

HB1079/195962/1

BY: Committee on Ways and Means

AMENDMENTS TO HOUSE BILL 1079

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with the semicolon in line 5 down through “an” in line 6 and substitute “through an”; strike beginning with “government” in line 7 down through “powers” in line 8 and substitute “governing body”; strike beginning with the comma in line 8 down through “organization” in line 9; strike beginning with “authorizing” in line 9 down through “Authority;” in line 18 and substitute “requiring Montgomery County to take certain actions before establishing the Authority; requiring the Authority to meet certain requirements if the Authority is established; providing that the provisions of the Montgomery County Charter do not apply to the Authority unless expressly provided by law;”; strike beginning with “stating” in line 19 down through “severable;” in line 21 and substitute “adding the Authority to the definition of “local government” for purposes of the Local Government Tort Claims Act; making certain provisions of this Act subject to a certain contingency;”; in line 25, strike “18-3122” and substitute “18-3103”; and after line 28, insert:

“BY repealing and reenacting, with amendments,

Article - Courts and Judicial Proceedings

Section 5-301(d)(28) and (29)

Annotated Code of Maryland

(2013 Replacement Volume and 2015 Supplement)

BY adding to

Article - Courts and Judicial Proceedings

Section 5-301(d)(30)

Annotated Code of Maryland

(2013 Replacement Volume and 2015 Supplement)”.

(Over)

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AMENDMENT NO. 2

On pages 2 through 4, strike in their entirety the lines beginning with line 5 on page 2 through line 7 on page 4, inclusive, and substitute "18-3101.".

On page 4, strike beginning with "FINANCE" in line 11 down through "INSTITUTIONS." in line 17 and substitute "PROVIDE A SYSTEM OF FINANCIAL ASSISTANCE CONSISTING OF AFFORDABLE GRANTS, LOANS, AND OTHER AIDS TO ENABLE MONTGOMERY COUNTY RESIDENTS, GRADUATES OF THE COUNTY PUBLIC SCHOOL SYSTEM, INDIVIDUALS EMPLOYED BY THE COUNTY GOVERNMENT OR PUBLIC SCHOOL SYSTEM, AND OTHER INDIVIDUALS AS DETERMINED BY THE AUTHORITY, TO OBTAIN A POSTSECONDARY EDUCATION.".

AMENDMENT NO. 3

On page 4, before line 18, insert:

"18-3102.

(A) BEFORE MONTGOMERY COUNTY MAY ESTABLISH THE MONTGOMERY COUNTY STUDENT LOAN REFINANCING AUTHORITY, THE COUNTY SHALL:

(1) STUDY ASPECTS OF IMPLEMENTING THE AUTHORITY IN ACCORDANCE WITH STATE AND COUNTY LAW, INCLUDING:

(i) PERFORMING A FEASIBILITY AND DEMAND STUDY;

(ii) ASSESSING THE POTENTIAL BENEFIT TO RECRUITMENT AND RETENTION OF COUNTY AND SCHOOL SYSTEM EMPLOYEES; AND

(III) STUDYING THE OPERATION OF SIMILAR PROGRAMS IN OTHER SYSTEMS, INCLUDING OPERATING COSTS;

(2) HOLD PUBLIC HEARINGS; AND

(3) PROVIDE AN OPPORTUNITY FOR PUBLIC COMMENT.”.

in line 18, strike “(C)” and substitute “(B)”; in the same line, strike “TO” and substitute “**IF MONTGOMERY COUNTY DECIDES TO**”; strike beginning with “SUBSECTION” in line 18 down through “COUNCIL” in line 19 and substitute “**§ 18-3101 OF THIS SUBTITLE, THE COUNTY’S GOVERNING BODY**”; and strike beginning with the colon in line 19 down through “FUNCTION.” in line 29 and substitute “**CREATES THE AUTHORITY IN ACCORDANCE WITH THIS SUBTITLE.**”.

AMENDMENT NO. 4

On page 4, in line 30, strike “18-3104.” and substitute:

“18-3103.

(A) IF MONTGOMERY COUNTY ESTABLISHES THE MONTGOMERY COUNTY STUDENT LOAN REFINANCING AUTHORITY, THE AUTHORITY SHALL MEET THE REQUIREMENTS OF THIS SECTION.

(B) THE MONTGOMERY COUNTY STUDENT LOAN REFINANCING AUTHORITY SHALL BE SUBJECT TO:

(1) THE MONTGOMERY COUNTY PUBLIC ETHICS LAW; AND

(2) THE OPEN MEETINGS ACT UNDER TITLE 3 OF THE GENERAL PROVISIONS ARTICLE.

(Over)

(C) IF THE MONTGOMERY COUNTY STUDENT LOAN REFINANCING AUTHORITY IS GRANTED THE POWER TO ISSUE BONDS FOR THE PURPOSE OF MAKING LOANS TO FINANCE POSTSECONDARY EDUCATION, ANY BONDS ISSUED BY THE AUTHORITY SHALL BE OBLIGATIONS OF THE AUTHORITY ONLY AND NOT OF MONTGOMERY COUNTY OR THE STATE.

(D) THE PROVISIONS OF THE MONTGOMERY COUNTY CHARTER DO NOT APPLY TO THE AUTHORITY UNLESS THE GOVERNING BODY OF MONTGOMERY COUNTY EXPRESSLY PROVIDES BY LAW THAT A CHARTER PROVISION APPLIES TO THE AUTHORITY.”.

AMENDMENT NO. 5

On pages 5 through 20, strike in their entirety the lines beginning with line 1 on page 5 through line 13 on page 20, inclusive.

AMENDMENT NO. 6

On page 20, before line 14, insert:

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

Article – Courts and Judicial Proceedings

5–301.

(d) “Local government” means:

(28) The nonprofit corporation serving as the local public transportation authority for Garrett County pursuant to a contract or memorandum of understanding with Garrett County (Garrett County Community Action Committee, Inc.); [and]

(29) The nonprofit corporation serving as the industrial development authority of Carroll County established under Title 12, Subtitle 1 of the Economic Development Article; AND

(30) THE MONTGOMERY COUNTY STUDENT LOAN REFINANCING AUTHORITY ESTABLISHED UNDER TITLE 18, SUBTITLE 31 OF THE EDUCATION ARTICLE.

SECTION 3. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall take effect contingent on the creation of the Montgomery County Student Loan Refinancing Authority by the Montgomery County Government in accordance with Title 18, Subtitle 31 of the Education Article. The Montgomery County Office of Intergovernmental Relations shall notify the Department of Legislative Services within 10 days after the enactment of an ordinance creating the Authority. If notice of the creation of the Authority is not received by the Department of Legislative Services on or before June 30, 2019, Section 2 of this Act shall be null and void without the necessity of further action by the General Assembly.”;

and in line 14, strike “2.” and substitute “4.”.