

**HB0589/243724/1**

BY: Budget and Taxation Committee

AMENDMENTS TO HOUSE BILL 589  
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 3, after “of” insert “altering the source of funding for certain required appropriations;”; strike beginning with “requiring” in line 14 down through “program” in line 16; in line 18, strike “each” and substitute “for a certain”; in line 19, strike “each” and substitute “for a certain”; in the same line, after “year” insert “and a certain amount for each following fiscal year”; and in line 22, after “program;” insert “expanding the purpose of a certain fund;”.

On page 2, in line 16, after “fund;” insert “altering the amount of a required appropriation from the Transportation Trust Fund for the operation of the Maryland Transit Administration for a certain fiscal year;”; in line 20, after “funds;” insert “authorizing certain State agencies to temporarily charge certain expenditures to a certain account; providing a process to reimburse a certain account for certain charged expenditures;”; in line 29, after “limitation;” insert “requiring certain employees in positions in certain Department of Public Safety and Correctional Services facilities to be transferred to certain vacancies in certain other facilities;”;

and after line 38, insert:

“BY repealing and reenacting, with amendments,  
Article – Commercial Law  
Section 14-4104(a)  
Annotated Code of Maryland  
(2013 Replacement Volume and 2020 Supplement)”.

On pages 3 and 4, strike in their entirety the lines beginning with line 34 on page 3 through line 4 on page 4, inclusive.

On page 4, in line 22, after “(e),” insert “31-107(b) and (f).”; and after line 24, insert:

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“BY repealing and reenacting, without amendments,  
Article - Insurance  
Section 31–107(a) and (e)  
Annotated Code of Maryland  
(2017 Replacement Volume and 2020 Supplement)”.

On page 5, after line 16, insert:

“BY repealing and reenacting, with amendments,  
Article - Transportation  
Section 7–205  
Annotated Code of Maryland  
(2020 Replacement Volume)”.

On page 42, in lines 6, 16, and 21, strike “6.”, “7.”, and “8.”, respectively, and substitute “7.”, “8.”, and “9.”, respectively.

On page 43, in lines 12, 16, 24, 28, 33, and 38, strike “10.”, “11.”, “13.”, “14.”, “15.”, and “16.”, respectively, and substitute “11.”, “12.”, “13.”, “14.”, “15.”, and “16.”, respectively.

AMENDMENT NO. 2

On page 6, after line 5, insert:

**“Article – Commercial Law**

14–4104.

(a) (1) For fiscal year [2020] **2022** and each fiscal year thereafter, the Governor shall include an appropriation of at least [\$700,000] **\$350,000 IN GENERAL FUNDS AND \$350,000** in [general] **SPECIAL** funds in the State budget for the Office for the purposes of enforcement of:

(i) Consumer protection laws under this title;

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- (ii) Consumer protection laws under Title 13 of this article; and
- (iii) Financial consumer protection laws.

(2) The Office shall use the funds under paragraph (1) of this subsection  
for:

- (i) Staffing costs associated with hiring new employees; and
- (ii) Investigations of alleged violations of consumer protection laws in the State.”.

**AMENDMENT NO. 3**

On page 18, strike in their entirety lines 5 through 22, inclusive.

**AMENDMENT NO. 4**

On page 20, in lines 1 and 2, strike “**AND EACH FISCAL YEAR THEREAFTER**”; and in line 6, strike “**EACH**” and substitute “**THAT**”.

On page 21, after line 25, insert:

**“(2) AT THE BEGINNING OF EACH OF FISCAL YEARS 2023 AND 2024, THE GOVERNOR SHALL TRANSFER THE FIRST \$8,000,000 OF THE FUNDS COLLECTED FROM THE ASSESSMENT REQUIRED UNDER THIS SECTION TO THE COMMUNITY HEALTH RESOURCES COMMISSION.”;**

in line 26, strike “**(2)**” and substitute “**(3)**”; and in line 28, strike “**PARAGRAPH (1)**” and substitute “**PARAGRAPHS (1) AND (2)**”.

On page 22, in line 22, strike the brackets; strike beginning with “**SUBJECT**” in line 22 down through “**THE**” in line 23; in line 27, strike “**2021**” and substitute “**2022**”; and strike in their entirety lines 28 through 30, inclusive.

On page 23, in line 12, strike “**BE LESS THAN**” and substitute “**EXCEED**”; in the same line, strike “**\$11,500,000;**” and substitute “**\$14,000,000; AND**”; strike in their

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entirety lines 13 and 14; in line 15, strike “**(5)**” and substitute “**(4)**”; in the same line, after “year” insert “**AFTER FISCAL YEAR 2022**”; and after line 16, insert:

“31-107.

(a) There is a Maryland Health Benefit Exchange Fund.

(b) (1) The purpose of the Fund is to:

(i) provide funding for the operation and administration of the Exchange in carrying out the purposes of the Exchange under this subtitle; [and]

(ii) provide funding for the establishment and operation of the State Reinsurance Program authorized under this subtitle; AND

**(III) PROVIDE FUNDING FOR THE MEDICAL ASSISTANCE PROGRAM AND THE SENIOR PRESCRIPTION DRUG ASSISTANCE PROGRAM.**

(2) The operation and administration of the Exchange and the State Reinsurance Program may include functions delegated by the Exchange to a third party under law or by contract.

