation of the Program for which the account is designated.

Article – Labor and Employment

[10–127.

If the General Assembly repeals this subtitle, money in the Fund at the time of repeal shall be distributed:

(1) as the General Assembly provides; or

(2) if the General Assembly does not provide for distribution, as justice requires, with due regard for existing obligations for compensation.**]**

10–127.

(A) THE STATE HAS NO INTEREST IN THE ASSETS OF THE FUND.

(B) ALL REVENUES, MONEY, AND ASSETS OF THE FUND BELONG SOLELY TO THE FUND AND ARE HELD BY THE FUND IN TRUST FOR THE POLICYHOLDERS, INJURED WORKERS AND THEIR FAMILIES, AND CREDITORS OF THE FUND.

(C) THE STATE MAY NOT BORROW, APPROPRIATE, OR DIRECT PAYMENTS FROM THE REVENUES, MONEY, OR ASSETS OF THE FUND FOR ANY PURPOSE.

(D) THE FUND MAY NOT BE DISSOLVED.

Article – State Finance and Procurement

6–226.

(a) (2) (i) Notwithstanding any other provision of law, and unless inconsistent with a federal law, grant agreement, or other federal requirement or with the terms of a gift or settlement agreement, net interest on all State money allocated by the State Treasurer under this section to special funds or accounts, and otherwise entitled to receive interest earnings, as accounted for by the Comptroller, shall accrue to the General Fund of the State.

(ii) The provisions of subparagraph (i) of this paragraph do not apply to the following funds:

62. Veterans Trust Fund; **[**and**]**

63. Transportation Trust Fund**; AND**

64. MORTGAGE LOAN SERVICING PRACTICES SETTLEMENT FUND.

7–310.1.

(A) ANY MONEY RECEIVED BY THE STATE OR OTHERWISE SUBJECT TO THE DIRECTION OR CONTROL OF A STATE OFFICIAL, AS A RESULT OF A SETTLEMENT, JUDGMENT, OR CONSENT DECREE MADE OR ENTERED INTO AFTER JANUARY 1, 2012:

(1) SHALL BE DEPOSITED IN THE STATE TREASURY; AND

(2) EXCEPT FOR FUNDS DESIGNATED AS RESTITUTION:

(I) SHALL BE EXPENDED ONLY AS AUTHORIZED IN THE STATE BUDGET BILL AS ENACTED; AND

(II) MAY BE TRANSFERRED BY BUDGET AMENDMENT.

(B) IN NEGOTIATING ANY STATE PAYMENT UNDER ANY NATIONAL OR MULTISTATE SETTLEMENT, JUDGMENT, OR CONSENT DECREE, A STATE OFFICIAL MAY RECOMMEND RESTRICTIONS ON THE USE OF THAT STATE PAYMENT BUT SHALL ALSO REQUEST THAT THE SETTLEMENT, JUDGMENT, OR CONSENT DECREE ALSO PROVIDE THAT THE FUNDS MAY BE USED FOR ANY PUBLIC PURPOSE, TO THE EXTENT THAT DOING SO IS NOT INCONSISTENT WITH THE STATE OR ITS CITIZENS SECURING THE MAXIMUM BENEFIT FROM THE SETTLEMENT, JUDGMENT, OR CONSENT DECREE.

7–328.

(A) THERE IS A MORTGAGE LOAN SERVICING PRACTICES SETTLEMENT FUND.

(B) (1) THE FUND IS A CONTINUING, NONLAPSING FUND THAT IS NOT SUBJECT TO § 7–302 OF THIS SUBTITLE.

(2) EXCEPT FOR RESTITUTION AND FUNDS DESIGNATED AS FINES, CIVIL PENALTIES, AND MONEY THAT ARE OTHERWISE REQUIRED UNDER

MARYLAND LAW, A JUDGMENT, OR A SETTLEMENT AGREEMENT TO BE PAID INTO THE GENERAL FUND OF THE STATE, THERE SHALL BE CREDITED TO THE FUND ALL REVENUES CONSISTING OF FUNDS RECEIVED BY THE STATE FROM ANY SOURCE RESULTING, DIRECTLY OR INDIRECTLY, FROM ANY JUDGMENT AGAINST OR SETTLEMENT WITH BANK MORTGAGE SERVICERS OR ANY OTHER PERSON IN THE MORTGAGE SERVICING INDUSTRY RELATING TO LITIGATION, ADMINISTRATIVE PROCEEDINGS, OR ANY OTHER CLAIMS MADE OR PROSECUTED BY THE STATE TO RECOVER DAMAGES FOR VIOLATIONS OF STATE LAW.

(C) THE TREASURER SHALL:

(1) INVEST AND REINVEST THE FUND IN THE SAME MANNER AS OTHER STATE FUNDS; AND

(2) CREDIT ANY INVESTMENT EARNINGS TO THE FUND.

(D) EXPENDITURES FROM THE FUND SHALL BE MADE BY AN APPROPRIATION IN THE ANNUAL STATE BUDGET OR MAY BE TRANSFERRED BY BUDGET AMENDMENT.

(E) (1) THE FUND SHALL BE EXPENDED SUBJECT TO ANY RESTRICTIONS ON ITS USE OR OTHER LIMITATIONS ON ITS ALLOCATION THAT ARE:

(I) EXPRESSLY PROVIDED BY STATUTE; OR

(II) REQUIRED AS A CONDITION OF THE ACCEPTANCE OF FUNDS.

(2) IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT DISBURSEMENTS FROM THE FUND TO PROGRAMS FUNDED BY THE STATE OR WITH FEDERAL FUNDS ADMINISTERED BY THE STATE SHALL BE USED AS PROVIDED IN THIS SECTION SOLELY TO SUPPLEMENT, AND NOT TO SUPPLANT, FUNDS OTHERWISE AVAILABLE FOR THE PROGRAMS UNDER FEDERAL OR STATE LAW.

(F) (1) THE MORTGAGE LOAN SERVICING PRACTICES SETTLEMENT FUND SHALL BE USED FOR HOUSING AND FORECLOSURE–RELIEF PURPOSES AND FOR RELATED INVESTIGATION AND ENFORCEMENT ACTIVITIES, INCLUDING:

(I) THE PROVISION OF HOUSING COUNSELING;

(II) LEGAL ASSISTANCE RELATED TO FORECLOSURE AND HOUSING ACTIVITIES;

(III) CRIMINAL OR CIVIL INVESTIGATIONS OF FRAUD RELATED TO HOUSING AND THE SECURITIZATION OF MORTGAGE LOANS;

(IV) RELEVANT ENFORCEMENT ACTIVITIES;

(V) FORECLOSURE PREVENTION, REMEDIATION, AND RESTITUTION;

(VI) PROGRAMS TO ADDRESS COMMUNITY BLIGHT;

(VII) PROGRAMS REASONABLY TARGETED TO BENEFIT PERSONS HARMED BY MORTGAGE FRAUD; AND

(VIII) ANY OTHER PUBLIC PURPOSE REASONABLY RELATED TO HOUSING AND FORECLOSURE RELIEF.

