

HOUSE BILL 102

B1

3lr0137
CF SB 127

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

Introduced and read first time: January 16, 2013

Assigned to: Appropriations

Committee Report: Favorable with amendments

House action: Adopted with floor amendments

Read second time: March 13, 2013

CHAPTER _____

1 AN ACT concerning

2 **Budget Reconciliation and Financing Act of 2013**

3 FOR the purpose of altering the frequency with which certain payments from a certain
4 special fund are required to be paid; requiring the reduction of certain grants
5 and payments under certain circumstances; ~~repealing certain requirements for~~
6 ~~a certain notice relating to abandoned property to be published in certain~~
7 ~~newspapers; requiring the Comptroller to maintain, or cause to be maintained,~~
8 ~~an abandoned property database containing the names and last known~~
9 ~~addresses, if any, of persons listed in certain reports; requiring the Comptroller~~
10 ~~to maintain, or cause to be maintained, a certain Internet Web site relating to~~
11 ~~the abandoned property database; requiring the Comptroller to publish certain~~
12 ~~notices of a certain Internet Web site; providing that a certain District Court~~
13 ~~surcharge shall be added to fines imposed for certain traffic cases and not to~~
14 ~~court costs; requiring a certain arrest – citation form to include a line to add a~~
15 ~~certain surcharge; requiring a police officer to add a certain surcharge to a~~
16 ~~certain fine on a certain traffic citation; requiring the Comptroller to annually~~
17 ~~pay a certain surcharge in a certain manner;~~ altering certain circumstances
18 under which a county board of education is required to reimburse the
19 Department of Juvenile Services; altering or repealing certain required
20 appropriations; providing for the applicability of certain provisions of law
21 relating to a statewide information technology master plan to certain projects
22 that involve certain agreements with certain public institutions of higher
23 education; repealing the requirement that certain licensed veterans’
24 organizations purchase or lease certain instant ticket lottery machines from the
25 State Lottery and Gaming Control Agency; altering the distribution of certain

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

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



1 revenue; providing for the transfer of certain funds for certain purposes;
 2 altering a certain requirement that the Health Services Cost Review
 3 Commission and the Department of Health and Mental Hygiene adopt certain
 4 policies to provide a certain combined amount in revenues and savings so as to
 5 place a limit on the combined amount of revenues and savings beginning in a
 6 certain fiscal year; providing that for certain fiscal years certain savings from
 7 the adoption of certain policies may be used to offset certain hospital
 8 assessment and remittance revenue in a certain year; repealing certain
 9 reporting requirements; providing for the expiration of certain tax credits under
 10 certain circumstances; requiring the Director of the Maryland Historical Trust
 11 to notify certain persons and, on or before a certain date, to submit a certain
 12 report to the Comptroller; ~~repealing certain credits allowed against certain~~
 13 ~~taxes for the purchase of Maryland mined coal;~~ setting certain limits in
 14 increases in payments to certain providers for a certain fiscal year; requiring
 15 the Department of Health and Mental Hygiene to achieve certain savings from
 16 certain rates; requiring the Health Services Cost Review Commission to conduct
 17 a certain study in a certain manner; requiring the Medicaid Program to provide
 18 certain information under certain circumstances; providing certain criteria for a
 19 certain study; requiring that a certain report be provided to the Governor and
 20 General Assembly on or before a certain date; requiring that the Commission
 21 take certain actions to provide certain General Fund savings; restricting the use
 22 of certain appropriations for a certain fiscal year; requiring the reversion to the
 23 General Fund of certain funding under certain circumstances; defining certain
 24 terms; making a technical correction; making conforming changes; making the
 25 provisions of this Act severable; and generally relating to the financing of State
 26 and local government.

27 BY repealing and reenacting, with amendments,
 28 Article – Business Regulation
 29 Section 11-404(a) and 11-404.1
 30 Annotated Code of Maryland
 31 (2010 Replacement Volume and 2012 Supplement)

32 ~~BY repealing~~
 33 ~~Article – Commercial Law~~
 34 ~~Section 17-311(a), (b), and (c)~~
 35 ~~Annotated Code of Maryland~~
 36 ~~(2005 Replacement Volume and 2012 Supplement)~~

37 ~~BY adding to~~
 38 ~~Article – Commercial Law~~
 39 ~~Section 17-311(a), (b), and (c)~~
 40 ~~Annotated Code of Maryland~~
 41 ~~(2005 Replacement Volume and 2012 Supplement)~~