(e) The Fund consists of:

(1) any user fees or other assessments collected by the Exchange;

(2) all revenue deposited into the Fund that is received from the distribution of the premium tax under § 6-103.2 of this article;

(3) income from investments made on behalf of the Fund;

(4) interest on deposits or investments of money in the Fund;

(5) money collected by the Board as a result of legal or other actions taken by the Board on behalf of the Exchange or the Fund;

(6) money donated to the Fund;

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(7) money awarded to the Fund through grants;

(8) any pass-through funds received from the federal government under a waiver approved under § 1332 of the Affordable Care Act;

(9) any funds designated by the federal government to provide reinsurance to carriers that offer individual health benefit plans in the State;

(10) any funds designated by the State to provide reinsurance to carriers that offer individual health benefit plans in the State;

(11) any federal funds received in accordance with § 31-121 of this subtitle for the administration of small business tax credits; and

(12) any other money from any other source accepted for the benefit of the Fund.

(f) The Fund may be used only:

(1) for the operation and administration of the Exchange in carrying out the purposes authorized under this subtitle; [and]

(2) for the establishment and operation of the State Reinsurance Program;

**(3) IN FISCAL YEARS 2021 AND 2022, FOR THE MEDICAL ASSISTANCE PROGRAM WITHIN THE MEDICAL CARE PROGRAMS ADMINISTRATION OF THE MARYLAND DEPARTMENT OF HEALTH; AND**

**(4) IN FISCAL YEAR 2022, FOR THE SENIOR PRESCRIPTION DRUG ASSISTANCE PROGRAM ESTABLISHED UNDER TITLE 15, SUBTITLE 10 OF THE HEALTH – GENERAL ARTICLE.”.**

AMENDMENT NO. 5

On page 40, after line 8, insert:

**“Article – Transportation**

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7-205.

(a) For fiscal year 2020, the Governor shall include in the State budget an appropriation from the Transportation Trust Fund for the operation of the Administration that is equal to the appropriation for the operation of the Administration in the fiscal year 2019 State budget as introduced, increased by at least 4.4%.

(b) For [each of fiscal years] FISCAL YEAR 2021 [and 2022], the Governor shall include in the State budget an appropriation from the Transportation Trust Fund for the operation of the Administration that is equal to the appropriation for the operation of the Administration in the State budget for the immediately preceding fiscal year, increased by at least 4.4%.

**(C) FOR FISCAL YEAR 2022, THE GOVERNOR SHALL INCLUDE IN THE STATE BUDGET AN APPROPRIATION FROM THE TRANSPORTATION TRUST FUND FOR THE OPERATION OF THE ADMINISTRATION THAT MAY NOT BE LESS THAN THE FISCAL YEAR 2021 APPROPRIATION FOR THE OPERATION OF THE ADMINISTRATION.**

**[(c)] (D) (1) For each of fiscal years 2020 through 2022, the Governor shall include in the State budget an appropriation for the capital needs of the Administration of at least \$29,100,000 from the revenues available for the State capital program in the Transportation Trust Fund.**

**(2) The appropriation required under paragraph (1) of this subsection may not supplant any other capital funding otherwise available for the Administration.**

**AMENDMENT NO. 6**

On page 41, in line 16, strike “\$2,000,000” and substitute “**\$1,500,000**”.

**AMENDMENT NO. 7**

On page 41, in line 21, strike “**\$3,000,000**” and substitute “**\$2,000,000**”.

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On page 42, after line 5, insert:

“SECTION 6. AND BE IT FURTHER ENACTED, That, notwithstanding any other provision of law under § 2–606 of the Tax – General Article:

(a) The Maryland Department of Health and other appropriate State agencies are authorized to temporarily charge expenditures related to the Coronavirus Disease 2019 (COVID–19) response that are eligible for reimbursement from the Federal Emergency Management Agency’s Public Assistance process to the Local Reserve Account established to comply with § 2–606 of the Tax – General Article.

(b) Once reimbursement is received from the Federal Emergency Management Agency’s Public Assistance process, the revenue shall be used to offset the eligible expenditures authorized under subsection (a) of this section to reimburse the Local Reserve Account.

(c) Any charges against the Local Reserve Account that are not fully reimbursed under subsection (b) of this section shall be reimbursed by the General Fund at the Maryland General Assembly session following a determination by the Federal Emergency Management Agency to ensure the Local Reserve Account is fully reimbursed for the temporary charges made under subsection (a) of this section.

(d) This provision shall be in effect until June 30, 2022, or until the Federal Emergency Management Agency has made a final determination on all expenditures that are temporarily charged under subsection (a) of this section. On the effective date of this Act, the Department of Budget and Management may appropriate these funds through the budget amendment process, as needed.”.

**AMENDMENT NO. 9**

On page 43, after line 6, insert:

“SECTION 10. AND BE IT FURTHER ENACTED, That, notwithstanding any other provision of law, employees in positions at Department of Public Safety and Correctional Services facilities that are closed effective June 30, 2021, shall be transferred to existing vacancies in comparable job classifications within other Department of Public Safety and Correctional Services facilities. These transfers shall be effective not later than July 1, 2021, and shall be made without any loss of status.

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compensation, or benefits.”.

AMENDMENT NO. 10

On page 43, strike in their entirety lines 7 through 11, inclusive.

AMENDMENT NO. 11

On page 43, strike in their entirety lines 20 through 23, inclusive.