(2) THE PROVISIONS OF THIS SUBSECTION MAY NOT BE CONSTRUED TO AFFECT THE GOVERNOR'S POWERS WITH RESPECT TO A REQUEST FOR AN APPROPRIATION IN THE ANNUAL BUDGET BILL.

(G) FOR EACH PROGRAM, PROJECT, OR ACTIVITY UNDER SUBSECTION (F)(1) OF THIS SECTION FOR WHICH FUNDS ARE APPROPRIATED, THE GOVERNOR SHALL:

(1) DEVELOP APPROPRIATE STATEMENTS OF VISION, MISSION, KEY GOALS, OBJECTIVES, AND PERFORMANCE INDICATORS AND REPORT THESE STATEMENTS IN A DISCRETE PART OF THE STATE BUDGET SUBMISSION, WHICH SHALL ALSO PROVIDE DATA FOR KEY PERFORMANCE INDICATORS; AND

(2) ON OR BEFORE OCTOBER 1 OF EACH YEAR UNTIL 2016, REPORT, SUBJECT TO § 2–1246 OF THE STATE GOVERNMENT ARTICLE, TO THE GENERAL ASSEMBLY ON:

(I) TOTAL FUNDS EXPENDED, BY PROGRAM AND SUBDIVISION, IN THE PRIOR FISCAL YEAR FROM THE FUND ESTABLISHED UNDER THIS SECTION; AND

(II) THE SPECIFIC OUTCOMES OR PUBLIC BENEFITS RESULTING FROM THAT EXPENDITURE.

Article – State Government

9–117.

(a) (1) (i) Except as provided in subparagraph (ii) of this paragraph, a licensed agent shall receive regular commissions of 5.5% of the licensed agent's gross receipts from ticket sales.

(ii) For fiscal years 2010 through **[**2012**] 2013** only, a licensed agent shall receive regular commissions of 5.0% of the licensed agent's gross receipts from ticket sales.

12–203.

[To**] EXCEPT AS PROVIDED IN TITLE 5 OF THE EDUCATION ARTICLE, TO** carry out this subtitle, the Governor shall include in the budget bill money that is adequate to satisfy a final judgment that, after the exhaustion of the rights of appeal, is rendered against the State or any of its officers or units.

Article – State Personnel and Pensions

21–125.

(b) (1) On the basis of actuarial assumptions that the Board of Trustees adopts, each year the actuary shall make a valuation of the assets and liabilities of the funds of the several systems.

(2) Each year the Board of Trustees shall certify to the Secretary of Budget and Management and to the Governor the rates of employer contributions.

(3) For purposes of actuarial valuation, the Board of Trustees may adopt a generally accepted method for determining the value of the assets held by the several systems.

(4) For general ledger accounting and financial reporting, the Board of Trustees shall use generally accepted accounting principles.

21–304.

(a) (1) In this section the following words have the meanings indicated.

(2) WITH RESPECT TO LOCAL EMPLOYEES, "AGGREGATE ANNUAL EARNABLE COMPENSATION" MEANS THE TOTAL ANNUAL EARNABLE COMPENSATION PAYABLE BY A LOCAL EMPLOYER TO ALL OF ITS LOCAL EMPLOYEES, CALCULATED AS OF JUNE 30 OF THE SECOND PRIOR FISCAL YEAR BEFORE THE FISCAL YEAR FOR WHICH THE CALCULATION IS MADE UNDER THIS SECTION, ADJUSTED BY ANY ACTUARIAL ASSUMED SALARY INCREASES THAT

WERE USED IN THE ACTUARIAL VALUATION PREPARED UNDER § 21–125(B) OF THIS TITLE FOR THE IMMEDIATE PRIOR FISCAL YEAR.

[(2)**] (3)** "Preliminary funding rate" means the sum of:

(i) the aggregate normal rate that is based on the normal contribution rate calculated under subsection (c) of this section; and

(ii) the aggregate unfunded accrued liability contribution rate that is based on the unfunded accrued liability contribution rate under subsection (d)(1)(i) and (ii)1 and 2 and (2) of this section.

[(3)**] (4)** "Funding ratio for the employees' systems" means the actuarial value of assets for the employees' systems divided by the actuarial accrued liability for the employees' systems.

[(4)**] (5)** "Funding ratio for the teachers' systems" means the actuarial value of assets for the teachers' systems divided by the actuarial accrued liability for the teachers' systems.

(6) "LOCAL EMPLOYEE" MEANS A MEMBER OF THE TEACHERS' RETIREMENT SYSTEM OR THE TEACHERS' PENSION SYSTEM WHO IS AN EMPLOYEE OF A DAY SCHOOL IN THE STATE UNDER THE AUTHORITY AND SUPERVISION OF A COUNTY BOARD OF EDUCATION OR THE BALTIMORE CITY BOARD OF SCHOOL COMMISSIONERS, EMPLOYED AS:

(I) A CLERK;

(II) A HELPING TEACHER;

(III) A PRINCIPAL;

(IV) A SUPERINTENDENT;

(V) A SUPERVISOR; OR

(VI) A TEACHER.

(7) "LOCAL EMPLOYER" MEANS A COUNTY BOARD OF EDUCATION OR THE BALTIMORE CITY BOARD OF SCHOOL COMMISSIONERS.

[(5)**] (8)** "State member" does not include a member on whose behalf a participating governmental unit is required to make an employer contribution under § 21–305 or § 21–306 of this subtitle.

(9) "TOTAL EMPLOYER CONTRIBUTION FOR LOCAL EMPLOYEES" MEANS THAT PORTION OF THE EMPLOYER CONTRIBUTION CALCULATED UNDER SUBSECTION (B) OF THIS SECTION THAT IS ATTRIBUTABLE TO ALL LOCAL EMPLOYEES.

(b) (1) **[**Each**]** **SUBJECT TO PARAGRAPHS (4) AND (5) OF THIS SUBSECTION, EACH** fiscal year, on behalf of the State members of each State system, the State shall pay to the appropriate accumulation fund an amount equal to or greater than the sum of the amount, if any, required to be included in the budget bill under § 3–501(c)(2)(ii) of this article and the product of multiplying:

(i) the aggregate annual earnable compensation of the State members of that State system; and

(ii) 1. for State members of the Law Enforcement Officers' Retirement System, State Police Retirement System, and the Judges' Retirement System, the sum of the normal contribution rate and the accrued liability contribution rate, as determined under this section;

2. for State members of the Employees' Pension System, Employees' Retirement System, Correctional Officers' Retirement System, and Legislative Pension Plan, the employees' systems contribution rate determined under subsection (e) of this section; or

3. for State members of the Teachers' Pension System and Teachers' Retirement System, the teachers' systems contribution rate determined under subsection (f) of this section.

(2) The amount determined under paragraph (1) of this subsection for each State system shall be based on an actuarial determination of the amounts that are required to preserve the integrity of the funds of the several systems using:

(i) the entry–age actuarial cost method; and

(ii) actuarial assumptions adopted by the Board of Trustees.