42 BY repealing and reenacting, with amendments,
 43 Article – Courts and Judicial Proceedings

1 ~~Section 4-605(d)(8) and 7-301(a)(1) and (f)~~
2 Annotated Code of Maryland
3 (2006 Replacement Volume and 2012 Supplement)

4 BY repealing and reenacting, with amendments,
5 Article – Economic Development
6 Section 4-801(f)
7 Annotated Code of Maryland
8 (2008 Volume and 2012 Supplement)

9 BY repealing and reenacting, with amendments,
10 Article – Education
11 Section 22-306.1(b)
12 Annotated Code of Maryland
13 (2008 Replacement Volume and 2012 Supplement)

14 BY repealing and reenacting, with amendments,
15 Article – Natural Resources
16 Section 5-903(a)(2)(v)
17 Annotated Code of Maryland
18 (2012 Replacement Volume)

19 BY repealing and reenacting, with amendments,
20 Article – State Finance and Procurement
21 Section 3A-302
22 Annotated Code of Maryland
23 (2009 Replacement Volume and 2012 Supplement)

24 BY repealing and reenacting, with amendments,
25 Article – State Government
26 Section 9-112(d)(4)
27 Annotated Code of Maryland
28 (2009 Replacement Volume and 2012 Supplement)

29 BY repealing and reenacting, with amendments,
30 Article – Tax – General
31 Section 2-202(a) and 2-606(e)
32 Annotated Code of Maryland
33 (2010 Replacement Volume and 2012 Supplement)

34 BY adding to
35 Article – Tax – General
36 Section 2-606(g)
37 Annotated Code of Maryland
38 (2010 Replacement Volume and 2012 Supplement)

39 BY repealing and reenacting, with amendments,

1 Article – Tax – Property
 2 Section 13–209(g)(1)
 3 Annotated Code of Maryland
 4 (2012 Replacement Volume)

5 BY adding to
 6 Article – Tax – Property
 7 Section 13–209(h)
 8 Annotated Code of Maryland
 9 (2010 Replacement Volume and 2012 Supplement)

10 ~~BY repealing~~
 11 ~~Article – Tax – General~~
 12 ~~Section 8–406(b) and 10–704.1~~
 13 ~~Annotated Code of Maryland~~
 14 ~~(2010 Replacement Volume and 2012 Supplement)~~

15 ~~BY adding to~~
 16 ~~Article – Transportation~~
 17 ~~Section 27–101.3~~
 18 ~~Annotated Code of Maryland~~
 19 ~~(2012 Replacement Volume)~~

20 BY repealing and reenacting, with amendments,
 21 Chapter 76 of the Acts of the General Assembly of 2004
 22 Section 2 1.(h)

23 BY repealing and reenacting, with amendments,
 24 Chapter 397 of the Acts of the General Assembly of 2011
 25 Section 16

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

28 **Article – Business Regulation**

29 11–404.

30 (a) (1) To help pay for facilities and services in communities within 2
 31 miles of the Pimlico Race Course or 3 miles of the Laurel Race Course, the Comptroller
 32 shall pay money to Baltimore City, the City of Laurel, and Anne Arundel and Howard
 33 counties in accordance with this section.

34 (2) The money shall be paid from the Special Fund in [half-yearly
 35 installments] AN ANNUAL GRANT.

36 11–404.1.

1 (A) IF IN ANY FISCAL YEAR REVENUES TO THE SPECIAL FUND
2 ESTABLISHED UNDER § 11-402 OF THIS SUBTITLE ARE INSUFFICIENT TO FULLY
3 FUND ALL GRANTS REQUIRED UNDER §§ 11-403 AND 11-404 OF THIS SUBTITLE,
4 THE COMPTROLLER SHALL PROPORTIONALLY REDUCE THE AMOUNT OF
5 PAYMENTS REQUIRED UNDER §§ 11-403(A)(2) AND (4), 11-403(B)(2), AND
6 11-404 OF THIS SUBTITLE.

