

HB0102/154869/1

BY: Appropriations Committee

AMENDMENTS TO HOUSE BILL 102

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with “repealing” in line 5 down through “site;” in line 12 and substitute “providing that a certain District Court surcharge shall be added to fines imposed for certain traffic cases and not to court costs; requiring a certain arrest – citation form to include a line to add a certain surcharge; requiring a police officer to add a certain surcharge to a certain fine on a certain traffic citation; requiring the Comptroller to annually pay a certain surcharge in a certain manner;”; in line 14, after “appropriations;” insert “providing for the applicability of certain provisions of law relating to a statewide information technology master plan to certain projects that involve certain agreements with certain public institutions of higher education; repealing the requirement that certain licensed veterans’ organizations purchase or lease certain instant ticket lottery machines from the State Lottery and Gaming Control Agency;”; in line 16, after “purposes;” insert “repealing certain reporting requirements; providing for the expiration of certain tax credits under certain circumstances; requiring the Director of the Maryland Historical Trust to notify certain persons and, on or before a certain date, to submit a certain report to the Comptroller;”; strike beginning with “repealing” in line 16 down through “coal;” in line 17; in line 25, after “savings;” insert “restricting the use of certain appropriations for a certain fiscal year; requiring the reversion to the General Fund of certain funding under certain circumstances;”; and in line 26, after “terms;” insert “making a technical correction; making conforming changes;”.

On page 2, strike in their entirety lines 3 through 12, inclusive; after line 12, insert:

“BY repealing and reenacting, with amendments,
Article – Courts and Judicial Proceedings
Section 1-605(d)(8) and 7-301(a)(1) and (f)

(Over)

Annotated Code of Maryland
(2006 Replacement Volume and 2012 Supplement)

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

after line 22, insert:

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

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

On page 3, strike in their entirety lines 4 through 8, inclusive, and substitute:

“BY adding to
Article – Transportation
Section 27-101.3
Annotated Code of Maryland
(2012 Replacement Volume)

BY repealing and reenacting, with amendments,

Chapter 76 of the Acts of the General Assembly of 2004
Section 2 1.(h)”.

AMENDMENT NO. 2

On pages 4 through 6, strike in their entirety the lines beginning with line 7 on page 4 through line 4 on page 6, inclusive.

AMENDMENT NO. 3

On page 6, after line 4, insert:

“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

(Over)

(ii) 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.

(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.”.

On page 8, after line 23, insert:

“Article – Transportation

27-101.3.

(Over)

(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.”.

AMENDMENT NO. 4

On page 6, before line 5, insert:

“Article – Economic Development

4–801.

(f) The Fund consists of[

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

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

AMENDMENT NO. 5

On page 6, after line 24, insert:

“Article – State Finance and Procurement

3A-302.

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

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

(2) the Maryland Port Administration;

(3) the University System of Maryland;

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

(5) Morgan State University.

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

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

AMENDMENT NO. 6

On page 6, before line 25, insert:

(Over)

“Article – State Government

9-112.

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

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

AMENDMENT NO. 7

On page 8, before line 24, insert:

“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.]

(3) THE TAX CREDIT AUTHORIZED UNDER THIS SECTION FOR A COMMERCIAL REHABILITATION PROJECT EXPIRES ON JULY 1, 2014, UNLESS, ON OR BEFORE JUNE 30, 2014, THE APPLICANT DEMONSTRATES TO THE DIRECTOR THAT THE COMMERCIAL REHABILITATION PROJECT HAS A VALID, UNEXPIRED BUILDING PERMIT FOR THE REHABILITATION PROJECT.

(4) THE DIRECTOR SHALL NOTIFY, IN WRITING, THE OWNER OR DEVELOPER THAT RECEIVED APPROVAL OF A PLAN OF PROPOSED REHABILITATION FOR A COMMERCIAL REHABILITATION PROJECT OF THE REQUIREMENTS OF THIS SUBSECTION.

(5) ON OR BEFORE AUGUST 1, 2014, THE DIRECTOR SHALL REPORT TO THE COMPTROLLER THE NUMBER OF TAX CREDITS AND THE

(Over)

AMOUNT OF THE TAX CREDITS THAT HAVE EXPIRED IN ACCORDANCE WITH THIS SUBSECTION.”.

On page 10, after line 17, insert:

“SECTION 6. AND BE IT FURTHER ENACTED, That, notwithstanding any other provision of law, on or before June 30, 2013, the Governor may transfer \$430,000 from the Sustainable Communities Tax Credit Reserve Fund established under § 5A-303(d) of the State Finance and Procurement Article, which is the amount of commercial tax credit certificates that were issued in Fiscal Year 2007 and that have not been claimed under § 5A-303(f)(4) of the State Finance and Procurement Article or extended under § 5A-303(c)(3)(ii) of the State Finance and Procurement Article. The Director of the Maryland Historical Trust shall notify, in writing, the owner or developer that received approval of a plan of proposed rehabilitation that these tax credit certificates have expired.”.

AMENDMENT NO. 8

On page 8, strike in their entirety lines 24 and 25.

AMENDMENT NO. 9

On page 8, strike in their entirety lines 30 through 35, inclusive.

AMENDMENT NO. 10

On page 10, after line 17, insert:

“SECTION 7. AND BE IT FURTHER ENACTED, That \$2,100,000 of the unexpended and unencumbered General Fund appropriations that were included in program M00L01.03 of the Budget Bill for Fiscal Year 2013, as enacted during the 2012 Session (Chapter 148 of the Acts of 2012), may be used only to increase, effective January 1, 2013, specialty physician evaluation and management rates in the public mental health system to the calendar 2013 Medicare rate for the same services. If any

unexpended and unencumbered funding is not used for this restricted purpose, it shall revert to the General Fund.”.

AMENDMENT NO. 11

On page 10, after line 17, insert:

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

AMENDMENT NO. 12

On page 10, after line 17, insert:

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

AMENDMENT NO. 13

On page 10, after line 17, insert:

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

AMENDMENT NO. 14

On page 8, in line 26, strike “3.” and substitute “2.”.

On page 9, in lines 1, 4, and 8, strike “5.”, “6.”, and “7.”, respectively, and substitute “3.”, “4.”, and “5.”, respectively.

On page 10, in lines 18 and 27, strike “8.” and “10.”, respectively, and substitute “11.” and “12.”, respectively; strike in their entirety lines 24 through 26, inclusive; and strike beginning with “, except” in line 27 down through “Act,” in line 28.