(3) For the purpose of making the determinations required under this section:

(i) the Employees' Retirement System, the Employees' Pension System, the Correctional Officers' Retirement System, and the Legislative Pension Plan shall be considered together as one State system; and

(ii) the Teachers' Retirement System and the Teachers' Pension System shall be considered together as one State system.

(4) (I) SUBJECT TO § 21–309.1 OF THIS SUBTITLE, BEGINNING ON JULY 1, 2012 AND EACH FISCAL YEAR THEREAFTER, EACH LOCAL EMPLOYER SHALL PAY TO THE APPROPRIATE ACCUMULATION FUND AN AMOUNT EQUAL TO THE LOCAL SHARE OF THE TOTAL EMPLOYER CONTRIBUTION FOR LOCAL EMPLOYEES AS PROVIDED IN THIS PARAGRAPH.

(II) FOR FISCAL YEARS 2013 THROUGH 2016, EACH LOCAL EMPLOYER SHALL PAY TO THE BOARD OF TRUSTEES ITS LOCAL SHARE, WHICH SHALL BE EQUAL TO THE FOLLOWING AMOUNTS:

LOCAL EMPLOYER	FISCAL YEAR 2013	FISCAL YEAR 2014	FISCAL YEAR 2015	FISCAL YEAR 2016
ALLEGANY	1,487,742	1,885,754	2,412,465	2,773,677
ANNE ARUNDEL	11,493,684	14,568,567	18,637,716	21,428,297
BALTIMORE CITY	12,922,862	16,380,092	20,955,217	24,092,793
BALTIMORE	15,755,802	19,970,922	25,549,002	29,374,395
CALVERT	2,835,938	3,594,631	4,598,648	5,287,193
CAROLINE	793,934	1,006,334	1,287,413	1,480,175
CARROLL	4,005,782	5,077,441	6,495,621	7,468,196
CECIL	2,459,819	3,117,889	3,988,747	4,585,973
CHARLES	3,936,516	4,989,645	6,383,304	7,339,061
DORCHESTER	656,543	832,186	1,064,625	1,224,028
FREDERICK	5,893,461	7,470,128	9,556,610	10,987,499
GARRETT	664,714	842,544	1,077,874	1,239,262
HARFORD	5,529,741	7,009,102	8,966,815	10,309,396
HOWARD	9,821,066	12,448,477	15,925,463	18,309,945
KENT	366,147	464,102	593,730	682,628
MONTGOMERY	27,227,553	34,511,689	44,151,153	50,761,802
PRINCE GEORGE'S	19,554,579	24,785,979	31,708,954	36,456,662
QUEEN ANNE'S	1,105,527	1,401,286	1,792,679	2,061,093
ST. MARY'S	2,485,697	3,150,691	4,030,711	4,634,220
SOMERSET	480,124	608,570	778,550	895,121
TALBOT	628,456	796,586	1,019,080	1,171,665
WASHINGTON	3,094,113	3,921,875	5,017,294	5,768,522
WICOMICO	2,173,593	2,755,091	3,524,616	4,052,348
WORCESTER	1,271,561	1,611,739	2,061,914	2,370,640

(III) BEGINNING IN FISCAL YEAR 2017, EACH LOCAL EMPLOYER SHALL PAY TO THE BOARD OF TRUSTEES ITS LOCAL SHARE EQUAL TO THE NORMAL CONTRIBUTION RATE FOR THE TEACHERS' RETIREMENT SYSTEM AND THE TEACHERS' PENSION SYSTEM MULTIPLIED BY THE

AGGREGATE ANNUAL EARNABLE COMPENSATION OF THE LOCAL EMPLOYEES OF THAT LOCAL EMPLOYER.

(5) THE DIFFERENCE BETWEEN THE TOTAL EMPLOYER CONTRIBUTION FOR LOCAL EMPLOYEES AND THE LOCAL SHARE OF THE TOTAL EMPLOYER CONTRIBUTION FOR ALL LOCAL EMPLOYEES SHALL BE THE OBLIGATION OF THE STATE.

(c) (1) As part of each actuarial valuation, the actuary shall determine the normal contributions, net of member contributions, on account of the State members of each State system.

(2) For each State system, the normal contribution rate equals the fraction that has:

(i) as its numerator, the sum of the normal contributions determined under this subsection; and

(ii) as its denominator, the aggregate annual earnable compensation of the State members of the State system.

21–308.

(a) (1) On or before December 1 of each year, the Board of Trustees shall:

(i) certify to the Governor and the Secretary of Budget and Management the rates to be used to determine the amounts to be paid by the State to the accumulation fund of each of the several systems during the next fiscal year**, INCLUDING A SEPARATE CERTIFICATION OF THE NORMAL CONTRIBUTION RATE FOR THE TEACHERS' RETIREMENT SYSTEM AND THE TEACHERS' PENSION SYSTEM**; and

(ii) provide to the Secretary of Budget and Management a statement of the total amount to be paid **BY THE STATE AS DETERMINED UNDER § 21–304 OF THIS SUBTITLE** to the Teachers' Retirement System and the Teachers' Pension System expressed as a percentage of the payroll of all members of those State systems.

21–309.1.

(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) "LOCAL EMPLOYEE" HAS THE MEANING STATED IN § 21–304 OF THIS SUBTITLE.

(3) "LOCAL EMPLOYER" HAS THE MEANING STATED IN § 21–304 OF THIS SUBTITLE.

(B) ON OR BEFORE DECEMBER 1 OF EACH YEAR, THE BOARD OF TRUSTEES SHALL DETERMINE AND CERTIFY THE AMOUNTS PAYABLE BY EACH LOCAL EMPLOYER UNDER § 21–304(B)(4) OF THIS SUBTITLE FOR THE NEXT FISCAL YEAR.

(C) ON OR BEFORE OCTOBER 1, JANUARY 1, APRIL 1, AND JUNE 1 OF EACH FISCAL YEAR, EACH LOCAL EMPLOYER SHALL PAY TO THE BOARD OF TRUSTEES 25% OF THE AMOUNT OF THE CHARGES CERTIFIED TO THE LOCAL EMPLOYER BY THE BOARD OF TRUSTEES UNDER SUBSECTION (B) OF THIS SECTION.

(D) (1) THE SECRETARY OF THE BOARD OF TRUSTEES MAY ALLOW A GRACE PERIOD NOT TO EXCEED 10 CALENDAR DAYS FOR PAYMENT OF THE AMOUNTS CERTIFIED UNDER THIS SECTION.

(2) IF A LOCAL EMPLOYER DOES NOT PAY THE AMOUNTS REQUIRED UNDER THIS SECTION WITHIN THE TIME REQUIRED, ON NOTIFICATION BY THE SECRETARY OF THE BOARD OF TRUSTEES THAT A DELINQUENCY EXISTS, THE STATE COMPTROLLER IMMEDIATELY:

(I) SHALL WITHHOLD THE DELINQUENT AMOUNTS, INCLUDING INTEREST ON THE DELINQUENT AMOUNTS AT A RATE OF 7.75% A YEAR, FROM ANY INSTALLMENT DUE THE LOCAL EMPLOYER FROM THE GENERAL STATE SCHOOL FUND; AND

(II) SHALL PAY TO THE BOARD OF TRUSTEES THE DELINQUENT AMOUNTS, INCLUDING INTEREST, WITHHELD UNDER THIS PARAGRAPH.