7 (B) [After all] IF IN ANY FISCAL YEAR REVENUES TO THE SPECIAL FUND
8 ESTABLISHED UNDER § 11-402 OF THIS SUBTITLE ARE SUFFICIENT TO FULLY
9 FUND ALL GRANTS REQUIRED UNDER §§ 11-403 AND 11-404 OF THIS SUBTITLE,
10 AFTER ALL REQUIRED deductions from the Special Fund [as required under §§
11 11-403 and 11-404 of this subtitle] are made, the Comptroller shall pay from the
12 Special Fund an annual grant of:

13 (1) \$300,000 to be allocated in the following way:

14 (i) 70% to the Maryland-Bred Race Fund; and

15 (ii) 30% to the Maryland Standardbred Race Fund, to be divided
16 equally between the Sire Stakes Program and the Foaled Stakes Program; and

17 (2) \$260,000 to the Maryland Agricultural Education and Rural
18 Development Assistance Fund established under § 2-206 of the State Finance and
19 Procurement Article, with \$130,000 to be allocated to support the operations of the
20 Rural Maryland Council.

21 ~~Article—Commercial Law~~

22 ~~17-311.~~

23 ~~[(a) (1) Within 365 days from the filing of the report required by § 17-310~~
24 ~~of this subtitle, the Administrator shall cause notice to be published in a newspaper of~~
25 ~~general circulation in the county in the State within which is located the last known~~
26 ~~address of any person to be named in the notice.]~~

27 ~~(2) If an address is not listed or if the address is outside the State, the~~
28 ~~notice shall be published in the county within which the person who held the~~
29 ~~abandoned property has the principal place of business in this State.]~~

30 ~~(A) IN THIS SECTION, “ABANDONED PROPERTY DATABASE” MEANS AN~~
31 ~~ELECTRONIC DATABASE CONTAINING THE NAMES AND LAST KNOWN~~
32 ~~ADDRESSES, IF ANY, OF PERSONS WHO APPEAR TO BE OWNERS OF ABANDONED~~
33 ~~PROPERTY.~~

1 ~~[(b) The published notice shall be entitled “Notice of Names of Persons~~
2 ~~Appearing to Be Owners of Abandoned Property” and shall contain:~~

3 ~~(1) The names in alphabetical order and last known addresses, if any,~~
4 ~~of persons listed in the report and entitled to notice in the county specified in this~~
5 ~~section;~~

6 ~~(2) A statement that information concerning the amount or description~~
7 ~~of the property and the name and address of the person who held the property may be~~
8 ~~obtained by any person who possesses an interest in the property, by addressing an~~
9 ~~inquiry to the Administrator; and~~

10 ~~(3) A statement that a proof of claim may be presented by the owner to~~
11 ~~the Administrator.]~~

12 ~~(B) (1) THE ADMINISTRATOR SHALL MAINTAIN, OR CAUSE TO BE~~
13 ~~MAINTAINED, AN ABANDONED PROPERTY DATABASE.~~

14 ~~(2) WITHIN 365 DAYS AFTER THE FILING OF A REPORT REQUIRED~~
15 ~~BY § 17-310 OF THIS SUBTITLE, THE ADMINISTRATOR SHALL ADD TO THE~~
16 ~~ABANDONED PROPERTY DATABASE THE NAMES AND LAST KNOWN ADDRESSES,~~
17 ~~IF ANY, OF PERSONS LISTED IN THE REPORT.~~

18 ~~(3) THE ADMINISTRATOR SHALL MAINTAIN, OR CAUSE TO BE~~
19 ~~MAINTAINED, AN INTERNET WEB SITE THAT:~~

20 ~~(I) PROVIDES REASONABLE MEANS BY WHICH A PERSON~~
21 ~~MAY SEARCH THE ABANDONED PROPERTY DATABASE REQUIRED BY THIS~~
22 ~~SUBSECTION;~~

23 ~~(II) CONTAINS A STATEMENT THAT INFORMATION~~
24 ~~CONCERNING THE AMOUNT OR DESCRIPTION OF THE PROPERTY AND THE NAME~~
25 ~~AND ADDRESS OF THE PERSON WHO HELD THE PROPERTY MAY BE OBTAINED BY~~
26 ~~ANY PERSON WHO POSSESSES AN INTEREST IN THE PROPERTY, BY ADDRESSING~~
27 ~~AN INQUIRY TO THE ADMINISTRATOR;~~

28 ~~(III) CONTAINS A STATEMENT THAT A PROOF OF CLAIM MAY~~
29 ~~BE PRESENTED BY THE OWNER TO THE ADMINISTRATOR; AND~~

30 ~~(IV) INCLUDES A LINK TO AN ABANDONED PROPERTY CLAIM~~
31 ~~FORM.~~

32 ~~[(c) The Administrator is not required to publish in the notice any item~~
33 ~~valued at less than \$100 unless the Administrator considers the publication to be in~~
34 ~~the public interest.]~~

~~(c) (1) THE ADMINISTRATOR SHALL PUBLISH NOTICE OF THE INTERNET WEB SITE REQUIRED BY SUBSECTION (B)(3) OF THIS SECTION.~~

~~(2) THE NOTICE SHALL:~~

~~(i) BE PUBLISHED AT LEAST ONCE EACH CALENDAR QUARTER IN ONE OR MORE NEWSPAPERS OF GENERAL CIRCULATION IN EACH COUNTY OF THE STATE; AND~~

~~(ii) CONTAIN:~~

~~1. A STATEMENT THAT THE ADMINISTRATOR MAINTAINS RECORDS OF THE NAMES AND LAST KNOWN ADDRESSES, IF ANY, OF PERSONS WHO APPEAR TO BE OWNERS OF ABANDONED PROPERTY;~~

~~2. A STATEMENT THAT ANY PERSON MAY SEARCH THE ADMINISTRATOR'S ABANDONED PROPERTY RECORDS THROUGH THE ADMINISTRATOR'S INTERNET WEB SITE; AND~~

~~3. THE ADDRESS OF THE INTERNET WEB SITE.~~

Article – Courts and Judicial Proceedings

~~1-605.~~

~~(d) In addition to the powers and duties granted and imposed in subsections (a), (b), and (c) of this section, or elsewhere by law or rule, the Chief Judge of the District Court shall:~~

~~(8) After consultation with police administrators and the Motor Vehicle Administrator, design arrest citation forms that shall [be]:~~

~~(i) BE used by all law enforcement agencies in the State when charging a person with a criminal, civil, or traffic offense, except for:~~

~~[(i)] 1. Violations by juveniles listed in § 3-8A-33(a) of this article;~~

~~[(ii)] 2. Violations of parking ordinances or regulations adopted under Title 26, Subtitle 3 of the Transportation Article; and~~

~~[(iii)] 3. Other violations as expressly provided by law; AND~~

~~(H) INCLUDE A LINE ON WHICH TO ADD THE \$7.50 SURCHARGE ASSESSED UNDER § 27-101.3 OF THE TRANSPORTATION ARTICLE;~~

~~7-301.~~

(a) (1) Except as provided in paragraphs (2) and (3) of this subsection, the court costs in a traffic case, including parking and impounding cases, cases under § 21-202.1, § 21-809, § 21-810, or § 24-111.3 of the Transportation Article in which costs are imposed, and cases under § 10-112 of the Criminal Law Article in which costs are imposed:

(i) Are \$22.50 [plus the surcharge under subsection (f) of this section]; and

(ii) Shall also be applicable to those cases in which the defendant elects to waive the defendant's right to trial and pay the fine or penalty deposit established by the Chief Judge of the District Court by administrative regulation.

(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] ANY FINE 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, \$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] SYSTEM OPERATIONS Fund established under § 13-955 of the Transportation Article.

1 (vi) On or before September 1 of each year until \$20,000,000 has
 2 been distributed to the Volunteer Company Assistance Fund, the State Court
 3 Administrator shall submit a report to the Senate Budget and Taxation Committee
 4 and the House Appropriations Committee, in accordance with § 2–1246 of the State
 5 Government Article, on the amount of revenue distributed to the Volunteer Company
 6 Assistance Fund under this paragraph.

7 **Article – Economic Development**

8 4–801.

9 (f) The Fund consists of[:

10 (1) revenue distributed to the Fund under § 2–202(a)(1)(ii) of the Tax –
 11 General Article; and

12 (2) any [other] money from any [other] source accepted for the benefit
 13 of the Fund.

14 **Article – Education**

15 22–306.1.

16 (b) A county board shall reimburse the Department of Juvenile Services the
 17 amount of the basic cost calculated under subsection (a) of this section for each child
 18 who was domiciled in the county prior to the placement if the child:

19 (1) Is [committed to the Department of Juvenile Services and is] in a
 20 [program at a] facility or a residential facility;

21 (2) Is [not] in detention [or awaiting placement after disposition] **FOR**
 22 **15 CONSECUTIVE DAYS OR MORE;**

23 (3) Does not meet the criteria for shared State and local payment of
 24 educational costs as provided in §§ 8–406 and 8–415 of this article; and

25 (4) Was included in the full–time equivalent enrollment of the county
 26 as calculated under § 5–202 of this article.