(E) ON RECEIPT OF THE PAYMENTS FROM EACH LOCAL EMPLOYER OR THE STATE COMPTROLLER, THE BOARD OF TRUSTEES SHALL CREDIT THESE AMOUNTS TO THE ACCUMULATION FUND OF THE APPROPRIATE STATE SYSTEM.

Article – Tax – General

2–608.

[(c) For each of fiscal years 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 this subtitle; 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.**]**

2–1104.

(b) For each fiscal year beginning on or before July 1, 2015, 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) to the General Fund of the State:

(i) $5,000,000 for each fiscal year beginning on or before July 1, **[**2014**] 2011**; **[**and**]**

(II) $5,000,000 FOR EACH OF THE FISCAL YEARS BEGINNING JULY 1, 2012, JULY 1, 2013, AND JULY 1, 2014; AND

[(ii)**] (III)** $4,624,687 for the fiscal year beginning July 1, 2015; **[**and**]**

(2) $8,000,000 TO THE BUDGET RESTORATION FUND FOR THE FISCAL YEAR BEGINNING JULY 1, 2012; AND

[(2)**] (3)** the balance to the Chesapeake Bay 2010 Trust Fund.

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 **[**2013**] 2014** equal to $264,913,000, as follows:

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

(ii) $55,000,000 for fiscal year 2010;

(iii) At least $80,000,000 for fiscal year 2011; and

(iv) The remaining balance for fiscal year 2012 **[**or**],** fiscal year 2013**, OR FISCAL YEAR 2014**; and

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

5–415.

(A) IN THIS SECTION, "FIRE RESCUE SERVICE" MEANS THE MARYLAND AVIATION ADMINISTRATION FIRE RESCUE SERVICE.

(B) SUBJECT TO SUBSECTION (C) OF THIS SECTION, THE FIRE RESCUE SERVICE SHALL CHARGE AN AMBULANCE TRANSPORT FEE SET IN REGULATIONS ADOPTED UNDER SUBSECTION (D) OF THIS SECTION TO AN INDIVIDUAL IF THE FIRE RESCUE SERVICE TRANSPORTS THE INDIVIDUAL TO A HOSPITAL FROM PROPERTY OWNED BY THE ADMINISTRATION OR PROPERTY SUBJECT TO A MUTUAL AID AGREEMENT TO WHICH THE ADMINISTRATION IS A PARTY.

(C) (1) THE FIRE RESCUE SERVICE MAY NOT:

(I) QUESTION AN INDIVIDUAL ABOUT ABILITY TO PAY THE AMBULANCE TRANSPORT FEE AT THE TIME THAT AMBULANCE TRANSPORTATION IS REQUESTED OR PROVIDED; OR

(II) FAIL TO PROVIDE AMBULANCE TRANSPORTATION AND EMERGENCY MEDICAL SERVICES BECAUSE OF AN INDIVIDUAL'S ACTUAL OR PERCEIVED INABILITY TO PAY THE AMBULANCE TRANSPORT FEE.

(2) THE ADMINISTRATION MAY PROCURE THE SERVICES OF A THIRD PARTY BILLING COMPANY TO ADMINISTER ITS AMBULANCE TRANSPORT FEE PROGRAM.

(D) THE ADMINISTRATION SHALL ADOPT REGULATIONS TO:

(1) SET THE AMBULANCE TRANSPORT FEE; AND

(2) ADMINISTER THE COLLECTION OF THE AMBULANCE TRANSPORT FEE, INCLUDING REGULATIONS GOVERNING:

(I) A WAIVER OF THE AMBULANCE TRANSPORT FEE IN THE EVENT OF FINANCIAL HARDSHIP;

(II) THE ACCEPTANCE OF REDUCED PAYMENTS BY COMMERCIAL INSURERS AND OTHER THIRD–PARTY PAYORS, INCLUDING MEDICARE AND MEDICAID; AND

(III) A REQUIREMENT THAT EACH INDIVIDUAL RECEIVING AN AMBULANCE TRANSPORT PROVIDE FINANCIAL INFORMATION, INCLUDING THE INDIVIDUAL'S INSURANCE COVERAGE, AND ASSIGN INSURANCE BENEFITS TO THE ADMINISTRATION.

(E) THE ADMINISTRATION SHALL DEPOSIT THE FEES COLLECTED UNDER THIS SECTION IN THE TRANSPORTATION TRUST FUND.

12–118.

(e) (2) The balance of the money in the special fund shall be distributed to the **[**Transportation Trust Fund established under § 3–216 of this article**]** **DEPARTMENT OF STATE POLICE TO FUND ROADSIDE ENFORCEMENT ACTIVITIES**.

Chapter 193 of the Acts of 2005

SECTION 2. AND BE IT FURTHER ENACTED, That:

(a) Prior to making any adjustments to capitation payments for a managed care organization, the Secretary of Health and Mental Hygiene, in consultation with the Maryland Insurance Commissioner, shall adopt regulations to implement the provisions of § 15–605(c)(5) of the Insurance Article.

(b) The regulations adopted under subsection (a) of this section shall:

(1) establish the definition of "loss ratio" for uniform application by all managed care organizations;

(2) establish procedures requiring the Secretary of Health and Mental Hygiene to consider the financial performance of a managed care organization in prior periods;

(3) establish standard data collection and reporting requirements for all managed care organizations;

(4) consistent with the provisions of § 15–605(c)(5) of the Insurance Article, establish a process for allowing a managed care organization to appeal a decision of the Secretary of Health and Mental Hygiene to adjust a managed care organization's capitation payments; and

(5) establish a mechanism for, and conditions under which, an adjustment to the capitation rates of a managed care organization are made.

(c) The Secretary of Health and Mental Hygiene shall adopt any additional regulations necessary to carry out the provisions of § 15–605(c)(5) of the Insurance Article and the goals of the Health Choice Program.

(D) ANY REGULATIONS ADOPTED BY THE SECRETARY OF HEALTH AND MENTAL HYGIENE THAT ADJUST CAPITATED PAYMENTS TO MANAGED CARE ORGANIZATIONS IF THE MEDICAL LOSS RATIO OF A MANAGED CARE ORGANIZATION IS LESS THAN 85% MAY NOT APPLY TO A CALENDAR YEAR PRECEDING THE CALENDAR YEAR IN WHICH THE REGULATIONS ARE ADOPTED.