27 **Article – Natural Resources**

28 5–903.

29 (a) (2) (v) For each of fiscal years 2010 through [2013] **2015**,
 30 \$1,217,000 of the State’s share of funds available under subparagraph (i)1A of this

1 paragraph may be appropriated in the budgets of the Department, the Department of
2 General Services, and the Department of Planning for expenses necessary to
3 administer this Program.

4 **Article – State Finance and Procurement**

5 3A–302.

6 (a) This subtitle does not apply to changes relating to or the purchase, lease,
7 or rental of information technology by:

8 (1) public institutions of higher education solely for academic or
9 research purposes;

10 (2) the Maryland Port Administration;

11 (3) the University System of Maryland;

12 (4) St. Mary’s College of Maryland; or

13 (5) Morgan State University.

14 (B) **EXCEPT AS PROVIDED IN SUBSECTION (A) OF THIS SECTION, THIS**
15 **SUBTITLE APPLIES TO ANY PROJECT OF A UNIT OF THE EXECUTIVE BRANCH OF**
16 **STATE GOVERNMENT THAT INVOLVES AN AGREEMENT WITH A PUBLIC**
17 **INSTITUTION OF HIGHER EDUCATION FOR A PORTION OF THE DEVELOPMENT OF**
18 **THE PROJECT, WHETHER THE WORK ON THE DEVELOPMENT IS DONE DIRECTLY**
19 **OR INDIRECTLY BY THE PUBLIC INSTITUTION OF HIGHER EDUCATION.**

20 [(b)] (C) Notwithstanding any other provision of law, except as provided in
21 subsection (a) of this section and §§ 3A–307(a)(2), 3A–308, and 3A–309 of this subtitle,
22 this subtitle applies to all units of the Executive Branch of State government including
23 public institutions of higher education other than Morgan State University, the
24 University System of Maryland, and St. Mary’s College of Maryland.

25 **Article – State Government**

26 9–112.

27 (d) (4) (i) Subject to subparagraph (ii) of this paragraph, a veterans’
28 organization issued a license under this subsection shall purchase or lease [from the
29 Agency] the instant ticket lottery machines to be used by the veterans’ organization.

30 (ii) An organization may not use receipts from the sale of tickets
31 from instant ticket lottery machines that would otherwise be credited to the State
32 Lottery Fund for the costs of purchasing or leasing instant ticket lottery machines.

1 **Article – Tax – General**

2 2–202.

3 (a) After making the distribution required under § 2–201 of this subtitle,
4 within 20 days after the end of each quarter, the Comptroller shall distribute:

5 (1) except as provided in subsection (b) of this section, from the
6 revenue from the State admissions and amusement tax on electronic bingo and
7 electronic tip jars under § 4–102(e) of this article[:

8 (i)], the revenue attributable to a tax rate of [20%] **25%** to the
9 General Fund of the State; and

10 [(ii) the revenue attributable to a tax rate of 5% to the Special
11 Fund for Preservation of Cultural Arts in Maryland, as provided in § 4–801 of the
12 Economic Development Article; and]

13 (2) the remaining admissions and amusement tax revenue:

14 (i) to the Maryland Stadium Authority, county, or municipal
15 corporation that is the source of the revenue; or

16 (ii) if the Maryland Stadium Authority and also a county or
17 municipal corporation tax a reduced charge or free admission:

18 1. 80% of that revenue to the Authority; and

19 2. 20% to the county or municipal corporation.

20 2–606.

21 (e) [(1)] On or before June 30, 2010, the Comptroller shall distribute
22 \$350,000,000 from the Local Reserve Account established to comply with this section
23 to the Education Trust Fund established under § 9–1A–30 of the State Government
24 Article.

25 [(2) In each of fiscal years 2014 through 2020, the State shall pay to
26 the Local Reserve Account \$50,000,000 to repay the \$350,000,000 transfer to the
27 Education Trust Fund authorized under paragraph (1) of this subsection.]

28 **(G) (1) ON OR BEFORE JUNE 30, 2013, THE COMPTROLLER SHALL**
29 **DISTRIBUTE \$15,379,979 FROM THE LOCAL RESERVE ACCOUNT ESTABLISHED**
30 **TO COMPLY WITH THIS SECTION TO A SPECIAL FUND ESTABLISHED IN THE**

1 DEPARTMENT OF TRANSPORTATION FOR THE PURPOSE OF PROVIDING
2 TRANSPORTATION GRANTS TO MUNICIPALITIES.

3 (2) THE GRANTS AUTHORIZED UNDER THIS SUBSECTION SHALL
4 BE ALLOCATED TO ELIGIBLE MUNICIPALITIES AS PROVIDED IN § 8-405 OF THE
5 TRANSPORTATION ARTICLE.

6 Article – Tax – Property

7 13-209.

8 (g) (1) Notwithstanding § 7-311(j) of the State Finance and Procurement
9 Article, subject to paragraph (3) of this subsection, for fiscal year [2012] 2016 and for
10 each subsequent fiscal year, if the unappropriated General Fund surplus as of June 30
11 of the second preceding year exceeds \$10,000,000, the Governor shall include in the
12 budget bill a General Fund appropriation to the special fund under subsection (a) of
13 this section in an amount equal to at least the lesser of \$50,000,000 or the excess
14 surplus over \$10,000,000.

15 (H) (1) THE DISTRIBUTIONS REQUIRED UNDER THIS SECTION MAY
16 NOT BE UTILIZED OR CONSIDERED FOR THE PURPOSES OF CALCULATING ANY
17 ALLOCATION OR APPROPRIATION UNDER SUBSECTION (F) OR (G) OF THIS
18 SECTION.

19 (2) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THE
20 GOVERNOR MAY TRANSFER FUNDS FROM THE SPECIAL FUND ESTABLISHED
21 UNDER THIS SECTION TO THE GENERAL FUND AS FOLLOWS:

22 (I) ON OR BEFORE JUNE 30, 2014, \$89,198,555;

23 (II) FOR THE FISCAL YEAR BEGINNING JULY 1, 2014,
24 \$75,062,000;

25 (III) FOR THE FISCAL YEAR BEGINNING JULY 1, 2015,
26 \$77,654,000;

27 (IV) FOR THE FISCAL YEAR BEGINNING JULY 1, 2016,
28 \$82,771,000; AND

29 (V) FOR THE FISCAL YEAR BEGINNING JULY 1, 2017,
30 \$86,028,000.

31 ~~Article – Transportation~~

32 ~~27-101.3~~

~~(A) AFTER COMPUTING THE FINE TO BE ASSESSED UNDER THE DISTRICT COURT'S SCHEDULE OF PRESET FINES OR PENALTY DEPOSITS, A POLICE OFFICER ISSUING A TRAFFIC CITATION FOR A VIOLATION FOR WHICH A SURCHARGE IS REQUIRED TO BE IMPOSED UNDER § 7-301(F) OF THE COURTS ARTICLE SHALL ADD A \$7.50 SURCHARGE TO THE AMOUNT OF THE TOTAL FINE BEFORE PRESENTING THE CITATION TO THE DRIVER BEING CHARGED.~~

~~(B) THE COMPTROLLER SHALL ANNUALLY PAY THE SURCHARGES COLLECTED UNDER THIS SECTION AS REQUIRED UNDER § 7-301(F) OF THE COURTS ARTICLE.~~

Chapter 76 of the Acts of 2004

SECTION 2. AND BE IT FURTHER ENACTED, That Section(s) 5-801 of Article 83B – Department of Housing and Community Development of the Annotated Code of Maryland be repealed and reenacted, with amendments, and transferred to the Session Laws, to read as follows:

1.

(h) (1) Subject to the provisions of this subsection, the provisions of this section and the tax credit authorized under this section shall terminate as of July 1, 2004.

(2) On or after July 1, 2004[:

(i) The], THE tax credit authorized under this section may be claimed for:

[1.] (I) a project for rehabilitation of a single-family, owner-occupied residence for which an application for approval of a plan of proposed rehabilitation was received by the Director on or before June 30, 2004; or

[2.] (II) SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION, a commercial rehabilitation project for which an application of a plan of proposed rehabilitation has been approved by the Director on or before June 30, 2004.

[(ii) The Director shall continue to report to the Governor and the General Assembly as required under subsection (g) of this section for as long as any rehabilitation project for which an application for approval of a plan of proposed rehabilitation was received by the Director on or before June 30, 2004 remains incomplete.]