SECTION 3. AND BE IT FURTHER ENACTED, That, as part of the ongoing efforts of the Department of Health and Mental Hygiene to ensure that managed care organizations deliver quality health care to their members, the Department may modify, enhance, or replace the Value Based Purchasing Initiative in effect on January 1, 2005, provided that:

(1) except as provided in **[**item (4)**] ITEMS (4) AND (5)** of this section, any changes to the core set of performance measures and the methodology for penalties, rewards, disincentives, or incentives shall be adopted by regulation prior to the calendar year for which the managed care organizations will be held accountable for compliance with the performance measures;

(2) except as provided in item (4) of this section, the Secretary of Health and Mental Hygiene shall notify managed care organizations of the core set of performance measures and targets at least 3 months prior to the calendar year for

which the managed care organizations will be held accountable for compliance with the performance measures;

(3) any penalty or capitation adjustment imposed under this section on a managed care organization may not be implemented by means of a capitation payment withhold; **[**and**]**

(4) with respect to the performance measures for calendar year 2005, the Secretary of Health and Mental Hygiene may modify the ranges or targets of the core set of performance measures without complying with the provisions of items (1) and (2) of this section, provided that the dollar amounts of any financial rewards or disincentives shall be calculated as set forth in the Value Based Purchasing Initiative in effect on January 1, 2005**; AND**

(5) WITH RESPECT TO CALENDAR YEAR 2012, THE DEPARTMENT MAY MAKE CHANGES TO THE METHODOLOGY FOR PENALTIES, REWARDS, DISINCENTIVES, OR INCENTIVES BY REGULATIONS ADOPTED DURING THE CALENDAR YEAR.

Chapter 2 of the Acts of the Special Session of 2007

SECTION 13. AND BE IT FURTHER ENACTED, That:

(a) The Geographic Cost of Education Index (GCEI) Adjustment established in § 5–202(f) of the Education Article shall be updated **[**every 3 years beginning**] IN** September **[**2009**] 2016** using the most current **[**data available and the same**]** methodology **[**set forth in the report entitled "Adjusting for Geographic Differences in the Cost of Education Provision in Maryland (December 31, 2003)."**].**

Chapter 397 of the Acts of 2011

SECTION 11. AND BE IT FURTHER ENACTED, That, notwithstanding any other provision of law, the Governor may transfer from the Senior Prescription Drug Assistance Program account of the Maryland Health Insurance Plan Fund established under § 14–504(e) of the Insurance Article to the Kidney Disease Program established under Title 13, Subtitle 3 of the Health – General Article up to $3,000,000 in fiscal year 2012, and up to **[**$3,000,000**] $5,000,000** in fiscal year 2013.

SECTION 24. AND BE IT FURTHER ENACTED, That, notwithstanding any other provision of law:

(a) Except as otherwise provided in this section, State employees employed by any entity, including the University System of Maryland, Morgan State University, and St. Mary's College of Maryland, may not receive merit increases prior to April 1, 2014.

(b) This provision does not affect:

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

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

(3) payments pursuant to a collective bargaining agreement negotiated with an accredited representative in accordance with § 7–601 of the Transportation Article; or

(4) for fiscal **[**year**]** **YEARS** 2012 **[**only**]** **AND 2013**, operationally critical staff.

(c) On or before December 1, 2011**, AND DECEMBER 1, 2012**, in accordance with § 2–1246 of the State Government Article, the University System of Maryland, Morgan State University, and St. Mary's College of Maryland shall each submit a report to the Senate Budget and Taxation Committee and the House Appropriations Committee that details the policies adopted by the governing boards of those institutions to designate operationally critical staff, all staff identified as critical under subsection (b)(4) of this section, and any merit increases awarded as a consequence of this designation.

(d) On or before December 1, 2011**, AND DECEMBER 1, 2012**, in accordance with § 2–1246 of the State Government Article, the Department of Budget and Management shall submit a report to the Senate Budget and Taxation Committee and the House Appropriations Committee that details the policies adopted to designate operationally critical staff, all executive branch staff identified as critical under subsection (b)(4) of this section, and any merit increases awarded as a consequence of this designation.

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

Article – Education

5–105.

(a) All revenues received by a county board shall be spent by the board in accordance with the major categories of its annual budget as provided under § 5–101 of this subtitle.

(c) **[**Nonlocal**]** **EXCEPT AS PROVIDED IN SUBSECTION (D) OF THIS SECTION, NONLOCAL** funds received by a county board after the adoption of the annual budget by the county fiscal authority may be spent by the county board if the county fiscal authority is notified and approves of:

(1) The source and amount of the funds; and

(2) The manner of spending the funds.

(D) (1) FUNDS RECEIVED BY THE COUNTY BOARD UNDER § 2–608(A)(1) OF THE TAX – GENERAL ARTICLE AFTER THE ADOPTION OF THE ANNUAL BUDGET BY THE COUNTY FISCAL AUTHORITY MAY BE SPENT BY THE COUNTY BOARD AFTER APPROVAL BY THE COUNTY FISCAL AUTHORITY UNDER PARAGRAPH (2) OF THIS SUBSECTION.

(2) THE COUNTY FISCAL AUTHORITY SHALL APPROVE THE AMOUNT OF FUNDS RECEIVED BY THE COUNTY BOARD UNDER § 2–608(A)(1) OF THE TAX – GENERAL ARTICLE WITHIN 30 DAYS AFTER THE COMPTROLLER MAKES THE DISTRIBUTION TO THE COUNTY BOARD.

(3) IF THE COUNTY FISCAL AUTHORITY FAILS TO TAKE ACTION WITHIN 30 DAYS AFTER THE DISTRIBUTION BY THE COMPTROLLER, THE FAILURE TO TAKE ACTION CONSTITUTES APPROVAL.

SECTION 3. AND BE IT FURTHER ENACTED, That Section(s) 5–203 of Article – Education of the Annotated Code of Maryland be repealed.

SECTION 4. AND BE IT FURTHER ENACTED, That, notwithstanding any other provision of law, on or before June 30, 2012, the Governor may transfer to the Budget Restoration Fund established under this Act:

$1,000,000 of the funds in the Helicopter Replacement Fund established under § 2–801 of the Public Safety Article; and

$1,800,000 of the funds in the accounts of the Baltimore City Community College.

SECTION 5. AND BE IT FURTHER ENACTED, That, notwithstanding any other provision of law, on or before June 30, 2013, the Governor may transfer to the Budget Restoration Fund established under this Act:

$500,000 of the funds in the Maryland Correctional Enterprises Revolving Fund established under § 3–507 of the Correctional Services Article;

$500,000 of the funds in the Spinal Cord Injury Research Trust Fund established under § 13–1406 of the Health – General Article;

$206,000 of the funds in the State Insurance Trust Fund established under § 9–103 of the State Finance and Procurement Article;

$96,350 of the funds in the State Board of Examiners for Audiologists, Hearing Aid Dispensers, and Speech–Language Pathologists established under § 2–206 of the Health Occupations Article;

$320,392 of the funds in the State Board of Physicians Fund established under § 14–207 of the Health Occupations Article;

$5,000,000 of the funds in the accounts of the University System of Maryland;

$250,000 of the funds in the accounts of Morgan State University;

$351,000 of the funds in the special fund established under § 11–401 of the Business Regulation Article;

$50,000 of the funds in the special fund established under § 7–216.1 of the State Government Article; and

$9,788 of the funds in the State Board of Morticians and Funeral Directors established under § 7–206 of the Health Occupations Article.