1 SAVINGS FROM REDUCED HOSPITAL OR OTHER PAYMENTS MADE BY THE
 2 MEDICAID PROGRAM AND THOSE SAVINGS MAY BE USED TO OFFSET HOSPITAL
 3 ASSESSMENT AND REMITTANCE REVENUE IN THE FIRST YEAR THAT THOSE
 4 POLICIES ARE ADOPTED. TO THE MAXIMUM EXTENT POSSIBLE, THE
 5 COMMISSION AND THE DEPARTMENT SHALL ADOPT POLICIES THAT PRESERVE
 6 THE STATE'S MEDICARE WAIVER.

7 ~~SECTION 2. AND BE IT FURTHER ENACTED, That Section(s) 8-406(b) and~~
 8 ~~10-704.1 of the Tax General Article of the Annotated Code of Maryland be repealed.~~

9 SECTION ~~2.~~ 2. AND BE IT FURTHER ENACTED, That, notwithstanding any
 10 other provision of law, on or before June 30, 2013, the Governor may transfer
 11 \$1,000,000 of the funds in the State Insurance Trust Fund established under § 9-103
 12 of the State Finance and Procurement Article to the General Fund.

13 ~~SECTION 4. AND BE IT FURTHER ENACTED, That, notwithstanding any~~
 14 ~~other provision of law, on or before June 30, 2014, the Governor may transfer~~
 15 ~~\$2,000,000 from the Small, Minority, and Women-Owned Business Investment~~
 16 ~~Account established under § 9-1A-35 of the State Government Article to the Small~~
 17 ~~Business Development Contract Financing Fund established under Part III of Title 5,~~
 18 ~~Subtitle 5 of the Economic Development Article.~~

19 SECTION ~~5.~~ 3. AND BE IT FURTHER ENACTED, That, for fiscal year 2014,
 20 payments to providers of nonpublic placements under § 8-406 of the Education Article
 21 may not increase by more than 2.5% over the rates in effect on January 16, 2013.

22 SECTION ~~6.~~ 4. AND BE IT FURTHER ENACTED, That, for fiscal year 2014,
 23 payments to providers with rates set by the Interagency Rates Committee under §
 24 8-417 of the Education Article may not increase by more than 2.5% over the rates in
 25 effect on January 16, 2013.

26 SECTION ~~7.~~ 5. AND BE IT FURTHER ENACTED, That:

27 (1) In this section, "Commission" means the Health Services Cost
 28 Review Commission.

29 (2) The Department of Health and Mental Hygiene shall achieve
 30 \$30,000,000 of General Fund savings in fiscal year 2014 from a combination of tiered
 31 rates for hospital outpatient and emergency department services and hospital update
 32 factors approved by the Commission that are lower than assumed in the Medicaid
 33 budget for fiscal year 2014.

34 (3) (i) The Commission shall engage an independent consultant to
 35 prepare an analysis projecting the savings Medicaid will achieve from tiered rates in
 36 fiscal year 2014.

1 (ii) The Medicaid Program shall make available to the
2 Commission and any related consultants the data deemed necessary for the consultant
3 to prepare the analysis.

4 (iii) In calculating the Medicaid savings from tiered rates, the
5 consultant shall:

6 1. Estimate fiscal year 2014 Medicaid utilization of the
7 clinics and emergency departments using available fiscal year 2013 data adjusted for
8 Medicaid's estimates of enrollment growth for fiscal year 2014; and

9 2. Compare the amount Medicaid would pay for each
10 service using the preliminary or final Commission-approved clinic and emergency
11 department rates established by the Commission for fiscal year 2014 to the amount
12 Medicaid will pay using the fiscal year 2014 tiered rates developed by the hospitals.

13 (4) On or before December 15, 2013, the Commission shall submit a
14 report to the Governor and, in accordance with § 2-1246 of the State Government
15 Article, the General Assembly identifying the projected fiscal year 2014 savings, if
16 any, to the Medicaid Program from:

17 (i) Tiered rates at hospital outpatient clinics and emergency
18 departments as projected by the independent consultant; and

19 (ii) A fiscal year 2014 update factor that is less than assumed in
20 the fiscal year 2014 Medicaid budget.