SECTION 6. AND BE IT FURTHER ENACTED, That, notwithstanding any other provision of law, on or before June 30, 2013, the Governor may transfer $96,870,649 of the funds in the special fund established under § 13–209 of the Tax – Property Article to the Budget Restoration Fund established under this Act. A transfer of funds under this section from the special fund to the Budget Restoration Fund established under this Act 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 7. AND BE IT FURTHER ENACTED, That, notwithstanding any other provision of law:

(1) On or before June 30, 2013, the Governor may transfer $50,000,000 of the funds in the Injured Workers' Insurance Fund to the Budget Restoration Fund established under this Act.

(2) If legislation is enacted during the 2012 Session of the General Assembly that requires a valuation study of the Injured Workers' Insurance Fund, the Injured Workers' Insurance Fund and its successor shall be jointly liable to pay to the General Fund the additional amount, in excess of $50,000,000, that the Injured Workers' Insurance Fund has realized from its association with the State, if the Insurance Commissioner determines that the additional amount would not impair the adequacy of the Injured Workers' Insurance Fund's surplus and reserves.

(3) The transfer of $50,000,000 and the additional payment to the State, if any, shall resolve any claim the State has or may have to the property or assets of the Injured Workers Insurance Fund, except as provided under federal tax

law for dissolution of state sponsored workers' compensation reinsurance organizations.

SECTION 8. AND BE IT FURTHER ENACTED, That, notwithstanding any other provision of law, on or before June 30, 2012, the Governor may transfer up to $1,867,000 of the funds in the Small, Minority, and Women–Owned Businesses Account established under § 9–1A–35 of the State Government Article to the Education Trust Fund established under § 9–1A–30 of the State Government Article.

SECTION 9. AND BE IT FURTHER ENACTED, That:

(1) The Governor shall include in the budget bill for fiscal year 2014 the transfer of $2,000,000 from the Fair Campaign Financing Fund to the Maryland Information Technology Development Project Fund (program F50A01.01) that was authorized by Section 38 of Chapter 487 of the Acts of 2009 for the purpose of funding the purchase of a new Optical Scan Voting System.

(2) It is the intent of the General Assembly that, beginning in fiscal year 2015, each county pay its share of one–half of any further cost of acquiring and operating the Optical Scan Voting System as required under Chapter 564 of the Acts of 2001.

SECTION 10. AND BE IT FURTHER ENACTED, That, notwithstanding any other provision of law, on or before June 30, 2012, the Governor may transfer up to $950,000, and on or before June 30, 2013, the Governor may transfer up to $209,000, of the funds in the Problem Gambling Fund established under § 9–1A–33(b) of the State Government Article to the Education Trust Fund established under § 9–1A–30 of the State Government Article.

SECTION 11. AND BE IT FURTHER ENACTED, That, for fiscal year 2013, 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 18, 2012.

SECTION 12. AND BE IT FURTHER ENACTED, That, for fiscal year 2013, payments to providers with rates set by the Interagency Rates Committee under § 8–417 of the Education Article may not increase by more than 1% over the rates in effect on January 18, 2012.

SECTION 13. AND BE IT FURTHER ENACTED, That, in addition to any other revenue generated under § 19–214 of the Health – General Article, as amended by this Act, for fiscal year 2013, the Health Services Cost Review Commission shall approve remittances in the amount of $9,100,000 to support the general operations of the Medicaid program. The Commission may reduce remittances by the amount of any reduction in State Medicaid expenditures that result from any Commission–approved changes in hospital rates or policies.

SECTION 14. AND BE IT FURTHER ENACTED, That the Department of Health and Mental Hygiene may transfer up to $5,000,000 in general funds in the Developmental Disabilities Administration at the end of fiscal year 2012 into a dedicated account, to be used in fiscal year 2013 for the following expenditures:

(1) within the Community Services Program of the Developmental Disabilities Administration:

(i) providing community–based services to individuals eligible for services from the Developmental Disabilities Administration, including individuals on the Developmental Disabilities Administration Waiting List;

(ii) continuing the implementation of the hold harmless policy related to changes in fiscal year 2012 to reimbursement policies for absence days;

(iii) enhancing services and service coordination for individuals receiving services from the Developmental Disabilities Administration; and

(iv) providing grants consistent with the purpose of Title 7 of the Health – General Article, to enhance and provide services to individuals eligible for services from the Developmental Disabilities Administration; and

(2) within the Office of Health Care Quality, providing funding, up to $750,000, for activities directly related to providers licensed by the Developmental Disabilities Administration in lieu of increasing licensure fees for developmental disability providers.

SECTION 15. AND BE IT FURTHER ENACTED, That, notwithstanding any other provision of law, the Governor may transfer up to $2,000,000 of the funds in the administrative expense account in the Strategic Energy Investment Fund established under § 9–20B–05 of the State Government Article to the Office of Home Energy Programs in the Department of Human Resources established under § 5–5A–02 of the Human Services Article to provide low–income energy assistance.

SECTION 16. AND BE IT FURTHER ENACTED, That, notwithstanding any other provision of law, the Governor may transfer $4,500,000 from the Senior Prescription Drug Assistance Program account of the Maryland Health Insurance Plan Fund established under § 14–504(e) of the Insurance Article to the Medical Assistance Program established under Title 15, Subtitle 1 of the Health – General Article in fiscal year 2013.

SECTION 17. AND BE IT FURTHER ENACTED, That:

(a) Except as provided in subsection (b) of this section, any money received by the State as a result of conditions of an approved merger between Exelon Corporation and Constellation Energy Group shall be expended only as authorized

through an act of the General Assembly or specifically authorized in the State budget bill as enacted and is not subject to transfer by budget amendment.

(b) For fiscal year 2013 only, money received by the State as a result of conditions of an approved merger between Exelon Corporation and Constellation Energy Group may be transferred by budget amendment if:

(1) the budget amendment is subject to review by the Legislative Policy Committee, the House Appropriations Committee, and the Senate Budget and Taxation Committee; and

(2) the Legislative Policy Committee, the House Appropriations Committee, and the Senate Budget and Taxation Committee have 45 days to review and comment on the proposed budget amendment.