21 (5) If the report projects General Fund savings of less than
22 \$30,000,000, the Commission shall take one or more of the following actions:

23 (i) Adjust the Medicaid hospital assessment so that the fiscal
24 year 2014 assessment rate as a percentage of projected regulated net patient revenue
25 equals the fiscal year 2013 assessment rate as a percentage of projected regulated net
26 patient revenue;

27 (ii) Reduce the Maryland Health Insurance Plan hospital
28 assessment by an amount sufficient to ensure that the combined Medicaid and
29 Maryland Health Insurance Plan assessments do not exceed \$518,000,000 in fiscal
30 year 2014; or

31 (iii) Identify and implement additional or alternative actions
32 that will bring the combined Medicaid General Fund savings in fiscal year 2014 to
33 \$30,000,000.

34 SECTION 6. AND BE IT FURTHER ENACTED, That, notwithstanding any
35 other provision of law, on or before June 30, 2013, the Governor may transfer \$430,000
36 from the Sustainable Communities Tax Credit Reserve Fund established under §

1 5A-303(d) of the State Finance and Procurement Article, which is the amount of
2 commercial tax credit certificates that were issued in Fiscal Year 2007 and that have
3 not been claimed under § 5A-303(f)(4) of the State Finance and Procurement Article or
4 extended under § 5A-303(c)(3)(ii) of the State Finance and Procurement Article. The
5 Director of the Maryland Historical Trust shall notify, in writing, the owner or
6 developer that received approval of a plan of proposed rehabilitation that these tax
7 credit certificates have expired.

8 SECTION 7. AND BE IT FURTHER ENACTED, That \$2,100,000 of the
9 unexpended and unencumbered General Fund appropriations that were included in
10 program M00L01.03 of the Budget Bill for Fiscal Year 2013, as enacted during the
11 2012 Session (Chapter 148 of the Acts of 2012), may be used only to increase, effective
12 January 1, 2013, specialty physician evaluation and management rates in the public
13 mental health system to the calendar 2013 Medicare rate for the same services. If any
14 unexpended and unencumbered funding is not used for this restricted purpose, it shall
15 revert to the General Fund.

16 SECTION 8. AND BE IT FURTHER ENACTED, That \$4,200,000 of the
17 unexpended and unencumbered General Fund appropriations that were included in
18 program M00L01.03 of the Budget Bill for Fiscal Year 2013, as enacted during the
19 2012 Session (Chapter 148 of the Acts of 2012), may be used only for the payment of
20 any remaining fiscal year 2012 unprovided for General Fund payables reported to the
21 Office of the Comptroller at the fiscal year 2012 closeout in program M00L01.02
22 Community Services and program M00L01.03 Community Services for Medicaid
23 Recipients. If any unexpended and unencumbered funding is not used for this
24 restricted purpose, it shall revert to the General Fund.

25 SECTION 9. AND BE IT FURTHER ENACTED, That any unexpended and
26 unencumbered General Fund appropriations that were included in program RA02.07
27 of the Budget Bill for Fiscal Year 2013, as enacted during the 2012 Session (Chapter
28 148 of the Acts of 2012), or program RA02.05 of the Budget Bill for Fiscal Year 2013,
29 as enacted during the 2012 Session (Chapter 148 of the Acts of 2012), may be used
30 only for the Quality Teacher Incentive Program under § 6-306(b) of the Education
31 Article. If any unexpended and unencumbered funding is not used for this restricted
32 purpose, it shall revert to the General Fund.

33 SECTION 10. AND BE IT FURTHER ENACTED, That, notwithstanding any
34 other provision of law, on or before June 30, 2013, the Governor may transfer any
35 funds in the Special Fund for Preservation of Cultural Arts in Maryland established
36 under § 4-801 of the Economic Development Article to the General Fund.

37 SECTION ~~9~~ 11. AND BE IT FURTHER ENACTED, That, if any provision of
38 this Act or the application thereof to any person or circumstance is held invalid for any
39 reason in a court of competent jurisdiction, the invalidity does not affect other
40 provisions or any other application of this Act which can be given effect without the
41 invalid provision or application, and for this purpose the provisions of this Act are
42 declared severable.

1 ~~SECTION 9. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall~~
 2 ~~take effect July 1, 2013, and shall be applicable to all taxable years beginning after~~
 3 ~~December 31, 2012.~~

4 SECTION ~~10.~~ 12. AND BE IT FURTHER ENACTED, That, ~~except as provided~~
 5 ~~in Section 9 of this Act,~~ this Act shall take effect June 1, 2013.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.