SECTION 18. AND BE IT FURTHER ENACTED, That for fiscal years 2013 through 2016, in addition to the required maintenance of effort amount calculated under § 5–202(d) of the Education Article, each county shall appropriate to the county board of education the following dollar amounts:

County	Fiscal Year 2013	Fiscal Year 2014	Fiscal Year 2015	Fiscal Year 2016
Allegany	1,487,742	1,885,754	1,847,253	2,202,813
Anne Arundel	11,493,684	14,568,567	15,930,477	18,693,986
Baltimore City	12,922,862	16,380,092	14,824,485	17,900,753
Baltimore	15,755,802	19,970,922	21,062,639	24,843,168
Calvert	2,835,938	3,594,631	4,071,110	4,754,380
Caroline	793,934	1,006,334	991,831	1,181,637
Carroll	4,005,782	5,077,441	5,736,837	6,701,824
Cecil	2,459,819	3,117,889	3,352,878	3,943,745
Charles	3,936,516	4,989,645	5,642,346	6,590,694
Dorchester	656,543	832,186	775,810	932,325
Frederick	5,893,461	7,470,128	8,438,605	9,858,314
Garrett	664,714	842,544	796,082	954,652
Harford	5,529,741	7,009,102	7,475,675	8,803,344
Howard	9,821,066	12,448,477	14,909,225	17,283,545
Kent	366,147	464,102	445,130	532,542
Montgomery	27,227,553	34,511,689	37,809,551	44,356,785
Prince George's	19,554,579	24,785,979	24,951,664	29,631,799
Queen Anne's	1,105,527	1,401,286	1,497,849	1,763,314
St. Mary's	2,485,697	3,150,691	3,417,429	4,014,805
Somerset	480,124	608,570	495,932	609,676
Talbot	628,456	796,586	792,752	943,073
Washington	3,094,113	3,921,875	4,099,702	4,841,754
Wicomico	2,173,593	2,755,091	2,719,329	3,239,009
Worcester	1,271,561	1,611,739	1,647,903	1,952,488

SECTION 19. AND BE IT FURTHER ENACTED, That for fiscal year 2017, the maintenance of effort amount calculated under § 5–202(d) of the Education Article shall be based on the total per pupil appropriation for fiscal 2016 including the amount each county was required to appropriate to the county board of education in fiscal year 2016 under Section 18 of this Act.

SECTION 20. AND BE IT FURTHER ENACTED, That, notwithstanding § 5–202(d) of the Education Article, for fiscal year 2013 only, the maintenance of effort calculation for Baltimore City shall exclude:

(1) a reduction in the cost of health benefits for retired employees of the Baltimore City Public School System if a similar reduction is made for all participants in the health benefits program for retired employees that is administered by Baltimore City and includes retired employees of both Baltimore City and the Baltimore City Public School System; and

(2) a reduction in the cost of health benefits for retired employees of the Baltimore City Public School System due to a change in the allocation of the costs of the health benefits program between retired employees of Baltimore City and the Baltimore City Public School System from the estimated number of retired employees for Baltimore City and for the Baltimore City Public School System to an estimate of the actual medical and prescription drug claims for the retired employees of Baltimore City and for the retired employees of the Baltimore City Public School System.

SECTION 21. AND BE IT FURTHER ENACTED, That, notwithstanding any other provision of law to the contrary, § 10–306 of the State Finance and Procurement Article does not apply to the process for awarding a video lottery operation license under §§ 9–1A–05(a)(4) and 9–1A–36(h)(1)(iii) of the State Government Article.

SECTION 22. AND BE IT FURTHER ENACTED, That, notwithstanding any other provision of law, on or before June 30, 2013, the Governor may transfer by budget amendment $5,000,000 from the Revenue Stabilization Account established under § 7–311 of the State Finance and Procurement Article to fund teacher retirement supplemental grants under Article 24, § 9–1105 of the Code, as enacted under this Act.

SECTION 23. AND BE IT FURTHER ENACTED, That, notwithstanding any other provision of law, for a county that does not meet the maintenance of effort requirement under § 5–202(d) of the Education Article in fiscal year 2012 and did not approve a county income tax rate of 3.2% before July 1, 2011:

(1) For fiscal year 2013, if a county approves a county income tax rate of 3.2% and a county property tax rate that is at least the maximum amount allowable under the county's charter before July 1, 2012, the required fiscal year 2013 maintenance of effort amount for the county shall be calculated based on the local funds appropriated to the school operating budget for fiscal year 2012.

(2) For fiscal year 2014:

(i) if a county approves a county income tax rate of 3.2% and a county property tax rate that is at least the maximum amount allowable under the county's charter before July 1, 2013, the required fiscal year 2014 maintenance of effort amount for the county shall be calculated based on the local funds appropriated to the school operating budget for fiscal year 2013; and

(ii) if the county does not approve a county income tax rate of 3.2% and a county property tax rate that is at least the maximum amount allowable under the county's charter before July 1, 2013, the required fiscal year 2014 maintenance of effort amount for the county shall be based on the required maintenance of effort amount for fiscal year 2012.

SECTION 24. AND BE IT FURTHER ENACTED, That the unexpended appropriations that were included in the Budget Bill for Fiscal Year 2012 as enacted during the 2011 Session (Chapter 395 of the Acts of 2011) are reduced by the amounts indicated below:

Appropriation Code	Program Title	General Fund Reduction	Federal Fund Reduction
M00Q01.03	Department of Health and Mental Hygiene – Medical Care Programs Administration – Medical Care Provider Reimbursements	$40,000,000	$40,000,000
T00A00.08	Department of Business and Economic Development – Office of Administration and Technology	$578,000	

SECTION 25. AND BE IT FURTHER ENACTED, That:

(a) In this section, "Budget Bill" means the Budget Bill for Fiscal Year 2013 as enacted during the 2012 Regular Session (Chapter 148 of the Acts of 2012).

(b) Notwithstanding § 7–213 of the State Finance and Procurement Article or any other provision of law, the statewide General Fund reductions of Chapter 148, § 43 of the Acts of 2012 shall be implemented by the Governor without review or approval by the Board of Public Works.

(c) Subject to subsection (d) of this section, the appropriations for fiscal year 2013 for the following purposes that were included in the Budget Bill are reduced by the amounts indicated below:

Appropriation Code	Program Title	General Fund Reduction	Special Fund Reduction	Federal Fund Reduction
F50A01.01	Department of Information Technology – Major Information Technology Development Project Fund	$5,000,000		
K00A05.10	Department of Natural Resources – Outdoor Recreation Land Loan		$49,249,882	
K00A14.02	Department of Natural Resources – Watershed Services		$8,000,000	
L00A11.11	Department of Agriculture – Capital Appropriation		$16,253,258	
M00L01.02	Department of Health and Mental Hygiene – Mental Hygiene Administration – Community Services	$6,247,276		
M00L01.03	Department of Health and Mental Hygiene – Mental Hygiene Administration – Community Services for Medicaid Recipients	$750,000		$750,000
M00Q01.03	Department of Health and Mental Hygiene – Medical Care Programs Administration – Medical Care Provider Reimbursements	$6,909,654		
M00Q01.03	Department of Health and Mental Hygiene – Medical Care Programs Administration – Medical Care Provider Reimbursements	$4,500,000		
M00Q01.03	Department of Health and Mental Hygiene – Medical Care Programs Administration – Medical Care Provider			

	Reimbursements	$1,250,000	$1,250,000
M00Q01.03	Department of Health and Mental Hygiene – Medical Care Programs Administration – Medical Care Provider Reimbursements	$40,000,000	$40,000,000
M00Q01.03	Department of Health and Mental Hygiene – Medical Care Programs Administration – Medical Care Provider Reimbursements	$10,000,000	
M00Q01.06	Department of Health and Mental Hygiene – Medical Care Programs Administration – Kidney Disease Treatment Services	$2,000,000	
R00A02.01	State Department of Education – Aid to Education – State Share of Foundation Program	$1,867,000	
R00A02.01	State Department of Education – Aid to Education – State Share of Foundation Program	$6,100,000	
R00A02.03	State Department of Education – Aid to Education – Aid for Local Employee Fringe Benefits	$136,644,952	
R62I00.03	Maryland Higher Education Commission – Joseph A. Sellinger Formula for Aid to Non–Public Institutions of Higher Education	$1,344,148	
R75T00.01	Higher Education – Support for State Operated Institutions of Higher Education	$246,160	
T00A00.08	Department of Business and Economic Development – Office of Administration and Technology	$578,000	

W00A01.02	Department of State Police – Maryland State Police – Field Operations Bureau	$4,173,658

(d) If this Act satisfies the contingency for a reduction provided in the Budget Bill for an appropriation, the amount of the reduction specified in subsection (c) of this section for that appropriation shall be limited to the amount, if any, by which the reduction specified in subsection (c) of this section exceeds the reduction specified in the Budget Bill.

(e) The statewide elimination of positions provided for in Chapter 148, § 43 of the Acts of 2012, shall instead provide only that on or before June 1, 2012, the Governor shall allocate a statewide Executive Branch General Fund reduction of $30,000,000 for salaries and fringe benefits. The Governor shall abolish an aggregate of 100 vacant positions as of January 2, 2013, inclusive of 64 vacant positions abolished under Chapter 148, § 47 of the Acts of 2012.

(f) The statewide increase in the employee share of health insurance costs provided for in Chapter 148, § 43 of the Acts of 2012, shall instead provide only that on or before June 1, 2012, the Governor shall allocate a statewide Executive Branch General Fund reduction of $15,000,000 for health insurance costs.

SECTION 26. AND BE IT FURTHER ENACTED, That:

(a) In this section, "Budget Restoration Fund" means the special fund established under this section.

(b) (1) The Budget Restoration Fund is established as a special fund for the purpose of authorizing specified revenue to be used for specified purposes as provided in this section.

(2) The Budget Restoration Fund consists of:

(i) Revenues distributed to the Budget Restoration Fund under this section; and

(ii) Other funds transferred to the Budget Restoration Fund as authorized or required under this Act.

(3) The Treasurer shall separately hold, and the Comptroller shall account for, the Budget Restoration Fund.

(4) (i) The Budget Restoration Fund shall be invested and reinvested in the same manner as other State funds.

(ii) Any investment earnings shall be credited to the General Fund of the State.

(c) Notwithstanding Title 2, Subtitle 6 of the Tax – General Article or any other provision of law, for fiscal year 2013 only, the Comptroller shall distribute to the Budget Restoration Fund:

(1) $247,300,000 from the State income tax revenue from individuals;

(2) $7,428,400 from the General Fund share of the State income tax revenue from corporations;

(3) $8,800,000 from State lottery revenues; and

(4) $5,000,000 from the tobacco tax revenue.

(d) (1) Except as otherwise provided in this Act, moneys in the Budget Restoration Fund shall be retained in the Budget Restoration Fund and may not be spent for any purpose.

(2) Except as otherwise provided by law, any unspent balance in the Budget Restoration Fund on June 30, 2013, shall revert to the General Fund.

(3) Notwithstanding the requirements of Chapter 148, § 29 of the Acts of 2012 and the budget amendment procedure provided in Title 7, Subtitle 2, of the State Finance and Procurement Article, of the moneys credited to the Budget Restoration Fund up to the following specified amounts may be used for fiscal year 2013 for the following purposes in addition to amounts authorized under Chapter 148 of the Acts of the General Assembly of 2012:

Appropriation Code	Program Title	Amount
A15O00.01	Disparity Grants	11,992,672
A15O00.01	Disparity Grants	19,583,662
D15A05.16	Governor's Office of Crime Control and Prevention	20,768,000
R00A02.01	State Share of Foundation Program	128,752,660
R00A02.55	Teacher Development	5,232,000
D40W01.12	Sustainable Communities Tax Credit	7,000,000
F10A02.08	Statewide Expenses	33,800,000

M00L01.02	Community Services	800,000
M00L01.03	Community Services for Medicaid Recipients	2,300,000
M00L05.01	Services and Institutional Operations	3,250,000
M00L11.01	Services and Institutional Operations	3,250,000
M00M01.02	Community Services	8,600,000
N00G00.01	Foster Care Maintenance Payments	1,400,000
R00A02.07	Students with Disabilities	2,100,000
R62I00.03	Joseph A. Sellinger Formula for Aid to Non–Public Institutions of Higher Education	3,844,596
R62I00.05	The Senator John A. Cade Funding Formula for the Distribution of Funds to Community Colleges	19,917,611
R62I00.12	Senatorial Scholarships	6,486,000
R62I00.15	Delegate Scholarships	5,300,486
R75T00.01	Support for State Operated Institutions of Higher Education	38,499,856
T00F00.12	Maryland Biotechnology Investment Tax Credit Reserve Fund	8,000,000
T50T01.03	Maryland Stem Cell Research Fund	10,400,000
Statewide	Restore cut to employer share of health insurance costs	15,000,000
Statewide	Restore funding for positions	24,000,000
Statewide	Restore agency operating expenses cut of 8%	50,000,000

SECTION 27. AND BE IT FURTHER ENACTED, That, notwithstanding any other provision of law, the salary of the State Superintendent of Schools shall be the salary set by the State Board of Education on April 24, 2012, pursuant to § 2–302 of the Education Article.

SECTION 28. AND BE IT FURTHER ENACTED, That, notwithstanding any other provision of law, on or before June 30, 2013, the Governor may process a Special

Fund budget amendment to appropriate $383,840 from the Higher Education Investment Fund to provide a grant to St. Mary's College of Maryland to offset a 2% increase in the in–State undergraduate tuition rate for fiscal year 2013.

SECTION 29. AND BE IT FURTHER ENACTED, That, if any provision of this Act or the application thereof to any person or circumstances 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 30. AND BE IT FURTHER ENACTED, That Section 26 of this Act shall take effect June 1, 2012. It shall remain effective for a period of 1 year and 1 month and, at the end of June 30, 2013, with no further action required by the General Assembly, Section 26 of this Act shall be abrogated and of no further force and effect.

SECTION 31. AND BE IT FURTHER ENACTED, That § 12–118(e)(2) of the Transportation Article, as enacted by Section 1 of this Act, shall take effect October 1, 2012.

SECTION 32. AND BE IT FURTHER ENACTED, That Section 3 of this Act shall take effect July 1, 2014.

SECTION 33. AND BE IT FURTHER ENACTED, That, except as otherwise provided in this Act, this Act shall take effect June 1, 2012.